

ZONING ORDINANCE REWRITE

ZOAM-2020-0001

Public Comments

Letters

Draft Zoning Ordinance
July 6, 2023 and November 21, 2023 Versions

The following letters have been received from a variety of stakeholders, largely business organizations and community groups.

Loudoun Zoning Rewrite Comments

Battery Energy Storage

12/13/23

Comments: Steve Donches, Esq., Donches Law, PLLC

I want to thank the Board, Planning Commission, Fire Chief, Fire Marshall, and staff for their significant efforts regarding battery energy storage. The treatment of battery energy storage in the ZOR will provide benefits to the citizens of Loudoun County by supporting a valuable tool in the energy sector - a tool that will advance the clean energy transition, bolster reliability of the grid, and alleviate strain on an overburdened transmission infrastructure. As to the latter benefit, this can be achieved in a less land intensive and more environmentally sound manner through battery energy storage than with further transmission buildouts.

Much work remains, however. Throughout the process it was noted by some policymakers that the technology was too new to fully address at his time. However, this is not a nascent or unknown technology. Rechargeable lithium batteries have been around since they were invented by Stanley Whittingham and Exxon in 1976. Utility-scale battery energy storage was first in service more than decade ago and there are now about 600 facilities in operation throughout the nation. There is plenty of data to comprehensively evaluate this useful technology. Furthermore, others suggested this use was akin to data centers, which may trigger public opposition. Opposition is possible but has been limited to date. These facilities have a much smaller footprint than data centers, less consistent noise levels, and provide a more direct benefit to the citizenry of Loudoun than the data centers. These concerns raised by policymakers make clear that more must be done to ensure the decisionmakers are comfortable with the expansion of this technology throughout the County.

Moreover, and perhaps most importantly, I hope that in the coming months and years less restrictive use permissions will be adopted in the industrial districts. The ZOR already requires stringent use-specific standards in Section 4.07.02, as it should to address issues such as lithium fire safety. A Minor Special Exception Permitting requirement in the industrial districts, however, is redundant and unnecessary. Rather than creating fertile ground for this technology to grow and flourish in Loudoun, these restrictive provisions could have the opposite effect. These companies must already endure a lengthy process within the PJM queue, spend significant amounts of money, and devote considerable internal resources prior

to even seeking permitting in Loudoun. This problem is compounded by other considerations of profitability. For example, Loudoun County falls within the PJM-controlled electricity markets, which have relatively stable pricing. Other regions in the United States, such as Texas, have greater electricity price volatility, which is one important factor for determining the profitability of a particular location to a battery energy storage provider. Adding an uncertain legislative and thus inherently political component to these considerations through a Special Exception Permit requirement will drive some premier companies to other regions throughout the United States where electricity prices are more volatile and regulations less restrictive, among other advantages. In addition to less restrictive use permissions, the Board should expand the permitted use to other non-residential districts.

I hope the County builds on its success with the energy storage provisions in the Ordinance by making these and several other improvements in the days ahead.



December 13, 2023

The Honorable Phyllis Randall
Loudoun County Board of Supervisors
P.O. Box 7000
Leesburg, VA 20177-7000

Dear Chair Randall:

The Apartment and Office Building Association of Metropolitan Washington (AOBA) encourages the Loudoun County Board of Supervisors to adopt the draft Zoning Ordinance Rewrite as proposed for consideration. The collaborative effort by Loudoun County's government with private input undertaken since July has improved the draft ordinance and has addressed several of the concerns we raised at that time. We look forward to future such collaborative efforts to the benefit of the entire Loudoun community.

As you know, AOBA is the premier non-profit organization representing owners and managers of more than 435,000 apartment units and approximately 169 million square feet of office space in the District, Maryland, and Virginia. Of that portfolio, approximately 1.9 million square feet of office space and 11,000 multifamily residential units are located in Loudoun County. Our members play a critical role in building and operating the commercial and residential buildings that will accommodate the economy and workforce of the future. As such, our member companies consider themselves part of the Loudoun community and maintain a vested stake in the county's long-term sustainability and well-being.

We appreciate the Board of Supervisors and County staff's attention to the concerns that we, and others in the business community, raised in July and the process by which Loudoun County improved the draft Zoning Ordinance Rewrite to arrive at the text that the Board is considering for adoption. The resulting version provides more flexibility and is easier to comprehend than the previous draft and includes provisions that will support affordable housing creation and a thriving office market in Loudoun.

Moreover, the process by which the members of the Board of Supervisors and County staff considered feedback from the business community and others in the community with a collaborative ethic led directly to these improvements. We look forward to continuing to work with Loudoun County government on future policy changes, including forthcoming discussions about data centers and commercial real estate. This approach has been an example which we commend both for future Loudoun County efforts and for community dialogues across our region.

We thank you for your consideration of our comments.

Sincerely,

Scott E. Pedowitz
Director of Government Affairs, Virginia
Apartment and Office Building Association of Metropolitan Washington (AOBA)

cc: Loudoun County Board of Supervisors; Tim Hemstreet, Loudoun County Administrator; Judi Birkitt and Daniel Galindo, Loudoun County Department of Planning and Zoning

LOUDOUN COUNTY RURAL ECONOMIC DEVELOPMENT COUNCIL

To: Loudoun County Chair and Board of Supervisors

Date: October 27, 2023

The Rural Economic Development Council (REDC) has continued to follow the progress of the Zoning Ordinance Rewrite (ZOR). On Friday October 20th the REDC ZOR Ad Hoc Committee reviewed several of the topics that were included as motions in the packet released Friday night. We now know these motions will be discussed on October 30th. Therefore, to support the Board's discussion, we are providing the following based on the full REDC's consistent ZOR input. This has been reviewed and approved by the REDC ZOR Ad Hoc, the REDC Executive Committee and reviewed by the entire REDC membership:

1. Agricultural Processing. REDC supports the inclusion of a *stand-alone* agricultural processing use standard as written as a stop gap short term fix. We further want clarification that *accessory use* agricultural processing does not require a minor special exception and that 51% of agriculture products be Loudoun County derived rather than 51% single parcel derived. We further request that agriculture processing be included in the rural ZOAM to allow for a full and thoughtful review.
2. County-wide noise standards. REDC agrees with the motions to provide limited use standards as short-term fixes for Limited Distillery and Farm Winery to comply with the county-wide noise ordinance. We also recommend assuring that these uses be required to have equivalent setbacks as Limited Breweries with a 50-foot setback from all lot lines of adjacent properties under separate ownership, instead of the zoning district default setbacks of 25-35 feet. This aligns with the minimal standards proposed for Limited Breweries. These small fixes do not substitute inclusion of Farm Winery, Limited Brewery and Limited Distillery regulations review in a future ZOAM, as outlined in the recommendations provided in REDC's July 2022 ZOR 90-day review input.
3. Definition of Farm. REDC has consistently recommended a definition of farm be included in the ZOR or the rural ZOAM. This will provide ease of understanding for prospective and existing businesses that are required to be located on a farm, as well as ease of interpretation and enforcement of ordinance by county officials. It will enable LSWCD to provide accurate and equitable determination of agricultural farming operations when requested to provide a Conservation Farm Management Plan, and helps support the "Right to Farm" by making it clear what a "farm" is. A definition would help ensure agricultural structures comply with the Building & Development applications and help new and existing businesses in securing/approving farm related bank loans. Existing businesses should be given assistance to comply with new ZOR regulations. Lastly, REDC highly recommends the concept of grandfathering be structured for AG uses to ensure protections if efforts to reasonably and or fully comply are not attainable.

Although we are discouraged that rural uses and standards will not be fully addressed until a future ZOAM, we request that the rural ZOAM be prioritized after ZOR to address the concerns of rural businesses.

Respectfully,
Kelly S. Foltman, DVM
Chair, RED

**LOUDOUN COUNTY
ECONOMIC DEVELOPMENT
ADVISORY COMMISSION**

Date: October 27, 2023

To: Loudoun County Board of Supervisors

From: EDAC Zoning Ordinance Rewrite Ad Hoc Committee

Subject: Input for the October 30th ZOR Work Session and December 13th Hearing

This one-page summary and more detailed appendix provides EDAC recommendations on four important topics.

Data Centers

We urge the Board to take a balanced approach to the design/development standards for data centers. It is important to improve the aesthetics/buffers/setbacks and it is important to be selective about which locations are appropriate for data centers. It is also important to protect and support Loudoun's data center industry as a critical pillar of our local economy. Similar to the ZOR approach for rural issues, we strongly encourage continued stakeholder engagement about data centers through the upcoming data center ZOAM/CPAM which will follow the enactment of the ZOR and is only ~10 weeks from now, in January 2024. This will ensure that we take a holistic approach to balancing the needs of the County and that there is thoughtful, constructive engagement with all stakeholders. There are important details about setbacks, architecture, facades, and generator testing, all of which require careful consideration and a balanced approach.

Energy Storage

We support Special Exception / Minor Special Exception legislative review of Energy Storage uses in certain zoning districts. This is a sensible, balanced approach.

Attainable Housing & Modifications

The improvements to modifiability have been important. We commend the BOS for actions taken to allow for parking reductions, density bonuses, and providing a variety of unit types to address housing affordability. We recommend continued attention to ensure flexibility and practicality in the modification process.

Post Implementation

1. We recommend the Board establish a practical, expedited amendment process to address small errors and omissions that are sure to be found after the new zoning ordinance takes effect.
2. Picking up on Supervisor Turner's idea from one of the ZOR Work Sessions, we also recommend the Board establishes a taskforce to explore ways the newly adopted zoning ordinance can be enhanced/amended to bolster economic development, economic diversity, and support innovative ideas with flexibility, in order to promote the sustainable, long-term growth of the County. EDAC would be pleased to be a stakeholder and/or leader of this task force.

Additional context can be found in each of these issues in the appendix to this letter. Thank you for your persistent, pragmatic approach through a difficult process.

Sincerely,

Chauvon McFadden, Chair EDAC, Co-Chair ZOR Ad Hoc committee

Dana Hamerschlag, Vice Chair EDAC, Co-Chair ZOR Ad Hoc committee

Cc: Joe Kroboth, Assistant County Administrator

Buddy Rizer, Executive Director, Department of Economic Development

Appendix: Context on EDAC’s mission and involvement in the ZOR

EDAC’s mission is to promote the long-term economic growth and development of Loudoun County in a way that is economically sustainable and results in the expansion of its commercial and industrial tax base.

On February 11, 2020, the Board of Supervisors Finance/Government Operations and Economic Development Committee (FGOEDC) established the Economic Development Advisory Commission Zoning Ordinance Rewrite Ad Hoc (EDAC ZOR Ad Hoc). The EDAC ZOR Ad Hoc was established to review Zoning Ordinance Rewrite documents and provide recommendations and guidance to the Board on the potential impacts of the ordinance changes to the business community. As the Ad Hoc began review of the ZOR, the committee outlined four goals to guide discussion and review of the zoning documents:

1. Consistency with the 2019 General Plan
2. Optimize the potential of the Urban Policy Area and Redevelopment & Infill
3. Optimize Housing for current and future workforce needs
4. Ensure economic sustainability and flexibility

The EDAC ZOR Ad Hoc has remained actively involved with the Zoning Ordinance Rewrite process and has shared regular updates to the FGOEDC. The EDAC ZOR Ad Hoc has influenced many positive changes to the ZOR document and continues to stay engaged with senior staff members involved in the ZOR document. We will continue to stay involved and very selectively weigh in on issues that are particularly important.

Data Centers	
<i>Discussion</i> EDAC understands and supports efforts to ensure that future data centers are built in the right places, with the right architecture, buffers, setbacks, etc. EDAC is also very supportive of the data center industry for its obvious direct benefits to our economy and for all its indirect benefits including the large number of Loudoun-based firms (small, medium, and large businesses) that support the industry and that bolster the tax base and provide many high-paying jobs.	<i>Recommendation</i> The EDAC ZOR Ad Hoc Committee encourages that County to adopt smart regulations and compromise with the data center industry to provide legislation that supports data centers being built in the right locations, subject to the right controls, in a measured and supportive way without undermining such a critical component of our local economy.

Energy Storage

Discussion

Power certainty and reliability is crucial for the future of Loudoun County. Energy Storage comes in many forms (hydro, battery, etc.), but the premise is simple: capture energy now, use later.

Energy storage creates a diversity in the ways power can be provided to Loudoun County's residents and businesses.

Recommendation

Loudoun County is a community that utilizes a great deal of electrical power, and the EDAC ZOR Ad Hoc is very supportive of Energy Storage uses in the ZOR.

The EDAC ZOR Ad Hoc supports Special Exception/Minor Special Exception legislative review of Energy Storage uses in certain zoning districts. This is a sensible approach and allows this industry to grow while individually reviewing the appropriateness of an application is a positive way of action.

Attainable Housing

Discussion

In September 2021, the Loudoun County Board of Supervisors adopted the Loudoun County Unmet Housing Needs Strategic Plan (UHNSP). As part of the UHNSP, five objectives were identified to meet the housing needs of Loudoun County including Objective 5, "Implement policy changes to support affordable housing production and preservation." The UHNSP identifies removing regulatory barriers to affordability in the Zoning Ordinance Rewrite as a key strategy to improve and increase housing affordability.

Recommendation

The EDAC ZOR Ad Hoc commends the BOS for actions taken to allow for parking reductions, density bonuses, and providing a variety of unit types to address housing affordability. The EDAC ZOR Ad Hoc continues to request the Board's awareness towards increased flexibility in the rewrite for using the modification process to increase housing affordability.

Modifications

Discussion

While there have been improvements made to the ordinance, it remains overly prescriptive and requires reasonable path for modifications must be included.

Recommendation

The EDAC ZOR Ad Hoc appreciates the Board's efforts to open this avenue. Our committee continues to request the Board's awareness towards increased flexibility in the rewrite for using the modification process.

Implementation of the Zoning Ordinance	
<p>Discussion</p> <p>The Board should anticipate that while every effort will be made for the adopted Zoning Ordinance to be implemented flawlessly, there will be adjustments needed due to omissions, unintended consequences, interpretations, or Scrivener’s errors. The business impact of these errors may not be immediately apparent, but as more properties and businesses are required to conform to new regulations, we are concerned that a small error or omission in the interpretation/application of the ZOR may hinder the ability of businesses to grow and expand.</p>	<p>Recommendation</p> <p>The EDAC ZOR Ad Hoc recommends at the time the Ordinance is adopted, the Board should ready several of the Board’s appointed advisory bodies (ZOC, EDAC, REDC), for responsibility concerning the Zoning Ordinance implementation and provide a quick/emergency identification of issues that may arise.</p> <p>The EDAC ZOR Ad Hoc recommends the establishment of an expediated zoning ordinance amendment process, that is in conformance with the VA Code, to correct small errors and add clarity to the ZOR document.</p>

Implementation of the Zoning Ordinance	
<p>Discussion</p> <p>One of the goals of the ZOR was to “ensure economic sustainability and flexibility.” Over the last several years, stakeholder groups including EDAC have advocated for ZOR language changes that would limit the negative impacts associated with the adoption the new ZOR (versus the old Zoning Ordinance). However, this approach did not materially improve economic sustainability or flexibility from the old Zoning Ordinance. EDAC is not aware of any comprehensive review of the draft ZOR that would go beyond limiting negative impacts and actually seek opportunities for Zoning Ordinance modifications that would promote and bolster economic development, economic sustainability, economic diversity, and/or economic flexibility.</p>	<p>Recommendation</p> <p>At one of the ZOR Work Sessions, Supervisor Turner suggested creation of a taskforce to comprehensively review the new ZOR after its adoption in order to recommend Zoning Ordinance modifications that would promote and bolster economic development, sustainability, or flexibility. EDAC supports the creation of this taskforce and would welcome the opportunity to join the efforts of the taskforce.</p>

October 24, 2023

Supervisors Turner & Umstattd

Thank you for offering to support Stakeholder 5 & 6 motions to be submitted for the October 30th meeting. The attached document contains both new motions, resubmitted motions with explanations, and motion to address the Staff report Issue #1. The full list includes:

- Chapter 2 & 7 prior approved motions with proposed alternative text to support open space,
- Motions resulting from our meeting with Joe Kroboth, waiting for response from staff,
- Clarification of Agricultural Processing motion with explanation diagram,
- Motion for Agricultural Processing - Slaughterhouse use,
- Explanation of Chapter 7 County-wide noise regulation application motion with proposed text,
- Proposed motion for application of Chapter 7 county-side lighting and glare regulations, and
- Motion to support discussion of Staff report Issue #1 Definition of "farm."

If you have ANY questions on the material provided we will be more than happy to have a brief meeting to answer questions before Monday October 30th. We also request that the full document be included in the Oct. 30th supplemental packet to be formally on the record and stakeholder input.

Submitted on behalf of Stakeholder 5 & 6 Speakers and Advisors:

Gem Bingol, Piedmont Environmental Council (PEC)
Tia Earman, Farm Bureau
Dr. Kelly Foltman, Loudoun County Equine Association (LCEA)
Michael Myers, Group #6 coordinator & Loudoun Wildlife Conservancy (LWC)
Robert Pollard, Group #5 coordinator
Madeline Skinner, Loudoun Historic Village Alliance (LHVA)
Chris Van Vlack, Loudoun Soil & Water Conservation District (LWWCD)
Maura Walsh-Copeland, Hillsboro Preservation Foundation (HPF)
Peter Weeks, Friends of the Blue Ridge Mountains (FBRM)

STAKEHOLDER GROUPS #5 & #6 MOTIONS - Chapter 7 & Chapter 2		STAKEHOLDER GROUPS #5 & #6
Chapter 7 – proposed amendments	Proposed Alternate Motion	Background / Rationale
<p><u>Section 7.02 A. 4. Exemption. Public facilities are exempt from the requirements of Section 7.02.</u></p>	<p>Section 7.02.A.4. Exemption. I move that the Board direct staff to amend the proposed exemption for all public facilities to exempt School and Park facilities from the requirements of Section 7.02.</p>	<p>It is appropriate to exempt the open space requirements for schools and parks since open space is part of those uses. In the case of other public facilities, however, open space should be required to demonstrate government by example at public facilities.</p>
<p><u>Section 7.02.B.4 Amount</u> <u>4. Minimum amounts of open space provided in Table 7.02-1 may be modified pursuant to Section 10.04 or Section 10.10.04.C. for the redevelopment of sites developed prior to [Zoning Ordinance adoption date] provided that open space will be provided in excess of original site development approvals.</u></p>	<p>Section 7.02.B.4 Amount I move that the Board direct staff to amend the proposed text as follows: 4. Minimum amounts of open space provided in Table 7.02-1 may be modified pursuant to Section 10.04 or Section 10.10.04.C. for the redevelopment of sites developed prior to [Zoning Ordinance adoption date] provided that open space will be provided in excess of original site development approvals. In cases where the original site development had no open space requirement, there must be no less than 10% open space.</p>	<p>This is to ensure that there is a minimum amount of open space required should a site proposed for redevelopment is, or was previously, in a zoning district that did not require the provision of open space, i.e. General Business.</p>
<p><u>Table 7.02-2. Open Space Eligibility Limited Landscaping</u></p> <p><u>Landscaped areas that do not qualify as another open space type with minimum average measurements of 10 feet (length and width) and a minimum area of 400 square feet. May include above ground stormwater management improvements, except bioretention, wet ponds, or extended detention ponds. Cannot be located on lots for single family dwellings (except as provided in Section 7.02.D.1.b.)</u></p>	<p>Table 7.02-2. Open Space Eligibility I move that the Board direct staff to amend the proposed text for landscaped areas that do not qualify as another open space type with minimum average measurements of 40 15 feet (length and width) and a minimum area of 400 600 square feet. Must include a native plant garden as provided in Section 7.04.07.B.2.f.1. Native plant requirements. Cannot include above ground stormwater management improvements except bioretention, wet ponds, or extended detention ponds. Cannot be located on lots for single family dwellings (except as provided in Section 7.02.D.1.b.)</p>	<p>The proposed landscaped areas that do not qualify as another type of open space should not consist of unusable small plots of turf grass. Increasing the size of the space and requiring a native plant bed per the stated requirements would provide a functional benefit to wildlife. These spaces could also include a bench in appropriate locations.</p>

Chapter 7 – proposed amendments	Proposed Alternate Motion	Background / Rationale
<u>Table 7.02-2. Open Space Eligibility</u>	Table 7.02-2. Open Space Eligibility Footnote #2 I move that the Board direct staff to amend footnote #2 as follows: Overhead utility easements, offsite, bioretention, wet and dry ponds, and limited landscaping with a 50% credit factor cannot be used in combination with each other to satisfy more than 50% of required open space.	This is to clarify that the identified open space types should not qualify to fulfill more than 50% of the required open space on a site both alone or in combination, to ensure that a site provides quality open space for the public to enjoy.
<p>Appendix D, Table D-1. Buffer Matrix Uses</p> <p>The following uses that are currently associated with Group 8 should be associated with Group 9 or 10 for buffering standards in order to require Type C - Opaque:</p> <ul style="list-style-type: none"> • Recreational Vehicle park <u>Permitted-PD-SA, not permitted anywhere else This is a legacy district-no longer used-Special Activities–don't remember where it was–close to metro</u> • Campground <u>Permitted-PD-SA, SPEX-R1 and R2, JMLA 1,2, and 3, A10,A3,CR1, and JMLA20, IP Permitted/SPEX-TR10 and TR3 Permitted/Minor-AR1and AR2</u> • Kenel (not Kennel Indoor) <u>SPEX-R1, GB, A10, A3, CR1, and JMLA20, Permitted-TR10, S-TR3, AR1, AR2, JMLA3,</u> • Banquet/Event facility <u>Permitted- all Urban Districts, TC-core, and TC-fringe, S-R1, P- PD-CC, PD-MUB, P/S-CLI, M-TR10, TR3, AR1, and AR2 SPEX-JMLA3, Minor-A10, A3, JMLA-20 S-CR1, CR2, CR3, CR4, and PDRVwork.</u> • Craft Beverage Manufacturing <u>Permitted- all Urban Districts, TCcore, TCfringe, CC-NC, CC-CC, CC-SC, P-PD-CC, PD-SA, and PD-MUB, M-PD-RDP, and CLI, SPEX-GB, OP, Minor-IP, and GI, P/M-RC</u> • All automotive classifications #56-#62 Wide mix concentrated in Urban and Suburban • All Death care Services #67-#69 Nearly all Special Exceptions, <u>Permitted- TC core and TC fringe, CLI, and IP</u> • Dog Park <u>Minor-TRC innercore, TRC outercore, TRC-TDSA, SN4,SN6,SN8,SN16,SN24, TC core, TC fringe, R1, R2, R3, R4,R8, R16, R24,PD-MUB, TR10, TR3, TR1, TSN, TCN, AR1, AR2, JMLA1, 2, and 3, TR2, TR10, A3, CR1, CR2, CR3, CR4, PD-RV, JMLA20, OP, and IP.</u> • Shooting range-Indoor <u>SPEX-IP, Permitted-GI, MR-HI</u> • Urban Deck <u>SPEX-TRCinnercore, TRCoutercore, TCcore, TCfringe, PD-MUB,</u> • Zoo <u>SPEX-TCoutercore, TRC-TDSA P-PD-SA</u> 		<p>NOTE: We are waiting on a response from staff on where to address these from our meeting with Jor Kroboth and Staff on Oct. 18th</p> <p>As written, Use Group #8 captures "All other commercial uses" and some lodging uses which too broadly assumes a Type B - semi-opaque buffer to be sufficient when the adjacent use is residential (Single family attached, Single Family Detached, Multi-family and Group living). The identified uses have greater noise and visual impacts, and it would be beneficial to have a higher level of buffering adjacent to residential properties.</p>

CHAPTER 2 - Prior approved motions	Proposed alternate motion	Background/Rationale
<p>5. Minimum and Maximum District Size and Minimum Size Requirements for Community Open Space in the TC Zoning District (Staff)</p> <p>I move that the Board direct staff to revise Section 2.02.03.A.2.a. to reduce the initial minimum district size from 30 acres to 20 acres, allow the maximum district size to be modified, and allow the initial TC minimum district size to be reduced by a maximum of 5 acres by modification.</p> <p>I further move that the Board direct staff to reduce the minimum size requirements in Table 2.02.03-3, Minimum Size Requirements for Community Open Space according to the reduction in minimum TC Zoning District size, implement a scalable requirement based on initial zoning district size, and allow the minimum size to be modified by up to 25 percent on a Concept Development Plan.</p>	<p>5. Minimum and Maximum District Size and Minimum Size Requirements for Community Open Space in the TC Zoning District</p> <p>I move that the Board direct staff to revise Section 2.02.03.A.2.a. to reduce the initial minimum district size from 30 acres to 20 acres, allow the maximum district size to be modified, and allow the initial TC minimum district size to be reduced by a maximum of 5 acres by modification.</p> <p>I further move that the Board direct staff to reduce the minimum size requirements in Table 2.02.03-3, Minimum Size Requirements for Community Open Space according to the reduction in minimum TC Zoning District size, and implement a scalable requirement based on initial zoning district size. and allow the minimum size to be modified by up to 25 percent on a Concept Development Plan.</p>	<p>The proposed reduction of the initial district size, and the ability to allow the initial TC minimum district size by 5 acres by modification, plus implementing a scalable allowance based on initial zoning district size offers a sizeable reduction.</p> <p>Even if an application gets Board review, allowing the minimum Community Open Space size requirement to be further modified by up to another 25 percent on a Concept Development Plan reduces open space for public gatherings and centralized Town Greens across the various Town Center types and scenarios. Providing such spaces increases the livability of pedestrian-oriented, walkable communities.</p>
<p>17. Section 2.07 Planned Unit Development (PUD) Zoning District (Staff)</p> <p>I move that the Board direct staff to revise Section 2.07.A.1. to clarify that PUD Zoning Districts may extend outside of individual Place Type boundaries where PUDs are permitted.</p> <p>I further move that the Board direct staff to revise Section 2.07.A.1.c. to add that PUDs are allowed in the Transition Light Industrial and Transition Industrial/Mineral Extraction Place Types.</p> <p>I further move that the Board direct staff to revise Section 2.07.C. to specify that uses should be those identified by the corresponding Place Type and that each <u>use must be a use listed in Chapter 3.</u></p>	<p>17. Section 2.07 Planned Unit Development (PUD) Zoning District</p> <p>I move that the Board direct staff to revise Section 2.07.A.1. to clarify that PUD Zoning Districts may extend outside of individual Place Type boundaries where PUDs are permitted.</p> <p>I further move that the Board direct staff to revise Section 2.07.A.1.c. to add that PUDs are allowed in the Transition Light Industrial and Transition Industrial/Mineral Extraction Place Types.</p> <p>I further move that the Board direct staff to revise Section 2.07.C. to specify that uses should be those identified by the corresponding Place Type and that each use must be a use listed in Chapter 3.</p>	<p>Looking at the uses allowed in the Transition Light Industrial and Transition Industrial/Mineral Extraction Place Types, there does not appear to be a good rationale for a PUD in these two zoning districts.</p>

CHAPTER 4 - USE-SPECIFIC STANDARDS		
Prior Motion	Proposed alternate motion	Background/Rationale
<p>Oct. 23rd Staff Motion <u>18. Section 4.08.12.B.3 Agricultural Processing. (Staff)</u> I move that the Board direct staff to change Agricultural Processing as a standalone, principal use from a Minor Special Exception to a Permitted use, and to <u>add new use-specific standards for standalone</u>, principal Agricultural Processing uses that are based on the regulations for Small Business uses, as depicted in Attachment 15 (p. 319) to the October 23, 2023, Committee of the Whole Work Session Supplemental Action Item.</p>	<p>I move that Sections 4.08.12.B.1.b, / 4.08.12.B.2.b, / 4.08.12.B.3.a.1 (<u>Agricultural Process as accessory</u> to a principal use), explicitly state:</p> <p><i>a. At least 51% of the products used for processing and/or preparation must be derived from on-site agriculture. derived from agriculture operations within Loudoun County.</i></p>	<p>CLARIFICATION OF OCT. 23 MOTION #18 The Stakeholder 5 & 6 original submitted motion addressed the entire Ag Processing use-specific standards in Attachment 15 (p. 319-321) of the Oct 23rd supplemental, whereas the Staff-drafted motion addressed only NEW text added as “section C.” This resulted in confusion during the BOS discussion.</p> <p>Justifications for motion: 1. Without a definition of “farm” as “multiple contiguous parcels” the Ag Processing as accessory regulations requiring “<u>on-site ag</u>” is unduly limiting to business operations. (Ex. requires all ag to be produced ON a parcel vs. ag from multiple adjacent Loudoun parcels).</p>

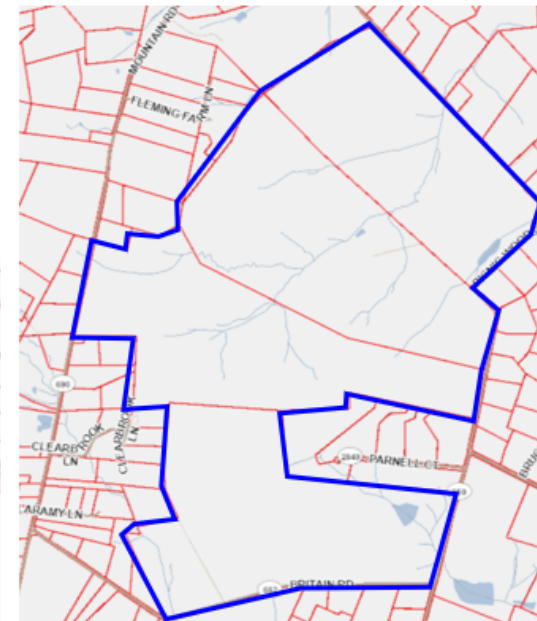
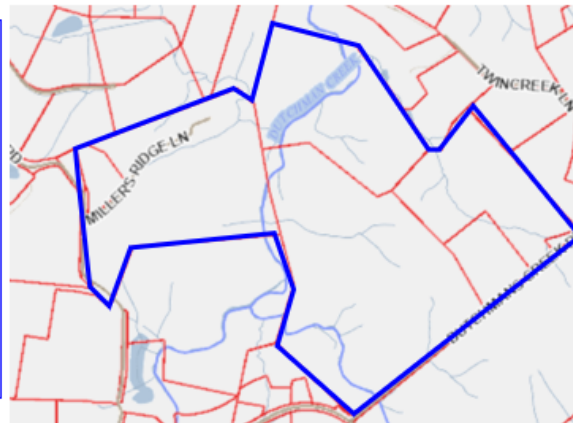
EXAMPLE: Farming Operation -- 9 Parcels (~830 acres) Owned or leased by same farmer
29 ac, 162 ac, 151 ac, 164 ac = 606 ac
55 ac, 84 ac, 42 ac, 32 ac, 10 ac.= 223 ac

4.08.12 Agricultural Processing as accessory use requirement

- At least 51% of products used for processing &/or preparation “**derived from on-site agriculture**”
- Current regulation requires ALL parcels to have a separate processing facility.

MOTION REQUEST:

- “At least 51% of products used for processing &/or preparation **derived from ag operations within Loudoun County.**”
- Will allow farming operations to share processing facility to support more than a single parcel.



STAKEHOLDER GROUPS #5 & #6 MOTIONS	BACKGROUND / JUSTIFICATIONS
CHAPTER 4 - USE-SPECIFIC STANDARDS	
<p>I move the Board of Supervisors add a use specific standard for the definition and approved use "Slaughterhouse" as follows:</p> <p>4.08.?? Agricultural Processing Animal Large Scale, Slaughterhouse</p> <p><u>4.08.?? Slaughterhouse</u></p> <p>A. Applicability. Section 4.08.?? applies to agricultural processing uses.</p> <p>B. Approval/Intensity</p> <p>1. A10 and A3 Zoning Districts.</p> <ul style="list-style-type: none"> a. Animal agricultural processing on a large scale designated a slaughterhouse is permitted as a principal use and requires a Special Exception review and approval. b. Subject to all state regulations and USDA and/or VDACS approval c. Agricultural processing is subject to Section 4.08.03. <p>2. AR-1 and AR-2 Zoning Districts.</p> <ul style="list-style-type: none"> a. Animal agricultural processing on a large scale designated a slaughterhouse is permitted as a principal use and requires a Special Exception review and approval. b. Subject to all state regulations and USDA and/or VDACS approval Agricultural processing is subject to Section 4.08.03. 	<p>This motion is proposed to address Staff's concerns about the scale of operations.</p> <p>In a collaborative effort with Staff motions have been put forward to address staff's concern with scale and impact of smaller-scale Agricultural Processing (4.08.12).</p> <p>Similarly, we recommend use-specific standards be created for the slaughterhouse use (i.e., large scale ag processing) to address staff's and stakeholder's concerns regarding scale, while allowing this use as a special exception.</p>

EXPLANATION FOR CHAPTER 7 COUNTY-SIDE NOISE REGULATION APPLICATION MOTION

CHAPTER 7 -- COUNTY-WISE NOISE REGULATION **7.05.01 Light, Noise, Vibration for Use-Specific Standards**

7.05.03.F.3. This section describes how noise standards apply to uses throughout the county that have use-specific standards to

- 1) prohibit loading and unloading or other noise-producing activities within 250 feet of an existing principal dwelling, and 2) prohibit outdoor music after 11 p.m.

**Applies to 69 USES in
Rural Policy Area**

**Applies to 77 USES in
Transition Policy Area**

**Applies to 109 USES in
Urban/Suburban Policy Areas**

Applies to Limited Brewery Use.

*Does not apply to Limited Distillery and
VA Farm Winery because they do not
have Use-Specific Standards.*

*IMPACT: Nearby residents do not have
same protections from noise in line
with other uses and areas.*

*REMEDY: Add Use-specific standards
that mirror Limited Brewery sections.
Inequity should not wait for Rural
ZOAM to be remedied.*

RESUBMISSION OF MOTIONS

CHAPTER 4 - USE-SPECIFIC STANDARDS		
Prior Motion	STAFF'S INPUT	Proposed Motion & Background/Rationale
<p>17. Section 4.08, Chapter 3: Uses, Chapter 12: <u>Definitions, Limited Distillery. (Turner)</u></p> <p>I move that the Board direct staff to define Distillery, Limited in Chapter 12: Definitions, as follows:</p> <p><u>Distillery, Limited:</u> <u>An establishment issued a limited distillery license in accordance with Virginia Code, Section 4.1-206.1, paragraph 2, as amended.</u></p> <p>I further move that the Board direct staff to add Distillery, Limited to Chapter 3 use tables, parking regulations, and other sections of the Draft Zoning Ordinance as appropriate, and to specifically permit the use by right in the Agricultural Rural-1 (AR-1), Agricultural Rural-2 (AR-2), Agriculture-10 (A-10) (Legacy District), and Agricultural Residential-3 (A-3) (Legacy District), which is consistent with permissions in the current Zoning Ordinance.</p> <p>I further move that the Board direct staff to add a new Section 4.08.14, Distillery, Limited, which would include use-specific standards for Distillery, Limited uses, as follows, and to include a reference to this new section in the Chapter 3 use tables.</p> <p><u>4.08.14 Distillery, Limited</u></p> <p><u>A. Applicability. Section 4.08.14 applies to limited distilleries.</u></p> <p><u>B. Noise. Limited distilleries are subject to Section 7.05.03.F.</u></p>	<p>Staff has no opposition to this motion but suggests the requirements in new Section 4.08.14 be expanded as noted below.</p> <p>This revision would result in distilleries being subject to 7.05.03.F.1 and F.3, which 1) prohibit loading and unloading or other noise- producing activities within 250 feet of an existing principal dwelling, and 2) prohibit outdoor music after 11 p.m. The limit on noise levels already applies to rural economy uses.</p> <p>Limited distilleries are administered as limited breweries in the current Zoning Ordinance.</p> <p><u>This motion specifically defines and permits this use separately for clarity rather than relying on a previous zoning determination and keeps permissions the same.</u></p> <p>Staff notes that because distilleries are treated as breweries currently, the regulations of Section 4.08.05 Brewery, Limited currently apply to distilleries.</p> <p><u>Staff suggests the other provisions of Section 4.08.05 also be incorporated into the motion and added to the new Section 4.08.14 to continue to apply to distilleries. This would make the regulations consistent with the current Zoning Ordinance.</u></p>	<p>We agree with Staff's input.</p> <p>PURPOSES OF MOTION</p> <ul style="list-style-type: none"> Define "Distillery, Limited" in Chapter 12 instead of Zoning Administration relying on a ZCOR letter for permitting and enforcement. Address Noise Regulation Near Residential. By applying 7.05.03.F regulations to all uses near residential properties, to lessen complaints. Requires Chapter 4 Use-Specific Standards to be implemented. <p>MOTION</p> <p>I move that the Board direct staff to define Distillery, Limited in Chapter 12: Definitions as outlined Oct. 23rd</p> <p>I further move that the Board direct staff to include a reference to this new section in the Chapter 3 use tables, and add a new Section 4.08.14, Distillery, Limited, which would include use-specific standards for Distillery, Limited uses provided in following ATTACHMENT.</p>

NEEDED to Provide equitable Chapter 7 Noise Standards, establish Ch. 4 Standards

<p><u>4.08.05 Brewery, Limited</u> EXISTING REG.</p> <p>A. <i>Applicability. Section 4.08.05 applies to limited breweries.</i></p> <ol style="list-style-type: none"> <i>Limited breweries must be licensed as a Limited Brewery in accordance with Code of Virginia Title 4.1.</i> <i>No limited brewery may be established either as the initial use of the subject property or by change of use of the property until a Zoning Permit is approved pursuant to Section 10.04.</i> <i>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.</i> <p>B. <i>Location.</i></p> <ol style="list-style-type: none"> <i>A limited brewery must be located on a farm on land zoned agricultural</i> <i>A limited brewery must be located on one or more contiguous parcels of land, totaling at least 10 acres, owned or leased by the licensed limited brewery.</i> <p>C. <i>Intensity/Character. 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.</i></p> <p>D. <i>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.</i></p>	<p><u>4.08.14 Distillery, Limited</u> Proposed Reg.</p> <p>A. <i>Applicability. Section 4.08.14 applies to limited distilleries.</i></p> <ol style="list-style-type: none"> <i>Limited distilleries must be licensed as a Limited Distillery in accordance with Code of Virginia Title 4.1.</i> <i>No limited distillery may be established either as the initial use of the subject property or by change of use of the property until a Zoning Permit is approved pursuant to Section 10.04.</i> <i>The owner of a limited distillery 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 distillery prior to establishing the use.</i> <p>B. <i>Location.</i></p> <ol style="list-style-type: none"> <i>A limited distillery must be located on a farm on land zoned agricultural.</i> <i>A limited distillery must be located on one or more contiguous parcels of land, totaling at least 10 acres, owned or leased by the licensed limited distillery.</i> <p>C. <i>Intensity/Character. 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.</i></p> <p>D. <i>Private Access Easements. Limited Distilleries that share a private access easement with another property owner/s, must show the easement allows access to such use.</i></p>	<p><u>4.08.13 Winery, Farm</u> Proposed Reg.</p> <p>A. <i>Applicability. Section 4.08.13 applies to Virginia farm wineries.</i></p> <ol style="list-style-type: none"> <i>Virginia farm wineries must be licensed as a Virginia farm winery in accordance with Code of Virginia Title 4.1.</i> <i>No Virginia farm winery can be established either as the initial use of the subject property or by change of use of the property until a Zoning Permit is approved pursuant to Section 10.04.</i> <i>The owner of a Virginia farm winery 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 distillery prior to establishing the use.</i> <p>B. <i>Location.</i></p> <ol style="list-style-type: none"> <i>A Virginia farm winery must be located on land zoned AR-1, AR-2, TR-10, TR-3, TSN, A-10, JLMA-1, JLMA-2, JLMA-3, or JLMA-20.</i> <p>C. <i>Intensity/Character. 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.</i></p> <p>D. <i>Private Access Easements. Virginia farm wineries that share a private road with another property owner/s, must show the easement allows access to such use.</i></p>
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CHAPTER 4 - USE-SPECIFIC STANDARDS – Alternative #2 for Farm Winery		
Prior Motion	STAFF'S INPUT	Proposed Motion & Background/Rationale
<p>16. Section 4.08. Farm Winery. (Turner) I move that the Board direct staff to add a new Section 4.08.13, Winery, Farm, which would include use-specific standards for Winery, Farm uses, as follows, and to include a reference to this new section in the Chapter 3 use tables.</p> <p><u>4.08.13 Winery, Farm</u> A. Applicability. Section 4.08.13 applies to <u>Virginia farm wineries.</u> B. Noise. Farm wineries are subject to <u>Section 7.05.03.F.</u></p>	<p>Staff has no opposition to this motion.</p> <p>This revision would result in wineries being subject to 7.05.03.F.1 and F.3, which 1) prohibit loading and unloading or other noise-producing activities within 250 feet of an existing principal dwelling, and 2) prohibit outdoor music after 11 p.m. The limit on noise levels already applies to rural economy uses.</p> <p>Note the change from “Virginia Farm Winery” to “Farm Winery” for consistency with the Code of Virginia.</p>	<p>We agree with Staff's Input</p> <p>MOTION</p> <p>I move that the Board direct staff to add a new Section 4.08.13, Winery, Farm, which would include use-specific standards for Winery, Farm uses, as follows, and to include a reference to this new section in the Chapter 3 use tables.</p> <p><u>4.08.13 Winery, Farm</u> A. Applicability. Section 4.08.13 applies to <u>Virginia farm wineries.</u> B. Noise. Farm wineries are subject to <u>Section 7.05.03.F.</u></p>

CHAPTER 7 - DEVELOPMENT STANDARDS		
Motion	Background	Rationale
<p>I move that Section 7.05.02.C.2 Light and Glare Use-Specific Standards add the same language inserted by the Planning Commission for Section 7.05.03.F Noise*:</p> <p>7.05.02.C.2. Use-Specific Standards. The following exterior lighting standards apply to specific uses when expressly referenced by the <u>all Use-Specific Standards of Chapter 4, <i>unless the Use-Specific Standard provides otherwise.</i></u></p> <p>* Motion by Planning Commission 6/8/2023, Vote 9-0</p> <p><i>7.05.03.F. Use-Specific Standards. The following noise standards apply to specific uses when expressly referenced by the standards for the <u>all Use-Specific Standards of Chapter 4, <i>unless the Use-Specific Standard provides otherwise.</i></u></i></p>	<p>On June 8th the Planning Commission approved a motion that allowed the Chapter 7 county-wide noise regulation to be applied equally to uses with Chapter 4 Use-specific Standards.</p>	<p>This motion provides the same text change for Chapter 7 county-wide light and glare regulations, using the same language.</p> <p>This motion had been drafted, but somehow omitted during Planning Commission review.</p>

**ISSUE #1: October 30, 2023 Staff Report, Chapter 12, Definitions.
Board direction on whether to include a definition of “Farm.”**

CHAPTER 12 - DEFINITIONS	Stakeholder Groups 5 & 6
<p>I move that the Board of Supervisors direct staff and CAO to work on a definition of farm after adoption of the ZOR starting in January 2024 to:</p> <ol style="list-style-type: none">1. Review the language and regulations for the term “farm” used by other jurisdictions,2. Include review of existing farm operations with multiple parcels of varying sizes that constitute a “farm,”3. Request input from the farming and residential communities on a definition of farm,4. Create a stakeholder working group to collaboratively address issues and establish a mutually agreeable definition of farm, and5. Include that definition in the proposed future Rural ZOAM.	<p>This motion is</p> <ul style="list-style-type: none">• Consistent with the 2019 comprehensive plan vision and support of traditional agriculture at the center of the rural policy area,• Reinforces prior Board direction provided to staff in 2019, and• Addresses stakeholder and public input throughout the zoning ordinance rewrite.

ISSUE #1: October 30, 2023 Staff Report, Chapter 12, Definitions. Board direction on whether to include a definition of “Farm.”
The following responses are provided for additional background for the Board’s discussion of Issue #1.

CHAPTER 12 - DEFINITIONS	Stakeholder Groups 5 & 6
<p>“Farm” Definition – Staff Oct. 30th Packet Comments:</p> <p><i>Staff is seeking Board direction on whether to include a definition of “Farm” in the new Zoning Ordinance.</i></p> <p><i>Farm is not defined in the Revised 1993 Zoning Ordinance as Farm is not a land use in Chapter 3: Uses, and the term is not used in the Draft Zoning Ordinance in a regulatory sense.</i></p> <p><i>As explained above, the intent of Chapter 12: Definitions is to define allowed uses and other terms used in the Draft Zoning Ordinance in a regulatory way. Further, the term “Agriculture” is defined and captures the land uses occurring on a farm.</i></p> <p><i>Staff questions whether a definition of Farm is being sought to limit future rural economy uses that may not meet a definition of a Farm, and could result in certain existing rural economy uses becoming out of compliance with the Zoning Ordinance or nonconforming (e.g., an existing land use such as Limited Brewery that is not actively growing hops on site).</i></p> <p><i>Public Comment Themes:</i></p> <ul style="list-style-type: none"> • Include a definition of Farm to provide support for enforcement issues; and, • Include a definition of Farm that is consistent with varying levels of local and state regulations. 	<p>RESPONSES TO STAFF COMMENTS:</p> <p>It was surprising to see the same Staff comments as presented in Feb/March, without any acknowledgement of subsequent stakeholder input over the past 8 months. Specific responses include:</p> <p>TLUC and the BOS previously provided direction to include a definition of farm (Rural Uses ZOAM, Nov. 2019), based on 2014 Staff and 2015 public requests.</p> <p>“Farm” is not intended as a land use. At last count, there are a minimum of 65 other definitions in Chapter 12 that are “<i>not a land use.</i>” (List available for review.)</p> <p>Defining “farm” is needed to define allowed uses in a regulatory way to ensure compliance with county and state regulations, in the absence of use-specific standards.</p> <p>For the Staff comments to only reference one VaABC licensed use as “reason” demonstrates they have not adequately reviewed the information provided throughout ZOR input and over the past two months.</p> <p>If Staff/CAO are concerned about existing non-compliant businesses, how does permitting <i>more</i> operations until a future ZOAM help either the businesses or residential interests who have provided comments?</p> <p>On Oct. 18th Staff surprisingly said they were not aware of the “reasons” for a definition of Farm, after receipt of a 20 page report outlining the reason received Aug. 15th. The report requested by the retired Deputy County Administrator confirmed a series of legal and procedural issues that could be addressed by a definition of “farm” that include, but not limited to:</p> <ul style="list-style-type: none"> • Assist compliance review for Code of Virginia Right to Farm regulations and protect the County from potential legal jeopardy of non-compliance with Code of Virginia or approval of applications without bona fide agricultural operations, • Assist verification of zoning ordinance requirements, Planning and Zoning permit, location, and application review, • Confirm Building and Development application and building code exemption requirements,

Additionally, including a one-size-fits-all blanket definition for Farm could create potential conflicts with the Code of Virginia, plus potential interpretation issues and other unintended consequences.

Relevant Code of Virginia authorizing legislation that uses the term "Farm" as a noun are the sections governing: 1) Limited Breweries; 2) Farm Wineries; 3) Limited Distilleries; and 4) Agritourism.

Further, a blanket definition may apply to situations in the Zoning Ordinance where "Farm" is used as an adjective (e.g., "farm supply", "farm machinery", and "farm equipment"). These situations may become constrained by a new "Farm" definition.

Where appropriate, staff recommends relying on the broader term "Agriculture," which captures the land uses that occur on a farm.

Previously submitted motion by Stakeholders 5 & 6 and REDC:

I move that the following definition of "farm" be included in Chapter 12:

Farm: An agricultural use of one or more parcels of land, whether abutting or not, having a minimum of 5 acres and operated under the same ownership or stewardship, used for the production, cultivation, growing, harvesting **and** processing of agricultural or horticultural products or for animal husbandry purposes. Also reference "Agriculture, Bona Fide.

- Provide zoning enforcement criteria required for zoning administration evaluation of complaints, and
- Relieve Loudoun Soil & Water Conservation District from quasi-regulatory actions when asked to provide/approve a Conservation Farm Management Plan with no validated agricultural operation.

Staff and the CAO have been asked multiple times by Stakeholder and REDC to identify the "potential conflicts" with no response to date.

There are a number of other terms in Chapter 12 that are referred to as a "noun," "adjective" and a "verb," including but not limited to *agriculture, composting, lot, manufacturing, outdoor, private, rural, water, yard.*

"Agriculture" does not adequately address the legal and procedural issues that directly reference the term "farm" in Code of Va and "farming" in the Universal Building Code forms and exemptions for the protection of businesses to not commit perjury and LSWCD employees.

The bottom line:

It's clear time has run out to define "farm" within ZOR. However, we strongly request the Board:

- *Acknowledge* the clearly documented reasons for this definition from Stakeholder Group 5 & 6 and the REDC that pertain to multiple uses, enforcement criteria, legal and regulatory issues with exemption and farm plan form,
- *Acknowledge* this is primarily about how to grandfather approximately 15 existing businesses allowed to establish operations and structures that believe they will be impacted unless provisions can be applied,
- *Acknowledge* that although likely controversial, this is not a difficult matter, as shown by regulations enacted in other counties that are overdue in Loudoun County,
- Direct Staff to engage with stakeholders to collaboratively address issues and establish a satisfactory definition of farm, and
- Direct Staff and CAO to review language other jurisdictions in Virginia have enacted, and to start on this work before the future ZOAM.

October 20, 2023

TO: Rick Hancock

CC: Mr. Stultz, Mr. Kroboth

RE: Section 10.06.A.2

Rick,

Again, thank you very much for your time meeting with Stakeholder 5 & 6 representatives on Oct. 18th to clarify Chapter 7, and 10 ZOR draft text. This follow-up is being sent separately from our Chapter 7 questions to include Mr. Stultz for assistance to confirm the level of oversight for Section 10.06 *exemptions* in the zoning rewrite, to address public input concerns before a future ZOAM is scheduled.

As of last weekend, Stakeholder 5 & 6 constituent organizations and residents have already requested clarification on this topic subsequent to the BOS Oct. 12th meeting. To be sure to provide accurate interim information, we would appreciate your confirmation of our interpretation of Staff's response as follows:

10.06 Site Plan

Purpose. To verify that the physical aspects of development and use comply with the Zoning Ordinance and other ordinance requirements.

A. Applicability.

1. **Required.** Site Plan approval is required prior to a Zoning Permit or any physical changes to the site.
2. **Exempt.** The following do not require a Site Plan and are exempt from the requirements of Section 10.06:
 - a. Agriculture uses identified in Section 3.02 that do not involve access by the public as a part of such use;
 - b. Animal Care Business;
 - c. Bed and Breakfast Homestay (with less than 5,000 sq. ft. of disturbance);
 - d. Bed and Breakfast Inn (with less than 5,000 sq. ft. of disturbance);
 - e. Child Day Home;
 - f. Dwelling, Single-Family Attached and associated accessory structures and uses;
 - g. Dwelling, Single-Family Detached and associated accessory structures and uses;
 - h. Extractive Industries (with no structures);
 - i. Small Business, Agricultural and Rural;
 - j. Solid Waste Facility (with no structures);
 - k. Stable, Private;
 - l. Stable, Livery;
 - m. Temporary Uses; and
 - n. Electric Vehicle charging infrastructure.

- The Staff Oct. 12, 2023 staff report response to Mr. Turner's motion stated that for Section 10.06.A.2

The Zoning Administrator determines whether the public accesses agricultural uses. The list being requested in the motion is not determinative because it depends on how the particular establishment is operated. [underline added]

- This indicated that Mr. Wegener's July 19, 2023 email statement that, "This exemption applies to all agriculture uses referenced" in Section 3.02 Agriculture was incorrect, as it will only apply with Zoning Administrator review as part of the zoning permit process. [emphasis added]
- Our interpretation of the actual implementation of Section 10.06.A.2 is as follows:
 - Section 3.02 Agriculture Uses explicitly listed in 10.06.A.2 that will be exempt from a Site Plan include

10.06.A.2.k. Stable, Private

10.06.A.2.l. Stable, Livery

- Section 3.02 Agriculture Uses that **MAY be exempt from a Site Plan** per 10.06.A.2.a as agriculture uses that generally do not “*involve access by the public as part of such use*,” pending the Zoning Administrator’s review of a zoning permit include

Agricultural Uses without general “access by the public as part of such use”

*Agricultural Processing,
Animal Husbandry
Agriculture,
Horticulture,
Mill, Feed and Grain,
Feedlot,
Nursery, Production,
Farm Distribution Hub*

- Section 3.02 Agriculture Uses that **DO “involve access by the public as part of such use”** (pending the Zoning Administrator’s review of a zoning permit) that **will not** be exempt per 10.06.A.2.a as agriculture uses and **WILL require a Site Plan** include

Uses WITH “access by the public as part of such use”

*Agritainment,
Auction Facility, Livestock,
Pet Farm,
Brewery, Limited,
Community Garden,
Equestrian Event Facility,
Wayside Stand,
Farm Co-ops,
Winery, Commercial,
Winery, Virginia Farm
Distillery, Limited (not yet listed in 3.02 - managed by ZCOR)*

- In addition, with your or Mr. Stultz’s confirmation, we conclude that the Zoning Administrator review for uses that “*involve access by the public as part of such use*” would not apply an exemption as part of a site plan (or Rural Economy Site Plan, REST) as a modification during a pre-submission meeting per sections 8.000 and/or 8.101 of the Facilities Standards Manual (FSM), and
- Any site plan requirement for uses that “*involve access by the public as part of such use*” would not receive an exemption solely due to an “agricultural structure” as part of the site plan as a result of Section 1244.01(3) of the Land Subdivisions Development Ordinance (LSDO).

Thank you for the opportunity to provide this clarification to ensure stakeholders and the general public are aware how this section will be administered when the ZOR is approved, before a future ZOAM.

If there are any points incorrect or that require further clarification, please let Stakeholder Group 5 & 6 representatives know.

Maura Walsh-Copeland

On behalf of Stakeholder 5 & 6 representatives

Gem Bingol, Piedmont Environmental Council (PEC)
Tia Earman, Farm Bureau
Dr. Kelly Foltman, Loudoun County Equine Association (LCEA)
Michael Myers, Group #6 coordinator & Loudoun Wildlife Conservancy (LWC)
Robert Pollard, Group #5 coordinator
Madeline Skinner, Loudoun Historic Village Alliance (LHVA)
Chris Van Vlack, Loudoun Soil & Water Conservation District (LWWCD)
Maura Walsh-Copeland, Hillsboro Preservation Foundation (HPF)
Peter Weeks, Friends of the Blue Ridge Mountains (FBRM)

Facilities Standards Manual (FSM)

8.000 OPTIONAL PRE-SUBMISSION MEETINGS PRIOR TO PRELIMINARY SUBDIVISION, SITE PLAN, PLAT AND CONSTRUCTION PLAN AND PROFILE APPLICATIONS (PSUB)

For Rural Economy Site Plans, such documentation shall include any approved modifications to Section 8.107.

8.107 SITE PLANS (STPL) AND RURAL ECONOMY SITE PLANS (REST)

Rural Economy Site Plans shall meet all the requirements of Section 8.107 except as modified as a result of a pre-submission meeting pursuant to Section 8.000 of this manual.

Land Subdivision and Development Ordinance (LSDO)

1244.01 Applicability of Site Plan Regulations

Any developer of any tract of land in the County shall submit a site plan for the following uses as established by the Loudoun County Zoning Ordinance:

- (3) All permitted uses in the residential districts, except for agricultural structures and single-family attached and detached dwellings, and accessory uses and structures allowed under Section 5-101 of the Zoning Ordinance.

STAKEHOLDER GROUPS #5 & #6 MOTIONS	BACKGROUND / JUSTIFICATIONS	STAFF RESPONSE (10-12-23 Supplemental)
CHAPTER 10 – PROCEDURES		
<p>10-12-2023 SUPPLEMENTAL MOTION</p> <p><u>23. Section 10.06.A.2. Site Plan. (Turner)</u></p> <p>I move that the Board direct staff to revise Section 10.06.A.2. to list the “Agricultural Uses” in Section 3.02 that do not involve access by the public as part of such use that are eligible for exemption from a site plan, and that they be listed in the same fashion as the other uses listed in Section 10.06.A.2.b. through n. to avoid future zoning enforcement confusion or issues.</p> <p>ORIGINAL SUBMITTED MOTION</p> <p>I move that Section 10.06.A.2.a, identify the specific “<i>Agricultural Uses in Section 3.02 that do not involve access by the public as part of such use</i>” that are exempt from Site Plan approval required prior to a Zoning Permit or any physical changes to the site, consistent with exemptions in Chapter 7.</p> <p>I further move that Section 10.06.A.2.a be clarified to reference (list) the Agricultural Uses in Section 3.02 that <u>do not</u> involve access by the public as part of such use that are eligible for exemption from a site plan be listed in the same fashion as the other 13 uses listed as Section 10.06.A.2.b through n, to avoid future impacts and/or zoning enforcement confusion and/or issues.</p>	<p>Staff’s statement in July 2023 that Section 10.06 Site Plan Exemptions apply to ALL “Agricultural uses in Section 3.02” including those that “involve access by the public as part of such use” is inconsistent with Section 7.05.01.A. Applicability exemptions.</p> <p>As a regulatory document, 10.06.A.2.a exemptions creates a zoning enforcement “loophole” by not having clear regulations that identify to what Agriculture Uses they apply or are exempt.</p> <p>Lack of clarify and inconsistent application of exemptions for agricultural uses, including those that “<i>involve access by the public as part of such use,</i>” is a <u>quality control issue</u> for zoning administration and enforcement and a source of ongoing questions and complaints from constituents that must be addressed in the zoning rewrite.</p>	<p>The Zoning Administrator determines whether the public accesses agricultural uses. The list being requested in the motion is not determinative because it depends on how the particular establishment is operated.</p> <p>Staff recommend this revision be addressed during the future rural uses Comprehensive Plan Amendment (CPAM) and Zoning Ordinance Amendment (ZOAM).</p> <p>Staff do not support this motion.</p>

STAKEHOLDER GROUPS 5 & 6 INPUT

BOS Committee of the Whole ZOR Work Sessions

Chapter 10: Procedures: Comments, Questions and Motions

SECTION 10.06. SITE PLAN

- Staff's proposed revision (and Supervisor Buffington's motion) request confirmation that a Zoning Permit is required regardless of exemptions for Site Plans in Section 10.06. However, still unaddressed is the clarification and consistency of the term "*agriculture uses*" used in *Section 10.06.A.2.a exemptions*. The primary confusion results from terminology in the new zoning ordinance that
 - has a Category named "Agriculture,"
 - a Use named "Agriculture," and
 - Regulations for "Agricultural operations."
- The current Chapter 10 text states,

10.06 Site Plan. Purpose. To verify that the physical aspects of development and use comply with the Zoning Ordinance and other ordinance requirements.

A. Applicability.

 - 1. Required. Site Plan approval is required prior to a Zoning Permit or any physical changes to the site.*
 - 2. Exempt. The following do not require a Site Plan but require a Zoning Permit and are exempt from the requirements of Section 10.06 [Proposed Staff revision]:*
 - a. Agriculture uses identified in Section 3.02 that do not involve access by the public as a part of such use;***
- In correspondence with Mr. Wegener on July 19, 2023 he was asked,

"To which of the following Chapter 3.02 Agriculture category of Uses is section 10.06.A.2.a applicable?

Ch. 3 Use Category of Agriculture Uses:
Agricultural Processing; Animal Husbandry; Horticulture; Feedlot; Nursery Production; Farm Distribution hub; Mill, Feed and Grain; Agritainment; Auction Facility Livestock; Pet Farm; Equestrian Event Facility; Community Garden; Wayside Stand; Farm Co-ops; Winery, Commercial; Winery, Virginia Farm; Brewery Limited; Distillery, Limited
- Mr. Wegener responded that,

"Section 10.06 exempts certain uses from the requirement for a site plan. One exemption is for "*agriculture uses identified in 3.02 that do not involve access by the public as part of such use.*"

This exemption applies to all agriculture uses referenced. Staff will make the Board aware during its work sessions that this provision may need further clarification when the Board discusses Chapter 10.
- Mr. Wegener's response indicates that the exemption would apply to ALL uses under the **Category of "Agriculture"** (i.e., all 3.02 uses) regardless of whether they "*involve access by the public as part of such use,*" which include:

Chapter 3, Agriculture 3.02

Uses without general access by the public	Uses WITH "access by the public as part of use"
Agricultural Processing,	Agritainment,
Animal Husbandry	Auction Facility, Livestock,
Agriculture,	Pet Farm,
Horticulture,	Brewery, Limited,
Mill, Feed and Grain,	Community Garden,
Feedlot,	Equestrian Event Facility,
Nursery, Production,	Wayside Stand,
Farm Distribution Hub	Farm Co-ops,
Stable, Private*	Winery, Commercial,
Stable, Livery*	Winery, Virginia Farm
*Identified as exempt in 10.06	Distillery, Limited (not listed in 3.02 - managed by ZCOR)

- This response and the draft text for exemptions are **INCONSISTENT** with the exemptions for Chapter 7 - Light Noise and Vibration, as revised by the Planning Commission in June that clearly identify the actual **agricultural uses eligible for exemption**:

Section 7.05.01.A. Applicability

3. Agricultural Exemption. *The standards contained in Section 7.05 do not apply to any legally established agricultural operation. For the purposes of Section 7.05 agricultural operation is defined by Code of Virginia § 3.2-300, and includes the following uses:*

- Agricultural Processing;
- Agriculture [Note – the use, not the category];
- Animal Husbandry; and
- Horticulture

- COMMENT:** Inconsistent application of exemptions for agricultural uses, including those that “involve access by the public as part of such use,” is a quality control issue for zoning administration and enforcement and a source of ongoing questions and complaints from constituents. Exemptions defined for Chapter 7 and Chapter 10 should also be consistent with the exemption definition for “agricultural operation” as used in the codified Noise Ordinance Section 654.02.

10.06 Site Plan

Purpose. To verify that the physical aspects of development and use comply with the Zoning Ordinance and other ordinance requirements.

A. Applicability.

- Required.** Site Plan approval is required prior to a Zoning Permit or any physical changes to the site.
- Exempt.** The following do not require a Site Plan and are exempt from the requirements of Section 10.06:
 - Agriculture uses identified in Section 3.02 that do not involve access by the public as a part of such use;
 - Animal Care Business;
 - Bed and Breakfast Homestay (with less than 5,000 sq. ft. of disturbance);
 - Bed and Breakfast Inn (with less than 5,000 sq. ft. of disturbance);
 - Child Day Home;
 - Dwelling, Single-Family Attached and associated accessory structures and uses;
 - Dwelling, Single-Family Detached and associated accessory structures and uses;
 - Extractive Industries (with no structures);
 - Small Business, Agricultural and Rural;
 - Solid Waste Facility (with no structures);
 - Stable, Private;
 - Stable, Livery;
 - Temporary Uses; and
 - Electric Vehicle charging infrastructure.

- **REQUEST** (see motion). The requested motion is to clarify 10.06.A.2.a by listing the actual agriculture uses that do not involve access by the public that qualify for exemptions from site plans, consistent with Chapter 7 as well as uses listed in 10.06.A.2.b through n.
- These are **QUALITY CONTROL CORRECTIONS** to be **INCLUDED IN ZOR** in accordance with the stated purpose of the Zoning Ordinance Rewrite to address “*opportunities and challenges: evaluating input from stakeholders about the current Zoning Ordinance and making improvements where appropriate*” for the health, safety, and general welfare of the public.

SECTION 10.10.02.D. ZONING ORDINANCE AMENDMENT - FACTORS FOR CONSIDERATION & SECTION 1.01B PURPOSE & INTENT

This Chapter 10 section provides a list of factors to be given “*reasonable consideration, where applicable*” when considering a Zoning Ordinance Amendment. The list of factors restate the text in Chapter 1, Section 1.01.B. Purpose and Intent of the Zoning Ordinance.

Comparing Sections 10.10.02D and 1.01.B with the (current) Revised 1993 ZO goals, purpose and intent, there are ten (10) points in common, four (4) points that are new, and **four (4) points that were omitted.**

QUESTION: For what reason were the four points related to orderly growth, character and well being of public and private property, best utilization of land, and public necessity, health, safety, welfare and public facilities removed from the zoning rewrite text?

REQUEST (see motions): Stakeholder Groups 5 & 6 request that the omitted four purposes and intents from the R93ZO be restored in both Chapter 1 and Chapter 10.

COMPARISON: CHAPTER 10 AND 1 TEXT TO REVISED 1993 ZO TEXT

CHAPTER 1 - 1.01.B PURPOSE AND INTENT 10.10.02.D ZONING ORDINANCE AMENDMENT TEXT	REVISED 1993 PURPOSE, INTENT AND APPLICATION OF ORDINANCE
1.01.B Purpose and Intent.	Goals, Purpose and Intent. This Ordinance is enacted in order to promote the health, safety and welfare of the residents of Loudoun County and to implement the Loudoun County Comprehensive Plan. To these ends, the Ordinance is designed to:
10.10.02. D. Factors for Consideration. In considering a Zoning Ordinance Amendment, the following factors will be given reasonable consideration, where applicable:	
1. Consistency with the Comprehensive Plan;	
2. To provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers;	(D) Provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers.
3. To reduce or prevent congestion in the public streets;	(E) Reduce or prevent congestion in the public streets.
4. To facilitate the creation of a convenient, attractive and harmonious community;	(F) Facilitate the creation of a convenient, attractive and harmonious community.
5. To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;	(G) Expedite the provision of adequate police and fire protection, safety from crime, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements.
6. To protect against destruction of or encroachment upon historic areas and working waterfront development areas;	(H) Protect against destruction of, or encroachment upon, historic areas.
7. To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or panic or other dangers; property from fire, flood, impounding structure failure,	(I) Protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers.
8. To encourage economic development activities that provide desirable employment and enlarge the tax base;	(J) Encourage economic development activities that provide desirable employment and enlarge the tax base.
9. To provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment;	(L) Provide for the preservation of agricultural and forestal land and other lands for the protection of the natural environment.
10. To protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities;	(M) Protect approach slopes and other safety areas of licensed airports.
11. To promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated;	(N) Provide for and promote affordable housing for County residents
12. To provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard;	
13. To provide reasonable modifications in accordance with the Americans with Disabilities Act of 1990 (42 United States Code § 12131, et seq.) or state and federal fair housing laws, as applicable; and	
14. To protect surface water and ground water as defined in Code of Virginia § 62.1-255.	
	OMITTED
	(A) Guide and regulate the orderly growth, development and plan and with long-term objectives, principles and redevelopment of Loudoun County in accordance with a well considered standards deemed beneficial to the interest and welfare of the people.
	(B) Protect the established character and the social and economic wellbeing of both private and public property.
	(C) Promote, in the public interest, the best utilization of land.
	(K) Promote the public necessity, health, safety, convenience and general welfare by equitably apportioning the cost of providing the additional public facilities necessitated or required by development.

SECTION 10.13 ENFORCEMENT

Staff has stated to stakeholders that “*Non-compliance with the zoning ordinance is not a **violation** until someone files a **complaint**, Zoning Administration and Enforcement review, and the complaint is found valid.*” Complaint-based enforcement has been a consistent issue voiced by many stakeholder groups and constituents throughout all ZOR public input since 2020.

10.13.B.4.b states, “*The Zoning Administrator, or the Zoning Administrator’s agent, will record such complaint, investigate the complaint, and **may** take action as provided by the Zoning Ordinance.*” [emphasis added]

However, Section 6-502.F of the R1993 Zoning Ordinance states, “*The Zoning Administrator **shall** record such complaint, investigate, and take action thereon as provided by this Ordinance.*” [emphasis added]

QUESTION: Under what circumstances would the ZA or ZA Agent NOT take action?

REQUEST (see motion): Stakeholders 5&6 request that the R93 requirement of “shall” be restored in the draft text.

10.13.C.1. Issuing Notice states, “*Upon becoming aware of any violation, the Zoning Administrator, or the Zoning Administrator’s agent, **may** serve notice of such violation on the person committing, or permitting the same, and the landowner.*” [emphasis added]

However, Section 6-502.D of the R1993 Zoning Ordinance states, “*Upon his becoming aware of any violation, the Zoning Administrator **shall** serve notice of such violation on the person committing or permitting the same, and the land owner . . .*” [emphasis added]

QUESTION: Under what circumstances would the ZA or ZA Agent NOT issue notice?

REQUEST (see motion): Stakeholders 5&6 request that the R93 requirement of “shall” be restored in the draft text.

STAKEHOLDER GROUPS #5 & #6 MOTIONS	BACKGROUND / JUSTIFICATIONS
CHAPTER 10 – PROCEDURES	
<p>I move that Section 10.06.A.2.a, identify the specific <i>“Agricultural Uses in Section 3.02 that do not involve access by the public as part of such use”</i> that are exempt from Site Plan approval required prior to a Zoning Permit or any physical changes to the site, consistent with exemptions in Chapter 7.</p> <p>I further move that Section 10.06.A.2.a be clarified to reference (list) the Agricultural Uses in Section 3.02 that <u>do not</u> involve access by the public as part of such use that are eligible for exemption from a site plan be listed in the same fashion as the other 13 uses listed as Section 10.06.A.2.b through n, to avoid future impacts and/or zoning enforcement confusion and/or issues.</p>	<p>Staff’s statement in July 2023 that Section 10.06 Site Plan Exemptions apply to ALL “Agricultural uses in Section 3.02” <u>including</u> those that “involve access by the public as part of such use” is <u>inconsistent</u> with Section 7.05.01.A. Applicability exemptions.</p> <p>As a regulatory document, 10.06.A.2.a exemptions creates a zoning enforcement “loophole” by not having clear regulations that identify to what Agriculture Uses they apply or are exempt.</p> <p>Lack of clarify and inconsistent application of exemptions for agricultural uses, including those that <i>“involve access by the public as part of such use,”</i> is a <u>quality control issue</u> for zoning administration and enforcement and a source of ongoing questions and complaints from constituents that must be addressed in the zoning rewrite.</p>
<p>I move that Section 10.10.02.D, Zoning Ordinance Amendment Factors for Consideration, and Section 1.01.B Purpose and Intent restore the following four considerations/purposes included in the R93ZO but omitted from the zoning rewrite:</p> <ul style="list-style-type: none"> • Guide and regulate the orderly growth, development and plan and with long-term objectives, principles and redevelopment of Loudoun County in accordance with a well considered standards deemed beneficial to the interest and welfare of the people. • Protect the established character and the social and economic wellbeing of both private and public property. • Promote, in the public interest, the best utilization of land. • Promote the public necessity, health, safety, convenience and general welfare by equitably apportioning the cost of providing the additional public facilities necessitated or required by development. 	<p>The new Zoning Ordinance should provide equivalent factors to be given reasonable considerations, where applicable, for the benefit, health, safety and welfare of the public, consistent with the revised 1993 zoning ordinance.</p>

STAKEHOLDER GROUPS #5 & #6 MOTIONS	BACKGROUND / JUSTIFICATIONS
<p>I move that Sections 10.13.B.4.b General Provisions, and 10.13.C.1. Issuing Notice restore the 1993 Zoning Ordinance requirement that the Zoning Administrator “<i>shall</i>” take action instead of “<i>may</i>” as follows:</p> <p>10.13.B.4.b “<i>The Zoning Administrator, or the Zoning Administrator’s agent, will record such complaint, investigate the complaint, and shall take action as provided by the Zoning Ordinance.</i>” [emphasis added]</p> <p>10.13.C.1. <i>Issuing Notice. Upon becoming aware of any violation, the Zoning Administrator, or the Zoning Administrator’s agent, shall serve notice of such violation on the person committing, or permitting the same, and the landowner.</i> [emphasis added].</p>	<p>Staff has stated to stakeholders that” <i>Non-compliance with the zoning ordinance is not a violation until someone files a complaint, zoning enforcement reviews, and the complaint is found valid.</i>”</p> <p>Complaint-based enforcement has been a consistent issue voiced by many stakeholder groups and constituents throughout all ZOR public input since 2020.</p> <p>It is recognized that a change to proactive enforcement would require a CPAM and ZOAM, as well as county budget and staffing review, which is requested to be added to the list of items for after-ZOR review and prioritization.</p> <p>However, at a minimum as an interim action to address public input, the language in 10.13 should be restored to the R93 text that when a complaint is provided, the Zoning Administrator “shall” versus “may” take action and provide notice.</p>
CHAPTER 5 – OVERLAY DISTRICTS	
<p>I move to amend 5.04.C.1.a, Mountainside Overlay District, Mountainside Feature Protections, Ridge Feature Protection to include the highlighted text, as discussed and agreed with Staff in March, 2023:</p> <p>"Ridge Feature Protection. Except as permitted by Section 5.04.B., Covered Activities are not permitted within a Ridge Feature, <u>or within 600 feet of the ridgeline, whichever is greater</u>; and"</p>	<p>Staff has previously supported this position through conversations with Friends of Blue Ridge Mountains (March 2, 2023).</p> <p>The previous GIS Story Map link presented by Staff (C. Blough) on the new ridge protections is no longer publicly available, and the "Ridge Feature" is not currently a layer in Weblogis as the proposed Zoning Ordinance states.</p> <p>Therefore, stakeholders are unable to verify if the delineation of the "Ridge Feature" offers the same level of protection that staff previously agreed to support. This minor language change is compatible with the 2019 General Plan, and staff’s position to protect ridge features.</p>

Torrible, Christina

From: Hancock, Richard
Sent: Friday, October 20, 2023 3:31 PM
To: Birkitt, Judi; Wegener, Brian
Cc: Torrible, Christina
Subject: FW: More Dats of MFA AHU Motion Discussion
Attachments: ZOR--AHU Analysis 10-19-23.pdf

FYI. -Rick

From: G. Kimball Hart <kim@goodworksva.com>
Sent: Friday, October 20, 2023 2:33 PM
To: Hancock, Richard <Richard.Hancock@loudoun.gov>
Subject: [EXTERNAL] More Dats of MFA AHU Motion Discussion

Richard,

Here is some additional analysis I have done over the last couple of days, in response to questions circulating at the BOS.

Wanted you to have this as you prepare for Monday evening:

- **LIHTC/AHU Properties—Analysis of Typical Unit Mixes**
 - It has been proposed that an AHU building might be designed with all 3-BR and 4-BR units. If this were the case, all of these units could have 2 cars each, which would result in a parking ratio higher than the 1.5 parking spaces/DU proposed.
 - This is a “Worst Case” scenario and is being proposed to discredit the actual data from 8 MFA AHU properties in Loudoun County, which found an actual parking ratio of 1.2 to 1.3 parking spaces/DU.
 - The attached table (Page 1) illustrates the actual bedroom mix from the 8 properties in the Gorove Slade and Kimley-Horn Parking Studies.
 - These properties represent the vast majority of Attainable Rental Properties in Loudoun County (over 1200 units).
 - These properties represent 7 different Attainable Housing developers and span over 20 years of development.
 - These properties got built and have operated successfully ever since—indicating that they successfully addressed the market need and prepared a financial proforma that got funded.
 - As to this issue, principal findings are:
 - None of these properties built 4-Bedroom Units.
 - On average, 3-Bedroom units did not reach 20% of the unit mix.
 - On average, over 60% of the units were 2-Bedroom.
 - This table suggests that the “worst case” unit mix is highly unlikely to ever happen.
- **Atlantic Blvd—HFA AHU Parking Case Study (Pages 2-3)**
 - Atlantic Blvd has recently been submitted as a rezoning application.
 - As a 100% attainable unit property, it provides a good illustration of how the various parking ratio approaches can impact the delivery of AHU units.
 - This case study clearly illustrates that once the space available for parking is fixed, an increasing parking ratio will decrease the number of attainable housing units that can be delivered. Whether through physical site constraints or because of financial constraints, due to the price of land, it is very common for the land area available for parking to be fixed.
 - This analysis is built upon the finding from the Gorove Slade and Kimley-Horn studies that AHUs actually need, on average, 1.2-1.3 parking spaces/DU.

- Findings from this case study are sobering. Compared to the Attainable Housing parking ratio reduction proposed in the staff motion:
 - Without any reduction for Attainable Housing (Table 7.06.02-1):
 - Providing 32 empty parking spaces
 - Would contribute to delivering **24 fewer AHUs.**
 - With parking ration reductions based on AMI:
 - Providing 19 empty parking spaces
 - Would contribute to delivering **15 fewer AHUs.**
- Clearly, requiring higher than needed parking ratios has a strong negative effect on delivering AHUs.

I hope this helps. Happy to discuss if necessary.

See you Monday evening.

Kim

Kim Hart

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LIHTC / AHU PROPERTIES

Ananalysis of Typical Unit Mixes

Property Name	UNIT MIX				Total Units
	Studio	1BR	2BR	3BR	
Woods at Brambleton	61	60	41	40	202
The Acclaim at Sterling	0	0	80	22	102
Potomac Station	0	0	120	30	150
Ashburn Meadows	0	0	274	62	336
Abbey at South Riding	0	48	84	36	168
Heronview Apartments	0	19	58	19	96
Stone Springs Apartments	0	32	84	12	128
Ashburn Chase Apartments	0	19	58	19	96
Total Units	61	178	799	240	1278
% of Total	5%	14%	63%	19%	100%

Notes

- These 8 properties represent the vast majority of Attainable Rental Properties in Loudoun County.
 - All financed with Low-Income Housing Tax Credits (LIHTC) making them suitable to be defined as AHUs.
- These 8 properties represent 7 different Attainable Housing Developers, the most active in Loudoun County to date.
- These developers use a unit mix that fits the market and supports a proforma which can be financed.
- As to Unit Mix:
 - None of the properties built 4-BR units.
 - On average, 3-BR units are less than 20% of the property
 - Because they are most flexible and generally most affordable, 2-BR units are used three times more often than 1-BR or 3-BR units.

Atlantic Blvd MFA AHU Parking Case Study

Background

- This is proposed to be a 100% Attainable project. There are no other market rate residential or commercial uses on the site.
- The site is 3.13 acres, but configuration makes less than that suitable for development.
- After accommodating the apartment building footprint and tot lot, a maximum of 104 parking spaces are available. (See attached site plan.)
- Based on local parking studies, on average, each AHU needs 1.3 spaces/DU.

1) Units Based on Table 7.06.02-1 – No Attainable Housing Reductions

21 1-BR	@ 1.5/DU = 31
29 2-BR	@ 2.0/DU = 58
6 3 & 4-BR	@ 2.5/DU = 15
56 units	104 spaces

24 Fewer AHUs and 31 Empty Parking Spaces ⁽¹⁾

2) Units Based on Section 7.06.02.C.1 – Parking Reduced by AMI (8 units at 30% AMI. All other units at 60% AMI.)

3	1-BR @ 30% AMI @ 1.5/DU = 4.5 less 50% (2.5)	= 2
20	1-BR @ 60% AMI @ 1.5/DU = 30 less 10% (3)	= 27
3	2-BR @ 30% AMI @ 2.0/DU = 6 less 50% (3)	= 3
32	2-BR @ 60% AMI @ 2.0/DU = 64 less 10% (6)	= 58
1	3-BR @ 30% AMI @ 2.5/DU = 2.5 less 50% (1.25)	= 1
6	3-BR @ 60% AMI @ 2.5/DU = 15 less 10% (1.5)	= 13
65 units	Total	104 spaces

15 Fewer AHUs and 19 Empty Parking Spaces ⁽²⁾

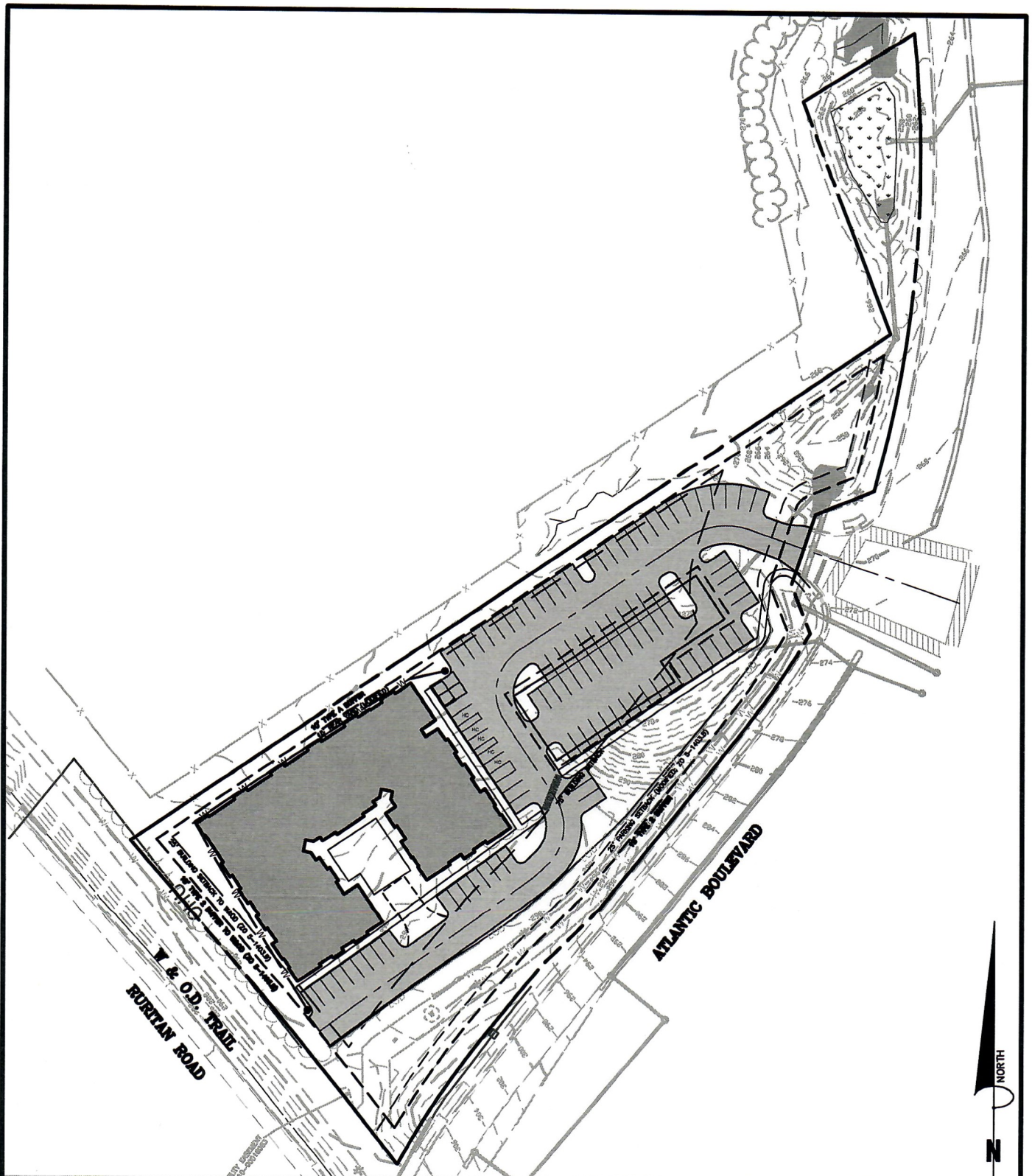
3) Units Based on MFA AHU Motion:

80 units @ 1.5 Spaces/DU = 120 less 20% for Bus Stop (24)	= 96
<u>Extra Guest Spaces</u>	<u>8</u>
80 units	Total 104 Spaces

Maximum AHUs and only empty parking spaces are for Guests.

⁽¹⁾ 56 units @ 1.3 spaces/DU = 73 spaces actually needed.

⁽²⁾ 65 units @ 1.3 spaces/DU = 85 spaces actually needed.



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**SITE LAYOUT EXHIBIT
ATLANTIC BLVD. ATTAINABLE
RESIDENTIAL PROJECT
LOUDOUN COUNTY, VIRGINIA**

Scale: 1" = 100'

Cad file name : P:\130199 - Atlantic Boulevard ALTA\130199-01-001 (PLN) - Atlantic Blvd\Planning\Rezoning\130199-D-ZP-001 PBASE.dwg

October 19, 2023

Section 8.05 Attached Signs

Table 8.05-1 Wall Signs

TABLE NOTES (Page 14)

Motion:

Footnote #2 under TABLE NOTES should read as follows:

“For MFA buildings in the R Sign Group, Commercial regulations apply.”

Justification:

- Multifamily Attached (MFA) buildings—apartment buildings—must be assigned to the “Residential” use classification because they are “composed of group and household living uses.”
- However, typical apartment buildings tend to be much larger than other residential buildings, like Single Family Detached, duplexes, fourplexes, or townhomes. As such, these apartment buildings tend to look like “commercial” buildings. For example, the 52-unit Waxpool Apartments, currently under construction, has five stories and is similar in scale to the County Office Building.
- Unfortunately, in the current Table for Wall Signs, the project sign identifying the building can be no larger than 10SF. A sign of this size, roughly 1.5’ by 6.5’ is:
 - So small as to be completely out of proportion to the size of the building and
 - Is so small that it cannot easily be seen from the street or surrounding buildings.
- It is important that both persons looking to rent a unit and persons wishing to visit current residents be able to find the apartment building he or she is looking for.
- Given that MFA apartment buildings are typically the size of commercial buildings, this motion seeks to have them fall under the “Commercial Sign Group” for Wall Signs.

Figure 8.05-1. Wall Signs

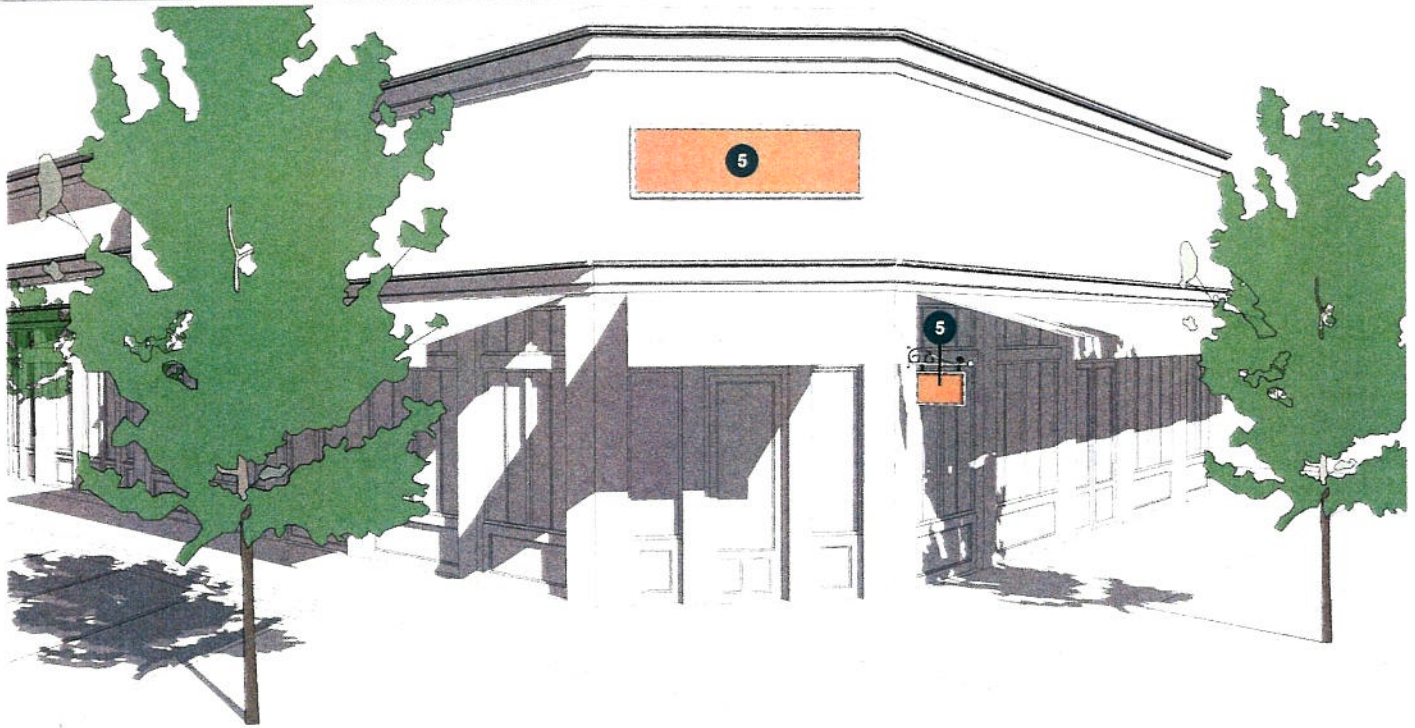


Table 8.05-1. Wall Signs

Standard		Sign Groups ¹								
		Rural			Neighborhood		Commercial	Employment/ Industrial	Mixed Use	Urban
		NR	R	V	R ²	NR				
1	Allowed?	Y	Y	Y	Y	Y	Y	Y	Y	Y
2	Permit required?	Y	Y	Y	Y	Y	Y	Y	Y	Y
3	Number allowed (<i>max</i>)	Per lot: 2	2	2 per building + 1 per tenant space per public building entry ^{3,4}	2 per building	2 per building	4 per building + 1 per tenant space per public building entry ^{3,4}			
Dimensions										
4	Cumulative area (<i>max all wall and awning signs, per building</i>)	40 sf	4 sf	20% per façade ⁵	4 sf	20 sf	20% per façade ⁵			
5	Individual sign area (<i>max</i>)	20 sf	4 sf	5% of building façade ⁵ , up to 100 sf	4 sf	10 sf	1% of building façade ⁵ up to 200 sf	0.5% of building façade ⁵ up to 100 sf	1% of building façade ⁵ up to 200 sf	1% of building façade ⁵ up to 200 sf
6	Height (<i>ft, max</i>)	A Wall Sign must not extend above or beyond the perimeter of the wall or façade to which it is attached.								
Design										

Table 8.05-1. Wall Signs

Standard		Sign Groups ¹								
		Rural			Neighborhood		Commercial	Employment/ Industrial	Mixed Use	Urban
		NR	R	V	R ²	NR				
7	Digital (<i>max</i>)	N	N	N	N	N	70%	50%	70%	100% wall sign only
8	Backlight	N	N	N	N	Y	Y	Y	Y	Y
9	Illumination, External	Y	N	Y	N	Y	Y	Y	Y	Y
10	Illumination, Halo Lit	Y	N	Y	N	N	Y	Y	Y	Y

TABLE KEY:

Y = The sign type or characteristic is permitted.

N = The sign type or characteristic is not permitted.

N/A = The standard does not apply.

NR = nonresidential

R = residential

V = village

sf = square feet

ft = feet

TABLE NOTES:

¹For sign groups, see Section 8.01.

²For MFA buildings in the ~~NR Sign Group~~, Neighborhood NR regulations apply.

³For multitenant buildings with individual exterior building entries for each tenant, "Public Building Entry" means an exterior public entrance dedicated to a tenant space that has a ground floor public entrance abutting a sidewalk. Such building entry may be on the front, side, or rear of a building.

⁴For multitenant buildings with individual exterior building entries for each tenant, "tenant space" means a building space occupied by a tenant or owner and has a ground floor public entrance abutting a sidewalk.

⁵For purposes of this Section 8.05, "façade" does not include any rooftop Structure as defined by the Virginia Uniform Statewide Building Code (such as an enclosed mechanical room).

RS: SIGN GROUP, COMMERCIAL REGULATIONS APPLY.

C. Window Signs.

1. Window Signs are allowed in addition to Wall Signs.
2. For multistory buildings, Window Signs may be located on the first story of the building or street level. Window Signs are not permitted on the second building story or above.
3. Window Signs must comply with Table 8.05-2.

Section 8.09 Murals and Art Displays

Table 8.09.01-1 Murals

TABLE NOTES (Page 22)

Motion:

Footnote #4 under TABLE NOTES should read as follows:

“For MFA buildings in the Neighborhood R Sign Group, Commercial regulations apply.”

Justification:

- Multifamily Attached (MFA) buildings—apartment buildings—must be assigned to the “Residential” use classification because they are “composed of group and household living uses.”
- However, typical apartment buildings tend to be much larger than other residential buildings, like Single Family Detached, duplexes, fourplexes, or townhomes. As such, these apartment buildings tend to look like “commercial” buildings. For example, the 52-unit Waxpool Apartments, currently under construction, has five stories and is similar in scale to the County Office Building.
- Unfortunately, in the current Table for Murals, a mural can be no larger than 100SF. A mural of this size, roughly 10’ by 10’ is:
 - So small as to be out of proportion to the size of the building and
 - Is so small that it cannot easily be seen from the street or surrounding buildings.
- As an exterior work of art, a mural should be large enough to command attention and be large enough to be seen and enjoyed both by the walking and by the driving public. A 10’ x 10’ mural, on the side of a building that can easily be 60’ high and 200’ long, is little more than a “postage stamp” and does not fulfil this goal.
- Given that MFA apartment buildings are typically the size of commercial buildings, this motion seeks to have them fall under the “Commercial Sign Group” for Murals.

Table 8.09.01-1. Murals

Standard		Sign Groups ¹								
		Rural			Neighborhood		Commercial	Employment/ Industrial	Suburban Mixed Use	Urban
		NR	R	V	R ⁴	NR				
1	Allowed?	Y	N	Y	Y	Y	Y	Y	Y	Y
2	Permit required?	Y	N/A	Y	Y	Y	Y	Y	Y	Y
3	Number allowed	Per lot: Lot < 5 acres: 1 Lot > 5 acres: 2	N/A	1 per building	1 per building	1 per building	1 per building	1 per building	1 per building	1 per building
Dimensions										
4	Cumulative mural area	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
5	Individual mural area (<i>max</i>)	50 sf	N/A	50 sf	16 sf	100 sf	35% of façade up to 350 sf	35% of façade up to 350 sf	40% of façade up to 400 sf	45% of façade
6	Height (<i>ft, max</i>)	A mural must not extend above or beyond the perimeter of the wall or façade to which it is attached.								
Design										
7	Digital	N	N/A	N	N	N	N	N	N	N
8	Backlight	N	N/A	N	N	Y	Y	Y	N	Y
9	Illumination, External	Y	N/A	Y	Y	Y	Y	Y	Y	Y
10	Illumination, Halo Lit	N	N/A	N	N	N	Y	Y	N	Y

TABLE KEY:

Y = The sign type or characteristic is permitted.

N = The sign type or characteristic is not permitted.

N/A = The standard does not apply.

sf = square feet

ft = feet

cf = cubic feet

R = residential

NR = nonresidential

V = village

TABLE NOTES:

¹For sign groups, see Section 8.01.

²"Building entry" means a building space that has a ground floor public entrance abutting a sidewalk.

³"Façade" does not include any rooftop structure as defined by the Virginia Uniform Statewide Building Code (such as an enclosed mechanical structure).

⁴For MFA buildings in the Neighborhood R Sign Group, Neighborhood NR regulations apply.

Commercial

8.09.02 Art Displays

Purpose: The purpose of these Art Display regulations is to:

- Encourage the creation of vibrant areas and a sense of place to maximize the use and enjoyment of public places and invite visitors to rest and linger;
- Promote the development of inviting, distinctive public spaces that promote culture and the arts;
- Promote the creation of public places to serve as centers for human activity, focal points for gathering, and community or neighborhood identity;
- Create usable, visually appealing streetscapes and sidewalks that foster street-level activity and public interaction;

Findings of Fact and Substantial Reasons for a Loudoun County Definition of “Farm”



Prepared by: Maura Walsh-Copeland



August 15, 2023

Findings of Fact and Substantial Reasons for a Definition of “Farm”

Abstract

“Agriculture” in Loudoun County is not the same as it was 20 years ago when the primary operations were crops, livestock including dairy, horticulture, and silviculture. Since the last zoning ordinance update in 2006, agriculture has dramatically changed with the addition of new uses and business models for tourism and sustainable agritourism operations. Supported by the plain language of the Code of Virginia, only being located in a district labeled “Agricultural” does not sufficiently define “farm” or “farming” requirements for agricultural products and production in the current zoning ordinance rewrite. Requests for a definition of “farm” were first raised by County Staff in 2014 with the introduction of new State licensed uses, and the 2016 approval of many new uses in Agricultural Rural districts.

A definition of “farm” would assist compliance review for Code of Virginia Right to Farm regulations, VaABC licensing, zoning ordinance requirements, Planning and Zoning permit, location, and application review, zoning enforcement, and Building and Development application and exemption requirements. A definition would better protect the County from potential legal jeopardy of non-compliance with Code of Virginia or approval of applications without bona fide agricultural operations, and provide clarity for Internal Revenue Code, financial and insurance regulations. A definition would also relieve an external organization from quasi-regulatory actions and protect individuals from making potentially perjurious statements.

Actions taken to complete this report included review of Code of Virginia regulations, Board of Supervisor advisory group and public input submitted through the Zoning Ordinance Rewrite since 2020, and direct input from subject matter experts. The findings of fact and substantial reasons applied the standard of review such that a reasonable mind would accept the information provided as adequate to support a conclusion. Of note, the input for this report covers a wide array of substantial reasons, none of which intend or will cause existing operations that are legal today to be closed. The follow-on phase would be to obtain agreement to work with the County Attorney’s Office to review and address any specific legal or definition “conflicts” as outlined the County Staff’s July 26th Board of Supervisors Public Hearing Packet.

Author Note

In June 2023 the retiring Deputy County Administrator, Charles Yudd, requested assistance to outline the stakeholder perspectives and substantive reasons the Zoning Ordinance Rewrite (ZOR) should include a definition of the word “farm.” The author is directly aware of definition requests since 2015 and has compiled this report input in a management consulting intermediary capacity across stakeholder positions held. The author’s background and select qualifications for compiling this report include:

- MBA, Management Consultant with consulting engagement expertise in zoning analysis, legal review, and public input program management,
- Member of the Zoning Ordinance Committee (ZOC) and Rural Economic Development Council (REDC) ZOR Ad hoc Committee Board of Supervisory Advisory Groups,
- LCPCC Executive Committee member, ZOR Work Group Chair, and Hillsboro Preservation Foundation officer,
- Member of the Purcellville Business Association and Greater Hillsboro Business Alliance,
- Farm Bureau member, and co-owner of a Virginia Century Farm owner (operated by the same family for over 255 years).

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SECTION 1: FINDINGS OF FACT

CHRONOLOGY OF REQUESTS FOR A DEFINITION OF “FARM”

1. Prior Loudoun County Staff and Supervisor Requests for Definition of “Farm.”

- a. As early as 2014 the Department of Planning and Zoning (DPZ) Staff outlined factors to be considered for uses that would be permitted by-right “*on a farm*.” DPZ highlighted that 2014 adopted State legislation for uses on a farm did not equally require a minimum acreage for the farm or specify the percentage of agricultural products that must originate on the farm¹
- b. During data gathering for a 2017 case study titled, “*The Problem with Permits*”² Loudoun County staff from multiple departments and Virginia State agencies stated a definition of “farm” would assist in the permit evaluation and enforcement of uses, plans, and structures that are required to be directly associated with a “farm” and farming operations.

2. Board of Supervisor Requests for Definition of “Farm”

The Transportation Land Use Committee (TLUC) October 15, 2019 packet for *Rural Uses and Performance Standards Phase 3 ZOAM* included the following text/requests³

- a. October 15, 2019 TLUC Text
Agricultural Operations
Proposal: Add new “Agricultural Operation,” “Agricultural Products,” and “Farm” definitions. Comments: The Zoning Ordinance currently does not define the terms Agricultural Operation, Agricultural Products, or Farm; however, these terms are consistently referenced throughout the Zoning Ordinance. Code of Virginia statutes that apply to certain agricultural activities and local regulation of such agricultural activities (e.g., Limited Distillery, Limited Brewery, Farm Winery, and Agricultural Processing) also reference these terms. The proposed amendment intends to establish new definitions for these terms in order to: 1) clarify the distinction between the types of agricultural properties and functions, 2) maintain consistency with the Code of Virginia, and 3) ensure that these terms are used consistently in the Zoning Ordinance. Recommendations: REDC, ZOAG, and Visit Loudoun recommend the Phase 3 ZOAM includes definitions for the above terms “Agricultural Operation,” “Agricultural Products,” and “Farm”. (emphasis added).
- b. The Board of Supervisors (BOS) November 21, 2019 Action Report included the approval for the Resolution of Intent to Amend (ROIA) the Rural Uses and Performance Standards Phase 3 Zoning Ordinance Amendment.⁴

3. Public Input Comments and Support for a Definition of “Farm” – 2020 to 2023

¹ [ZOAM-2014-0003 Department of Community Planning Referral, August 8, 2014](#)

² Contracted consulting engagement conducted by Walsh-Copeland Consulting LLC

³ [Item 06 Rural Uses Standards Phase 3.pdf](#)

⁴ [11-21-19 Business Meeting Minutes .pdf](#)

Throughout the Zoning Ordinance Rewrite requests were made for a definition of “farm” by multiple public input stakeholders and BOS Advisory Groups (Zoning Ordinance Action Group/Zoning Ordinance Committee and Rural Economic Development Council), with justifications stated as

a. Zoning Ordinance Rewrite 2021 Public Input Round Two⁵

The lack of a clear definition of what a “Farm” really is or is not in Loudoun County has caused inconsistent determinations for uses, abuse from applicants, and confusion for residents throughout the county. With the ever-diminishing actual “farm” and “farmland” throughout the County, a definition must be determined if the Rural Policy Area and Rural Tourism are to be protected as stated in the 2019 Comprehensive Plan.

b. Zoning Ordinance Committee Input. A definition of Farm was discussed by the ZOR Subcommittee with a majority vote by the full ZOC to approve ⁶

“Agricultural” use should require a recognizable level of farming on-site,” and “Agricultural” uses should require conservation of farmed areas on-site.

c. Rural Economic Development Council April 2022 90-Day Public Input⁷ and comments on April 2022 draft definition included that,

“The definition of “farm” should be amended such that processing by itself does not define a farm. Processing should be eliminated from the ‘Farm’ definition.”

Because Agricultural Processing is a separate use, there is no need to include “processing” in the definition of “farm.”

Business uses allowed on Farms not currently covered by an agricultural production requirement should as best practice have a farm plan identifying what crops would be suitable for the property and acreage assigned as part of their process.

CHRONOLOGY OF “FARM” DEFINITIONS DURING ZONING ORDINANCE REWRITE

ZOR Draft definitions of Farm and Public Input – 2020 to 2023

4. Prior 1993 Zoning Ordinance definition of Farm

The definition of “farm” included in the zoning ordinance was part of the definition of Brewery Limited in final approval 2015.

⁵ Zoning Ordinance Rewrite [Public Input - Round Two.Pdf](#)

⁶ [ZOC Findings & Recommendations Report-July-2022](#)

⁷ [REDC July 15 2022 Zoning Ordinance Rewrite Public Input, \(PDF p. 424\).](#)

- a. The initial definition for the September 16, 2014, Planning Commission Public Hearing ZOAM 2014-0003 and BOS November 14, 2014 Public Hearing did not include a definition of “farm.”

Brewery, Limited: A brewery licensed as a limited brewery and is located on a farm in the Commonwealth on land zoned agricultural.

- b. The new use definition was revised at the November 21, 2014, TLUC meeting⁸ to add the 10 acre minimum owned or leased, with undetermined notice or comments by the public prior to approval at the January 21, 2015 BOS Board Meeting.

Brewery, Limited: A brewery licensed as a Limited Brewery in accordance with Section 4.1-208 of the Code of Virginia, as amended, and located on a farm in the Commonwealth on land zoned agricultural. For the purposes of this definition, “farm” shall be defined as one or more contiguous parcels of land, totaling a minimum of 10 acres in size, owned or leased by such licensed limited brewery. (Underline added)

5. Staff April 2022 proposed definition of “Farm” for ZOC and public input review⁹

- a. The following definition was proposed by Staff in April 2022 with the assumed review by the County Attorney’s Office to meet their requirements to address parcels that were adjacent or contiguous and under the same ownership.

***Farm:** An agricultural use of one or more parcels of land, whether abutting or not, having a minimum of 5 acres and operated under the same ownership or stewardship, used for the production, cultivation, growing, harvesting or processing of agricultural or horticultural products or for animal husbandry purposes. Also reference “Agriculture, Bona Fide.*

- b. Rural Economic Development Council (REDC) and Stakeholder January 2023 comments from ZOR public input files¹⁰ commented that,

The definition of “farm” should be amended such that “processing” by itself does not define a farm. This was done, however the Jan. 2023 edits removed actual “farm” activities.

Because “agricultural processing” is a separate use, there is no need to include “processing” in the definition of farm. Delete the word “processing” from the definition.¹¹

⁸ [11-21-14 TLUC Meeting Summary.pdf](#)

⁹ [2022-04-26 ZORW Subcommittee Use Standards, p.5](#)

¹⁰ [ZOR Comments on the Draft Zoning Ordinance files](#)

¹¹ <https://www.loudoun.gov/DocumentCenter/View/172777/2-Online-Form-Comments>, p. 5, <https://www.loudoun.gov/DocumentCenter/View/172779/4-Emails>, Walsh Family Winery, p. 14; stakeholder organizations and multiple citizens.

Current Proposed [Jan. 2023] Definition of "Farm" states, "One or more adjacent or contiguous parcels of land, having a minimum of 5 acres and operated under the same ownership or stewardship, used for agriculture or animal husbandry uses.

ISSUE: Replacing the ag-specific activities with "Agriculture" would broaden the definition beyond the initial true intent of "farming" not just "ag use." Return to the original [April 2022] identification of farming-related activities.

The REDC and stakeholder comments regarding the exclusion of "processing" is supported by the definition of "production agriculture" as defined in § 3.2-300 (see below).

Production agriculture and silviculture" means the bona fide production or harvesting of agricultural or silvicultural products but does not include the processing of agricultural or silvicultural products. (emphasis added)

6. Staff January 2023 definition of "Farm" for Planning Commission work session discussions¹²

- a. The following definition was proposed by County ZOR Staff for Planning Commission review, with assumed review by the County Attorney's Office.

Farm: *One or more adjacent or contiguous parcels of land having a minimum total size of 5 acres and operated under the same ownership or stewardship, used for agriculture or for animal husbandry.*

Although the Farm Bureau initially was concerned about the 5-acre minimum in public comments, it was pointed out that the requirement is the same as the 1993 Zoning Ordinance that allows smaller agricultural operations to obtain a Conservation Farm Management Plan for parcels less than 5 acres. The Farm Bureau then rescinded their concern with a letter of support from multiple stakeholder organizations.¹³

- b. An alternate definition of "Farm" was suggested, however as Code of VA § 46.2-698 pertains to registration of "farm" vehicles this definition may not be wholly sufficient as a zoning ordinance definition.

Code of VA § 46.2-698. C. As used in this section, the term "farm" means one or more areas of land used for the production, cultivation, growing, or harvesting of agricultural products, but does not include a tree farm that is not also a nursery or Christmas tree farm, unless it is part of what otherwise is a farm. As used in this section, the term "agricultural products" means any nursery plants; Christmas trees; horticultural, viticultural, and other cultivated plants and crops; aquaculture; dairy; livestock; poultry; bee; or other farm products.

¹² [Item 1 - Draft Zoning Ordinance .pdf](#), p. 362, Planning Commission 1/24/2023 Public Hearing

¹³ <https://www.loudoun.gov/DocumentCenter/View/172778/3-Letters---Organizational-Statements> (Piedmont Environmental Foundation, Friends of the Blue Ridge Mountains, Loudoun County Farm Bureau, Loudoun Wildlife Conservancy, Save Rural Loudoun, Hillsboro Preservation Foundation, Virginia Piedmont Heritage Area Association, Blueridge Mountain Civic Association)

7. The April 2023 definition of “Farm”

- a. A definition based on Code of Virginia §3.2-6400, included in a letter from Visit Loudoun¹⁴ and referenced by a citizen/winery owner report¹⁵, references the January 12, 2023 opinion by Jason S. Miyares Virginia Attorney General advisory opinion¹⁶ for “*short-term rental accommodation at an operating farm:*”

A “farm or ranch” is “one or more areas of land used for the production, cultivation, growing, harvesting or processing of agricultural products.”

- b. Visit Loudoun commented that, “*The ‘processing of agricultural products’ is a part of the definition of ‘farm’ in addition to ‘cultivation, growing, harvesting’ so limiting it to only one element of the definition is too narrow in scope,*” with reference to “beer” production.

The Code of Virginia §4.1.206 provides for “*Manufacturer licenses.*” The word “processing” is not used in Code of Virginia §4.1.206 (Distiller, Limited Distiller, Brewery, Limited Brewery, Winery, and Farm Winery manufacturer licenses).

RELEVANT CODE OF VIRGINIA CITATIONS OF “FARM”

8. Code of Virginia § 3.2-6400 Definition of “Farm or Ranch”

- a. Section 3.2-6400 of the Code of Virginia¹⁷ pertains to “*Agritourism Activity Liability*” definitions, under Title 3.2 Agriculture, Animal Care and Food, Subtitle V. Domestic Animals.

The purpose of this section is to define agritourism liability to the public and the notice requirements informing the public of inherent risks of agritourism activities, including the potential for injury or death, and that patrons are assuming the risk of participating in agritourism activity.

The signs and contracts described in subsection A shall contain the following notice: “WARNING” or “ATTENTION” followed by “Under Virginia law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if such injury or death results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity.”

- b. In discussion with the County Attorney’s Office on July 10, 2023, this definition would be insufficient for use as a zoning ordinance definition of “farm.”

¹⁴ Visit Loudoun April 8, 2023 letter, Subject: Planning Commission Subcommittee re: Chapter 3 Uses, Chapter 4 Use-Specific Standards and Chapter 13 Definitions.

¹⁵ [ZOR Public Input Letters, dated April 19, 2023, Steve Bozzo, Bozzo Family Vineyards](#)

¹⁶ [Kemper M. Beasley III, Esquire, 2023 WO 220315 \(Va.A.G\), January 12, 2023](#)

¹⁷ [Code of Virginia §3.2-6400](#)

9. Code of Virginia § 46.2-698.C. Definition of “Farm”

As indicated above, the definition of “Farm” from this section of the Code of Virginia pertains to registration of “farm” vehicles. As such, this definition may not be viewed as be wholly sufficient as a zoning ordinance definition by the County Attorney’s Office.

10. Code of Virginia § 36-97 and VAC 13VAC5-63-200 “Farm Building or Structure”¹⁸

Relevant to a review of “Farm,” is the use of the word to determine the application of building codes. In these sections the definition (with emphasis added) is:

*“Farm building or structure” means a building or structure not used for residential purposes, located on property where **farming operations** take place, and used primarily for any of the following uses or combination thereof:*

- 1. Storage, handling, production, display, sampling, or sale of agricultural, horticultural, floricultural, or silvicultural **products produced in the farm**;*
- 2. Sheltering, raising, handling, processing, or sale of agricultural animals or agricultural animal products;*
- 3. Business or office uses relating to the **farm operations**;*
- 4. Use of **farm** machinery or equipment or maintenance or storage of vehicles, machinery, or equipment **on the farm**;*
- 5. Storage or use of supplies and materials used **on the farm**; or*
- 6. Implementation of best management practices associated with **farm operations**.*

11. Code of Virginia § 15.2-2288.6 applies to “Agricultural Operations” as defined in § 3.2-300

“Agricultural operation” means any operation devoted to the bona fide production of crops, animals, or fowl, including the production of fruits and vegetables of all kinds, meat, dairy, and poultry products, nuts, tobacco, nursery, and floral products and the production and harvest of products from silviculture activity. “Agricultural operation” also includes any operation devoted to the housing of livestock as defined in § 3.2-6500.

“Production agriculture and silviculture” means the bona fide production or harvesting of agricultural or silvicultural products but does not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge.

12. Code of Virginia § 4.1-206.1 – “Farm” location requirements for VaABC Licensed Uses

The Code of Virginia 4.1-206.1 states Virginia ABC may grant manufacturer licenses to

a. Limited distiller's:

*“to distilleries that (i) are **located on a farm** in the Commonwealth **on land zoned agricultural** and owned or leased by such distillery or its owner **and** (ii) use agricultural products that are grown on the farm in the manufacture of their alcoholic beverages.”*

¹⁸ [Code of Virginia §36-97](#)

b. Limited breweries:

*“Provided that (i) the brewery is **located on a farm** in the Commonwealth **on land zoned agricultural** and owned or leased by such brewery or its owner **and** (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof.”*

c. Farm Winery license:

“designated either as a Class I, Class II, Class III, or Class IV farm winery license in accordance with the limitations revised as of July 1, 2023 set forth in § [4.1-219](#).”

The original 2006 §4.1-100 Farm Winery Definition included, “(i) **located on a farm** in the Commonwealth with a producing vineyard, orchard, or similar growing area” This definition was revised (SB 983, July 1, 2023) with “located on a farm” removed as the term “farm” is already referenced in the licensed use name and the new Class levels by their requirements meet the requirements of a “farm.”

13. Code of Virginia § 36-98.4 and Senate Bill 1305. Agritourism event buildings

- a. This regulation has been referenced during ZOR public comment as having direct impact to the establishment of a definition of “farm.” However, the actual language only authorizes a committee for review during the 2023 legislative session without any direct decisions on building code changes.

The Board shall appoint an Agritourism Event Structure Technical Advisory Committee, consisting of nine members. The nine members shall be appointed one each from the following: Virginia Farm Bureau Federation, the Virginia Agribusiness Council, the Virginia Wineries Association, the Virginia Craft Brewers Guild, a craft beverage manufacturer, the Virginia Association of Counties, the Virginia Fire Prevention Association, the Virginia Fire Services Board, and the Virginia Building and Code Officials Association.

- b. The result of the committee will continue the work for Senate Bill 1305 Farm buildings and structures and building code exemptions¹⁹ for Agritourism Event Buildings to establish a less stringent code requirement to accommodate “products produced on the farm.” The bill summary states,

Farm buildings and structures; building code exemptions. Requires farm buildings and structures where the public is invited to enter and that are used for storage, handling, production, display, sampling, or sale of agricultural, horticultural, floricultural, or silvicultural ***products produced on the farm*** and that are exempt from the Uniform Statewide Building Code (the building code) to have (i) portable fire extinguishers, (ii) a simple written plan in case of an emergency, and (iii) a sign posted in a conspicuous place upon entry that states that the building is exempt from the provisions of the building code. The bill also directs the Agritourism Event Structure Technical Advisory Committee to meet at least four times between the 2023 and 2024 Regular Sessions of the General Assembly and provides guidance to the Committee on topics to be considered related to fire safety and the welfare of the general public.

¹⁹ [Virginia 2023 session SB 1305 Farm buildings and structures; building code exemptions](#)

14. Virginia ABC-Related Legislation Effective July 1, 2023, Winery and Farm Winery

- a. This law (Senate Bill 983²⁰) made changes to the privileges of and requirements for winery and farm winery licenses. Such changes relate to the characteristics of and tasks to be performed on the licensed premises, license qualifications, manufacturing and sale requirements and limitations, and utilization of contract winemaking services.
- b. SB 983 made no changes to Limited Brewery or Limited Distiller regulations; only winery and Farm Winery regulations and privileges were modified.
- c. SB 983 also applied applicability rules stating,

any person that holds a farm winery license that was applied for prior to July 1, 2023, and granted prior to January 1, 2024, by the Board of Directors of the Virginia Alcoholic Beverage Control Authority shall, until July 1, 2028,

(i) be exempt from the requirements created by this act in §§ 4.1-219 and 4.1-231.1 of the Code of Virginia and

(ii) remain subject to the requirements of §§ 4.1-219 and 4.1-231.1 of the Code of Virginia as those sections were in effect on June 30, 2023.

²⁰ [Senate Bill 983](#)

SECTION 2: SUBSTANTIAL REASONS FOR DEFINITION OF “FARM”

IMPACTS TO UNDERSTANDING AND HEALTH, SAFETY AND WELFARE

15. Clarity for uses of the word “Farm” versus “Agriculture”

- a. The term “Agriculture” is used not only to describe the activities of a farming operation, but also as a district name (“Agricultural Rural 1 and Agricultural Rural 2), as well as a zoning ordinance category heading in Chapter 3 Uses. Standalone, the word “agriculture” is not sufficient for review, approval and enforcement of uses and definitions as defined in the Code of Virginia.
- b. The July 2023 ZOR Draft Text contains 195 uses of the word “farm.” The term is used in the name of eight uses with only one definition, specific only to Winery, Virginia Farm. A definition of “farm” would better clarify the definition of the term for all uses referencing the term.
- c. As indicated during the May 18, 2023 Planning Commission work session²¹, a definition of farm in the zoning ordinance would enable Staff and Zoning Enforcement to better define and communicate the difference between a “solar facility” versus the colloquial term of “solar farm,” the latter of which has no relation to agricultural operations or production agriculture.

16. Consistency with Loudoun County Land Use Assessment Regulations

Public input through ZOR²² stated that permitted agricultural uses should be consistent with the Loudoun County Land Use Assessment program, adopted in 1973 and permitted via Sections 58.1-3229 through 58.1-3244 of the Code of Virginia.²³ A definition of “farm” that is consistent with the requirements for Agricultural Land Use would enable staff and other agencies to apply the same standards for permitting and enforcement. The Land Use Assessment regulations are:

To qualify, the property must be at least 5 qualifying acres, and devoted to the bona fide production for commercial sale of plants or animals, or plant or animal products useful to man. Generally accepted products include livestock, dairy, poultry, and crops. Proof of commercial production demonstrating gross sales income or value of products should be documented.

17. Use of word “Farm” Causes Confusion and Obfuscation

- a. Many subdivisions, roads, businesses and LLCs located on formerly owned agricultural property with agricultural operations (i.e., farms) have used the word “Farm” in name only. This has caused confusion on applications for an “XYZ Farm LLC” requesting an exemption for an “ag barn.” Examples can be found in Board of Zoning Appeal cases²⁴.

²¹ Comments made by Planning Commissioner Mark Miller, 5/18/2023

²² [Public Comments in enCodePlus](#)

²³ <https://www.loudoun.gov/652/Land-Use-Assessment-Program>

²⁴ Aviation business – fire from several hundred Lithium-Ion batteries stored inside a “farm” building. No agricultural operations or “farming” was being done on the property. The “Flight Barn” “was constructed as an agriculture out building without permits from Loudoun County Building and Development. The building

- b. A definition of farm in the zoning ordinance would enable Staff and Zoning Enforcement to determine the nature of a business or location more accurately, beyond the word “farm” used in name only.

18. Business Management – Department of Economic Development (DED)

- a. The DED “Start a Business” webpage²⁵ outlines the requirements for a number of rural business types for the Rural Policy Area, from agriculture to event facilities, equestrian, farm markets, lodging, Virginia ABC licensed uses, and restaurants, stating,

What is the county’s role? Our main role is to protect the safety of your customers and neighbors, care for the natural environment and make sure that your business complies with laws and regulations. Many county departments are involved in the review and approval of uses. We also assist businesses so they may thrive.

- b. The webpages descriptions and links do not provide clear reference to rural uses “farm” or “farming operation” requirements for prospective business owners and the public to determine the requirements for eligibility or compliance for various uses, such as (emphasis added),

*The webpage for “Starting an Agritainment Business”²⁶ states, “Agritainment exists to support parcels actively in agricultural use by allowing associated events and activities, such as: Corn mazes; Hay rides; Petting zoos. The above examples of recreation, entertainment, and tourism activities and events must be directly tied to the ongoing, **on-site farming operation.**”*

*The webpage interchangeably refers to the VaABC manufacturer licensed use, “Limited Brewery” informally as a “**Farm** Brewery,” stating, “A **farm** brewery is a **farm** first and brewery second which means that your business can: Grow, produce and harvest grains, hops, fruit and other agricultural products.”²⁷*

*Similarly, the webpage states, “A **farm** winery is a **farm** first and winery second which means that your business can: Produce and harvest fruit and other agricultural products.”²⁸*

The links for current Revised 1993 Loudoun County Zoning Ordinance links to the entire section 5-600 (pdf version), not the specific zoning ordinance sections or the enCodePlus version of current Loudoun County zoning. The pages do not link to the definitions sections of current zoning. This creates a *circular interpretation loop* for prospective business owners and the public to determine whether uses that require “*farming operations*” or are a “*farm first*” are eligible or compliant.

is used as part of [deleted name]’s business in drone engineering.”²⁴ After the fire the “Farm” LLC filed a Farm Structure Exemption Request for a replacement structure stating, “The barn will be used to house the various types of livestock fee, farming equipment, tools and supply storage, and the farm’s operations office.”

²⁵ [DED Rural Uses “Start a Business” webpage](#)

²⁶ [Steps for Starting an Agritainment Business](#)

²⁷ [Steps for Starting a Limited Brewery \(Farm Brewery\)](#)

²⁸ [Steps for Starting a Virginia Farm Winery \(Cidery, Meadery\)](#)

- c. A definition of “Farm” would clarify use requirements for the zoning ordinance and DED educational website instructions. Clarity of a “farm” definition would ensure improved business case analysis and preparation for a scale-appropriate location for activities and events beyond “sampling and sale” of manufactured products.

PROCESS REQUIREMENTS TO CONFIRM “FARM” OPERATIONS

19. County To State License Approval Process Disconnects

- a. The sequencing and approval of State licenses for uses “*on a farm*” have a process and timing disconnect with County notification and zoning permit approval. In the Virginia ABC license approval process the “County investigation” step is in the form of a letter sent to the County Attorney’s Office (CAO) and the Sheriff’s office asking if there are any objections to the application²⁹.

A “*no response*” from the County Attorney’s Office or Sheriff is considered “acceptance” and is noted in the application file as approved.³⁰

The point in time of receipt of the letter has been in instances months before an application for zoning permit of a use, including in cases the permitting and building of a structure. Therefore, the CAO and Sheriff have no means to verify an applicant’s compliance with the Virginia Code other than to confirm the district of the application address (not the actual business location in all instances). This results in VaABC license approval obtained prior to zoning permit approval without a CAO confirmation of “farm” applicable property in an agricultural district as required in the Code of Virginia.

- b. A definition of “farm” would assist Loudoun CAO and Sheriff review compliance with Code of Virginia regulations in a timely manner for VaABC applications, beyond only reviewing district address submitted.

20. Inspections to confirm Code of Virginia requirements for “farm” products and operations

- a. The Virginia ABC industry license application required documents³¹ outline the information needed to complete a VaABC license application.³² Section 4.1-219 and internal VaABC General Order 502 procedures³³ specifically reference a “site visit,” however, neither the required PDF

²⁹ [VaABC §4.1-230](#) and VaABC General Order 502. “*The local governing body may object to the issuance of the license when the establishment is not in compliance with the locality’s ordinance regarding health, construction, sanitation, etc.*” No reference to “farm” or “agricultural products” site review.

³⁰ Confirmation from former VaABC Special Agent Shawn P. Walker

³¹ VaABC [industry license application required documents](#) (PDF)

³² [VaABC industry application](#) (PDF)

³³ “*Before a license is issued the assigned territory agency shall conduct a site visit to ensure sufficient inventory of qualifying items, and other requirements relating to the licensed premises and to educate the applicant about ABC laws and regulations. If necessary, the agent will also determine if there are any objections to the issuance of the license from potentially aggrieved parties in accordance with 4.1-222.*” VaABC General Order 502

documents nor the application include any reference or confirmation of “farm,” or “products grown on the farm” as required by Code of Virginia manufacturing licensed uses for Limited Brewery or Limited Distillery.

- b. Confirmation of products grown is *only* part of a Farm Winery application process. As referenced in § 4.1-219³⁴ Limitations on Class I, II, III, and IV farm wineries, applicants must identify specific quantities of products grown, whereas applications for other VaABC manufacturer licensed uses do not.
- c. Applications for other VaABC manufacturer licensed uses do not confirm the Code of Virginia requirements. A definition of “farm” would assist Loudoun Staff and zoning enforcement ensure compliance with Code of Virginia regulations for Limited Brewery and Limited Distiller applications, not in terms of specifying quantity or dictating location, but rather ensuring *“agricultural products . . . are grown on the farm.”*

21. Lack of annual VaABC inspection for ongoing *“agricultural products . . . grown on the farm.”*

- a. Annual inspection requirements for manufacturers Code of Virginia § 4.1-204³⁵ make no reference to inspection of products grown *“on the farm”* in the list of inspections points reviewed by VaABC Special Agents on the VaABC Inspection Report³⁶ VaABC General Orders 501 and 502 (VaABC Licensee Inspections) show no requirement for VaABC inspection of “farm” products grown, only alcohol taxing, storage and distribution.
- b. A definition of “farm” would assist Loudoun Staff and zoning enforcement ensure compliance with Code of Virginia regulations after an initial application and/or approval of a VaABC license.

22. Farming Operation and Agricultural Operations

- a. A definition of “farm” would enable County Staff (Planning and Zoning and Building and Development) to evaluate and enforce *“farming operations”* as outlined in Code of VA §36-97 and VAC 13VAC5-63-200 “Farm Building or Structure” for *“products produced in the farm,”* and be better prepared for enforcement Virginia Senate Bill 1305 to review *“products produced on the farm.”*
- b. Related public comments were submitted stating,

“The “display, sampling, or sale” provisions are highlighted in case County Staff suggest that tasting rooms are not “directly associated with agriculture.”³⁷

The public comment highlighted the *“display, sampling or sale,”* but omitted reference to the end of the sentence underlined below.

³⁴ <https://law.lis.virginia.gov/vacode/4.1-219/>

³⁵ <https://law.lis.virginia.gov/vacode/title4.1/chapter2/section4.1-204/>

³⁶ <https://www.abc.virginia.gov/library/licenses/pdfs/val/industry-license-application.pdf>

³⁷ Loudoun Local Business League letter to the Planning Commission, April 9, 2023

*“1. Storage, handling, production, **display, sampling or sale** of agricultural, horticultural, floricultural or silvicultural **products produced in the farm.**” [Underline added]*

- c. The plain language of the Code of Virginia § 3.2-300 definitions of “Agricultural Operation” and Production Agriculture relate to the

- *“bona fide production of crops . . . including the production of fruits,”*
- *“but does not include the processing of agricultural or silvicultural products.”*

As applied to Code of VA §36-97 and VAC 13VAC5-63-200, *agricultural*, horticultural, floricultural, or silvicultural products not produced in/on the farm would not be “*farming operations*,” therefore not eligible for exemption to the building code.

Based on the plain text, only “*tasting rooms*” located where there are “*agricultural products that are grown on the farm*” would be considered “*directly associated with agriculture.*” Tasting rooms without “*agricultural products grown on the farm*” are not directly associated with agriculture and therefore would not be exempt from building code.

- d. Code of VA §15.2-2288.6 applies to “*Agricultural Operations*,” defined as any operation devoted to the bona fide production of crops et.al. related to the “Right to Farm” stating,

Other activities or events that are usual and customary at Virginia agricultural operations. [i.e., bona fide production of crops et.al.]

Any local restriction placed on an activity listed in this subsection shall be reasonable and shall take into account the economic impact of the restriction on the agricultural operation [i.e., bona fide production of crops et.al.] and the agricultural nature of the activity.

Without actual “*agricultural operation*” and/or production agriculture, this provision would not apply. Staff’s Planning Commission April 10, 2023, draft text³⁸ included language requiring “Direct association to agriculture” to provide enforcement for the Code of Virginia requirements. This language was removed in the July 2023 text, but may be reconsidered by the Board during review to ensure compliance with Code of Virginia requirements.

- e. A definition of “farm” would assist Loudoun Staff and zoning enforcement ensure compliance with Code of Virginia regulations for where “*agricultural products that are grown on the farm*” is required to be used in the manufacture of products sold.

³⁸ [04-10-2023 Staff Report for Planning Commission Uses Subcommittee](#)

FARM BUILDING OR STRUCTURE – EXEMPTION REQUEST PROCESS

23. Farm Building or Structure – SB 1305

- a. For awareness, Senate Bill 1305³⁹ (in progress) separately describes “*farm structure*” for actual production agriculture from “*Farm buildings and structures*” used for agritourism or “sampling or sale” that are exempt from building codes. This bill will be discussed in the 2023 legislative session in committee, with the following proposed measures (some have called “*building code lite*”) to provide health, safety and welfare without onerous regulations for rural businesses:

... any farm building or structure (i) where the public is invited to enter for an agritourism activity, as that term is defined in § [3.2-6400](#), for recreational, entertainment, or educational purposes and (ii) that is used for display, sampling, or sale of agricultural, horticultural, floricultural, or silvicultural products produced on the farm or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation shall have:

1. Portable fire extinguishers for the purpose of fire suppression.
2. A simple written plan in case of an emergency, but such plan shall not be construed to be interpreted as a fire evacuation plan under the Uniform Statewide Building Code or any other local requirements; and
3. A sign posted in a conspicuous place upon entry to the farm building or structure that states that “This building is EXEMPT from the Uniform Statewide Building Code. . . .

24. Building & Development Farm Structure Exemption Request

- a. The Department of Economic Development “*How to Start a Rural Business*” web site includes the link to the Building and Development “*Farm Structure Exemption Request*” form⁴⁰ to confirm the zoning permit requirements for all new farm buildings or structures or change of use of an existing building or structure “*regardless if the Building Official deems the building or structure exempt from the USBC (Uniform Statewide Building Code).*”

The form requests a description (emphasis added) of the

“Farming operation taking place on the land where the **farm** building or structure is located” and “how the **farm** building or structure is used primarily for the **farm** uses defined above.”

On page 3 the form states applicants

*may also be required to obtain a Conservation Farm Plan (also known as a **Farm Management Plan**) from Loudoun Soil and Water Conservation District (SWCD) and the Virginia Cooperative Extension Service (VCES) and provide a copy of such executed Plan.*

- b. A definition of “farm” would assist Loudoun Building & Development Staff and zoning enforcement ensure compliance with USBC requirements and the authentication of information for “*farming operation*” and “*how the farm building is used*” per the Farm Structure Exemption Request form.

³⁹ <https://lis.virginia.gov/cgi-bin/legp604.exe?231+ful+CHAP0644>

⁴⁰ [B&D Farm Structure Exemption Request form](#)

IMPACTS TO ORGANIZATIONS AND OTHER CONSIDERATIONS

25. Exemption Request Impacts to Loudoun Soil & Water Conservation District (LSWCD)

Loudoun Soil & Water Conservation District contacts provided input for the definition of farm.⁴¹ A summary of input includes:

- a. On the previously cited DED “*Guide to Start a Rural Business*” website⁴² all rural businesses are advised to determine the permitting requirements for each use, including whether a “*farm building or structure*” exemption may be applied for. The website includes a direct statement to contact “*Soil and Water Conservation District (for a Conservation Farm Plan)*.”

*Loudoun is home to many iconic and historic barns and **farm structures**. Depending on when, how and why they were built, they may be exempt from certain coding regulations ([Click here to apply for an exemption](#)). Building and Development should make that determination before you get started . . . it is important to check with Building and Development (before any land disturbance or development activity), Planning and Zoning (before building structures or starting a use), the **Soil and Water Conservation District (for a Conservation Farm Plan)** and the Health Department (to protect against water contamination). Additional permits may be required.*

- b. A definition of “farm” would reduce the situations where county staff (Planning & Zoning, Building & Development) feel obligated to offer individuals or operation applicants who receive notice of zoning violations the opportunity for a “get out of jail free card.” Staff and the DED website encourage applicants wanting to construct an “*ag barn*” to apply for a “*farm building or structure*” building code exemption to request a “*farm plan*” from LSWCD, even for plans or operations when it is stated (and obvious) there is no agriculture or “*farming operation*” involved.

This has put LSWCD in a quasi-regulatory position of approving or denying a “farm plan” with no apparent “farming” or “ag operation” requested for the sole purpose to enable an exemption for building codes that are in place to ensure the health, safety and welfare of the public.

- c. A definition of “farm” would enable LSWCD to provide equitable determinations. A definition would also deter individuals or operations who have cleared or graded steep slopes or other sensitive areas for development/creating a view, etc. *without proper permits* from requesting LSWCD provide a conservation farm plan, and knowingly signing the form that states,

I, the undersigned:

- *do understand that any changes to the primary use of this structure or status of my farming operations, as stated above, shall be reported to the Building Official and may nullify this exemption.*
- *do hereby certify that I have read and understand the above definitions from the USBC.*
- ***do hereby certify under penalty of perjury that all statements provided by me on this application are true and accurate.***

⁴¹ LSWCD respondent: Chris Van Vlack

⁴² <https://biz.loudoun.gov/rural-uses/>

- d. Agricultural Structure (a.k.a. tasting room) building issue. Currently property or business owners are approaching the LSWCD for “farm plans” that are required for building agricultural structures when the property is not enrolled in the Agriculture Land Use Program or have any definable agricultural operations. This is most often for equine operations that are not earning income, or small acreage properties building run in sheds or chicken coops that are too small to qualify for land use. These are reasonable and normal and a good way for property owners to get some advice and consultation on conservation practices from the LSWCD.

The problem becomes when a VaABC licensed business, (primarily Limited Breweries) approaches the LSWCD with no stated or confirmed intention of conducting any farming operation, or staff with knowledge of agriculture. These requestors are told they, “need a farm plan” in order to obtain a zoning permit for an “agricultural structure” exemption for the building so they do not have to obtain building permits or build it to USB Code. These are structures where there are large assemblies of people, that violates the intent of the exemption and the declaration required on the exemption form.

- e. LSWCD has also encountered situations where site engineers and architects have asked for a “farm plan,” not the owner or person who will actually be doing any “farming.” A farm definition would make it clear that farm plans are for agricultural uses, not solely for “making a place a farm.” This would allow LSWCD to not be placed in the position of arbiter or being coerced to provide a “farm plan” without “farming operation” or “agricultural operation” verification.

26. Self-Declaration of “Farm” – Farm Bureau Input

Farm Bureau officers provided input for a definition of “farm,” that is consistent with Zoning Ordinance Rewrite Public Input.⁴³ A summary of input includes:

- a. Properties and/or new businesses should not be allowed to “self-declare” that they are a “farm.” Likewise, VaABC licensing for “manufacturing” is a separate use, and not part of the direct “farming operation.” Code of VA requires some VaABC “manufacturing” licensed businesses to be located “on a farm,” as a county regulation requirement. Defining “farm” would therefore *ASSIST* County zoning staff properly evaluate a property location for compliance before a zoning permit is provided.
- b. “Processing” of agricultural products grown on site or from within Loudoun are legitimate parts of an agricultural processing and/or farming operation, but only obtaining a VaABC manufacturing license for a business use should not, in and of itself, qualify a location as a “farm.”
- c. Property owner complaints about concert noise, event center traffic or other issues have increased from 2015 through 2023.⁴⁴ While these activities might be allowed on a farm, they shouldn’t be what defines a “farm.” Property owners should be made aware that these are not “farm” uses, but instead are separate zoning issues so they aren’t attacking legitimate farming operations. A definition of farm would make sure that it is clear what a “farm” is and what it is not, to ensure there will not eventually be an effort to chip away at Virginia’s Right to Farm Law over issues that are not agriculturally related.

⁴³ <https://www.loudoun.gov/5720/Comment-on-the-Draft-Zoning-Ordinance>

⁴⁴ [2023 ZOR Public Input Survey as of 6-2-2023](#)

- d. A farm definition would also help to clearly define what is an agricultural structure for purposes of tax assessment. If the property is not a farm, whether or not a structure resembles a barn, it should not be considered an agricultural structure. Likewise, if the structure is on a farm and used as part of a farming operation it should be classified as such.

REAL ESTATE, FINANCE, AND INSURANCE CONSIDERATIONS FOR “FARMS”

REDC representatives with background in Real Estate, financial lending and insurance⁴⁵ for “farms” provided input for a definition of “farm.” A summary of the input includes:

27. Real Estate Implications for “Farms”

- a. Review of a number of vacant parcel real estate listings show promotion of properties on mountainside and steep slopes stating, *“Current AR1 zoning allows by-right for a vineyard or brewery to be built on the entire property . . . among other potential agricultural uses.”* No reference is being made of requiring a “Conservation Farm Plan” to comply with zoning, which misleads the sale and purchase of the property.

A definition of “farm” included in the zoning ordinance would provide a clearer understanding of allowable uses along with their minimum lot sizes. This could be useful for the public when purchasing a property and could affect a farm's and/or farmer's relationship with the Internal Revenue Code (IRC), as well as possibly affecting types of lending options.

28. Internal Revenue Code compliance

- a. The IRC requires a producer (farmer) to raise or grow a product and sell that product and qualify as “farm income.” Per the IRC, there is a difference between considering a vineyard versus a winery as a farm. Vineyards and groves are not included in IRC Section 2032A(e)(4) and would fall under *“agricultural and horticultural commodities.”* The grapes are the product of vineyards and an agricultural commodity, thus the vineyard is a farm. A winery that produces and sells wine would not be considered a farm.
- b. A definition of “farm” versus “agritourism” may offer clarity for future owners of agriculturally based properties for possible avenues of use. Agritourism is not defined in the IRC for income tax purposes. However, Agritourism is generally considered a non-farming activity that derives income if those activities include touring, education, entertainment and retail markets (selling things not produced on that farm) which could affect a farmer’s income, local, and state tax requirements.

29. Financial and Insurance impacts for “farm”

- a. Different mortgage loans may vary widely depending upon the use, size, and improvements on an agricultural property and require the lenders to do a deep dive into what the property’s purpose is and its improvements.

⁴⁵ REDC Vice Chair, Jan Kernan, Realtor Virginia Homes & Farms, Rural Business owner of Bleu Frog Vineyards

- Fannie Mae (government entity offering a purchase mortgage security program to lenders) does not purchase or securitize mortgages for “farms or ranches” if designated as agricultural property. It will allow larger acreages into the program depending upon its intended use, which is verified by the lender.
 - Freddie Mac will purchase mortgages in rural locations if the subject property has collateral for the full transaction based on value, condition and marketability of the property. If the *primary* use of the property is *residential*, but has agricultural outbuildings, then the property is eligible for Freddie Mac program. If the property is used *primarily for farming* or ranching, then the property is not eligible.
- b. Conventional loans, based on lender requirements, put the emphasis on the residential area of a property and may stipulate a max acreage amount to consider, no matter the size of the “farm.” They may only look at the area surrounding the main residence (i.e., “curtilage”).
- c. USDA uses acres of crops and head of livestock to determine if a place is a “farm” that can normally produce and sell at least \$1000 per year and be offered loan programs. Most farms must seek alternative funding sources such as those offered by Farm Credit.

SECTION 3: FOLLOW-ON REVIEW ACTIONS

30. Identification of Conflicts

- a. In their June 8 and July 26, 2023, Staff reports for County ZOR Staff summarized a list of activities for review for consideration and/or implementation of a definition of “farm” for the Zoning Ordinance Rewrite.
 - *Staff recommends an Agriculture/Rural Economy use ZOAM after adoption of the New Zoning Ordinance, to accommodate forthcoming Code of Virginia amendments to some Virginia Farm Winery and agritourism uses.*
 - *Staff and the County Attorney’s Office need time to verify that any definition of “farm” does not affect or contradict definitions and other provisions within the Code of Virginia concerning farms and related terms or uses.*
 - *Staff needs time to ensure there are no conflicts with other definitions and standards or no unintended consequences associated with adding the term “farm.”*
 - *Staff recommend that any future CPAM and/or ZOAM include targeted public education regarding the interplay between the Code of Virginia and local zoning regulations and permitting requirements.*
- b. At the August 8th meeting, County Administrator, Joe Kroboth, requested assistance from REDC to assist in the identification of “conflicts” for legal review.

31. Primary follow-on review actions

The following actions are proposed to complete the Findings of Fact and Substantial Reasons or a Definition of Farm, with the primary goal to 1) assist the CAO office and Staff to reduce staff time constraints, and 2) expedite review for the possible inclusion of a definition in ZOR, or in the alternative, complete review for a prioritized ZOAM in 2024 after adoption of ZOR.

- a. Confirm that the Findings of Fact sufficiently confirm the limit of impacts of the July 1, 2023, Virginia Farm Winery new legislation, and address the CAO concerns of impacts from the pending SB 1305 agritourism event building code proposed USBC changes.
- b. Confirm whether the Findings of Fact sufficiently address the CAO verification that a definition of “farm” does not affect or contradict definitions and other provisions of the Code of Virginia concerning farms and related terms or uses. If not, identify the remaining sections of the Code of Virginia for review.
- c. A preliminary review of the uses of the word “farm” in the ZOR draft text has been performed. Next steps are to obtain Senior County Administration and CAO approval for a second meeting with County Attorney Office representatives (J. Hobbie, C. Sydnor) to obtain and clarify the specific requests and areas of review to confirm “conflicts with other definitions and standards” associated with adding the term “farm.” Such a review would be conducted in conjunction with REDC ZOR Ad hoc Committee and other stakeholder reviews with the goal of presenting consolidated input.

STAKEHOLDER GROUPS 5 & 6 INPUT
BOS Committee of the Whole ZOR Work Sessions

Chapter 7: Development Standards
Comments/Questions for Board of Supervisors: October 16, 2023

Open Space (Section 7.02)

Staff is seeking Board direction to revise the open space regulations in the Draft Zoning Ordinance in response to comments received from the Commercial Real Estate Development Association (NAIOP) and Loudoun County Public Schools (LCPS). The following are our comments and questions regarding the proposed changes.

- **Project-wide Open space Approval.** Clarify the rationale behind the revision to allow project-wide open space approval, instead of requiring compliance at each site plan or subdivision application. There are concerns that open space may not end up distributed optimally or equitably throughout the project since the approval is at a broader scale. This may make it difficult to ensure compliance of important open space provisions that are not apparent until viewing the site plan and subdivision application. Additionally, many projects happen in phases with years in-between. What is to prevent open and civic spaces being left for the final phase? Economic considerations often lead to later phases of a project changing or being left off, ultimately resulting in a lack of open space.
- **Section 7.02 Exemptions.** We do not support the exemption to exempt public facilities from the requirements of Section 7.02. The government should lead by example to construct facilities that follow the purpose of providing open space such as "providing consistent open space standards", "implementing the General Plan's open space goals", and "ensuring light, air and space in all new development". Allowing public facilities to have a total exemption from the section requirements could negatively impact people using, living in (such as a group home), or being next to or near public facilities as they would lose access to the required amount of open space. Could staff explain the specific issues LCPS has for requesting this exemption?
- **Redevelopment Open Space Modification.** We do not support the modification to allow less than the required amounts of open space for redevelopment projects where the original development does not provide the amount of open space required by the Draft Zoning Ordinance. This would result in an overall loss of open space in the Suburban Area (where redevelopment is targeted to happen). Many of the potential redevelopment areas are where natural, environmental and heritage resources could and should be restored as open space. This would also negatively impact people living in the newly redeveloped areas whereas people living in a similar-sized area that is developed at the same density would have more open space - the redeveloped area residents would be disadvantaged with less open space, causing potential environmental equity impacts.
- **Buffer, Screening Changes.** We do not support the revisions to the standard for "Buffers, Screening" (line 9) from 20-foot widths to 80 plant units per 100 linear feet of buffer. We agree with some Planning Commissioners who advocated for a 30 foot minimum buffer as that is what is needed to provide viability for plant communities, particularly trees. Narrow corridors would make it difficult for canopy trees to survive and meet the County's canopy cover goals. Additionally, reducing viability of plant survival would increase costs on future landowners to replace plants and trees. A wider buffer also acts as a corridor for safe passage of wildlife.

- **Limited Landscaping 50 Percent Factor.** We strongly do not support creating a new type of open space at the 50 percent factor, “Limited Landscaping” for landscaped areas with minimum average dimensions of 10 feet and a minimum area of 400 square feet. Could staff clarify what is being proposed as the value/function of such small spaces getting credit towards open space calculations? Small strips of land provide little to no ecological value or benefits to human recreation. This could result in Suburban Area open spaces smaller than even those proposed for the Urban Area.
- **Table 7.02-02 Open Space Eligibility.** We do not support deleting the footnote and proposed edits in Table 7.02-02 Open Space Eligibility for the subject group of open space types to allow them to qualify for the 50% onsite open space credit factor. Many if not most recent applications propose to severely reduce the open space and relegate it to scattered bits and pieces. These changes could reduce the amount of centralized, usable open space as desired in the 2019 Comprehensive Plan. Could staff clarify if the proposed change was intended to be a cumulative total including all of the subject open space types? Or was the intention to allow each individual open space type to accrue up to a 50% credit factor, in which case, presumably a combination of those individual types could accrue to more than 50% of the open space? A case study was done to demonstrate the importance of open space tweaks to accommodate development. Has there been any analysis of how the proposed changes could affect usable or functional onsite open space?
- **Section 7.04.02 Structure and Parking Setbacks.** We concur with the Planning Commission's recommendations on Structure and Parking Setbacks along Route 7 from the Fairfax County Line West to the Broad Run (Section 7.04.02), and agree that the new ordinance is forward looking relative to this requirement. Any existing structures approved under the previous ordinance would not be impacted.
- **Attainable Housing Parking Ratios.** We recommend that the county does not apply a different standard to parking ratios associated with attainable housing. We have concerns regarding adjustment of the minimum standards for Attainable Housing. Driving down parking ratio minimums arbitrarily without consideration of dwelling unit type or location would result in severely under-parked scenarios impacting those residents, nearby neighbors and the public overall. This becomes both a security and safety concern as overflow parking often occurs off nearby roadways or other private lots.
- **Table 7.022-2 Open Space.** We support the following items included in Open Space Table 7.02-2 under the 150% factor calculation of open space: Archeological and Heritage Resources, Linear Parks, and Trails, Tree Conservation, Virginia Natural Heritage Resources, and Wildlife Habitat.
- **Table 7.04.03-1 Use Buffer Matrix (Section 7.04.03)** – We support staff changes to update Table 7.04.03-1, the Use Buffer Matrix to correspond with new land use classifications of Chapter 3 and add a new Appendix D: Buffer Matrix Use Groups to specify which uses correspond to the use groups utilized for assigning buffer requirements.
- **Section 7.05.03.F Use-specific Noise Standards.** We reiterate that there is a quality control disconnect between Section 7.05.03.F and Chapter 4 Use-specific Standards. Section 7.05.03.F provides county-wide noise regulations that are being applied inconsistently to uses WITHOUT Chapter 4 Use-Specific Standards. Motions have been submitted previously to correct this quality control issue.

From: [Turner, Mike](#)
To: [Birkitt, Judi](#); [Galindo, Daniel](#); [Kroboth, Joe](#); [Wegener, Brian](#)
Cc: [Mai, Rachael](#); [Gicker, Joel](#); [Hennessey, Justin](#); [Turner, Mike](#)
Subject: Supervisor Turner Motion for Chapter 3
Date: Saturday, October 7, 2023 10:03:13 PM
Attachments: [image001.png](#)

Submitted by Beth Erickson, Visit Loudoun:

"I move to allow Farm Market (off-site production) as a permitted use in TRC Inner Core, TRC Outer Core, TRC TDSA, UE, TC Core, TC Fringe, CC(nc) and CC(cc) in Table 3.02.02-1."

Thanks!

Mike

Sign up for our newsletter [here](#).

To Obtain Current COVID-19 Information:

Visit: www.Loudoun.Gov/CoronaVirus

Call: 703-737-8300

Email: Health@Loudoun.Gov

Text: LCCOVID19 to 888777



From: [Birkitt, Judi](#)
To: [Turner, Mike](#)
Cc: [Mai, Rachael](#); [Galindo, Daniel](#); [Hemstreet, Tim](#); [Kroboth, Joe](#); [Larrick, Amy](#); [McLellan, Erin](#); [Rogers, Leo](#); [Sydnor, Courtney](#); [Torrible, Christina](#); [Wegener, Brian](#)
Subject: Stakeholders 5 & 6: CHAPTER 10 - MOTIONS & QUESTIONS
Date: Thursday, October 5, 2023 2:50:10 PM
Attachments: [2023_10-12-Stakeholder 5&6 CH. 10- MOTIONS-QUESTIONS.pdf](#)

Supervisor Turner:

Until and unless I hear from you/your office, I will treat the email below and attachment from Stakeholder Groups 5 & 6 as Public Comments.

Thank you,

Judi

Judi McIntyre Birkitt, AICP, CZA
Deputy Director | Department of Planning and Zoning | County of Loudoun
1 Harrison Street SE, 3rd Floor | PO Box 7000 | Leesburg VA 20177
[REDACTED] 703-777-0246 | Fax: 703-777-0441

From: LCPCC Committees <zoning.cmte@loudouncoalition.org>
Sent: Thursday, October 5, 2023 2:39 PM
To: Turner, Mike <Mike.Turner@loudoun.gov>
Cc: Gem Bingol <gbingol@pecva.org>; Tia Earman [REDACTED]; Kelly Foltman [REDACTED]; Michael Myers <mmyers@loudounwildlife.org>; Robert Pollard [REDACTED]; Madeline Skinner [REDACTED]; Chris [REDACTED]; Maura Walsh-Copeland <maura@walsh-copelandconsulting.com>; [REDACTED]; Kroboth, Joe <Joe.Kroboth@loudoun.gov>; Galindo, Daniel <Daniel.Galindo@loudoun.gov>; Birkitt, Judi <Judi.Birkitt@loudoun.gov>; Mai, Rachael <Rachael.Mai@loudoun.gov>
Subject: [EXTERNAL] Stakeholders 5 & 6: CHAPTER 10 - MOTIONS & QUESTIONS

Supervisor Turner,

First, we support the Oct. 4th discussions on "modifiability" and staff's reasoning in regards to flexibility and modifiability as outlined in the Oct. 12 informational packet. We also support the perspective of the Supervisors present on October 4th who objected to adding wholesale modifications to Chapters 5 and 6 beyond what is currently allowed in the draft text. We look forward to continued participation on this topic as stakeholder representatives.

Second, we appreciate your agreement as TLUC Chair to sponsor our Stakeholder 5 & 6 questions and motions for BOS Committee of the Whole discussions. For the Thursday October 12th BOS Committee of the Whole meeting on Chapter 10, we are submitting input and motions in the attached document for

- Section 10.06. Site Plan
- Section 10.10.02.D. Zoning Ordinance Amendment - Factors for Consideration and Section 1.01B Purpose & Intent
- Section 10.13 Enforcement

In addition, after further review of Chapter 5 by stakeholder advisory groups, we are submitting an added motion for Section 5.04 MOD to confirm prior agreements with Staff (March 2023) that did not appear in the draft text.

The attached will be shared with additional supervisors for their knowledge and awareness to prepare for discussion on Oct. 12th.

Submitted on behalf of Stakeholder 5 & 6 Speakers and Advisors:

Gem Bingol, Piedmont Environmental Council (PEC)
Tia Earman, Farm Bureau
Dr. Kelly Foltman, Loudoun County Equine Association (LCEA)
Michael Myers, Group #6 coordinator & Loudoun Wildlife Conservancy (LWC)
Robert Pollard, Group #5 coordinator
Madeline Skinner, Loudoun Historic Village Alliance (LHVA)
Chris Van Vlack, Loudoun Soil & Water Conservation District (LWWCD)
Maura Walsh-Copeland, Hillsboro Preservation Foundation (HPF)
Peter Weeks, Friends of the Blue Ridge Mountains (FBRM)

STAKEHOLDER GROUPS 5 & 6 INPUT

BOS Committee of the Whole ZOR Work Sessions

Chapter 10: Procedures: Comments, Questions and Motions

SECTION 10.06. SITE PLAN

- Staff's proposed revision (and Supervisor Buffington's motion) request confirmation that a Zoning Permit is required regardless of exemptions for Site Plans in Section 10.06. However, still unaddressed is the clarification and consistency of the term "*agriculture uses*" used in *Section 10.06.A.2.a exemptions*. The primary confusion results from terminology in the new zoning ordinance that
 - has a Category named "Agriculture,"
 - a Use named "Agriculture," and
 - Regulations for "Agricultural operations."
- The current Chapter 10 text states,

10.06 Site Plan. Purpose. To verify that the physical aspects of development and use comply with the Zoning Ordinance and other ordinance requirements.

A. Applicability.

 - 1. Required. Site Plan approval is required prior to a Zoning Permit or any physical changes to the site.*
 - 2. Exempt. The following do not require a Site Plan but require a Zoning Permit and are exempt from the requirements of Section 10.06 [Proposed Staff revision]:*
 - a. Agriculture uses identified in Section 3.02 that do not involve access by the public as a part of such use;***
- In correspondence with Mr. Wegener on July 19, 2023 he was asked,

"To which of the following Chapter 3.02 Agriculture category of Uses is section 10.06.A.2.a applicable?

Ch. 3 Use Category of Agriculture Uses:
Agricultural Processing; Animal Husbandry; Horticulture; Feedlot; Nursery Production; Farm Distribution hub; Mill, Feed and Grain; Agritainment; Auction Facility Livestock; Pet Farm; Equestrian Event Facility; Community Garden; Wayside Stand; Farm Co-ops; Winery, Commercial; Winery, Virginia Farm; Brewery Limited; Distillery, Limited
- Mr. Wegener responded that,

"Section 10.06 exempts certain uses from the requirement for a site plan. One exemption is for "*agriculture uses identified in 3.02 that do not involve access by the public as part of such use.*"

This exemption applies to all agriculture uses referenced. Staff will make the Board aware during its work sessions that this provision may need further clarification when the Board discusses Chapter 10.
- Mr. Wegener's response indicates that the exemption would apply to ALL uses under the **Category of "Agriculture"** (i.e., all 3.02 uses) regardless of whether they "*involve access by the public as part of such use,*" which include:

Chapter 3, Agriculture 3.02

Uses without general access by the public	Uses WITH "access by the public as part of use"
Agricultural Processing,	Agritainment,
Animal Husbandry	Auction Facility, Livestock,
Agriculture,	Pet Farm,
Horticulture,	Brewery, Limited,
Mill, Feed and Grain,	Community Garden,
Feedlot,	Equestrian Event Facility,
Nursery, Production,	Wayside Stand,
Farm Distribution Hub	Farm Co-ops,
Stable, Private*	Winery, Commercial,
Stable, Livery*	Winery, Virginia Farm
*Identified as exempt in 10.06	Distillery, Limited (not listed in 3.02 - managed by ZCOR)

- This response and the draft text for exemptions are **INCONSISTENT** with the exemptions for Chapter 7 - Light Noise and Vibration, as revised by the Planning Commission in June that clearly identify the actual **agricultural uses eligible for exemption**:

Section 7.05.01.A. Applicability

3. Agricultural Exemption. The standards contained in Section 7.05 do not apply to any legally established agricultural operation. For the purposes of Section 7.05 agricultural operation is defined by Code of Virginia § 3.2-300, and includes the following uses:

- Agricultural Processing;
- Agriculture [Note – the use, not the category];
- Animal Husbandry; and
- Horticulture

- COMMENT:** Inconsistent application of exemptions for agricultural uses, including those that “involve access by the public as part of such use,” is a quality control issue for zoning administration and enforcement and a source of ongoing questions and complaints from constituents. Exemptions defined for Chapter 7 and Chapter 10 should also be consistent with the exemption definition for “agricultural operation” as used in the codified Noise Ordinance Section 654.02.

10.06 Site Plan

Purpose. To verify that the physical aspects of development and use comply with the Zoning Ordinance and other ordinance requirements.

A. Applicability.

- Required.** Site Plan approval is required prior to a Zoning Permit or any physical changes to the site.
- Exempt.** The following do not require a Site Plan and are exempt from the requirements of Section 10.06:
 - Agriculture uses identified in Section 3.02 that do not involve access by the public as a part of such use;
 - Animal Care Business;
 - Bed and Breakfast Homestay (with less than 5,000 sq. ft. of disturbance);
 - Bed and Breakfast Inn (with less than 5,000 sq. ft. of disturbance);
 - Child Day Home;
 - Dwelling, Single-Family Attached and associated accessory structures and uses;
 - Dwelling, Single-Family Detached and associated accessory structures and uses;
 - Extractive Industries (with no structures);
 - Small Business, Agricultural and Rural;
 - Solid Waste Facility (with no structures);
 - Stable, Private;
 - Stable, Livery;
 - Temporary Uses; and
 - Electric Vehicle charging infrastructure.

- **REQUEST** (see motion). The requested motion is to clarify 10.06.A.2.a by listing the actual agriculture uses that do not involve access by the public that qualify for exemptions from site plans, consistent with Chapter 7 as well as uses listed in 10.06.A.2.b through n.
- These are **QUALITY CONTROL CORRECTIONS** to be **INCLUDED IN ZOR** in accordance with the stated purpose of the Zoning Ordinance Rewrite to address “*opportunities and challenges: evaluating input from stakeholders about the current Zoning Ordinance and making improvements where appropriate*” for the health, safety, and general welfare of the public.

SECTION 10.10.02.D. ZONING ORDINANCE AMENDMENT - FACTORS FOR CONSIDERATION & SECTION 1.01B PURPOSE & INTENT

This Chapter 10 section provides a list of factors to be given “*reasonable consideration, where applicable*” when considering a Zoning Ordinance Amendment. The list of factors restate the text in Chapter 1, Section 1.01.B. Purpose and Intent of the Zoning Ordinance.

Comparing Sections 10.10.02D and 1.01.B with the (current) Revised 1993 ZO goals, purpose and intent, there are ten (10) points in common, four (4) points that are new, and **four (4) points that were omitted.**

QUESTION: For what reason were the four points related to orderly growth, character and well being of public and private property, best utilization of land, and public necessity, health, safety, welfare and public facilities removed from the zoning rewrite text?

REQUEST (see motions): Stakeholder Groups 5 & 6 request that the omitted four purposes and intents from the R93ZO be restored in both Chapter 1 and Chapter 10.

COMPARISON: CHAPTER 10 AND 1 TEXT TO REVISED 1993 ZO TEXT

CHAPTER 1 - 1.01.B PURPOSE AND INTENT 10.10.02.D ZONING ORDINANCE AMENDMENT TEXT	REVISED 1993 PURPOSE, INTENT AND APPLICATION OF ORDINANCE
1.01.B Purpose and Intent.	Goals, Purpose and Intent. This Ordinance is enacted in order to promote the health, safety and welfare of the residents of Loudoun County and to implement the Loudoun County Comprehensive Plan. To these ends, the Ordinance is designed to:
10.10.02. D. Factors for Consideration. In considering a Zoning Ordinance Amendment, the following factors will be given reasonable consideration, where applicable:	
1. Consistency with the Comprehensive Plan;	
2. To provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers;	(D) Provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers.
3. To reduce or prevent congestion in the public streets;	(E) Reduce or prevent congestion in the public streets.
4. To facilitate the creation of a convenient, attractive and harmonious community;	(F) Facilitate the creation of a convenient, attractive and harmonious community.
5. To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;	(G) Expedite the provision of adequate police and fire protection, safety from crime, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements.
6. To protect against destruction of or encroachment upon historic areas and working waterfront development areas;	(H) Protect against destruction of, or encroachment upon, historic areas.
7. To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or panic or other dangers; property from fire, flood, impounding structure failure,	(I) Protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers.
8. To encourage economic development activities that provide desirable employment and enlarge the tax base;	(J) Encourage economic development activities that provide desirable employment and enlarge the tax base.
9. To provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment;	(L) Provide for the preservation of agricultural and forestal land and other lands for the protection of the natural environment.
10. To protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities;	(M) Protect approach slopes and other safety areas of licensed airports.
11. To promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated;	(N) Provide for and promote affordable housing for County residents
12. To provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard;	
13. To provide reasonable modifications in accordance with the Americans with Disabilities Act of 1990 (42 United States Code § 12131, et seq.) or state and federal fair housing laws, as applicable; and	
14. To protect surface water and ground water as defined in Code of Virginia § 62.1-255.	
	OMITTED
	(A) Guide and regulate the orderly growth, development and plan and with long-term objectives, principles and redevelopment of Loudoun County in accordance with a well considered standards deemed beneficial to the interest and welfare of the people.
	(B) Protect the established character and the social and economic wellbeing of both private and public property.
	(C) Promote, in the public interest, the best utilization of land.
	(K) Promote the public necessity, health, safety, convenience and general welfare by equitably apportioning the cost of providing the additional public facilities necessitated or required by development.

SECTION 10.13 ENFORCEMENT

Staff has stated to stakeholders that “*Non-compliance with the zoning ordinance is not a **violation** until someone files a **complaint**, Zoning Administration and Enforcement review, and the complaint is found valid.*” Complaint-based enforcement has been a consistent issue voiced by many stakeholder groups and constituents throughout all ZOR public input since 2020.

10.13.B.4.b states, “*The Zoning Administrator, or the Zoning Administrator’s agent, will record such complaint, investigate the complaint, and **may** take action as provided by the Zoning Ordinance.*” [emphasis added]

However, Section 6-502.F of the R1993 Zoning Ordinance states, “*The Zoning Administrator **shall** record such complaint, investigate, and take action thereon as provided by this Ordinance.*” [emphasis added]

QUESTION: Under what circumstances would the ZA or ZA Agent NOT take action?

REQUEST (see motion): Stakeholders 5&6 request that the R93 requirement of “shall” be restored in the draft text.

10.13.C.1. Issuing Notice states, “*Upon becoming aware of any violation, the Zoning Administrator, or the Zoning Administrator’s agent, **may** serve notice of such violation on the person committing, or permitting the same, and the landowner.*” [emphasis added]

However, Section 6-502.D of the R1993 Zoning Ordinance states, “*Upon his becoming aware of any violation, the Zoning Administrator **shall** serve notice of such violation on the person committing or permitting the same, and the land owner*” [emphasis added]

QUESTION: Under what circumstances would the ZA or ZA Agent NOT issue notice?

REQUEST (see motion): Stakeholders 5&6 request that the R93 requirement of “shall” be restored in the draft text.

STAKEHOLDER GROUPS #5 & #6 MOTIONS	BACKGROUND / JUSTIFICATIONS
CHAPTER 10 – PROCEDURES	
<p>I move that Section 10.06.A.2.a, identify the specific <i>“Agricultural Uses in Section 3.02 that do not involve access by the public as part of such use”</i> that are exempt from Site Plan approval required prior to a Zoning Permit or any physical changes to the site, consistent with exemptions in Chapter 7.</p> <p>I further move that Section 10.06.A.2.a be clarified to reference (list) the Agricultural Uses in Section 3.02 that <u>do not</u> involve access by the public as part of such use that are eligible for exemption from a site plan be listed in the same fashion as the other 13 uses listed as Section 10.06.A.2.b through n, to avoid future impacts and/or zoning enforcement confusion and/or issues.</p>	<p>Staff’s statement in July 2023 that Section 10.06 Site Plan Exemptions apply to ALL “Agricultural uses in Section 3.02” <u>including</u> those that “involve access by the public as part of such use” is <u>inconsistent</u> with Section 7.05.01.A. Applicability exemptions.</p> <p>As a regulatory document, 10.06.A.2.a exemptions creates a zoning enforcement “loophole” by not having clear regulations that identify to what Agriculture Uses they apply or are exempt.</p> <p>Lack of clarify and inconsistent application of exemptions for agricultural uses, including those that “<i>involve access by the public as part of such use</i>,” is a <u>quality control issue</u> for zoning administration and enforcement and a source of ongoing questions and complaints from constituents that must be addressed in the zoning rewrite.</p>
<p>I move that Section 10.10.02.D, Zoning Ordinance Amendment Factors for Consideration, and Section 1.01.B Purpose and Intent restore the following four considerations/purposes included in the R93ZO but omitted from the zoning rewrite:</p> <ul style="list-style-type: none"> • Guide and regulate the orderly growth, development and plan and with long-term objectives, principles and redevelopment of Loudoun County in accordance with a well considered standards deemed beneficial to the interest and welfare of the people. • Protect the established character and the social and economic wellbeing of both private and public property. • Promote, in the public interest, the best utilization of land. • Promote the public necessity, health, safety, convenience and general welfare by equitably apportioning the cost of providing the additional public facilities necessitated or required by development. 	<p>The new Zoning Ordinance should provide equivalent factors to be given reasonable considerations, where applicable, for the benefit, health, safety and welfare of the public, consistent with the revised 1993 zoning ordinance.</p>

STAKEHOLDER GROUPS #5 & #6 MOTIONS	BACKGROUND / JUSTIFICATIONS
<p>I move that Sections 10.13.B.4.b General Provisions, and 10.13.C.1. Issuing Notice restore the 1993 Zoning Ordinance requirement that the Zoning Administrator “<i>shall</i>” take action instead of “<i>may</i>” as follows:</p> <p>10.13.B.4.b “<i>The Zoning Administrator, or the Zoning Administrator’s agent, will record such complaint, investigate the complaint, and shall take action as provided by the Zoning Ordinance.</i>” [emphasis added]</p> <p>10.13.C.1. <i>Issuing Notice. Upon becoming aware of any violation, the Zoning Administrator, or the Zoning Administrator’s agent, shall serve notice of such violation on the person committing, or permitting the same, and the landowner.</i> [emphasis added].</p>	<p>Staff has stated to stakeholders that” <i>Non-compliance with the zoning ordinance is not a violation until someone files a complaint, zoning enforcement reviews, and the complaint is found valid.</i>”</p> <p>Complaint-based enforcement has been a consistent issue voiced by many stakeholder groups and constituents throughout all ZOR public input since 2020.</p> <p>It is recognized that a change to proactive enforcement would require a CPAM and ZOAM, as well as county budget and staffing review, which is requested to be added to the list of items for after-ZOR review and prioritization.</p> <p>However, at a minimum as an interim action to address public input, the language in 10.13 should be restored to the R93 text that when a complaint is provided, the Zoning Administrator “<i>shall</i>” versus “<i>may</i>” take action and provide notice.</p>
CHAPTER 5 – OVERLAY DISTRICTS	
<p>I move to amend 5.04.C.1.a, Mountainside Overlay District, Mountainside Feature Protections, Ridge Feature Protection to include the highlighted text, as discussed and agreed with Staff in March, 2023:</p> <p>“Ridge Feature Protection. Except as permitted by Section 5.04.B., Covered Activities are not permitted within a Ridge Feature, <u>or within 600 feet of the ridgeline, whichever is greater</u>; and”</p>	<p>Staff has previously supported this position through conversations with Friends of Blue Ridge Mountains (March 2, 2023).</p> <p>The previous GIS Story Map link presented by Staff (C. Blough) on the new ridge protections is no longer publicly available, and the “Ridge Feature” is not currently a layer in Weblogis as the proposed Zoning Ordinance states.</p> <p>Therefore, stakeholders are unable to verify if the delineation of the “Ridge Feature” offers the same level of protection that staff previously agreed to support. This minor language change is compatible with the 2019 General Plan, and staff’s position to protect ridge features.</p>

From: [Birkitt, Judi](#)
To: [Torrible, Christina](#)
Subject: FW: Following-up re Board Motion re Backup Generator Testing Restrictions - PUBLIC COMMENTS
Date: Tuesday, September 26, 2023 4:16:49 PM

From: Josh Levi [REDACTED]
Sent: Tuesday, September 26, 2023 12:27 PM
To: Galindo, Daniel <Daniel.Galindo@loudoun.gov>
Cc: Birkitt, Judi <Judi.Birkitt@loudoun.gov>; Rizer, Buddy <Buddy.Rizer@loudoun.gov>
Subject: [EXTERNAL] Following-up re Board Motion re Backup Generator Testing Restrictions

Hi Dan,

Thank you for the opportunity to share feedback regarding proposed local restrictions on backup generator testing and maintenance.

As you know, data centers provide essential infrastructure that supports public safety, healthcare, government agencies and programs, distance learning, remote work and collaboration, video conferencing, exchange of news and urgent information, e-commerce, entertainment, and many other technologies central to our daily lives.

Due to the essential nature of their operations, data centers must ensure their ability to maintain uninterrupted operations and provide essential connectivity and data flow to their customers and to the many end users who rely on uninterrupted access to data and underlying applications.

Some reliability risks, including sudden utility power outages due to storms, natural disasters, and other causes, are inherently outside data center companies' control. Data centers need to remain operational during emergencies to ensure that access to essential data and services continues uninterrupted for clients, end users, and the general population.

Data centers maintain on-site backup generators capable of supporting operations in the event of a utility outage. These generators typically operate infrequently and under limited conditions, including during manufacturer-specified testing and maintenance activities, which are designed to ensure the engines will operate properly when needed in an emergency.

The operation of backup generators is regulated at the federal level and also at the state-level by Virginia DEQ. VA DEQ issues a permit for each generator limiting their operations, and imposing specific conditions on their installation, recordkeeping, emission testing and other activities to ensure compliance. These permits govern generator operation both under emergency conditions but also for the necessary maintenance. Without such periodic testing and maintenance, the generators may not function properly when needed and unsafe conditions can be created. For example, it is my understanding that most, if not all, backup generator permits issued by DEQ in Loudoun County preclude generator testing and maintenance during daytime hours during the ozone season between May 1-September 30.

Permitting conditions assigned to each generator may vary, as may the testing and maintenance schedules and protocols recommended by a manufacturer and/or conducted at an individual site. Testing and maintenance on generators at a data center site may occur monthly, quarterly and also on annual cycles, but this may vary among sites. Time

and duration may also vary based on various factors including the number of generators on a site required to be tested and maintained.

Given the current federal and state regulatory framework governing backup generators, and the permitting conditions established by Virginia DEQ for each permitted backup generator, it is not clear that the County has authority to establish additional regulations regarding how and when backup generators are tested and maintained. DCC is concerned that in addition to this legal uncertainty, the overlay of additional local regulations on how and when generators are tested and maintained may have the unintended consequence of presenting reliability risks that can impact data center operations and the individuals and organizations that rely on uninterrupted access to data and underlying applications.

Understanding that the Board desires to address the issue of noise levels in proximity to residences, the amendments supported by the Board under Chapter 4, including the substantial setback requirements, and the proposed provisions under Chapter 7, including the noise study provisions, should have the cumulative effect of mitigating the potential for noise impacts around residential areas.

I hope this is helpful feedback.

Best,
Josh

Josh Levi
Data Center Coalition

[REDACTED]
[REDACTED]

<https://www.datacentercoalition.org>

From: [Birkitt, Judi](#)
To: information@loudounequine.org
Cc: [Kroboth, Joe](#); [Galindo, Daniel](#); [Torrible, Christina](#); [Wegener, Brian](#); [Miller, Teresa](#)
Subject: RE: Zoning Ordinance Rewrite and Equine
Date: Tuesday, September 26, 2023 10:28:49 AM
Attachments: [Final September 2023 zoning recommendations from LCEA for Stable Livery and event final.pdf](#)
[image001.png](#)

Dr. Foltman:

Thank you for providing this information.

Kind regards,

Judi

Judi McIntyre Birkitt, AICP, CZA
Deputy Director | Department of Planning and Zoning | County of Loudoun



From: information@loudounequine.org <information@loudounequine.org>
Sent: Tuesday, September 26, 2023 10:25 AM
To: Kroboth, Joe <Joe.Kroboth@loudoun.gov>; Birkitt, Judi <Judi.Birkitt@loudoun.gov>
Subject: [EXTERNAL] FW: Zoning Ordinance Rewrite and Equine

Good Morning

I should have included you as a cc to this email from Loudoun County Equine Alliance. It was sent out earlier today.

From: information@loudounequine.org
Sent: Tuesday, September 26, 2023 8:38 AM
To: Kershner, Caleb <caleb.kershner@loudoun.gov>; Briskman, Juli <juli.briskman@loudoun.gov>; Tony.Buffington@loudoun.gov; Phyllis Randall <pjarandall@gmail.com>; sylvia.glass@loudoun.gov; koran.saines@loudoun.gov; Turner, Mike <mike.turner@loudoun.gov>; kristen.umstattd@loudoun.gov; matt.letourneau@loudoun.gov
Subject: Zoning Ordinance Rewrite and Equine

Dear Supervisors

Briskman
Buffington
Glass
Kershner
Latourneau
Randall

Saines
Turner
Umstattd

In the document titled Item #1 chapter 3 and 4 for the BOS Committee of the whole September 26 zoning work session staff says Livery use standards "... were carried over from the Revised 1993 Zoning Ordinance." This is incorrect. These standards and use categories were created during the 2015 ZOAM, in which equestrian uses were reduced to three broad categories based on "traffic generated during peak driving times." The three uses are stable private, stable livery and stable event. While equine was, and currently is listed as agriculture within Chapter 3 uses, the ZOAM placed stable livery and stable event within agriculture support for use standards. This has had unintended consequences. Most existing facilities were out of code and new facilities were required to purchase additional acreage and or seek a special exception to comply with acreage and setback requirements unique to agriculture support.

In July of this year, Planning Commissioners recommended, and staff worked in some of our requested short term "fixes" for livery, including reducing the minimum acreage requirement from 25 acres to 15 acres, increasing the total sf allowance for all structures from 12000 to 30000 sf, and recommend adding equestrian uses to a future rural uses ZOAM.

Loudoun County Equine Alliance continues to have concerns with zoning requirements that restrict equine businesses. Most concerning are setbacks, total sf restrictions for storage, and screening requirements that continue to make many existing facilities out of compliance and impose costly burdens for new start-ups.

In short, the restrictions imposed by agriculture support do not align with the needs of an industry that requires buildings to house and train animals and store feed, bedding and equipment. Furthermore, these restrictions do not succeed in addressing the original concerns of the 2015 ZOAM to reduce traffic during peak driving times.

Lastly, staff's justification that the agriculture support designation "addresses the scale of livery stables to protect the rural character of western Loudoun and minimize potential impacts upon surrounding properties" is unjustifiable, especially when there are many rural uses with higher intensity with little-to-no standards to protect either the rural character or potential impacts on surrounding properties in western Loudoun.

Attached please find a more detailed document showing existing/proposed use standards for equine livery and LCEA's questions, concerns and suggestions

Respectfully submitted



Dr. Kelly Foltman, DVM
President, LCEA

From: [Birkitt, Judi](#)
To: [Torrible, Christina](#); [Wegener, Brian](#); [McConnell, Kate](#)
Subject: Public Comments VCOD
Date: Friday, September 29, 2023 9:00:54 AM
Attachments: [5.07 Village Conservation Overlay District - STAFF ISSUES.pdf](#)
[5.07 Village Conservation Overlay District - ZO REWRITE DRAFT 07-06-23.pdf](#)
[Bowmantown.pdf](#)
[Paeonian Springs.pdf](#)
[VILLAGE CONSERVATION OVERLAY DISTRICT Comments 09-26-23.pdf](#)

FYI

From: Eric Zicht [REDACTED]
Sent: Thursday, September 28, 2023 3:55 PM
To: Kroboth, Joe <Joe.Kroboth@loudoun.gov>; Birkitt, Judi <Judi.Birkitt@loudoun.gov>
Subject: [EXTERNAL] Fwd: Fwd:

Joe & Judi -

I have some concerns with the Village Conservation Overlay District.

Please call if you have questions.

Regards,
Eric

Eric E. Zicht, PE LS
[REDACTED] PLC
[REDACTED]

----- Forwarded Message -----

Subject: Fwd:
Date: Thu, 28 Sep 2023 09:57:58 -0400
From: Eric Zicht [REDACTED]
To: Randall, Phyllis <Phyllis.Randall@loudoun.gov>, Turner, Mike <Mike.Turner@loudoun.gov>, Koran.Saines@loudoun.gov, Kershner, Caleb <Caleb.Kershner@loudoun.gov>, Juli.Briskman@loudoun.gov, Buffington, Tony <Tony.Buffington@loudoun.gov>, Sylvia.Glass@loudoun.gov, Matt Letourneau <matt.letourneau@loudoun.gov>, Kristen.Umstattd@loudoun.gov
CC: laura.tekrony@loudoun.gov, Tianni.Ivey@loudoun.gov, aman.ardalan@loudoun.gov, Mai, Rachael <Rachael.Mai@loudoun.gov>, Maple, Christi <Christi.Maple@loudoun.gov>, Kent.Erwin@loudoun.gov, Stacy Carey <stacy.carey@loudoun.gov>, tom.parker@loudoun.gov, valerie.suzdak@loudoun.gov

Ladies and gentlemen of the Loudoun County Board of Supervisors:

I ask that you table the proposed revisions of the Village Conservation Overlay District.

The proposed new development standards are are too complex, conflict and do not reflect the character of the areas they seek to preserve.

The 13 villages are very different. If the rules are to be this comprehensive, one set of standards will not work.

At one point staff was promising small area plans for different villages, on the order of the studies and plans now being conducted for St. Louis.

In the attached report, I survey the likely impacts of the proposed new development standards on two of the larger villages:

- Aldie Mountain (Bowmantown) is very rural with no aggregation of development, not a typical village at all.
- Paeonian Springs is highly eclectic, with a mix of businesses and residences, distinct neighborhood, four zoning districts, and according to a study by the Virginia Department of Historic Resources, there are six different architectural styles in just the oldest neighborhood.

These proposed regulations need a lot more work to ensure that they are functional.

And as with St. Louis, there needs to be provision for resident involvement.

Regards,
Eric Zicht

--
Eric E. Zicht, PE LS
PLC



VILLAGE CONSERVATION OVERLAY DISTRICT

The proposed VCOD development standards are too complex and restrictive. The proposed changes should be tabled until they can be thoroughly reviewed and revised.

During early deliberations (Zoning Ordinance Committee), it was noted how different the various villages are and how there should be mini area plans conducted for each village in a manner similar to the studies being conducted for the St. Louis community.

For the most part, the residents of the 13 villages are not aware of the proposed changes in the zoning regulations. While the legally required notice has been provided as a practical matter, it has been ineffective. There should be community meetings held in each of the villages before these zoning revisions proceed.

The proposed new VCOD development standards are exceedingly complex and complicated. They have not been case-tested, or these defects would have been discovered. They represent an idealistic view of Disneyland-style villages having the uniform nature of Andres Duany's Seaside in Florida. In contrast, most of Loudoun's villages evolved over a century or more and are eclectic in nature.

For purposes of review, Aldie Mountain (Bowmantown), and Paeonian Springs, will be used as examples.

ALDIE MOUNTAIN (BOWMANTOWN)

Bowmantown is located in south-central Loudoun County between Old Carolina Road (Rt. 615) and New Mountain Road (Rt. 631) west of Route 15 and north of the Prince William County line. It was originally settled in the early 1800s by freed slaves.

The land is zoned A-3 and parcels vary in size from approximately 1 to 20 acres. Density is low. There is no aggregation of homes that would commonly be considered a village. Houses reflect the various eras in which they were built. There is no characteristic architecture or building siting. Consequently, none of the proposed development standards make any sense:

1. **Building Height:** Most existing buildings have no or only one neighboring structure within 150 feet. Consequently, any new structure would have to match the number of stories of that one neighbor. If the only house nearby is one story, a 50% variation in height would not allow two stories.
2. **Building Features:**
 - a. Building Stories: Why is there a need to regulate both building stories and height?
 - How do you match building stories if there are neighbors with different building stories?
 - b. Roof Types:
 - How do you match roof types if there are different roof types within 300 feet?
 - Is there a characteristic roof type in the neighborhood? (There is not.)

BOWMANTOWN



- If there is only one neighbor within 300 feet, do you have to match his roof type?
 - c. Porch Type & Location:
 - What if some neighbors either don't have porches, or have porches on different sides? If you have only one neighbor, do you have to match their porch (or no porch) location?
 - Even Disneyland and Duany allow some variation in porch locations.
 - d. Building Orientation: Generally, these are large parcels. Orientation probably does not matter to the neighbor.
3. **Building Area**:
- So, If you only have one neighbor within 150 feet and they have only a small, simple cottage, you cannot build a normal sized home even if you own 20 acres?
 - And, if that one neighbor has a huge mansion of a home, you can't build something more affordable for yourself?
 - How does this work for churches and businesses?
 - Does it apply to farm structures?
4. **Average Front Yard**:
- Very few houses in this "village" are set close to the road, and those that are date to when all the roads were gravel or dirt. Now that they are paved and have a speed limit of 55 mph, is it wise to require any new structures to be set near the road?
 - With existing lots being 1 acre or larger and any new lots having to meet the 3-acre minimum in the A-3 zoning district, what is the benefit of a uniform front setback?
5. **Average Side Yard**:
- How is this applied?
 - Most dwellings will be offset toward one side or the other. "Averaging" the setbacks means that new houses will have to be set to the middle of the lot.
 - Existing parcels have varying widths.
 - If the neighbor has a wide lot and you a narrow, matching side yards may not leave any room to build.
 - If the neighbor has a narrow lot and you a wide lot, do you have to stretch out your house to provide equal side yards?
6. **Average Rear Yard**:
- Adjoining parcels in this "village" may have depths as different as 1,750 and 200 feet. How is this average rear yard measured? Does the lot owner with the deep lot have to extend his house from 30 feet off Old Carolina Road to 1,700 feet to 60 feet off his rear lot line in order to "match" his one neighbor's setback?
7. **Lot Coverage**: No issues.
8. **Maximum Lot Size**:
- Does this standard apply to schools, churches and parks?
 - How is a neighbor hurt by having a larger lot adjoining his home?
9. **Variation of Lot Sizes and Dimensions**:
- The theme in all the other development standards is uniformity. Why different here?
 - This standard conflicts with the other development standards in that, how do you provide uniform side and rear yards if lot sizes vary?

10. Garage Standards:

- a. Front-load garage 20-foot setback:
 - Most existing homes in this community do not meet this standard.
- b. Garages must be detached:
 - Most existing homes in this community do not meet this standard.
- c. Two-car maximum width:
 - This is a rural, car-centric community where three-car garages are popular.

11. Connection to existing roads:

- a. Road Network: Few existing parcels have any access to a second road or lane. The requirement is not practical.
- b. Sidewalks: No comment.
- c. Street Trees:
 - Where can you put street trees if the houses have to be pushed to the front property line?

PAEONIAN SPRINGS

Paeonian Springs was created as a summer resort community oriented to the Washington and Old Dominion Railroad in the 1880s. There are some remnants of that eclectic village in present-day Paeonian Springs, but the majority of the homes were built to house veterans after World War II. There has been some in-fill development since, notably homes built by students of Monroe Vo-Tech in the 80s and 90s, and a couple high-end residential subdivisions in the 1990s. There is a multitude of architectural styles and building sizes, all mixed together.

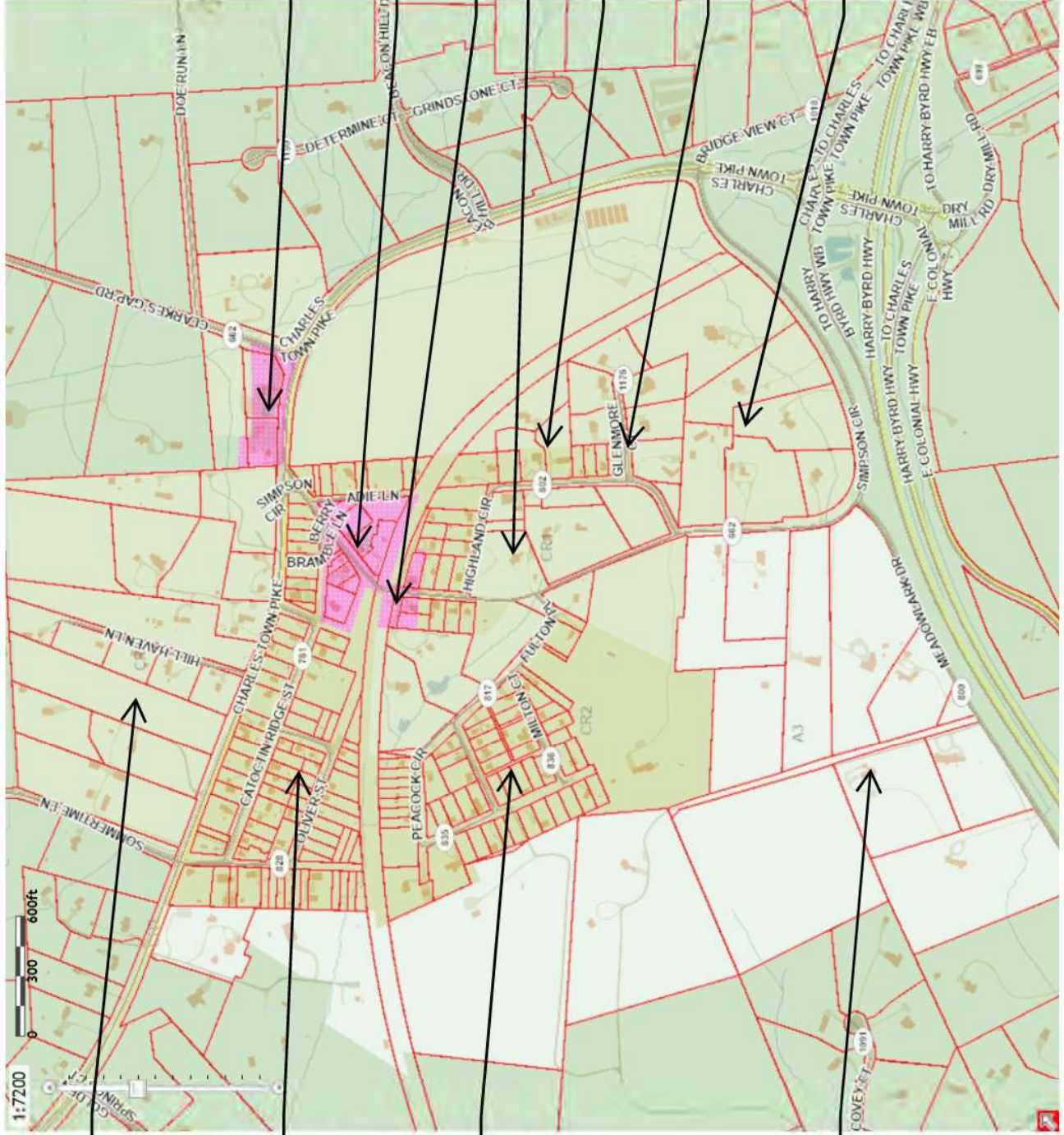
There is also a multitude of uses. The original Paeonian Springs had three hotels and a business district with shops and tradesmen. Today, there are two distinct business districts: the original mixed-residential and commercial village district, and a modern commercial corridor district oriented to traffic on Route 9.

The four zoning districts reflect the different styles of development within the village's:

- RC-Rural Commercial (which allows residential as well)
- CR-2 Countryside Residential (2 homes/acre)
- CR-1 Countryside Residential (1 home/acre)
- A-3 Agricultural Residential (1 lot per 3 acres)

Loudoun County and Loudoun Water are in the process of bringing public water and sanitary sewer to Paeonian Springs. This will alleviate current problems with the failing and high density of private wells and septic systems in the community. Many residents will be looking to renovate and expand their homes. This will likely have the most impact in the areas developed shortly after World War II where the modest homes are 70 years old or older. These residents are likely to be frustrated by the proposed development standards. Since the community is primarily composed of undistinguished one story cottages, residents will not be able to add a second floor. The lots are too narrow to have a sideloading garage, which would be prohibited anyway, or to have a detached garage as there is not room for a driveway to the rear of the lot. The only viable option to the current parking in front of the home would be front-loaded, attached garages to the front of the dwelling, all of which would be prohibited.

PAEONIAN SPRINGS



Another problem is dealing with the mix of uses. Most of the proposed development standards are not appropriate for the commercial and office uses permitted in the RC-Rural Commercial zoning district.

VCOD Development standards – Paeonian Springs

1. Building Height:

- The underlying zoning districts already have a height limitation of 35 feet. Isn't that enough?
- If the neighbor(s) have a one story home, a two story home would be prohibited, even though there are a variety of one and two story homes in most of Paeonian Springs.

2. Building Features: These are architectural standards for which the County has no authorization. The State Code only has provision for such standards in designated historic districts and commercial gateways. The Town of Purcellville obtained special approval from the Virginia Legislature to have more expensive architectural standards, Loudoun would have to follow this same process.

a. Building Stories:

- Do you need both building stories and building height regulations ? Piling on.
- The community has a mix of intermingled one and two story homes, so uniformity is not architecturally characteristic.

b. Roof Types:

- According to the National Register architectural analysis of Paeonian Springs, "The majority of the buildings are vernacular in nature but several demonstrate characteristics of popular architectural styles of the period including the Folk Victorian, Colonial Revival, Gothic Revival, Tudor Revival, Queen Anne, and Craftsman styles."
- If roof styles vary, how will this standard be administered? It seems awfully arbitrary.

c. Porch & Location & Type:

- Within 300 feet, there are likely to be a variety of no or different styles and locations of porches. How will it be determined? What will be consistent if the neighborhood itself is not consistent?
- Lot sizes and configurations vary. It is difficult to fit porches onto houses with small or narrow lots.

d. Building Orientation:

- Some lots are pipestems with no particular orientation.

3. Building Area:

- Does this apply to business and commercial uses? Does it apply to churches, schools and community centers (Waterford)?
- The community currently has a mix of building areas. The three large, old hotels are mixed among smaller homes.
- The only areas of uniformity are the Post-WWII cottages, and these people want to expand their homes.

4. Average Front Yard:

- There is no uniformity of front setbacks in the community.
- Houses built close to the front lot line generally were constructed before cars became such a dominant feature, and such locations are not desirable today, especially along busy streets like Route 9, Clarks Gap Road and Simpson Circle.
- Areas with small or narrow lots need room to park cars in front of the house, as is the predominant pattern in the immediate Post-WWII neighborhoods.
- On larger parcels where existing homes have larger setbacks from the street, what does it matter? There is no uniform pattern currently.
- If the required setback is at the front property line, how will commercial uses meet the required 10-foot front landscape buffer?
- If the required setback is at the front property line, how will a homeowner be able to provide any vegetative screen to the street? (VDOT will not allow trees or shrubs in the right-of-way.)

5. Average Side Yard:

- There is no “uniformity” in current development patterns.
- The sizes of side yards are often a side effect of lot size. Thus, with a variety of lot sizes, side yards vary accordingly.
- On narrower lots, one side yard is typically larger to allow access to a side, rear or detached garage.
 - How is this supposed to be reflected with this proposed new side yard criteria?
 - For such lots, the “average” side yard will be the average of the two different side yards. Does this “average” have to be applied to both side yards in a new home on the same size lot? If so, how to they get to a side, rear or detached garage?
- When adjoining lots have different sizes or widths, how does this apply?
 - Development on a narrow lot adjoining wider lots might be prohibited by overlapping side yards.
 - Development on a large lot adjoining smaller lots – Do they have to stretch out the house so as to match side yards?

6. Average Rear Yard:

- Totally unmanageable, particularly with a variety of lot sizes and configurations.
- Residents of the Post WW-II neighborhood might not be able to make additions to or expand their homes because any new projection to the rear might provide less rear setback than the neighbors (who would similarly be prohibited from making a rear addition because the first party was prohibited from doing so.)

7. Lot Coverage: No comment.

8. Maximum Lot Size:

- Why?
- This means any new lot cannot be any larger than the largest within 100 feet.
- Does this apply to commercial, offices, schools, community centers and churches?

9. Variation of Lot Sizes and Dimensions:

- This conflicts with the other proposed development standards that require uniformity.

10. **Garage Standards:** These proposed standards do not reflect the character of the community where there are a variety of garage types and configurations.

a. Front-loaded Garages – 20-foot setback from home:

- This standard is not practical for narrow lots such as those in the Post-WWII neighborhoods.
- The added cost is an affordability issue.

b. Garages must be detached:

- This seems to conflict with a. above.
- On narrow lots, there might not be room to provide access to a detached garage in the rear (Assuming it is undesirable in the front yard.)

c. Width of Garage Door:

- Newer homes often want more than a two-car garage, with the additional space for lawn mowers and storage.

11. **Connection to existing roads:** No comment.

12. **Sidewalks:** No comment.

13. **Street Trees:**

- When are street trees required? Are they required for an individual residential building permit on an existing lot?
- If the required setback is at the front lot line, where will the street trees be planted? (VDOT will not allow them in the right-of-way. Where can you put street trees if the houses have to be pushed to the front property line?)

to the Planning Commission. Staff is seeking the Board's direction regarding the following outstanding issues related to Chapter 5: Overlay Districts. Staff provides an explanation of the issue followed by a summary of related public comment themes, the Commission's discussion and recommendation, if any, and staff's recommendation. Note the Board's July 26, 2023, Public Hearing began a new phase of public engagement, given the Board is reviewing the Planning Commission Draft Zoning Ordinance (Draft Zoning Ordinance). Therefore, the public comment themes summarized below reflect comments received at and since the Board's Public Hearing.

1. **Village Conservation Overlay District (VCOD)** (Section [5.07.D.](#)) – The VCOD boundaries are established on the adopted Zoning Map and affect historic villages. Staff is seeking Board direction on revising the introductory statement to the VCOD Development Standards, as well as the following VCOD Development Standards: Building Height, Average Front Yard, Variation of Lot Sizes and Dimensions. Staff is also seeking Board direction on VCOD Garage Standards.

The VCOD regulations apply generally in the same location as the Rural Historic Village Place Type in the 2019 GP. The VCOD exists to implement the [Rural Historic Village Policies](#) and [Rural Historic Village Design Guidelines](#) identified in the 2019 GP. VCOD regulations are included in Section [4-2100](#) of the Revised 1993 Loudoun Zoning Ordinance (Revised 1993 Zoning Ordinance). Revisions to the VCOD regulations included in the Draft Zoning Ordinance are intended to further reinforce the pattern, character, and visual identity of existing villages by improving measures for achieving compatibility of new development with the existing built environment consistent with 2019 GP Rural Historic Village Policies and Design Guidelines. Furthermore, these updates are intended to provide additional interim protections for Rural Historic Villages until small area plans and related zoning regulations are developed pursuant to 2019 GP [Rural Historic Village Policy 1](#) and its related strategies and actions. As such, the VCOD Development Standards were updated to also include Building Features, Building Area, Side Yards, Rear Yards, Lot Coverage, Maximum Lot Width, and additional Garage Standards for new development. Small area plans for each Rural Historic Village anticipated to occur in the future will provide the County with additional guidance to further develop zoning regulations to better implement the Rural Historic Village Place Type.

- a. VCOD Development Standards (Section 5.07.D.) – Upon further consideration of the introductory language to Section 5.07.D., staff recommend adding clarifying language that expressly indicates that the VCOD Development Standards apply to all new construction, including additions to existing buildings, accessory buildings, and new subdivisions in the VCOD. This will make it clear that existing structures in the VCOD are not required to meet the VCOD Development Standards unless an addition or new construction on the lot of an existing building is undertaken.
- b. Building Height (Section 5.07.D.1.) – The Draft Zoning Ordinance revises the VCOD building height requirement in the (Revised 1993 Zoning Ordinance) to reduce the percentage increase in height that a new building could achieve. Section [4-2104\(A\)\(2\)](#) of the Revised 1993 Zoning Ordinance states, “**Building Height.** *Proposed buildings*

shall have a building height no greater than 50% higher than the highest building on the same side of the street within 150 feet of both sides of the parcel or parcels being developed, not to exceed the maximum building height permitted in the underlying zoning district. Notwithstanding the foregoing, accessory buildings within 150 feet shall not be included when determining the highest building.”

Section 5.07.D.1. of the Draft Zoning Ordinance requires proposed buildings to have a building height that does not exceed 25 percent of the average height of principal buildings on the same side of the road within 150 feet of both sides of the lot or lots being developed. As with the current regulation, the building height would also not be permitted to exceed the maximum building height permitted in the underlying zoning district. In most cases within the VCOD, the maximum permitted building height in the zoning district is 35 feet, but in certain zoning districts in the Ashburn VCOD the maximum building height is 40 feet. The Draft Zoning Ordinance does not change these heights.

With the proposed revision to the building height requirements, staff intended to ensure building heights were more compatible with existing principal buildings in the respective VCOD. However, staff inadvertently created a scenario wherein if one or more single-story buildings were included in the average, a two-story building would not be permitted. This could conflict with another new VCOD Development Standard requiring building stories to be consistent with existing buildings within 300 feet of the lot or lots to be developed (Section [5.07.D.2.a.](#)). Therefore, staff recommends revising the language that allow a building height to exceed 25 percent of the average height of buildings to achieve the building stories consistency requirement. In this case, the building height must not exceed 25 percent of the average height of the buildings with the same number of stories as the proposed building.

- c. Average Front Yard (Section [5.07.D.4.](#)) – The Draft Zoning Ordinance revises the VCOD average front yard requirement in the Revised 1993 Zoning Ordinance to clarify how to determine the average front yard. Section [4-2104\(A\)\(1\)](#) of the Revised 1993 Zoning Ordinance states, “**Average Front Yard.** *Adjacent buildings shall have front yard distances that maintain visual continuity of the streetscape. Buildings shall have front yards consistent with the front yard of principal buildings on the same side of the street within 150 feet of both sides of the parcel or parcels being developed.*” While the title of the section is “Average Front Yard,” the regulation does not provide a method for determining this average.

Section 5.07.D.4. of the Draft Zoning Ordinance provides a method to calculate an average front yard by requiring proposed buildings or additions to have a front yard depth that is within 25 percent of the average distance between principal buildings and front lot lines of lots on the same side of the road and within 150 feet of both sides of the lot being developed. This revision clarifies how to calculate the Average Front

Yard, which is missing from the similar requirement in the Revised 1993 Zoning Ordinance.

Through public comment, it came to staffs' attention that some properties have principal buildings that encroach beyond front lot lines and into road rights-of-way due to the historic development pattern in a VCOD, which could create an issue for calculating average front yards. Therefore, staff recommend adding a regulation that specifies a zero-foot front yard will be used for nonconforming parcels with principal buildings that encroach into the public right-of-way when calculating the Average Front Yard.

- d. Variation of Lot Sizes and Dimensions (Section 5.07.D.9.) –The Draft Zoning Ordinance includes a new lot width requirement in the Variation of Lot Sizes and Dimensions standards that is not in the Revised 1993 Zoning Ordinance. Section 4-2104(B)(2) of the Revised 1993 Zoning Ordinance states, “***Variation of Lot Building Sizes.*** *In all new residential subdivisions containing six (6) or more lots, a mixture of lot sizes and dimensions shall be provided. For example, larger and wider lots are encouraged on corners. Smaller lots are encouraged adjacent to parks and open spaces. No more than 33 percent of all lots shall be similar in total lot area. For purposes of this subsection, “similar” lot areas shall be defined as within 500 square feet of each other.*”

In addition to the requirements carried over from the current Variation of Lot Building Sizes, Section 5.07.D.9.b. of the Draft Zoning Ordinance requires a minimum lot width to be within 51 percent of the average of the smallest lot width and the largest lot width of existing residential lots within 300 feet of the subject lot or lots to be subdivided. This requirement does not apply if the subject lot or lots to be subdivided is not within 300 feet of an existing residential lot in the VCOD. This requirement further ensures that new subdivisions of six or more lots are compatible with the building and lot pattern along a street frontage in the respective VCOD, consistent with 2019 GP Rural Historic Village Policies.

Upon further consideration of the new lot width standard, staff concluded that average side and rear yard requirements combined with the maximum lot width requirement for new lots in subdivisions with six or more lots is overly complicated. Therefore, staff recommend indicating that average side yard and average rear yard requirements do not apply to such new lots. As such, the maximum lot width will regulate the compatibility of new lots. Staff also propose to clarify that Section 5.07.D.9.b. should use only the smallest and largest lot within 300 feet of the lots to be subdivided that are the VCOD.

- e. Garage Standards (Section 5.07.D.10.) – Staff revised the Garage Locations requirement in the Revised 1993 Zoning Ordinance to include a requirement that new garages must be detached from the principal building. Section 4-2104(B)(5) of the

Revised 1993 Zoning Ordinance states, “***Garage locations.*** *Front-loaded garages shall be setback at least 20 feet behind the front line of all principal buildings, except when a lot within 150 feet of, and on the same side of the street as, the subject lot has a garage setback less than 20 feet from the front lot line of all principal buildings on such lot, in which case the minimum garage setback shall be equal to the garage setback on such lot.*”

In addition to the requirements carried over from the current Garage Locations requirements, Section 5.07.D.10. of the Draft Zoning Ordinance requires new garages to be detached from the principal building and limits garage door size to the width and height needed to accommodate two vehicles. Requiring new garages to be detached from principal buildings is consistent with 2019 GP Rural Historic Village Policies that anticipate 1) development to be compatible with the historic development pattern, community character, visual identity, intensity, and scale of individual villages and 2) a review and revision of zoning regulations to achieve such compatible development, as well as [Rural Historic Village Design Guideline 5](#), which states, “*New buildings will be oriented on their site to maintain the existing street pattern, street design, and relationship to other buildings to reinforce the historic development pattern of the village,*” and [Guideline 6](#), which states, “*The scale, size, massing, and design of new buildings will adopt building forms and architectural styles related to the individual character of the village.*” Except for the Ashburn VCOD, all Rural Historic Villages/VCODs are in the Rural Policy Area. The historic development pattern of such historic villages is for outbuildings or accessory buildings, including garages, to be detached from the principal building on a lot. Attaching a garage to a principal building is a more modern building form that is not typical of historic buildings. Therefore, a requirement for new garages to be detached from the principal building will ensure compatible historic development pattern, character, building design and building placement consistent with the 2019 GP Rural Historic Village Policies and Design Guidelines.

Public Comment Themes:

- Certain changes to the VCOD requirements, including the height, building features, average yards, variation of lot size, and garage standards will be difficult to implement or are too restrictive; and,
- Changes to the VCOD requirements are consistent with the 2019 GP as they support compatibility within Rural Historic Villages, and they should be retained as written in the Draft Zoning Ordinance.

Commission: The Commission endorsed the VCOD regulations as included in the Draft Zoning Ordinance. They did not have extensive discussion or provide additional direction on this section, nor expressly discuss the topics in this memorandum, as they originated in response to public comment received after the Commission concluded its review of the Draft Zoning Ordinance.

Staff: Staff recommend endorsement of the proposed VCOD Development Standards with the changes discussed in this memorandum, as they will provide additional interim protections while Rural Historic Village small area plans are developed for each village. The recommended changes are summarized below. Staff provided motions for these changes will be provided in the Supplemental Memo for the September 26, 2023, Committee of the Whole Work Session.

- Revise Section 5.07.D. VCOD Development Standards to clarify that the VCOD Development Standards apply to all new construction, including additions to existing buildings, accessory buildings, and new subdivisions in the VCOD.
- Revise Section 5.07.D.1. Height to include language that allows a building height to exceed 25 percent of the average height of buildings on the same side of the road within 150 feet of both sides of the lot or lots being developed that have the same number of stories that are provided by the proposed building to meet Section 5.07.D.2.a.
- Revise Section 5.07.D.4. Average Front Yard to add a regulation that specifies a zero-foot front yard will be used for nonconforming parcels with principal buildings that encroach into the right-of-way when calculating the Average Front Yard.
- Revise Section 5.07.D.9. Variation of Lot Sizes and Dimensions to i) indicate that average side yard and average rear yard requirements do not apply to new lots in subdivisions with six or more lots, and ii) clarify that Section 5.07.09.b. should only use the smallest and largest lot within 300 feet of the lots to be subdivided that are in the VCOD.

FISCAL IMPACT: The ZOR project is currently funded and is operating within its \$1 million budget. The Board authorized carrying this fund balance over from fiscal year to fiscal year as the project continues. There are approximately \$806,577 in identified costs, which include consultant expenses, public noticing, meeting materials, and print and production. Approximately \$575,246 of the \$806,577 has been paid, with approximately \$193,423 remaining in the project budget.

ALTERNATIVES:

1. The Board may endorse Chapter 5: Overlay Districts, subject to the motions approved by the Board during the October 2, 2023, Work Session.
2. The Board may endorse Chapter 5: Overlay Districts, subject to the motions approved by the Board during the October 2, 2023, Work Session.
3. The Board may not endorse Chapter 5: Overlay Districts and may forward this chapter to a future Work Session for further discussion.

DRAFT MOTIONS:

- f. **Groundwater Protection.** The County may require the applicant to establish a regular system of groundwater monitoring by a qualified professional for the proposed development and such other measures as may be recommended by other County Ordinances.
- g. **Prohibition of Additional Specific Pollution Sources.** The County may prohibit specific pollution sources, as defined in Chapter 5 of the FSM as "stormwater hotspots," and other uses and activities with high risk of releasing pollutants, if the applicant does not propose effective mitigation measures acceptable to the County, provide evidence that such pollution sources will be monitored, and that facility design standards will be followed.
- O. **Additional LOD Procedures.** Refer to Section 10.01.F.3.c. for additional LOD procedures and submission requirements.

5.06 Quarry Notification Overlay District

Purpose. *The purpose of the Quarry Notification Overlay District (QNOD) is to acknowledge the unique land use impact of a quarry on neighboring land uses and the need to notify the owners of the presence of a neighboring quarry.*

- A. **Applicability and District Boundaries.** The QNOD boundaries are based on the presence of quarrying operations at any location in the County. The QNOD includes all parcels within 3,000 feet of any property approved for quarrying operations whether or not blasting operations occur on such property.
- B. **Use Limitations.** In addition to the use limitations and regulations for the Zoning District over which the QNOD is located, the following use limitation applies: **Full Disclosure Statement.** For all residential and/or nonresidential structures constructed within the QNOD, the owner must disclose in writing to all prospective purchasers that they are located within an area that may be impacted by quarry operations and blasting. Such notification will be accomplished by inclusion of this information in all of the following:
 - 1. Deeds of conveyance;
 - 2. Subdivision plats and Site Plans;
 - 3. Owners Association documents;
 - 4. Illustrative Site Plan(s) on display within any sales related office(s);
 - 5. Promotional documents;
 - 6. Brochures; and
 - 7. Sales contracts.

5.07 Village Conservation Overlay District

Purpose. *The purpose of the Village Conservation Overlay District (VCOD) is to:*

- *Implement the Rural Historic Village Place Type of the General Plan;*
- *Recognize that each Rural Historic Village has a unique character linked to its historic development pattern, spatial organization, and location within the County and sense of place that should be preserved and enhanced;*
- *Support the retention and reinforcement of historic development patterns, character, and visual identity of individual villages;*
- *Protect the small, compact, pedestrian-scale, rural communities characterized by low-density residential development situated on smaller lots interspersed with limited commercial uses and encourage extension of this development pattern when new construction occurs;*
- *Protect and reinforce the commercial core of villages that provides for the daily needs of village residents, surrounding rural residents, and visitors;*

- *Ensure new commercial and residential construction is designed to complement surrounding properties and maintain the existing development pattern within each Village by:*
 - *Respecting each village's historic precedents for lot size, building setbacks, spacing, and orientation to the road; and*
 - *Considering the context of each village's historic buildings by designing new buildings that are compatible in siting, size, scale, massing, materials, design details, and roof forms; and*
 - *Maintain areas of open space and natural areas on the perimeter of the villages to retain a hard edge and visual separation of the Rural Historic Villages from the surrounding agricultural landscape; and*
 - *Preserve existing trees and vegetation, which define building lots and contribute to the streetscape.*
- A. **Applicability.** The VCOD is established as an overlay district, meaning that it is a district overlaid upon other districts. Land within the VCOD may be used as permitted in the underlying district, subject to the VCOD Development Standards of this district.
- B. **District Boundaries.** The VCOD boundaries are as established on the adopted zoning map and affect the following villages set forth below.
1. Aldie.
 2. Ashburn.
 3. Bluemont.
 4. Bowmantown (also known as Aldie Mountain).
 5. Lincoln.
 6. Loudoun Heights.
 7. Lucketts.
 8. Neersville.
 9. Paeonian Springs.
 10. Philomont.
 11. St. Louis.
 12. Taylorstown.
 13. Waterford.
- C. **Expansion of VCOD Boundaries.** Expansion of the VCOD is only permitted in areas designated as the Rural Historic Village Place Type in the General Plan.
- D. **VCOD Development Standards.** When the following requirements conflict with other provisions of the Zoning Ordinance, the following apply unless otherwise noted:
1. **Building Height.** Proposed buildings must have a building height that does not exceed 25% of the average height of principal buildings on the same side of the road within 150 feet of both sides of the lot or lots being developed. The building height is not permitted to exceed the maximum building height permitted in the underlying Zoning District; and
 2. **Building Features.** Proposed buildings should be consistent with the following building design elements of existing buildings within 300 feet of the lot or lots being developed:
 - a. Building stories;
 - b. Roof type;
 - c. Front or side (if visible from the road) porch type and location; and
 - d. Building orientation; and

3. **Building Area.** The gross square footage of proposed buildings must be within 50% of the average gross square footage of principal buildings on the same side of the road within 150 feet of both sides of the lot or lots being developed;
4. **Average Front Yard.** Notwithstanding the front yard requirements for the underlying Zoning District, the depth of a front yard on a lot on which a principal building or an addition to an existing principal building is proposed must have a front yard depth that is within 25% of the average distance between principal buildings and front lot lines of lots on the same side of the road and within 150 feet of both sides of the lot being developed.;
5. **Average Side Yard.** The depth of the side yard on a lot on which a principal building or an addition to an existing principal building is proposed must have a side yard depth that is within 50% of the average distance between principal buildings and side lot lines on the same side of the road and within 150 feet of both sides of the lot being developed. Side yards are not permitted to be less than the minimum side yard permitted in the underlying Zoning District;
6. **Average Rear Yard.** Notwithstanding the rear yard requirements for the underlying Zoning District, the depth of the rear yard on a lot on which a principal building or an addition to an existing principal building is proposed must have a rear yard depth that is within 50% of the average distance between principal buildings and rear lot lines of lots on the same side of the road and within 150 feet of both sides of the lot being developed;
7. **Lot Coverage.** The maximum lot coverage for existing lots less than 1 acre in size may be increased by up to 25% of the maximum lot coverage permitted in the underlying Zoning District for the purpose of constructing an addition to an existing principal building or an accessory building;
8. **Maximum Lot Size.** The size of any new lot is not permitted to be greater than the largest existing lot along the same road as and within 100 feet of the new lot;
9. **Variation of Lot Sizes and Dimensions.** In all new subdivisions containing 6 or more lots, a mixture of lot sizes and dimensions must be provided as follows:
 - a. No more than 33% of all lots are permitted to be similar in total lot area. For purposes of this Section 5.07.D.9., "similar" lot areas are defined as within 500 square feet of each other;
 - b. The lot width for new lots must be within 51% of the average of the smallest lot width and the largest lot width of existing residential lots within 300 feet of the subject lot or lots to be subdivided. **Exception.** If the subject lot or lots to be subdivided is not within 300 feet of an existing residential lot in the VCOD, the lot width requirement does not apply;
 - c. Larger and wider lots are encouraged on corners; and
 - d. Smaller lots are encouraged adjacent to parks and open spaces; and
10. **Garage Standards.** Garages constructed in the VCOD must meet the following requirements:
 - a. Front-loaded garages are subject to a set back at least 20 feet behind the front plane of all principal buildings. **Exception.** When a lot on the same side of the road and within 150 feet of the subject lot has a garage with a setback less than 20 feet from the front plane of all principal buildings on such lot, the minimum garage setback may be equal to the garage setback on such lot;
 - b. Garages must be detached from the principal building; and
 - c. The maximum width and height of a garage door opening is the width and height needed to accommodate two automobiles; and
11. **Connections to Existing Roads.** Within the VCOD, the connections to the existing road network for any new development must be provided pursuant to Section 7.07.02 and as follows:
 - a. If feasible, the new road must be designed in a way that does not terminate before connecting or intersection with another road;

- b. The road network for new developments of 6 or more lots must connect to existing roads where feasible and continue the predominate road pattern in the village:
 1. When blocks are the predominate road pattern, the length of new blocks must be within 30% of the average existing length of blocks in the village; and
 2. Blocks designed to include a mid-block through-alley may be a maximum of 2 times the average existing length of blocks without a mid-block through-alley in the village; and
 - c. The road network for new developments must incorporate and connect to road connections provided by previously approved adjacent developments.
12. **Sidewalks.** Sidewalks may be provided for the lot, or lots being developed in accordance with the Facilities Standards Manual (FSM).
 13. **Street Trees.** Street trees must be provided in accordance with Section 7.04.02.E.

5.08 Historic Overlay District

Purpose. The purpose of the Historic Overlay District (HOD) is to:

- Protect the historic character and resources of established HODs in the County;
- Foster civic pride and preserve an appreciation for the historic values on which the County and the Nation were founded;
- Maintain and improve property values;
- Protect and enhance the County's attraction to tourists and visitors;
- Provide for the education and general welfare of the people of the County;
- Protect against destruction of or encroachment upon historic areas;
- Promote the general welfare through the preservation and protection of historic places and areas of historic interest in the County; and
- Otherwise accomplish the general purposes of the Zoning Ordinance, the General Plan, and the provisions of the Code of Virginia Chapter 22 of Title 15.2.

A. **Authority.** HODs are regulated in accordance with the Code of Virginia §§ 15.2-2306 and 15.2-2283.

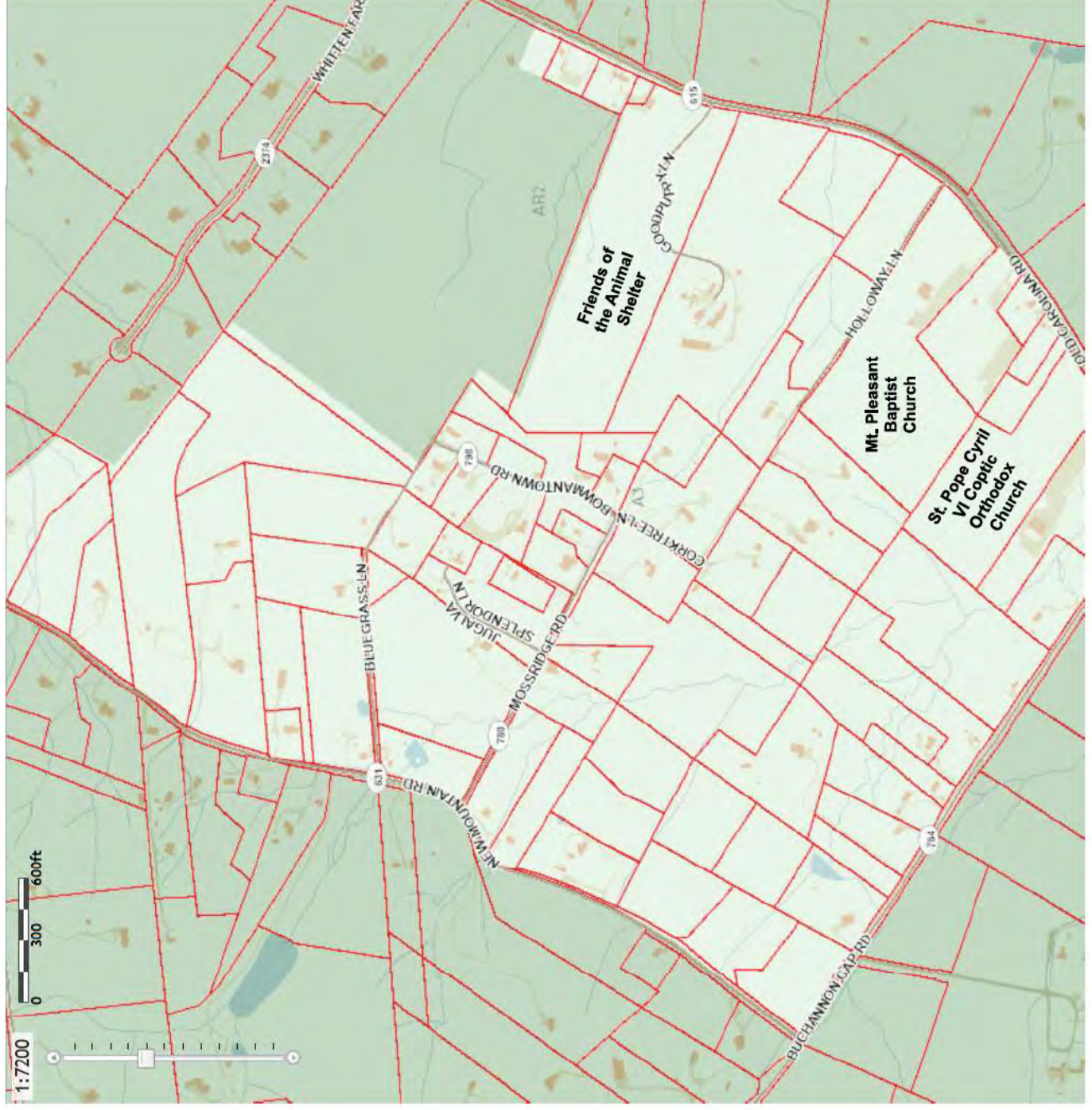
B. **Applicability.** The requirements of Section 5.08 apply to each parcel located in HODs established pursuant to Section 10.10.08. HODs are also subject to:

1. Sections 11.04 and 10.10.08; and
2. The individual Historic District Guidelines established for each HOD, which are hereby incorporated into, and adopted as part of, the Zoning Ordinance.

C. **Certificate of Appropriateness—Administrative for Minor Actions.** The Zoning Administrator has the authority to approve Certificates of Appropriateness—Administrative for the following minor actions:

1. Minor amendments to a previously approved Certificate of Appropriateness where the work authorized by the previously approved Certificate of Appropriateness has not been completed and the proposed amendment is in substantial conformance with the previously approved Certificate of Appropriateness;
2. Removal of non-contributing material;
3. Minor alteration of a non-contributing structure;
4. Construction of accessory structures that are 250 square feet or less;
5. Replacement of windows and/or doors;
6. Installation or replacement of storm windows and storm doors;

BOWMANTOWN



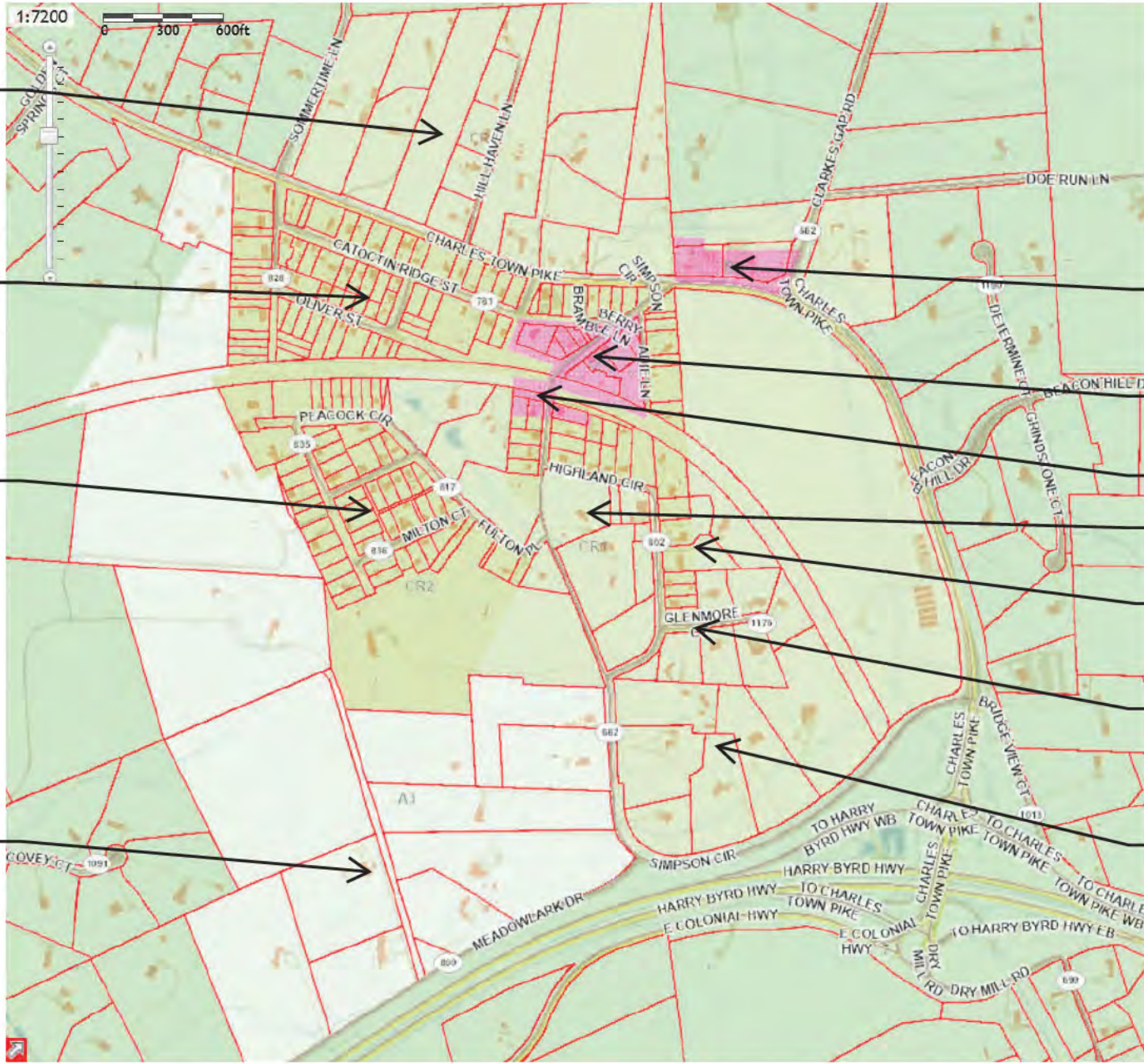
PAEONIAN SPRINGS

A-3 Residential Development - Larger Lots

Post-WWII Affordable Housing (CR-2 Countryside Residential)

Post-WWII Affordable Housing (CR-2 Countryside Residential)

A-3 Residential Development - Larger Lots



Commercial Corridor Business District (RC - Rural Commercial Zoning)

Village Business District (RC - Rural Commercial Zoning)

W&OD Rail Station

Chanbourne Historic Mansion

Monroe Vo-Tech Student-Built Homes

1990's Traditional Residential Subdivision (CR-1 Countryside Residential)

1990's Traditional Residential Subdivision (CR-1 Countryside Residential)

From: [Birkitt, Judi](#)
To: [Torrible, Christina](#); [Wegener, Brian](#); [Miller, Teresa](#)
Subject: PUBLIC COMMENTS Sept. 26 2023 Stakeholders 5 & 6 BOS Worksession MOTIONS - Chapters 3, 4 and 12 - Rural Uses
Date: Tuesday, September 19, 2023 10:23:19 AM
Attachments: [ZOR Groups 5 & 6 EQUINE USE Motions - 9-26-23.docx](#)
[ZOR Groups 5 & 6 QUALITY CONTROL Motions - 9-26-23.docx](#)
[ZOR Groups 5 & 6 AG PROC. & DEFINITIONS Motions - 9-26-23.docx](#)
[2023 SEPT-PROPOSED TEXT Ag-Equine-Use Stds-Def. Revisions.pdf](#)

From: LCPCC Committees <zoning.cmte@loudouncoalition.org>
Sent: Monday, September 18, 2023 6:43 PM
To: Turner, Mike <Mike.Turner@loudoun.gov>
Cc: Robert Pollard <[REDACTED]>; Michael Myers <[REDACTED]>; Gem Bingol <[REDACTED]>; Tia Earman <[REDACTED]>; Kelly Foltman <[REDACTED]>; Madeline Skinner <[REDACTED]>; Pqweeks <[REDACTED]>; Chris <[REDACTED]>; Maura Walsh-Copeland <[REDACTED]>; Kroboth, Joe <Joe.Kroboth@loudoun.gov>; Galindo, Daniel <Daniel.Galindo@loudoun.gov>; Birkitt, Judi <Judi.Birkitt@loudoun.gov>
Subject: [EXTERNAL] Sept. 26 2023 Stakeholders 5 & 6 BOS Worksession MOTIONS - Chapters 3, 4 and 12 - Rural Uses

On behalf of ZOR Stakeholder Groups #5 and #6, and associated organizations, we are jointly submitting the attached motions for the Sept. 26th BOS worksession discussion of Chapters 3, 4 and 12.

The attached motions were specifically selected to address consistent ZOR public input (documented by Kimley Horn) that should not be delayed to a future Rural Uses-specific ZOAM. These motions address quality control issues and errors as well as the most frequent input from organizations and constituents requested to be completed during the Zoning Ordinance Rewrite.

For your awareness, multiple conservation/preservation and animal/wildlife stakeholder groups advised Charles Yudd in July and Mr. Kroboth, Mr. Galindo, Ms Birkitt and Mr. Hobbie in August that we have been *collectively working hard all summer* to ensure input is *consistent with, not contradictory to*, REDC advisory group input (sent separately). This was purposely to assist Staff to not be confused by or perceive questions in common as conflicting requests from multiple stakeholder interests.

The attached motions include:

4.08.06 Stable, Livery and 4.08.10 Equestrian Event Facility use-specific standards

•

- Although the Planning Commission made some helpful adjustments, they did not resolve the issues in existence since the 2015 Rural ZOAM.

Separation of the Chapter 4 use-specific standards for equine uses is a first step to correct various business non-compliance issues. LCEA has provided additional motions for consideration. Equine uses should also remain as topics in a future ZOAM.

Quality control corrections for operations in proximity to residential uses

- - ZOR public input documented concerns (referenced in the Kimley Horn report) regarding the location criteria, noise, and inconsistent setbacks in proximity to residential property. Including use-specific standards and consistent setbacks for Code of Virginia uses would clarify regulations for zoning, zoning enforcement, businesses and residents.
 - Basic use-specific standards should be included in ZOR for Code of VA licensed uses to
 - provide regulation visibility and clarity for zoning, enforcement, business establishment and constituents,
 - equally apply county-wide noise regulations (7.05.03.E) that will not apply without use-specific standards,
 - establish consistent setbacks for operations in proximity to residential instead of zoning district defaults, and
 - provide zoning administration and enforcement adequate criteria for complaint verification.

4.08.12 Agricultural Processing corrections and Chapter 12 Definitions

- Allowing Agricultural Processing to include products "*derived from agriculture operational within Loudoun County*" instead of a single parcel will allow current businesses to continue operations without violation of the zoning ordinance.
- Definition of "Farm." Per a request from Mr. Yudd before his retirement, a comprehensive review of the substantial reasons for a definition of "farm" was completed (to be sent under separate cover). The motion highlights the primary findings and justifications for a definition in support of ZOR public input over the past three years.

To assist further, revised draft text was prepared to explain the recommendations and help Staff expedite the process of updating text if and/or when approved by the BOS (see attached).

Submitted on behalf of

Bob Pollard, Group #5 coordinator

Michael Myers, Group #6 coordinator & Loudoun Wildlife Conservancy (LWC)

Speakers/Advisors:

Gem Bingol, Piedmont Environmental Council (PEC)

Tia Earman, Farm Bureau

Dr. Kelly Foltman, Loudoun County Equine Association (LCEA)

Madeline Skinner, Loudoun Historic Village Alliance (LHVA)

Chris Van Vlack, Loudoun Soil & Water Conservation District (LWWCD)

Maura Walsh-Copeland, Hillsboro Preservation Foundation (HPF)

Peter Weeks, Friends of the Blue Ridge Mountains (FBRM)

STAKEHOLDER GROUPS #5 & #6 MOTIONS	BACKGROUND / JUSTIFICATIONS
CHAPTER 3 - USES	
CHAPTER 4 - USE-SPECIFIC STANDARDS	
<p>4.08.06 Stable, Livery</p> <p>I move that 4.08.06 Stable, Livery be revised to separate the use-specific standards from sections 4.08.02 Agriculture, 4.08.03 Agriculture Support Uses Direct Association and 4.08.04 Agriculture Support Uses Standalone.</p> <p>I further move that Staff revise the use-specific standards as proposed by the Loudoun County Equine Alliance (LCEA) and stakeholders in draft text provided.</p>	<p>The Planning Commission made some helpful adjustments to use-specific standards for Stable, Livery.</p> <p>However, they did not resolve the issue that use standards were grouped within "Ag Support Uses" via Rural Uses ZOAM 2015 without sufficient input from the equine industry. This has resulted in business non-compliance issues for eight years.</p> <p>Separating the Use-specific standards will better align the equine use to actual operations. Any unresolved or longer term use standards questions should be included and prioritized in the future "Western Loudoun" ZOAM.</p>
<p>4.08.10 Equestrian Event Facility</p> <p>I move that 4.08.10 Equestrian Event Facility be revised to separate the use-specific standards from sections 4.08.02 Agriculture, 4.08.03 Agriculture Support Uses Direct Association and 4.08.04 Agriculture Support Uses Standalone.</p> <p>I further move that Staff revise the use-specific standards as proposed by the Loudoun County Equine Alliance (LCEA) and stakeholders in draft text provided.</p>	<p>The Planning Commission made some helpful adjustments to use-specific standards for the Equestrian Event Facility use.</p> <p>However, they did not resolve the issue that use standards were grouped within "Ag Support Uses" via Rural Uses ZOAM 2015 without sufficient input from the equine industry.</p> <p>Separating the Use-specific standards will better align the equine use to actual operations. Any unresolved or longer term use standards questions should be included and prioritized in the future "Western Loudoun" ZOAM.</p>
<p>Sections 4.08.02, 4.08.03, 4.08.04</p> <p>I move that the 4.08.02 Agriculture, 4.08.03 Agriculture Support Uses Direct Association and 4.08.04 Agriculture Support Uses Standalone Use-Specific Standards be revised to remove Stable, Livery and Equestrian Event Facility standards (moved to separate 4.08.06 and 4.08.10 use-specific standards)</p>	
<p><u>Loudoun County Equine Association (LCEA)</u> <u>ADDITIONAL MOTION</u></p>	<p>The Planning Commission made some helpful adjustments to use-specific standards for Stable, Livery. However, they did not resolve the issue that</p>

STAKEHOLDER GROUPS #5 & #6 MOTIONS	BACKGROUND / JUSTIFICATIONS
<p>4.08.06 Stable, Livery</p> <p>I move that 4.08.06 Stable, Livery be revised to</p> <ul style="list-style-type: none"> • remove the square foot limitation for storage, • remove the increased setbacks based on building square feet • replace with 60 feet from lot line for any size structure, • revise buffering/screening requirements so that they are not a financial business burden, and • Retain equine use-specific standards review in a future ZOAM 	<p>use standards were grouped within “Ag Support Uses” via Rural Uses ZOAM 2015 without sufficient input from the equine industry. This has resulted in business non-compliance issues for eight years.</p> <ul style="list-style-type: none"> • Storage. Many liverys require storage buildings for equipment, hay and bedding that exceed the current 5000sf limit for total storage. • Setbacks <ul style="list-style-type: none"> ○ A 120 foot setback or more is required for all structures greater than 12,000 sq ft on parcels less than 25 acres. ○ The most common stand alone indoor riding arena is 80’ x 200’ outside dimensions (16,000sf). ○ Most liverys with arenas are currently out of zoning compliance. ○ Many arenas have stabling attached to the arena which adds to sf. ○ In addition, the 120 foot setback will make new establishments face costly SPEX or require purchase of additional land to meet the building setback requirement. • Buffer/Screening. Most if not all liverys have no planted or bermed buffers. • Any unresolved or longer term use standards questions should be included and prioritized in the future “Western Loudoun” ZOAM.
<p><u>Loudoun County Equine Association (LCEA)</u> <u>ADDITIONAL MOTION</u></p> <p>4.08.10 Equestrian Event Facility</p> <p>I move that 4.08.10 Equestrian Event Facility be revised to</p> <ul style="list-style-type: none"> • remove the square foot limitation for storage, • remove the increased setbacks based on building square feet • replace with 60 feet from lot line for any size structure, • revise buffering/screening requirements so that they are not a financial business burden, and • Retain equine use-specific standards review in a future ZOAM. 	<p>The Planning Commission made some helpful adjustments to use-specific standards for the Equestrian Event Facility use. However, they did not resolve the issue that use standards were grouped within “Ag Support Uses” via Rural Uses ZOAM 2015 without sufficient input from the equine industry.</p> <p>Separating the Use-specific standards will better align the equine use to actual operations.</p> <p>Any unresolved or longer term use standards questions should be included and prioritized in the future “Western Loudoun” ZOAM.</p>

STAKEHOLDER GROUPS #5 & #6 MOTIONS	BACKGROUND / JUSTIFICATIONS
<p>4.08.05 Brewery, Limited</p> <p>I move that Sections 4.08.05.B Location be revised with Code of Virginia clarifying text as follows:</p> <ol style="list-style-type: none"> 1. A limited brewery must be located on a farm on land zoned agricultural, <u>and agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm.</u> 2. A limited brewery must be located on one or more contiguous parcels of land, totaling at least 10 acres, owned or leased by the licensed limited brewery. 3. <u>The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof.</u> 	<p><u>QUALITY CONTROL CORRECTIONS</u></p> <p>ZOR Public input documented concerns regarding the location criteria for this use.</p> <p>To address these public concerns, the Code of Virginia § 4.1-206.1 requirements should be added (red text) in use-specific standards for</p> <ul style="list-style-type: none"> • zoning regulation clarity, • business establishment review, • staff application review, • public awareness and • zoning enforcement. <p>In the alternative, the requirements for clarity could be included in the Chapter 12 definitions.</p>
<p>4.08.05 Brewery, Limited</p> <p>I move that Sections 4.08.05.C Intensity/Character be revised as follows:</p> <p>Outdoor tasting rooms or similar outdoor activities must be set back at least 50 60 feet from all lot lines of adjacent agriculturally or residentially zoned properties under separate ownership.</p>	<p>ZOR Public input documented concerns about inconsistent setbacks for uses in proximity to residential properties.</p> <p>A setback of 60 feet is consistent as a minimum setback with other Agriculture Use-Specific Standards:</p> <ul style="list-style-type: none"> • Agriculture, Horticulture, and Animal Husbandry • Agriculture Support Uses (Direct Association with On-Site Agricultural Activity) Level I, 5 to 25 acres. • Agriculture Support Uses (Standalone) Level I, 5 to 25 acres. • Comparison setbacks for other rural uses that host attendees and/or the paying public: <ul style="list-style-type: none"> ○ Banquet/Event Facility 4.04.05. Building setback is 100 feet from all lot lines and outdoor activities are 200 feet, ○ Rural Retreat 4.05.17. Building setback: 200 feet ○ Cultural Tourism 4.05.10. Building setbacks range from 100-200 feet depending on square feet of structures.
<p>4.08.XX Distillery, Limited</p> <p>I move that the previously considered basic use-specific standard reviewed by the Planning Commission be included in the zoning ordinance, with Code of Virginia clarifying text as provided below.</p> <p>4.08.XX Distillery, Limited</p> <p>A. Applicability. Section 4.08.XX applies to limited</p>	<p><u>QUALITY CONTROL CORRECTIONS</u></p> <p>The Code of Virginia § 4.1-206.1 established the Distillery, Limited Use. <u>However the R93 Zoning Ordinance does not include reference to, definition, or any regulations for this use.</u></p> <p>Due to the <u>absence</u> of 5-600 performance standards, Loudoun Zoning, Zoning Enforcement, businesses and citizens have had to rely on a</p>

STAKEHOLDER GROUPS #5 & #6 MOTIONS	BACKGROUND / JUSTIFICATIONS
<p>distilleries.</p> <ol style="list-style-type: none"> Limited distilleries must be licensed as a Limited Distillery in accordance with Code of Virginia Title 4.1. No limited distillery may be established either as the initial use of the subject property or by change of use of the property until a Zoning Permit is approved pursuant to Section 10.04. The owner of a limited distillery 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 distillery prior to establishing the use. <p>B. Location.</p> <ol style="list-style-type: none"> A limited distillery must be located on a farm on land zoned agricultural and use agricultural products that are grown on the farm in the manufacture of their alcoholic beverages. A limited distillery must be located on one or more contiguous parcels of land, totaling at least 10 acres, owned or leased by the licensed limited distillery. <p>C. Intensity/Character. Outdoor tasting rooms or similar outdoor activities must be set back at least 60 feet from all lot lines of adjacent agriculturally or residentially zoned properties under separate ownership.</p> <p>D.Private Access Easements. Limited Distilleries that share a private access easement with another property owner/s, must show the easement allows access to such use.</p>	<p>Zoning Advisory Opinion Determination letter (ZCOR) – <i>not readily available for reference or review</i> – for permitting and enforcement.</p> <p>Basic use-specific standards that “mirror” Brewery, Limited standards should be included in the Zoning Ordinance Rewrite to:</p> <ul style="list-style-type: none"> Provide regulation visibility and clarity with Code of VA §4.1-206.1 for zoning, zoning enforcement, businesses and citizens. This should not wait until after a future ZOAM. Apply Chapter 7.05.03.F* County-wide Noise regulations to this use. Without Ch. 4 use-specific standards: <ul style="list-style-type: none"> There will be a quality control disconnect issue between Chapters 4 and 7. Noise for VaABC licensed uses was highlighted on the Kimley Horn report as a remaining significant issue. This issue should not remain <i>unaddressed</i> until a future ZOAM. <p><i>*F. Use-Specific Noise Standards. The following noise standards apply to all Use-Specific Standards of Chapter 4 unless the Use-Specific Standard provides otherwise.</i></p> <ol style="list-style-type: none"> <i>Location in Relation to Residential Use. No loading/unloading activities or other noise-producing activities are permitted within 250 feet of an existing principal dwelling.</i> <i>Maximum Noise. The maximum allowable impulsive sound emitted from the specific use, as measured at the lot line of any adjacent lot that permits a single-family dwelling as a principal use, is 55 dB(A).</i> <i>Outdoor Music. Outdoor music is not permitted after 11:00 p.m.</i> <ul style="list-style-type: none"> Define consistent setbacks with other Agriculture Use-Specific Standards. <ul style="list-style-type: none"> Zoning Admin confirmed that without Distillery, Limited Use-specific standards setbacks <i>default</i> to the general zoning district (25' to 35') that are insufficient for businesses near residential properties. Provide Zoning Administration & Enforcement with criteria required to evaluate complaints.
<p>4.08.XX Winery, Virginia Farm</p> <p>I move that the previously considered basic use-specific standard reviewed by the Planning</p>	<p><u>QUALITY CONTROL CORRECTIONS</u></p> <p>The Code of Virginia § 4.1-206.1 established the Winery, Virginia Farm Use. <u>However the R93</u></p>

STAKEHOLDER GROUPS #5 & #6 MOTIONS	BACKGROUND / JUSTIFICATIONS
<p>Commission be included in the zoning ordinance, with Code of Virginia clarifying text as provided below.</p> <p>4.08.XX Winery, Virginia Farm</p> <p>A. Applicability. Section 4.08.XX applies to Virginia farm wineries.</p> <ol style="list-style-type: none"> 1. Virginia farm wineries must be licensed as a Virginia farm winery in accordance with Code of Virginia Title 4.1. <i>A farm winery license shall be designated either as a Class I, Class II, Class III, or Class IV farm winery license in accordance with the limitations set forth in § 4.1-219.</i> <i>Alternative: Require the reference in Chapter 12 Winery, Virginia Farm definition.</i> 2. No Virginia farm winery can be established either as the initial use of the subject property or by change of use of the property until a Zoning Permit is approved pursuant to Section 10.04. 3. The owner of a Virginia farm winery 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 distillery prior to establishing the use. <p>B. Location.</p> <ol style="list-style-type: none"> 1. A Virginia farm winery must be located on a farm <i>on</i> land zoned AR-1, AR-2, TR-10, TR-3, TSN, A-10, JLMA-1, JLMA-2, JLMA-3, or JLMA-20. <p>C. Intensity/Character. Outdoor tasting rooms or similar outdoor activities must be set back at least 60 feet from all lot lines of adjacent agriculturally or residentially zoned properties under separate ownership.</p> <p>D. Private Access Easements. Virginia farm wineries that share a private road with another property owner/s, must show the easement allows access to such use.</p>	<p><u>Zoning Ordinance does not include reference to or regulations for this use.</u></p> <p>Due to the <u>absence</u> of 5-600 performance standards, Loudoun Zoning, Zoning Enforcement, businesses and citizens have no consistent reference for use standards.</p> <p>Basic use-specific standards that “mirror” Brewery, Limited standards should be included in the Zoning Ordinance Rewrite to:</p> <ul style="list-style-type: none"> • Provide regulation visibility and clarity with Code of VA §4.1-206.1 for zoning, zoning enforcement, businesses and citizens. This should not wait until after a future ZOAM. • Apply Chapter 7.05.03.F* County-wide Noise regulations to this use. Without Ch. 4 use-specific standards: <ul style="list-style-type: none"> ○ There will be a quality control disconnect issue between Chapters 4 and 7. ○ Noise for VaABC licensed uses was highlighted on the Kimley Horn report as a remaining significant issue. ○ This issue should not remain <i>unaddressed</i> until a future ZOAM. • Define consistent setbacks with other Agriculture Use-Specific Standards. <ul style="list-style-type: none"> ○ Zoning Admin confirmed that without Distillery, Limited Use-specific standards setbacks <i>default</i> to the general zoning district (25' to 35') that are insufficient for businesses near residential properties. • Provide Zoning Administration & Enforcement with criteria required to evaluate complaints. • The Loudoun regulations will not correspond to the July 1, 2023 Code of Virginia changes that removed “on a farm.”

CHAPTER 4: USE-SPECIFIC STANDARDS

4.08 Agriculture

PROPOSED NEW EQUINE USE-SPECIFIC STANDARDS (Separated)

4.08.06 Stable, Livery – NEW consolidated Direct and Standalone Use standards

4.08.10 Equestrian Event Facility – NEW consolidated Direct and Standalone Use standards

Changes are required to:

- **Provide separation and definition of Equestrian Use-specific Standards** to align the uses more closely with other agricultural uses.
- **Implement the new separate use standards IN ZOR**, with any unresolved questions to be addressed in the proposed “Western Loudoun” future ZOAM.
- **Provide revised text to assist Staff.**
- **Identify key questions for further discussion/review** with BOS work sessions and future ZOAM.

REVISED TEXT (Stable, Livery and Equestrian Event Facility REMOVED)

4.08.01 Agriculture, Bona Fide – Question. (*NOTE: Confirmation received from Staff that headings are transposed. Will be corrected for BOS review.*)

4.08.02 Agriculture, Horticulture and Animal Husbandry

4.08.03 Agriculture Support Uses (Direct Association with On-Site Agricultural Activity) – REVISED (Remove Stable, Livery and Equestrian Event Facility)

4.08.04 Agriculture Support Uses (Standalone) – REVISED (Remove Stable, Livery and Equestrian Event Facility)

FOR DISCUSSION WITH COUNTY STAFF –

**Loudoun County Equine Association (LCEA)
Proposed Equine STABLE, LIVERY Use Specific Standard Changes,
Supported by REDC ZOR Ad hoc Committee**

4.08.06 Stable, Livery

4.08.06.B. Accessory uses include offices, storage areas, tenant dwelling (s), teaching and training students in horsemanship (including ridden, driven and in hand skills), equine assisted therapy, and caring for, breeding, and training of horses.

4.08.06.C. Intensity/Character

1. Site size minimum 15 acres
2. Visitor/parking spaces see parking standards
3. Hours of operation 4:00am-9:00 pm
4. Owner. The livery stable must be operated or maintained by the owner and/ or lessee of the land upon which the primary associated operation is conducted.

4.08.06.E. Size of Use. Is this Necessary? (Note that construction of buildings is costly so sqft is generally limited to needs, including indoor arenas, stables, pasture run in sheds, and separate storage buildings for machinery, hay and bedding)

4.08.06.F. Location

All setbacks 60 feet (in alignment with agricultural uses including winery and limited brewery).
Additional setbacks due to size of building? (Justification?)

4.08.06.G. Landscaping/Buffering/Screening.

1. Buffer. Requires review. Too restrictive for use. Established with 2015 ZOAM and inappropriately applied.
2. Storage areas. Requires review.

4.08.06.J. Exterior Lighting. Confirm regulation is the same requirement as farm winery and limited brewery.

4.08.06 Stable, Livery – PROPOSED TEXT EDITS (Direct & Standalone combined standards)

- A. **Applicability.** Section 4.08.06 applies to livery stable uses.
- B. **Accessory Uses.** Include offices, storage areas, tenant dwelling, educating and training students in equitation, and caring for, breeding, or training horses associated with the livery stable use.
- C. **Intensity/Character.**
 - 1. **Site Size.** The minimum lot area for Stable, Livery is 15 acres.
 - 2. **Visitors/Customers/Parking Spaces.** The number of vehicles allowed at any one time depends on the size of the lot area. See Table 4.08.06-1.

Table 4.08.06-1. Intensity/Character by Scale		
Use	Scope of Use/Event	Lot Area (Minimum)
Level I—small scale	No more than 100 vehicles on site at any one time.	5 to 25 acres
Level II—medium scale	No more than 200 vehicles on site at any one time.	>25 acres, up to 50 acres
Level III—large scale	No more than 300 vehicles on site at any one time. Exception: 2 additional vehicles allowed per acre in excess of 100 acres.	>50 acres, up to 100 acres

DISCUSSION/REVIEW – Wait for 2024 ZOAM

- 3. **Hours of Operation.** Hours of operation for a Stable, Livery are limited to the hours of 4:00 a.m. to 9:00 p.m.
- 4. **Owner.** The Stable, Livery must be operated or maintained by the owner or ~~occupant~~ lessee of the land upon which the primary associated agriculture, horticulture, or animal husbandry use is conducted.

D. Size of Use.

- 1. **Structure.** The size of structures used is limited to the following gross floor area (total all structures). See Table 4.08.06-2.

Table 4.08.06-2. Structure		
Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	30,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	30,000 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

DISCUSSION/REVIEW – What is the justification for this table if applied to a Stable, Livery separate Use-Specific Standard? If not required, can it be removed? Most support uses are additive to a primary agricultural activity on a parcel. That primary agriculture has its own structures and outbuildings without sf limitation, so that the sf limitations of the support use are not likely to be restrictive. However, a stable livery is usually the ONLY agriculture taking place on the parcel. That means the stables, run in sheds, equipment sheds, indoor arenas etc taken together need to total less than 30,000sf. What is the problem we are trying to solve by placing these restrictions on equine livery?

2. **Storage Areas.** The total area of all storage areas used in the Stable, Livery use is limited to the following size. See Table 4.08.06-3.

Table 4.08.06-3. Storage Areas		
Use	Lot Area	Size of Storage Areas (Maximum)
Level I—small scale	5 to 25 acres	5,000 square feet
TABLE NOTES: 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.		

DISCUSSION/REVIEW – What is the justification for this table if applied to a Stable, Livery separate Use-Specific Standard? If not required, can it be removed? Storage on a livery can be more than one building, one to house equipment and one or more for bedding/hay/feed.

- E. **Location on Site/Dimensional Standards.** The minimum setback for structures or storage areas of a Stable, Livery from lot lines. See Table 4.08.06-4.

Table 4.08.06-4. Site/Dimensional Standards			
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

DISCUSSION/REVIEW – What is the justification for this table if applied to a Stable, Livery separate Use-Specific Standard? If not required, can it be changed to a 60 feet setback in alignment with other agricultural uses? The problem is that most indoor arenas total built area are 100 x 200 feet (20,000sf).

What setback will be required for a parcel of 15-24 acres? If greater than 60 feet, many parcels will not be suitable for an equine livery. (Note, Limited Brewery is suggested to have a 50-foot setback with no consideration of building size. Rural businesses need to have conformity unless a specific need can be justified.)

- F. **Landscaping/Buffering/Screening.**
 1. **Buffer.** Refer to Section 7.04.03.A.6.
 2. **Storage Areas.** Refer to Section 7.04.03.

DISCUSSION/REVIEW – What are the justification for Landscaping/Buffering/Screening if applied to a Stable, Livery separate Use-Specific Standard? This section needs review and clarification.

- G. **Road/Access.** **DISCUSSION/REVIEW** – Is this necessary for stable, livery? If not, can it be removed?
 1. **Road Access.** Uses are subject to the road access standards of Section 7.07.01.F.
 2. **Vehicles/Equipment.** Any Stable, Livery that involves the use of or services heavy equipment must have direct access to a public road. Direct access by a private easement is not allowed.
- H. **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.

DISCUSSION/REVIEW – Is this necessary for stable, livery? If not, can it be removed? How would a painted fence line be maintained?
- I. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

4.08.10 Equestrian Event Facility - PROPOSED EDITS (Direct & Standalone combined standards)

A. Applicability. Section 4.08.10 applies to

1. An Equestrian Event Facility that includes the keeping and breeding of horses in direct association with on-site agricultural activity.
2. An Equestrian Event Facility that does not include the keeping and breeding of horses as a standalone agricultural support use.

B. Intensity/Character.

1. **Site Size.** The minimum lot area for any Equestrian Event Facility is 25 acres.
2. **Visitors/Customers/Parking Spaces.** The number of vehicles allowed at any one time depends on the size of the lot area. See Table 4.08.10-1.

Table 4.08.10-1. Intensity/Character by Scale		
Use	Scope of Use/Event	Lot Area (Minimum)
Level I—small scale	No more than 100 vehicles on site at any one time.	5 to 25 acres
Level II—medium scale	No more than 200 vehicles on site at any one time.	>25 acres, up to 50 acres
Level III—large scale	No more than 300 vehicles on site at any one time. Exception: 2 additional vehicles allowed per acre in excess of 100 acres.	>50 acres, up to 100 acres

1. Hours of Operation.

- a. Hours of operation for an Equestrian Event Facility use are limited to 6:00 a.m. to 10:00 p.m.

2. **Owner.** The Equestrian Event Facility 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. **IS THIS APPLICABLE?**

C. Size of Use.

1. Structure.

- a. The size of structures used in the Equestrian Event Facility (direct association) is limited to the following gross floor area (total all structures). See Table 4.08.10-2.

DISCUSSION/REVIEW – What is the justification for this table if applied to an Equestrian Event Facility separate Use-Specific Standard? If not required, can it be adjusted/removed?

Table 4.08.10-2. Structure – Direct Association		
Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	30,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	30,000 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

- ~~b. The size of structures used for the Equestrian Event Facility (standalone) are limited to the floor area ratio or gross floor area, as applicable. See Table 4.08.10-3.~~

Table 4.08.10-3. Structure—Standalone		
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 all storage areas used in the Equestrian Event Facility use (direct association) is limited to the following size. See Table 4.08.10-4.
- The total area of storage areas used in the Equestrian Event Facility use (standalone) must not exceed 10% of the total area of the principal structure.

DISCUSSION/REVIEW – What is the justification for this table if applied to an Equestrian Event Facility separate Use-Specific Standard? If not required, can it be adjusted/removed?

Table 4.08.10-4. Storage Areas		
Use	Lot Area	Size of Storage Areas (Maximum)
Level I—small scale	5 to 25 acres	5,000 square feet

TABLE NOTES: 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. See Table 4.08.10-5.

Table 4.08.10-5. Site/Dimensional Standards			
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

DISCUSSION/REVIEW – What is the justification for this table if applied to an Equestrian Event Facility separate Use-Specific Standard? If not required, can it be adjusted/removed?

E. Landscaping/Buffering/Screening.

1. **Buffer.** Refer to Section 7.04.03.A.6.
2. **Storage Areas.** Refer to Section 7.04.03.

DISCUSSION/REVIEW – What are the justifications for Landscaping/Buffering/Screening if applied to an Equestrian Event Facility separate Use-Specific Standard? The 7.04 requirements may be too restrictive.

F. Road/Access.

1. **Road Access.** Uses are subject to the road access standards of Section 7.07.01.F.
2. **Vehicles/Equipment.** Any Equestrian Event Facility that involves the use of or services heavy equipment must have direct access to a public road. Direct access by a private easement is not allowed.
3. **Number of Access Points.** Only 2 points of access are permitted from the use to a public road. This requirement does not preclude an additional access for emergency vehicles only.

DISCUSSION/REVIEW –Is this necessary for Equestrian Event and if not, can it be removed?

- 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.

DISCUSSION/REVIEW –Is this necessary for Equestrian Event and if not, can it be removed?

- H. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

REVISED SECTIONS (Stable, Livery and Equestrian Event Facility REMOVED)

TEXT EDITS included to assist Staff revisions.

4.08.02 Agriculture, Bona Fide

- I. **Applicability.** Section **4.08.01** applies to Bona Fide Agriculture.
- J. **Approval.** The use must be located in an Agricultural Zoning District and at least one of the following as applicable.
 - 1. **Agriculture (Silviculture).** *(Transposed? Staff confirmed correction will be made for BOS draft.)*
 - a. 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.
 - b. Agriculture not conducted in accordance with an approved Conservation Farm Management Plan is not considered to be Bona Fide Agriculture.
 - 2. **Agriculture (Non-Silviculture).**
 - a. Conducted in conformance with a Forest Management Plan that meets the requirements of the Facilities Standards Manual, includes best management practices, and is approved by the County.
 - b. All timber harvesting must also meet the notification requirements of Code of Virginia § [10.1-1181.2.H](#).
 - c. Only those roads shown on the approved Forest Management Plan are permitted to be constructed.
 - d. 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 Code of Virginia § [10.1-1181.2.H](#) is not considered to be Bona Fide Agriculture.

4.08.03 Agriculture, Horticulture, and Animal Husbandry

- I. **Applicability.** Section **4.08.02** applies to any agriculture, horticulture, or animal husbandry use.
- J. **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 Section **4.08.02.C.** below.
- K. **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 a copy of the executed Conservation Farm Plan to the Zoning Administrator; and
 - 2. The Conservation Farm Plan 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.
- L. **Setbacks for Certain Structures.** 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. If the closest dwelling on an adjacent lot is located more than 60 feet from the common lot line, the structure must meet the minimum required yards for the zoning district.

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

- I. **Applicability.**
 1. Section 4.08.03 applies to agriculture support and service uses that are directly associated with ongoing agriculture, horticulture or animal husbandry, on-site.
 2. **Exception.** These Use Specific Standards do not apply to agricultural processing in the A-3 and A-10 Zoning Districts.
- J. **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. **Exceptions.** See Table 4.08.03-1.

Table 4.08.03-1. Intensity/Character Site Size Exceptions	
Use	Lot Area (Minimum)
Restaurant, Rural	20 acres

3. **Visitors/Customers/Parking Spaces.** The number of vehicles allowed at any one time depends on the size of the lot area. See Table 4.08.03-2.

Table 4.08.03-2. Intensity/Character by Scale		
Use	Scope of Use/Event	Lot Area (Minimum)
Level I—small scale	No more than 100 vehicles on site at any one time.	5 to 25 acres Section 4.08.03.B.2.
Level II—medium scale	No more than 200 vehicles on site at any one time.	>25 acres, up to 50 acres
Level III—large scale	No more than 300 vehicles on site at any one time. Exception: 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.

K. 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). See Table 4.08.03-3.

Table 4.08.03-3. Structure		
Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	30,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	30,000 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. See Table 4.08.03-4.

Table 4.08.03-4. Storage Areas		
Use	Lot Area	Size of Storage Areas (Maximum)
Level I—small scale	5 to 25 acres	5,000 square feet

TABLE NOTES:
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.

- L. **Location on Site/Dimensional Standards.** The minimum setback for structures or storage areas of an agricultural support use (direct association) from lot lines. See Table 4.08.03-5.

Table 4.08.03-5. Site/Dimensional Standards			
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

M. Landscaping/Buffering/Screening.

1. **Buffer.** Refer to Section 7.04.03.A.6.
2. **Storage Areas.** Refer to Section 7.04.03.

N. Road/Access.

1. **Road Access.** Uses are subject to the road access standards of Section 7.07.01.F.
2. **Vehicles/Equipment.** Any agricultural support use (direct association) that involves the use of or services heavy equipment must have direct access to a public road. Direct access by a private easement is not allowed.

- O. **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.
- P. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

4.08.05 Agriculture Support Uses (Standalone) - REVISED

- I. **Applicability.** Section 4.08.04. applies to agricultural support and service uses that do not have a direct association with agriculture, horticulture or animal husbandry, on-site.
- J. **Intensity/Character.**
1. **Site Size.** The minimum lot area for an agriculture support use (standalone) is 5 acres. Exceptions. See Table 4.08.04-1.

Table 4.08.04-1. Intensity/Character Site Size Exceptions	
Use	Lot Area (Minimum)
Agricultural education or research	25 acres
Farm distribution hub	25 acres

2. **Visitors/Customers/Parking Spaces.** The number of vehicles allowed depends on the size of the lot area. See Table 4.08.04-2.

Table 4.08.04-2. Intensity/Character by Scale		
Use	Scope of Use/Event	Lot Area (Minimum)
Level I - small scale	No more than 100 vehicles on site at any one time.	5 to 25 acres See Section 4.08.04.B.1 above
Level II - medium scale	No more than 200 vehicles on site at any one time.	>25 acres, up to 50 acres
Level III - large scale	No more than 300 vehicles on site at any one time. Exception: 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.

K. 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. See Table 4.08.04-3.

Table 4.08.04-3. Structure		
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		
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 must not exceed 10% of the total area of the principal structure.

Table 4.08.04-4. Site/Dimensional Standards		
Use	Size of Structures (Max.)	Setback from Lot Lines
Agricultural education or research facility	Maximum FAR (all structures): 0.02	150 feet
Farm Distribution Hub	Maximum FAR (all structures): 0.02	150 feet
All Other Uses		
Level I—small scale	12,000 square feet	60 feet
Level II—medium scale	24,000 square feet	120 feet
Level III—large scale	36,000 square feet	175 feet

- L. Location on Site/Dimensional Standards.** An agricultural support use (standalone) must be set back from lot lines. See Table 4.08.04-4.

E. Roads/Access.

- 1. Road Access.** Uses are subject to the road access standards of 7.07.01.F.
- 2. Vehicles/Equipment.** Any use that involves the use of or services heavy equipment must have direct access to a public road.
- 3. Number of Access Points.** Only 2 points of access are permitted from the use to a public road. This requirement does not preclude an additional access for emergency vehicles only.

- F. Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C

CHAPTER 4: USE-SPECIFIC STANDARDS

4.08 Agriculture

Contents:

4.08.12 Agricultural Processing – REVISED

4.08.12 Agricultural Processing – REVISED

1. **Applicability.** Section 4.08.12 applies to agricultural processing uses.
2. **Approval/Intensity.**
 1. **RC, JLMA-1, JLMA-2, JLMA-3, and JLMA-20 Zoning Districts.**
 - a. Agricultural processing is permitted as accessory to a principal on-site agricultural activity.
 - b. At least 51% of the products used for processing and/or preparation must be ~~derived from on-site agriculture~~ **derived from agriculture operations within Loudoun County.***
 - c. Agricultural processing is subject to Section 4.08.03.
 2. **TR-10 and TR-3 Zoning Districts.**
 - a. Agricultural processing as accessory to a principal on-site agricultural activity requires Special Exception review and approval.
 - b. At least 51% of the products used for processing and/or preparation must be ~~derived from on-site agriculture~~ **derived from agriculture operations within Loudoun County.***
 - c. Agricultural processing is subject to Section 4.08.03.
 3. **AR-1 and AR-2 Zoning Districts.**
 - a. Agricultural processing is permitted as accessory to principal on-site agricultural activity.
 1. At least 51% of the products used for processing and/or preparation must be ~~derived from on-site agriculture~~ **derived from agriculture operations within Loudoun County.**
 2. Agricultural processing is subject to Section 4.08.03.
 - b. Agricultural processing is allowed as a principal use, subject to ~~Special Exception**~~ review and approval.
 1. At least 51% of the products used for processing and/or preparation must be **derived from agriculture operations within Loudoun County.**
 2. Agricultural processing is subject to Section 4.08.04.

PROPOSED REVISIONS

* Alternative language: “51% from land owned or operated by the agricultural processing operator.”

** Remove requirement for SPEX. Not required after Planning Commission motions to modify Ch.12 Definitions and Ch. 4 Use-specific standards (i.e., to permit slaughterhouses by special exception in AR districts).

CHAPTER 4: USE-SPECIFIC STANDARDS

4.08 Agriculture

4.08.05 Brewery, Limited – Revised (Code of VA clarifications)

4.08.XX Distillery, Limited – Added (Code of VA clarifications and quality control correction)

4.08.XX Virginia Farm Winery – Added (Code of VA clarifications and quality control correction)

4.08.08 Winery, Commercial – No change – Consider on list for review in future ZOAM

The following are proposed revisions to be included in the Zoning Ordinance Rewrite (not a future ZOAM) to address quality control issues and primary ZOR input:

1. **Confirm/state the Code of Virginia § 4.1-206.1 requirements** for zoning regulation clarity for business review and public awareness, as discussed during Planning Commission work sessions.
2. **Establish consistent minimum setbacks of 60 feet** to be in line with other Rural Economy business uses as outlined for Agriculture Use-Specific Standards.
 - a. VaABC licensed uses currently have 50' proposed setback (Limited Breweries) or NO defined use-specific setbacks (Virginia Farm Wineries, Limited Distilleries).
 - i. This results in a default to the Zoning District (AR-1/AR-2) setbacks between 25' to 35', as applied to residential uses.
 - b. The following Agriculture Use-Specific Standards require 60' Setbacks:
 - i. 4.08.02 - Agriculture, Horticulture, and Animal Husbandry
 - ii. 4.08.03 - Agriculture Support Uses (Direct Association with On-Site Agricultural Activity) Level I, 5 to 25 acres.
 - iii. 4.08.04 - Agriculture Support Uses (Standalone) Level I, 5 to 25 acres.
 - c. Comparison setbacks for other rural uses that host attendees and/or the paying public:
 - i. Banquet/Event Facility 4.04.05. Building setback is 100 feet from all lot lines and outdoor activities are 200 feet,
 - ii. Rural Retreat 4.05.17. Building setback is 200 feet.
 - iii. Cultural Tourism 4.05.10. Building setbacks range from 100-200 feet depending on square feet of structures.
3. **Correct the quality control issue identified between Chapters 4 and 7.** Chapter 4 Use-Specific Standards are required for Chapter 7 Section **7.05.03.F** noise regulations to apply equally to all uses. These changes are intended to:
 - a. improve business owner awareness of noise regulations,
 - b. clarify regulations for zoning enforcement versus codified noise regulations, and
 - c. implement consistent application of noise regulations for uses to lessen citizen complaints.
4. **Address and provide adequate Limited Distillery regulation visibility** for County Staff (Zoning and Zoning Enforcement).
 - a. The current practice of relying on Advisory Opinion ZCOR-2022-0125 to manage a Limited Distillery use application until a future ZOAM is completed does not provide businesses, Staff or the general public with the proper visibility for permit requirements.

4.08.05 Brewery, Limited – Revised for Code of Va clarification

- A. **Applicability.** Section 4.08.05 applies to limited breweries.
1. Limited breweries must be licensed as a Limited Brewery in accordance with Code of Virginia Title 4.1.
 2. No limited brewery may be established either as the initial use of the subject property or by change of use of the property until a Zoning Permit is approved pursuant to Section 10.04.
 3. 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, and agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm.*
 2. A limited brewery must be located on one or more contiguous parcels of land, totaling at least 10 acres, owned or leased by the licensed limited brewery.
 3. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof.*
- C. **Intensity/Character.** Outdoor tasting rooms or similar outdoor activities must be set back at least 50 60** 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.

JUSTIFICATIONS:

*Code of Virginia § 4.1-206.1 requirements restated in use-specific standards for zoning regulation clarity for business review, staff review and public awareness. In the alternative, the requirements for clarity could be included in the Chapter 12 definitions.

** Setback of 60 feet is consistent as a minimum setback with other Agriculture Use-Specific Standards:

- Agriculture, Horticulture, and Animal Husbandry
- Agriculture Support Uses (Direct Association with On-Site Agricultural Activity) Level I, 5 to 25 acres.
- Agriculture Support Uses (Standalone) Level I, 5 to 25 acres.
- Comparison setbacks for other rural uses that host attendees and/or the paying public:
 - Banquet/Event Facility 4.04.05. Building setback is 100 feet from all lot lines and outdoor activities are 200 feet,
 - Rural Retreat 4.05.17. Building setback is 200 feet
 - Cultural Tourism 4.05.10. Building setbacks range from 100-200 feet depending on square feet of structures.

4.08.XX Distillery, Limited – Inserted for Code of VA clarifications and quality control

- A. **Applicability.** Section 4.08.XX applies to limited distilleries.
1. Limited distilleries must be licensed as a Limited Distillery in accordance with Code of Virginia Title 4.1.
 2. No limited distillery may be established either as the initial use of the subject property or by change of use of the property until a Zoning Permit is approved pursuant to Section 10.04.
 3. The owner of a limited distillery 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 distillery prior to establishing the use.
- B. **Location.**
1. A limited distillery must be located on a farm on land zoned agricultural and use agricultural products that are grown on the farm in the manufacture of their alcoholic beverages.*
 2. A limited distillery must be located on one or more contiguous parcels of land, totaling at least 10 acres, owned or leased by the licensed limited distillery.
- C. **Intensity/Character.** Outdoor tasting rooms or similar outdoor activities must be set back at least ~~50~~ 60** feet from all lot lines of adjacent agriculturally or residentially zoned properties under separate ownership.
- D. **Private Access Easements.** Limited Distilleries that share a private access easement with another property owner/s, must show the easement allows access to such use.

JUSTIFICATIONS:

*Code of Virginia § 4.1-206.1 requirement restated for zoning regulation clarity.

**Setback of 60 feet is consistent as a minimum setback with other Agriculture Use-Specific Standards:

- Agriculture, Horticulture, and Animal Husbandry
- Agriculture Support Uses (Direct Association with On-Site Agricultural Activity) Level I, 5 to 25 acres
- Agriculture Support Uses (Standalone) Level I, 5 to 25 acres.
- Comparison setbacks for other rural uses that host attendees and/or the paying public:
 - Banquet/Event Facility 4.04.05. Building setback is 100 feet from all lot lines and outdoor activities are 200 feet,
 - Rural Retreat 4.05.17. Building setback is 200 feet
 - Cultural Tourism 4.05.10. Building setbacks range from 100-200 feet depending on square feet of structures.
- Quality Control requirement – Use-Specific Standard is required for 7.05.03.F noise regulations to apply.
- Use-Specific Standard required to enable County Staff (Zoning and Zoning Enforcement) to not rely only on Advisory Opinion ZCOR-2022-0125 to manage Limited Distillery uses until a future ZOAM is completed.

4.08.XX Winery, Virginia Farm - Inserted for Code of VA clarifications and quality control

- A. Applicability.** Section 4.08.XX applies to Virginia farm wineries.
1. Virginia farm wineries must be licensed as a Virginia farm winery in accordance with Code of Virginia Title 4.1. **A farm winery license shall be designated either as a Class I, Class II, Class III, or Class IV farm winery license in accordance with the limitations set forth in § 4.1-219.***
Alternative: Require the reference in Chapter 12 Winery, Virginia Farm definition.
 2. No Virginia farm winery can be established either as the initial use of the subject property or by change of use of the property until a Zoning Permit is approved pursuant to Section 10.04.
 3. The owner of a Virginia farm winery 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 distillery prior to establishing the use.
- B. Location.**
1. A Virginia farm winery must be located on **a farm on**** land zoned AR-1, AR-2, TR-10, TR-3, TSN, A-10, JLMA-1, JLMA-2, JLMA-3, or JLMA-20.
Discussion/Review: Are reference to the zoning districts for Virginia Farm Wineries required in the zoning ordinance use-specific standards?
- C. Intensity/Character.** Outdoor tasting rooms or similar outdoor activities must be set back at least **50 60***** feet from all **lot lines** of **adjacent** agriculturally or residentially zoned properties under separate ownership.
- D. Private Access Easements.** Virginia farm wineries that share a private road with another property owner/s, must show the easement allows access to such use.

JUSTIFICATIONS:

* Code of Virginia § 4.1-206.1 requirement restated for zoning regulation clarity, and reference to Code of Virginia § 4.1-219 Limitations on Class I, II, III, and IV farm wineries. Further clarity is provided in the definition in Chapter 12.

** July 6, 2023 Planning Commission draft text must be updated to correspond to July 1, 2023 Code of Virginia changes that removed “on a farm.”

*** Setback of 60 feet is consistent as a minimum setback with other Agriculture Use-Specific Standards:

- Agriculture, Horticulture, and Animal Husbandry
- Agriculture Support Uses (Direct Association with On-Site Agricultural Activity) Level I, 5 to 25 acres.
- Agriculture Support Uses (Standalone) Level I, 5 to 25 acres.
- Comparison setbacks for other rural uses that host attendees and/or the paying public:
 - Banquet/Event Facility 4.04.05. Building setback is 100 feet from all lot lines and outdoor activities are 200 feet,
 - Rural Retreat 4.05.17. Building setback is 200 feet
 - Cultural Tourism 4.05.10. Building setbacks range from 100-200 feet depending on square feet of structures.
- Quality Control requirement – Use-Specific Standard is required for 7.05.03.F noise regulations to apply.

**NO CHANGE FOR ZOR.
ADD TO USES FOR REVIEW IN FUTURE ZOAM.**

4.08.08 Winery, Commercial

- A. **Applicability.** Section 4.08.08 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 Code of Virginia § 4.1-213.
- C. **Approval.**
 - 1. In the AR Zoning Districts, commercial wineries that exceed 20,000 square feet of gross floor area require Special Exception review and approval.
 - 2. In the JLMA-20 Zoning District, commercial wineries require Special Exception review and approval. Commercial wineries must be located on a parcel with associated on-going agriculture, horticulture, or animal husbandry. This section is not modifiable under Section 4.01.A.
- B. **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.
- C. **Size of Use.**
 - 1. **Floor Area Ratio.** The maximum floor area ratio for a commercial winery is 0.04.
 - 2. **Storage Yards.** The total area of storage yards must not exceed 20% of the total gross floor area of the principal structure.
- D. **Location on Site/Dimensional Standards.** The minimum setback is 125 feet from all lot lines.
- E. **Landscaping/Buffering/Screening.** Refer to Section 7.04.03.A.6.
- F. **Roads/Access.**
 - 1. **Road Access.** Commercial winery is subject to the road access standards of 7.07.01.F.
 - 2. **Vehicles/Equipment.** Commercial wineries that use heavy equipment must have direct access to a public road.
- G. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

DEFINITION OF “FARM”

REDC ZOR Ad hoc Committee reviewed the chronology of “farm” definitions proposed since April 2022 through April 2023. A definition of “farm” would assist compliance review for Code of Virginia Right to Farm regulations, zoning ordinance requirements, Planning and Zoning permit, location, and application review, zoning enforcement, and Building and Development application and exemption requirements. A definition would better protect the County from potential legal jeopardy of non-compliance with Code of Virginia or approval of applications without bona fide agricultural operations and relieve LSWCD from quasi-regulatory actions.

Consensus of members present proposed the adoption of the April 2022 definition with one wording change and one clarification. Staff April 2022 proposed definition of “Farm” for Zoning Ordinance Committee (ZOC) and public input review¹

Farm:** An agricultural use of one or more parcels of land, whether abutting or not, having a minimum of 5 acres and operated under the same ownership or stewardship, used for the production, cultivation, growing, harvesting **or processing of agricultural or horticultural products or for animal husbandry purposes. Also reference “Agriculture, Bona Fide.*

- * REDC ZOR Ad hoc Committee Request: Change “or” to “and” processing. REDC prior (July 2022) input stated “processing” is a separate use and should not alone define what is considered a “farm.”
- “Animal Husbandry: should explicitly include equine. Confirm this with Staff and the Zoning Administrator, or “equine” should be added to the definition to support Loudoun equine operations and businesses.

FARMER’S MARKET – Request for confirmation

Staff and the Planning Commission made changes to “Farmer’s Market” definitions and Use table classifications. It appears not all Chapter 3 Use Tables were updated to correspond to the June 2023 changes. Confirm all Chapter 3 Use Table references for “Farmer’s Market” permitted uses are correct for BOS work session review.

TOPICS TO BE INCLUDED IN FUTURE ZOAM

The above changes should be considered for implementation IN ZOR to address long-standing REDC and stakeholder/public input requests. A future ZOAM should include rural uses and in particular:

- Equine uses (any/all regulation changes not included in ZOR)
- VaABC licensed uses including commercial winery to review regulation uniformity.
- Agricultural Support uses.

¹ [2022-04-26 ZORW Subcommittee Use Standards, p.5](#)

STAKEHOLDER GROUPS #5 & #6 MOTIONS	BACKGROUND / JUSTIFICATIONS
<p>4.08.12 Agricultural Processing</p> <p>I move that 4.08.12 Agricultural Processing Use-specific standards be revised as follows:</p> <p>Change “<i>derived from on-site agriculture</i>” to “<i>derived from agriculture operations within Loudoun County</i>” for the following sections:</p> <ul style="list-style-type: none"> • 4.08.12.B.1.b • 4.08.12.B.2.b • 4.08.12.B.3.a.1 <p>I further move that section 4.08.12.B.3.b be changed from “Special Exception review” to “minor special exception review.”</p>	<p>Agriculture in Loudoun today often involves a producer <u>leasing multiple parcels of land</u> to grow produce and/or grains and raise livestock from while owning only a small property themselves.</p> <p>Requiring that 51% of product to be processed come from a <u>single parcel</u> where the processing takes place excludes many current active producers from our agricultural economy able to do agricultural processing. Allowing Ag processing of products derived from ag operations “within Loudoun County” would allow current farmers to continue their operations without violation of the zoning ordinance.</p> <p>We support Staff’s recommendation for Ag Processing permission be changed from SPEX to SPMI</p>
CHAPTER 12 - DEFINITIONS	
<p>Definition of Distillery, Limited</p> <p>I move that the following definition of “Distillery, Limited” be added to Chapter 12:</p> <p>Distillery, Limited: A distillery licensed as a Limited Distillery in accordance with Code of Virginia § 4.1-206.1., and subject to Section 4.08.XX.</p>	<p>The Code of Virginia § 4.1-206.1 established the Distillery, Limited Use.</p> <p>Similar to Limited, Brewery and Winery, Virginia Farm, this use should have a definition to support zoning applications and zoning enforcement criteria.</p>
<p>Definition of “Farm”</p> <p>I move that the following definition of “farm” be included in Chapter 12:</p> <p>Farm: An agricultural use of one or more parcels of land, whether abutting or not, having a minimum of 5 acres and operated under the same ownership or stewardship, used for the production, cultivation, growing, harvesting and processing of agricultural or horticultural products or for animal husbandry purposes. Also reference “Agriculture, Bona Fide.</p>	<p>Including a definition of “farm” in Chapter 12 would</p> <ul style="list-style-type: none"> • Assist compliance review for Code of Virginia Right to Farm regulations and protect the County from potential legal jeopardy of non-compliance with Code of Virginia or approval of applications without bona fide agricultural operations, • Assist verification of zoning ordinance requirements, Planning and Zoning permit, location, and application review, • Confirm Building and Development application and building code exemption requirements, • Provide zoning enforcement criteria required for zoning administration evaluation of complaints, and • Relieve Loudoun Soil & Water Conservation District from quasi-regulatory actions when asked to provide/approve a Conservation Farm Management Plan with no validated agricultural operation.

From: Madeline Skinner

Sent: Monday, September 11, 2023 3:59 PM

To: Galindo, Daniel <Daniel.Galindo@loudoun.gov>; Birkitt, Judi <Judi.Birkitt@loudoun.gov>

Subject: [EXTERNAL] VCOD follow up

Mr. Galindo and Ms. Birkitt,

I wanted to follow up on the materials posted for tonight's ZOR work session.

I attended the July 26th public hearing on ZOR, only 1 (one) person spoke against the criteria of the Village Conservation Overlay District (VCOD).

I did not plan to speak that night, but felt it was important that everyone knew that all of the rural historic villages of the Loudoun Historic Village Alliance (LHVA) worked very hard to agree on the best approach in revising the VCOD criteria during the ZOR process to best reflect and support the criteria in the Comprehensive Plan that we also developed.

The villages are in constant defense mode to protect their traditional development style, from special exceptions, disregard for Guidelines and disrespect for their neighbors. We hope by being able to enforce the "compatibility" goal of 2019 Comprehensive Plan with the revised VCOD criteria, it will minimize the time spent on trying to prove and defend written policy.

In the last four years, we have seen most of our villages battle against situations since the approval of the 2019 Comprehensive Plan that may have been avoided if we had had the "teeth" that zoning could have provided to implement the "guidance" provided by the Comprehensive Plan.

That same night, Mr. Yudd asked me about the "detached garage" criteria and I explained that many of the homes in our villages do not have a garage and if they do, it was an accessory building (small barn, workshop, etc..) that the owners converted and are already set back and detached from the principal building(s). For those who have added a garage over time, you will note as you drive through our villages, that they are detached and set back from the primary residence.

The current VCOD criteria, states:

Garage Locations - *Front-loaded garages shall be set back at least 20 feet behind the front line of all principal buildings, except when a lot within 150 feet of, and on the same side of the street as, the subject lot has a garage setback less than 20 feet from the front lot line of all principal buildings on such lot, in which case the minimum garage setback shall be equal to the garage setback on such lot.*

We have only strengthened the criteria to support the wording of 5.07, *"Support the retention and reinforcement of historic development patterns, character, and visual identity of individual villages"*.

10. Garage Standards. *Garages constructed in the VCOD must meet the following requirements:*

a. Front-loaded garages are subject to a set back at least 20 feet behind the front plane of all principal buildings. Exception. When a lot on the same side of the road and within 150 feet of the

subject lot has a garage with a setback less than 20 feet from the front plane of all principal buildings on such lot, the minimum garage setback may be equal to the garage setback on such lot;
b. Garages must be detached from the principal building; and
c. The maximum width and height of a garage door opening is the width and height needed to accommodate two automobiles;

I hope this helps. Let me know if I can be of any further assistance.

Madeline Skinner

Chair, LHVA

INTRODUCTION:

The REDC ZOR Ad hoc Committee at its July 13, 2023 meeting discussed input and change requests for the July 2023 Planning Commission draft of the Zoning Ordinance Rewrite. The attached sections summarize the requests reviewed by the Subcommittee at the August 18, 2023 meeting.

Section 4.08 Agriculture uses, Chapter 12 Definition and Chapter 3 Use Table

- **P. 2-8: Equestrian Use-Specific Standards** (Stable Livery and Equestrian Event Facility) separate from Agricultural Support Direct Use Standards, for review by the Loudoun County Equine Association (LCEA),
- **P. 9-13: Agriculture Support Uses** revised to remove Stable Livery and Equestrian Event Facility
- **P. 14: Agricultural Processing** for input by Farm Bureau, Loudoun Soil and Water, and additional agricultural stakeholders.
- **P. 15-19: Use-Specific Standards** required to Code of VA clarity, zoning admin clarity, and Ch.7 quality control regulations, for review by Loudoun Wineries Association, and stakeholders.
- **P. 20: Definition of Farm** proposed use of the April 2022 definition with one word change and one clarification.
- **P. 20: Clarifications for Farmer's Market in Ch. 3 Use Tables**

Present at the July 13, 2023 REDC ZOR Ad hoc Meeting:	Present at the Aug. 18, 2023 REDC ZOR Ad hoc Meeting:
Kelly Foltman (REDC Chair)	Kelly Foltman (REDC Chair)
Jan Kernan (REDC Vice Chair)	Jan Kernan (REDC Vice Chair)
Robin Bartock	Jeff Browning
Jeff Browning	Tia Earman
Tia Earman	Beth Erickson
Beth Erickson	Bill Hatch
Bill Hatch	Avis Renshaw
Avis Renshaw	Donnie Walker
Maura Walsh-Copeland	Maura Walsh-Copeland
Absent:	Absent:
Chris Van Vlack	Robin Bartock
Donnie Walker	Chris Van Vlack
Janelle Zurchmeide	Janelle Zurchmeide
Staff and BOS Aides:	Staff:
Dave Diaz	Dave Diaz
Chris Blosser	Chris Blosser
Christi Maple	

CHAPTER 4: USE-SPECIFIC STANDARDS

4.08 Agriculture

PROPOSED NEW EQUINE USE-SPECIFIC STANDARDS (Separated)

4.08.06 Stable, Livery – NEW consolidated Direct and Standalone Use standards

4.08.10 Equestrian Event Facility – NEW consolidated Direct and Standalone Use standards

Changes are required to:

- **Provide separation and definition of Equestrian Use-specific Standards** to align the uses more closely with other agricultural uses.
- **Implement the new separate use standards IN ZOR**, with any unresolved questions to be addressed in the proposed “Western Loudoun” future ZOAM.
- **Provide revised text to assist Staff.**
- **Identify key questions for further discussion/review** with BOS work sessions and future ZOAM.

REVISED TEXT (Stable, Livery and Equestrian Event Facility REMOVED)

4.08.01 Agriculture, Bona Fide – Question. (*NOTE: Confirmation received from Staff that headings are transposed. Will be corrected for BOS review.*)

4.08.02 Agriculture, Horticulture and Animal Husbandry

4.08.03 Agriculture Support Uses (Direct Association with On-Site Agricultural Activity) – REVISED (Remove Stable, Livery and Equestrian Event Facility)

4.08.04 Agriculture Support Uses (Standalone) – REVISED (Remove Stable, Livery and Equestrian Event Facility)

FOR DISCUSSION WITH COUNTY STAFF –

**Loudoun County Equine Association (LCEA)
Proposed Equine STABLE, LIVERY Use Specific Standard Changes,
Supported by REDC ZOR Ad hoc Committee**

4.08.06 Stable, Livery

4.08.06.B. Accessory uses include offices, storage areas, tenant dwelling (s), teaching and training students in horsemanship (including ridden, driven and in hand skills), equine assisted therapy, and caring for, breeding, and training of horses.

4.08.06.C. Intensity/Character

1. Site size minimum 15 acres
2. Visitor/parking spaces see parking standards
3. Hours of operation 4:00am-9:00 pm
4. Owner. The livery stable must be operated or maintained by the owner and/ or lessee of the land upon which the primary associated operation is conducted.

4.08.06.E. Size of Use. Is this Necessary? (Note that construction of buildings is costly so sqft is generally limited to needs, including indoor arenas, stables, pasture run in sheds, and separate storage buildings for machinery, hay and bedding)

4.08.06.F. Location

All setbacks 60 feet (in alignment with agricultural uses including winery and limited brewery).
Additional setbacks due to size of building? (Justification?)

4.08.06.G. Landscaping/Buffering/Screening.

1. Buffer. Requires review. Too restrictive for use. Established with 2015 ZOAM and inappropriately applied.
2. Storage areas. Requires review.

4.08.06.J. Exterior Lighting. Confirm regulation is the same requirement as farm winery and limited brewery.

4.08.06 Stable, Livery – PROPOSED TEXT EDITS (Direct & Standalone combined standards)

- A. **Applicability.** Section 4.08.06 applies to livery stable uses.
- B. **Accessory Uses.** Include offices, storage areas, tenant dwelling, educating and training students in equitation, and caring for, breeding, or training horses associated with the livery stable use.
- C. **Intensity/Character.**
 - 1. **Site Size.** The minimum lot area for Stable, Livery is 15 acres.
 - 2. **Visitors/Customers/Parking Spaces.** The number of vehicles allowed at any one time depends on the size of the lot area. See Table 4.08.06-1.

Table 4.08.06-1. Intensity/Character by Scale		
Use	Scope of Use/Event	Lot Area (Minimum)
Level I—small scale	No more than 100 vehicles on site at any one time.	5 to 25 acres
Level II—medium scale	No more than 200 vehicles on site at any one time.	>25 acres, up to 50 acres
Level III—large scale	No more than 300 vehicles on site at any one time. Exception: 2 additional vehicles allowed per acre in excess of 100 acres.	>50 acres, up to 100 acres

DISCUSSION/REVIEW – Wait for 2024 ZOAM

- 3. **Hours of Operation.** Hours of operation for a Stable, Livery are limited to the hours of 4:00 a.m. to 9:00 p.m.
- 4. **Owner.** The Stable, Livery must be operated or maintained by the owner or ~~occupant~~ lessee of the land upon which the primary associated agriculture, horticulture, or animal husbandry use is conducted.

D. Size of Use.

- 1. **Structure.** The size of structures used is limited to the following gross floor area (total all structures). See Table 4.08.06-2.

Table 4.08.06-2. Structure		
Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	30,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	30,000 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

DISCUSSION/REVIEW – What is the justification for this table if applied to a Stable, Livery separate Use-Specific Standard? If not required, can it be removed? Most support uses are additive to a primary agricultural activity on a parcel. That primary agriculture has its own structures and outbuildings without sf limitation, so that the sf limitations of the support use are not likely to be restrictive. However, a stable livery is usually the ONLY agriculture taking place on the parcel. That means the stables, run in sheds, equipment sheds, indoor arenas etc taken together need to total less than 30,000sf. What is the problem we are trying to solve by placing these restrictions on equine livery?

2. **Storage Areas.** The total area of all storage areas used in the Stable, Livery use is limited to the following size. See Table 4.08.06-3.

Table 4.08.06-3. Storage Areas		
Use	Lot Area	Size of Storage Areas (Maximum)
Level I—small scale	5 to 25 acres	5,000 square feet
TABLE NOTES: 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.		

DISCUSSION/REVIEW – What is the justification for this table if applied to a Stable, Livery separate Use-Specific Standard? If not required, can it be removed? Storage on a livery can be more than one building, one to house equipment and one or more for bedding/hay/feed.

- E. **Location on Site/Dimensional Standards.** The minimum setback for structures or storage areas of a Stable, Livery from lot lines. See Table 4.08.06-4.

Table 4.08.06-4. Site/Dimensional Standards			
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

DISCUSSION/REVIEW – What is the justification for this table if applied to a Stable, Livery separate Use-Specific Standard? If not required, can it be changed to a 60 feet setback in alignment with other agricultural uses? The problem is that most indoor arenas total built area are 100 x 200 feet (20,000sf).

What setback will be required for a parcel of 15-24 acres? If greater than 60 feet, many parcels will not be suitable for an equine livery. (Note, Limited Brewery is suggested to have a 50-foot setback with no consideration of building size. Rural businesses need to have conformity unless a specific need can be justified.)

- F. **Landscaping/Buffering/Screening.**
 1. **Buffer.** Refer to Section 7.04.03.A.6.
 2. **Storage Areas.** Refer to Section 7.04.03.

DISCUSSION/REVIEW – What are the justification for Landscaping/Buffering/Screening if applied to a Stable, Livery separate Use-Specific Standard? This section needs review and clarification.

- G. **Road/Access.** **DISCUSSION/REVIEW** – Is this necessary for stable, livery? If not, can it be removed?
 1. **Road Access.** Uses are subject to the road access standards of Section 7.07.01.F.
 2. **Vehicles/Equipment.** Any Stable, Livery that involves the use of or services heavy equipment must have direct access to a public road. Direct access by a private easement is not allowed.
- H. **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.

DISCUSSION/REVIEW – Is this necessary for stable, livery? If not, can it be removed? How would a painted fence line be maintained?
- I. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

4.08.10 Equestrian Event Facility - PROPOSED EDITS (Direct & Standalone combined standards)

A. Applicability. Section 4.08.10 applies to

1. An Equestrian Event Facility that includes the keeping and breeding of horses in direct association with on-site agricultural activity.
2. An Equestrian Event Facility that does not include the keeping and breeding of horses as a standalone agricultural support use.

B. Intensity/Character.

1. **Site Size.** The minimum lot area for any Equestrian Event Facility is 25 acres.
2. **Visitors/Customers/Parking Spaces.** The number of vehicles allowed at any one time depends on the size of the lot area. See Table 4.08.10-1.

Table 4.08.10-1. Intensity/Character by Scale		
Use	Scope of Use/Event	Lot Area (Minimum)
Level I—small scale	No more than 100 vehicles on site at any one time.	5 to 25 acres
Level II—medium scale	No more than 200 vehicles on site at any one time.	>25 acres, up to 50 acres
Level III—large scale	No more than 300 vehicles on site at any one time. Exception: 2 additional vehicles allowed per acre in excess of 100 acres.	>50 acres, up to 100 acres

1. Hours of Operation.

- a. Hours of operation for an Equestrian Event Facility use are limited to 6:00 a.m. to 10:00 p.m.

2. **Owner.** The Equestrian Event Facility 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. **IS THIS APPLICABLE?**

C. Size of Use.

1. Structure.

- a. The size of structures used in the Equestrian Event Facility (direct association) is limited to the following gross floor area (total all structures). See Table 4.08.10-2.

DISCUSSION/REVIEW – What is the justification for this table if applied to an Equestrian Event Facility separate Use-Specific Standard? If not required, can it be adjusted/removed?

Table 4.08.10-2. Structure – Direct Association		
Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	30,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	30,000 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

- ~~b. The size of structures used for the Equestrian Event Facility (standalone) are limited to the floor area ratio or gross floor area, as applicable. See Table 4.08.10-3.~~

Table 4.08.10-3-Structure—Standalone		
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 all storage areas used in the Equestrian Event Facility use (direct association) is limited to the following size. See Table 4.08.10-4.
- The total area of storage areas used in the Equestrian Event Facility use (standalone) must not exceed 10% of the total area of the principal structure.

DISCUSSION/REVIEW – What is the justification for this table if applied to an Equestrian Event Facility separate Use-Specific Standard? If not required, can it be adjusted/removed?

Table 4.08.10-4. Storage Areas		
Use	Lot Area	Size of Storage Areas (Maximum)
Level I—small scale	5 to 25 acres	5,000 square feet

TABLE NOTES: 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. See Table 4.08.10-5.

Table 4.08.10-5. Site/Dimensional Standards			
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

DISCUSSION/REVIEW – What is the justification for this table if applied to an Equestrian Event Facility separate Use-Specific Standard? If not required, can it be adjusted/removed?

E. Landscaping/Buffering/Screening.

1. **Buffer.** Refer to Section 7.04.03.A.6.
2. **Storage Areas.** Refer to Section 7.04.03.

DISCUSSION/REVIEW – What are the justifications for Landscaping/Buffering/Screening if applied to an Equestrian Event Facility separate Use-Specific Standard? The 7.04 requirements may be too restrictive.

F. Road/Access.

1. **Road Access.** Uses are subject to the road access standards of Section 7.07.01.F.
2. **Vehicles/Equipment.** Any Equestrian Event Facility that involves the use of or services heavy equipment must have direct access to a public road. Direct access by a private easement is not allowed.
3. **Number of Access Points.** Only 2 points of access are permitted from the use to a public road. This requirement does not preclude an additional access for emergency vehicles only.

DISCUSSION/REVIEW –Is this necessary for Equestrian Event and if not, can it be removed?

- 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.

DISCUSSION/REVIEW –Is this necessary for Equestrian Event and if not, can it be removed?

- H. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

REVISED SECTIONS (Stable, Livery and Equestrian Event Facility REMOVED)

TEXT EDITS included to assist Staff revisions.

4.08.02 Agriculture, Bona Fide

- I. **Applicability.** Section **4.08.01** applies to Bona Fide Agriculture.
- J. **Approval.** The use must be located in an Agricultural Zoning District and at least one of the following as applicable.
 - 1. **Agriculture (Silviculture).** *(Transposed? Staff confirmed correction will be made for BOS draft.)*
 - a. 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.
 - b. Agriculture not conducted in accordance with an approved Conservation Farm Management Plan is not considered to be Bona Fide Agriculture.
 - 2. **Agriculture (Non-Silviculture).**
 - a. Conducted in conformance with a Forest Management Plan that meets the requirements of the Facilities Standards Manual, includes best management practices, and is approved by the County.
 - b. All timber harvesting must also meet the notification requirements of Code of Virginia § [10.1-1181.2.H](#).
 - c. Only those roads shown on the approved Forest Management Plan are permitted to be constructed.
 - d. 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 Code of Virginia § [10.1-1181.2.H](#) is not considered to be Bona Fide Agriculture.

4.08.03 Agriculture, Horticulture, and Animal Husbandry

- I. **Applicability.** Section **4.08.02** applies to any agriculture, horticulture, or animal husbandry use.
- J. **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 Section **4.08.02.C.** below.
- K. **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 a copy of the executed Conservation Farm Plan to the Zoning Administrator; and
 - 2. The Conservation Farm Plan 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.
- L. **Setbacks for Certain Structures.** 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. If the closest dwelling on an adjacent lot is located more than 60 feet from the common lot line, the structure must meet the minimum required yards for the zoning district.

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

- I. **Applicability.**
 1. Section 4.08.03 applies to agriculture support and service uses that are directly associated with ongoing agriculture, horticulture or animal husbandry, on-site.
 2. **Exception.** These Use Specific Standards do not apply to agricultural processing in the A-3 and A-10 Zoning Districts.
- J. **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. **Exceptions.** See Table 4.08.03-1.

Table 4.08.03-1. Intensity/Character Site Size Exceptions	
Use	Lot Area (Minimum)
Restaurant, Rural	20 acres

3. **Visitors/Customers/Parking Spaces.** The number of vehicles allowed at any one time depends on the size of the lot area. See Table 4.08.03-2.

Table 4.08.03-2. Intensity/Character by Scale		
Use	Scope of Use/Event	Lot Area (Minimum)
Level I—small scale	No more than 100 vehicles on site at any one time.	5 to 25 acres Section 4.08.03.B.2.
Level II—medium scale	No more than 200 vehicles on site at any one time.	>25 acres, up to 50 acres
Level III—large scale	No more than 300 vehicles on site at any one time. Exception: 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.

K. 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). See Table 4.08.03-3.

Table 4.08.03-3. Structure		
Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	30,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	30,000 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. See Table 4.08.03-4.

Table 4.08.03-4. Storage Areas		
Use	Lot Area	Size of Storage Areas (Maximum)
Level I—small scale	5 to 25 acres	5,000 square feet

TABLE NOTES:
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.

- L. **Location on Site/Dimensional Standards.** The minimum setback for structures or storage areas of an agricultural support use (direct association) from lot lines. See Table 4.08.03-5.

Table 4.08.03-5. Site/Dimensional Standards			
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

M. Landscaping/Buffering/Screening.

1. **Buffer.** Refer to Section 7.04.03.A.6.
2. **Storage Areas.** Refer to Section 7.04.03.

N. Road/Access.

1. **Road Access.** Uses are subject to the road access standards of Section 7.07.01.F.
2. **Vehicles/Equipment.** Any agricultural support use (direct association) that involves the use of or services heavy equipment must have direct access to a public road. Direct access by a private easement is not allowed.

- O. **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.
- P. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

4.08.05 Agriculture Support Uses (Standalone) - REVISED

- I. **Applicability.** Section 4.08.04. applies to agricultural support and service uses that do not have a direct association with agriculture, horticulture or animal husbandry, on-site.
- J. **Intensity/Character.**
1. **Site Size.** The minimum lot area for an agriculture support use (standalone) is 5 acres. Exceptions. See Table 4.08.04-1.

Table 4.08.04-1. Intensity/Character Site Size Exceptions	
Use	Lot Area (Minimum)
Agricultural education or research	25 acres
Farm distribution hub	25 acres

2. **Visitors/Customers/Parking Spaces.** The number of vehicles allowed depends on the size of the lot area. See Table 4.08.04-2.

Table 4.08.04-2. Intensity/Character by Scale		
Use	Scope of Use/Event	Lot Area (Minimum)
Level I - small scale	No more than 100 vehicles on site at any one time.	5 to 25 acres See Section 4.08.04.B.1 above
Level II - medium scale	No more than 200 vehicles on site at any one time.	>25 acres, up to 50 acres
Level III - large scale	No more than 300 vehicles on site at any one time. Exception: 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.

K. 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. See Table 4.08.04-3.

Table 4.08.04-3. Structure		
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		
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 must not exceed 10% of the total area of the principal structure.

Table 4.08.04-4. Site/Dimensional Standards		
Use	Size of Structures (Max.)	Setback from Lot Lines
Agricultural education or research facility	Maximum FAR (all structures): 0.02	150 feet
Farm Distribution Hub	Maximum FAR (all structures): 0.02	150 feet
All Other Uses		
Level I—small scale	12,000 square feet	60 feet
Level II—medium scale	24,000 square feet	120 feet
Level III—large scale	36,000 square feet	175 feet

- L. Location on Site/Dimensional Standards.** An agricultural support use (standalone) must be set back from lot lines. See Table 4.08.04-4.

E. Roads/Access.

- 1. Road Access.** Uses are subject to the road access standards of 7.07.01.F.
- 2. Vehicles/Equipment.** Any use that involves the use of or services heavy equipment must have direct access to a public road.
- 3. Number of Access Points.** Only 2 points of access are permitted from the use to a public road. This requirement does not preclude an additional access for emergency vehicles only.

- F. Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C

CHAPTER 4: USE-SPECIFIC STANDARDS

4.08 Agriculture

Contents:

4.08.12 Agricultural Processing – REVISED

4.08.12 Agricultural Processing – REVISED

1. **Applicability.** Section 4.08.12 applies to agricultural processing uses.
2. **Approval/Intensity.**
 1. **RC, JLMA-1, JLMA-2, JLMA-3, and JLMA-20 Zoning Districts.**
 - a. Agricultural processing is permitted as accessory to a principal on-site agricultural activity.
 - b. At least 51% of the products used for processing and/or preparation must be **derived from on-site agriculture** ~~derived from agriculture operations within Loudoun County.~~*
 - c. Agricultural processing is subject to Section 4.08.03.
 2. **TR-10 and TR-3 Zoning Districts.**
 - a. Agricultural processing as accessory to a principal on-site agricultural activity requires Special Exception review and approval.
 - b. At least 51% of the products used for processing and/or preparation must be **derived from on-site agriculture** ~~derived from agriculture operations within Loudoun County.~~*
 - c. Agricultural processing is subject to Section 4.08.03.
 3. **AR-1 and AR-2 Zoning Districts.**
 - a. Agricultural processing is permitted as accessory to principal on-site agricultural activity.
 1. At least 51% of the products used for processing and/or preparation must be **derived from on-site agriculture** ~~derived from agriculture operations within Loudoun County.~~
 2. Agricultural processing is subject to Section 4.08.03.
 - b. Agricultural processing is allowed as a principal use, subject to **Special Exception**** review and approval.
 1. At least 51% of the products used for processing and/or preparation must be **derived from agriculture operations within Loudoun County.**
 2. Agricultural processing is subject to Section 4.08.04.

PROPOSED REVISIONS

* Alternative language: “51% from land owned or operated by the agricultural processing operator.”

** Remove requirement for SPEX. Not required after Planning Commission motions to modify Ch.12 Definitions and Ch. 4 Use-specific standards (i.e., to permit slaughterhouses by special exception in AR districts).

CHAPTER 4: USE-SPECIFIC STANDARDS

4.08 Agriculture

4.08.05 Brewery, Limited – Revised (Code of VA clarifications)

4.08.XX Distillery, Limited – Added (Code of VA clarifications and quality control correction)

4.08.XX Virginia Farm Winery – Added (Code of VA clarifications and quality control correction)

4.08.08 Winery, Commercial – No change – Consider on list for review in future ZOAM

The following are proposed revisions to be included in the Zoning Ordinance Rewrite (not a future ZOAM) to address quality control issues and primary ZOR input:

1. **Confirm/state the Code of Virginia § 4.1-206.1 requirements** for zoning regulation clarity for business review and public awareness, as discussed during Planning Commission work sessions.
2. **Establish consistent minimum setbacks of 60 feet** to be in line with other Rural Economy business uses as outlined for Agriculture Use-Specific Standards.
 - a. VaABC licensed uses currently have 50' proposed setback (Limited Breweries) or NO defined use-specific setbacks (Virginia Farm Wineries, Limited Distilleries).
 - i. This results in a default to the Zoning District (AR-1/AR-2) setbacks between 25' to 35', as applied to residential uses.
 - b. The following Agriculture Use-Specific Standards require 60' Setbacks:
 - i. 4.08.02 - Agriculture, Horticulture, and Animal Husbandry
 - ii. 4.08.03 - Agriculture Support Uses (Direct Association with On-Site Agricultural Activity) Level I, 5 to 25 acres.
 - iii. 4.08.04 - Agriculture Support Uses (Standalone) Level I, 5 to 25 acres.
 - c. Comparison setbacks for other rural uses that host attendees and/or the paying public:
 - i. Banquet/Event Facility 4.04.05. Building setback is 100 feet from all lot lines and outdoor activities are 200 feet,
 - ii. Rural Retreat 4.05.17. Building setback is 200 feet.
 - iii. Cultural Tourism 4.05.10. Building setbacks range from 100-200 feet depending on square feet of structures.
3. **Correct the quality control issue identified between Chapters 4 and 7.** Chapter 4 Use-Specific Standards are required for Chapter 7 Section **7.05.03.F** noise regulations to apply equally to all uses. These changes are intended to:
 - a. improve business owner awareness of noise regulations,
 - b. clarify regulations for zoning enforcement versus codified noise regulations, and
 - c. implement consistent application of noise regulations for uses to lessen citizen complaints.
4. **Address and provide adequate Limited Distillery regulation visibility** for County Staff (Zoning and Zoning Enforcement).
 - a. The current practice of relying on Advisory Opinion ZCOR-2022-0125 to manage a Limited Distillery use application until a future ZOAM is completed does not provide businesses, Staff or the general public with the proper visibility for permit requirements.

4.08.05 Brewery, Limited – Revised for Code of Va clarification

- A. **Applicability.** Section 4.08.05 applies to limited breweries.
1. Limited breweries must be licensed as a Limited Brewery in accordance with Code of Virginia Title 4.1.
 2. No limited brewery may be established either as the initial use of the subject property or by change of use of the property until a Zoning Permit is approved pursuant to Section 10.04.
 3. 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, and agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm.*
 2. A limited brewery must be located on one or more contiguous parcels of land, totaling at least 10 acres, owned or leased by the licensed limited brewery.
 3. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof.*
- C. **Intensity/Character.** Outdoor tasting rooms or similar outdoor activities must be set back at least 50 60** 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.

JUSTIFICATIONS:

*Code of Virginia § 4.1-206.1 requirements restated in use-specific standards for zoning regulation clarity for business review, staff review and public awareness. In the alternative, the requirements for clarity could be included in the Chapter 12 definitions.

** Setback of 60 feet is consistent as a minimum setback with other Agriculture Use-Specific Standards:

- Agriculture, Horticulture, and Animal Husbandry
- Agriculture Support Uses (Direct Association with On-Site Agricultural Activity) Level I, 5 to 25 acres.
- Agriculture Support Uses (Standalone) Level I, 5 to 25 acres.
- Comparison setbacks for other rural uses that host attendees and/or the paying public:
 - Banquet/Event Facility 4.04.05. Building setback is 100 feet from all lot lines and outdoor activities are 200 feet,
 - Rural Retreat 4.05.17. Building setback is 200 feet
 - Cultural Tourism 4.05.10. Building setbacks range from 100-200 feet depending on square feet of structures.

4.08.XX Distillery, Limited – Inserted for Code of VA clarifications and quality control

- A. **Applicability.** Section 4.08.XX applies to limited distilleries.
1. Limited distilleries must be licensed as a Limited Distillery in accordance with Code of Virginia Title 4.1.
 2. No limited distillery may be established either as the initial use of the subject property or by change of use of the property until a Zoning Permit is approved pursuant to Section 10.04.
 3. The owner of a limited distillery 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 distillery prior to establishing the use.
- B. **Location.**
1. A limited distillery must be located on a farm on land zoned agricultural and use agricultural products that are grown on the farm in the manufacture of their alcoholic beverages.*
 2. A limited distillery must be located on one or more contiguous parcels of land, totaling at least 10 acres, owned or leased by the licensed limited distillery.
- C. **Intensity/Character.** Outdoor tasting rooms or similar outdoor activities must be set back at least ~~50~~ 60** feet from all lot lines of adjacent agriculturally or residentially zoned properties under separate ownership.
- D. **Private Access Easements.** Limited Distilleries that share a private access easement with another property owner/s, must show the easement allows access to such use.

JUSTIFICATIONS:

*Code of Virginia § 4.1-206.1 requirement restated for zoning regulation clarity.

**Setback of 60 feet is consistent as a minimum setback with other Agriculture Use-Specific Standards:

- Agriculture, Horticulture, and Animal Husbandry
- Agriculture Support Uses (Direct Association with On-Site Agricultural Activity) Level I, 5 to 25 acres
- Agriculture Support Uses (Standalone) Level I, 5 to 25 acres.
- Comparison setbacks for other rural uses that host attendees and/or the paying public:
 - Banquet/Event Facility 4.04.05. Building setback is 100 feet from all lot lines and outdoor activities are 200 feet,
 - Rural Retreat 4.05.17. Building setback is 200 feet
 - Cultural Tourism 4.05.10. Building setbacks range from 100-200 feet depending on square feet of structures.
- Quality Control requirement – Use-Specific Standard is required for 7.05.03.F noise regulations to apply.
- Use-Specific Standard required to enable County Staff (Zoning and Zoning Enforcement) to not rely only on Advisory Opinion ZCOR-2022-0125 to manage Limited Distillery uses until a future ZOAM is completed.

4.08.XX Winery, Virginia Farm -Inserted for Code of VA clarifications and quality control

- A. **Applicability.** Section 4.08.XX applies to Virginia farm wineries.
1. Virginia farm wineries must be licensed as a Virginia farm winery in accordance with Code of Virginia Title 4.1. **A farm winery license shall be designated either as a Class I, Class II, Class III, or Class IV farm winery license in accordance with the limitations set forth in § 4.1-219.***
Alternative: Require the reference in Chapter 12 Winery, Virginia Farm definition.
 2. No Virginia farm winery can be established either as the initial use of the subject property or by change of use of the property until a Zoning Permit is approved pursuant to Section 10.04.
 3. The owner of a Virginia farm winery 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 distillery prior to establishing the use.
- B. **Location.**
1. A Virginia farm winery must be located on **a farm on**** land zoned AR-1, AR-2, TR-10, TR-3, TSN, A-10, JLMA-1, JLMA-2, JLMA-3, or JLMA-20.
Discussion/Review: Are reference to the zoning districts for Virginia Farm Wineries required in the zoning ordinance use-specific standards?
- C. **Intensity/Character.** Outdoor tasting rooms or similar outdoor activities must be set back at least **50 60***** feet from all **lot lines** of **adjacent** agriculturally or residentially zoned properties under separate ownership.
- D. **Private Access Easements.** Virginia farm wineries that share a private road with another property owner/s, must show the easement allows access to such use.

JUSTIFICATIONS:

* Code of Virginia § 4.1-206.1 requirement restated for zoning regulation clarity, and reference to Code of Virginia § 4.1-219 Limitations on Class I, II, III, and IV farm wineries. Further clarity is provided in the definition in Chapter 12.

** July 6, 2023 Planning Commission draft text must be updated to correspond to July 1, 2023 Code of Virginia changes that removed “on a farm.”

*** Setback of 60 feet is consistent as a minimum setback with other Agriculture Use-Specific Standards:

- Agriculture, Horticulture, and Animal Husbandry
- Agriculture Support Uses (Direct Association with On-Site Agricultural Activity) Level I, 5 to 25 acres.
- Agriculture Support Uses (Standalone) Level I, 5 to 25 acres.
- Comparison setbacks for other rural uses that host attendees and/or the paying public:
 - Banquet/Event Facility 4.04.05. Building setback is 100 feet from all lot lines and outdoor activities are 200 feet,
 - Rural Retreat 4.05.17. Building setback is 200 feet
 - Cultural Tourism 4.05.10. Building setbacks range from 100-200 feet depending on square feet of structures.
- Quality Control requirement – Use-Specific Standard is required for 7.05.03.F noise regulations to apply.

**NO CHANGE FOR ZOR.
ADD TO USES FOR REVIEW IN FUTURE ZOAM.**

4.08.08 Winery, Commercial

- A. **Applicability.** Section 4.08.08 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 Code of Virginia § 4.1-213.
- C. **Approval.**
 - 1. In the AR Zoning Districts, commercial wineries that exceed 20,000 square feet of gross floor area require Special Exception review and approval.
 - 2. In the JLMA-20 Zoning District, commercial wineries require Special Exception review and approval. Commercial wineries must be located on a parcel with associated on-going agriculture, horticulture, or animal husbandry. This section is not modifiable under Section 4.01.A.
- B. **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.
- C. **Size of Use.**
 - 1. **Floor Area Ratio.** The maximum floor area ratio for a commercial winery is 0.04.
 - 2. **Storage Yards.** The total area of storage yards must not exceed 20% of the total gross floor area of the principal structure.
- D. **Location on Site/Dimensional Standards.** The minimum setback is 125 feet from all lot lines.
- E. **Landscaping/Buffering/Screening.** Refer to Section 7.04.03.A.6.
- F. **Roads/Access.**
 - 1. **Road Access.** Commercial winery is subject to the road access standards of 7.07.01.F.
 - 2. **Vehicles/Equipment.** Commercial wineries that use heavy equipment must have direct access to a public road.
- G. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

DEFINITION OF “FARM”

REDC ZOR Ad hoc Committee reviewed the chronology of “farm” definitions proposed since April 2022 through April 2023. A definition of “farm” would assist compliance review for Code of Virginia Right to Farm regulations, zoning ordinance requirements, Planning and Zoning permit, location, and application review, zoning enforcement, and Building and Development application and exemption requirements. A definition would better protect the County from potential legal jeopardy of non-compliance with Code of Virginia or approval of applications without bona fide agricultural operations and relieve LSWCD from quasi-regulatory actions.

Consensus of members present proposed the adoption of the April 2022 definition with one wording change and one clarification. Staff April 2022 proposed definition of “Farm” for Zoning Ordinance Committee (ZOC) and public input review¹

Farm:** An agricultural use of one or more parcels of land, whether abutting or not, having a minimum of 5 acres and operated under the same ownership or stewardship, used for the production, cultivation, growing, harvesting **or processing of agricultural or horticultural products or for animal husbandry purposes. Also reference “Agriculture, Bona Fide.*

- * REDC ZOR Ad hoc Committee Request: Change “or” to “and” processing. REDC prior (July 2022) input stated “processing” is a separate use and should not alone define what is considered a “farm.”
- “Animal Husbandry: should explicitly include equine. Confirm this with Staff and the Zoning Administrator, or “equine” should be added to the definition to support Loudoun equine operations and businesses.

FARMER’S MARKET – Request for confirmation

Staff and the Planning Commission made changes to “Farmer’s Market” definitions and Use table classifications. It appears not all Chapter 3 Use Tables were updated to correspond to the June 2023 changes. Confirm all Chapter 3 Use Table references for “Farmer’s Market” permitted uses are correct for BOS work session review.

TOPICS TO BE INCLUDED IN FUTURE ZOAM

The above changes should be considered for implementation IN ZOR to address long-standing REDC and stakeholder/public input requests. A future ZOAM should include rural uses and in particular:

- Equine uses (any/all regulation changes not included in ZOR)
- VaABC licensed uses including commercial winery to review regulation uniformity.
- Agricultural Support uses.

¹ [2022-04-26 ZORW Subcommittee Use Standards, p.5](#)

Rural Economic Development Council (REDC) Zoning Ordinance Recommendations August 2023

SECTION	ISSUE	RECOMMENDATIONS & QUESTIONS FOR PLANNING STAFF and COUNTY ATTORNEY'S OFFICE
	<p>Farm Definition: JUSTIFICATIONS:</p> <ul style="list-style-type: none"> ● To provide a single definition for ease of understanding for prospective and existing businesses that are required to be located on a farm, as well as ease of interpretation and enforcement of ordinance by county officials. ● To enable LSWCD to provide accurate and equitable determination of agricultural farming operations when requested to provide a Conservation Farm Management Plan. ● To support the REDC/Farm Bureau "Right to Farm" by making it clear what a "farm" is, and ensuring agricultural structures comply with the Building & Development application. <p>The questions and requests from the REDC ZOR Ad Hoc and Executive Committee are in red.</p> <ul style="list-style-type: none"> ● The Farm Bureau board was initially concerned about a 5 acre minimum but agreed to 5 acres for consistency with Farm plans and land use taxation. This is not a change from the 1993 zoning ordinance, which requires livestock and equestrian operations to obtain a Conservation Farm Management Plan if on less than 5 acres. Farm Bureau requests a definition of farm be added to the new Zoning Ordinance and does not want to jeopardize including a definition if requesting a smaller parcel size would do so. ● The REDC ZOR Ad Hoc Committee and a majority of the REDC Executive Committee concur with Farm Bureau that the zoning ordinance needs to have a definition of farm. 	<p>Definition provided by Staff in April 2022: <i>FARM/RANCH: An agricultural use of one or more parcels of land, whether abutting or not, having a minimum of five (5) acres and operated under the same ownership or stewardship, used for the production, cultivation, growing, harvesting, or and processing of agricultural or horticultural products or for animal husbandry purposes. Also reference "Agriculture, Bona Fide."</i></p> <p>Comments and questions to Staff/CAO:</p> <ol style="list-style-type: none"> 1. What conflicts (if any) would be raised if the definition includes a five-acre minimum? Is a minimum acreage supportable from a staff and legal perspective? What issues would result if a definition does not include a minimum acreage requirement? 2. Change "or" to "and" to ensure "processing" alone does not constitute a "farm." 3. What conflicts or issues does Staff or CAO have with Staff's original April 2022 language of "whether abutting or not?" 4. Animal Husbandry: should explicitly include equine. Confirm this view with that Staff and the Zoning Administrator. If not inclusive, then "equine" should be added to the definition to support Loudoun equine operations and businesses. 5. Does the inclusion of bona fide agriculture, which includes silviculture, mean that large forestry management and timbering operations are considered farms? Should Bona Fide agriculture only include non silviculture as pertains to farm?

SECTION	ISSUE	RECOMMENDATIONS & QUESTIONS FOR PLANNING STAFF and COUNTY ATTORNEY'S OFFICE
4.08.12	<p>Agricultural Processing</p> <p>To provide flexibility versus limitation of Ag Processing by <u>parcel</u> <i>*Change to 51% "derived from agriculture operations within Loudoun County" vs from "on-site agriculture."</i></p> <p>** Remove requirement for SPEX in TR-10, TR-3, AR-1 and AR-2 districts. SPEX is not required after the Planning Commission motions to modify Ch.12 Definitions and Ch. 4 Use-specific standards (i.e., to permit slaughterhouses by special exception in AR districts).</p> <p>The REDC ZOR Ad Hoc Committee and Executive Committees agree that requiring 51% of products used for processing be derived from on-site agriculture is too restrictive and would cause monetary burdens. Many operations in Loudoun are comprised of multiple parcels that may not be contiguous. They should not be required to have separate processing facilities on each parcel.</p> <p>Both committees also agree that a special exception should not be required to allow processing as a principal use in AR1 and AR2.</p>	<p>Edits to July 6, 2023 ZOR text</p> <ol style="list-style-type: none"> 1. Applicability. Section 4.08.12 applies to agricultural processing uses. 2. Approval/Intensity. <ol style="list-style-type: none"> 1. RC, JLMA-1, JLMA-2, JLMA-3, and JLMA-20 Zoning Districts. <ol style="list-style-type: none"> a. Agricultural processing is permitted as accessory to a principal on-site agricultural activity. b. At least 51% of the products used for processing and/or preparation must be derived from on-site agriculture. *derived from agriculture operations within Loudoun County. c. Agricultural processing is subject to Section 4.08.03. 2. TR-10 and TR-3 Zoning Districts. <ol style="list-style-type: none"> a. Agricultural processing as accessory to a principal on-site agricultural activity requires Special Exception review and approval. b. At least 51% of the products used for processing and/or preparation must be derived from on-site agriculture. *derived from agriculture operations within Loudoun County. c. Agricultural processing is subject to Section 4.08.03. 3. AR-1 and AR-2 Zoning Districts. <ol style="list-style-type: none"> a. Agricultural processing is permitted as accessory to principal on-site agricultural activity. <ol style="list-style-type: none"> 1. At least 51% of the products used for processing and/or preparation must be derived from on-site agriculture. * derived from agriculture operations within Loudoun County. 2. Agricultural processing is subject to Section 4.08.03. b. Agricultural processing is allowed as a principal use, ** subject to Special

		<p>Exception review and approval.</p> <ol style="list-style-type: none">1. At least 51% of the products used for processing and/or preparation must be derived from agriculture operations within Loudoun County.2. Agricultural processing is subject to Section 4.08.04. <p>NOTE request to put in future rural ZOAM</p>
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Rural Economic Development Council (REDC) Zoning Ordinance Recommendations

August 2023

SECTION	ISSUE	RECOMMENDATIONS & QUESTIONS FOR PLANNING STAFF and COUNTY ATTORNEY'S OFFICE
4.08.05	<p>Use Specific Standards Justifications</p> <p>*Code of Virginia § 4.1-206.1 requirements are restated in the use-specific standards for zoning regulation clarity for business review, staff review and public awareness. In the alternative, the requirements for clarity could be included in the Chapter 12 definitions.</p> <p>Use-Specific Standard required to enable County Staff (Zoning and Zoning Enforcement) to not rely only on Advisory Opinion ZCOR-2022-0125 to manage Limited Distillery uses until a future ZOAM is completed.</p> <p>Quality Control requirement – Use-Specific Standard is required for 7.05.03.F noise regulations to apply.</p> <p>** Setback of 60 feet is consistent as a minimum setback with other Agriculture Use-Specific Standards:</p> <ul style="list-style-type: none"> • Agriculture, Horticulture, and Animal Husbandry 4.08.02 • Agriculture Support Uses (Direct Association with On-Site Agricultural Activity) Level I, 5 to 25 acres. 4.08.03 • Agriculture Support Uses (Standalone) Level I, 5 to 25 acres 4.08.04 <p>Without Use Specific Standards the setbacks for a Use <u>default</u> to the minimum district setbacks primarily applied for residential use structures. These residential setbacks in AR-1 and AR-2 in ZOR are as low as 25 feet from the property line.</p> <p>This minimum setback is not consistent with agricultural uses or rural economy uses with Use-specific standards, and could contribute to conflicts with direct neighbors.</p> <p>A consistent 60 feet would apply after the ZOR is approved, with the ability to modify the setback for existing operations to justify for older structures or expansions.</p>	<p style="text-align: center;">Brewery, Limited</p> <p>A. Applicability. Section 4.08.05 applies to limited breweries.</p> <ol style="list-style-type: none"> 1. Limited breweries must be licensed as a Limited Brewery in accordance with Code of Virginia Title 4.1. 2. No limited brewery may be established either as the initial use of the subject property or by change of use of the property until a Zoning Permit is approved pursuant to Section 10.04. 3. 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. <p>B. Location.</p> <ol style="list-style-type: none"> 1. A limited brewery must be located on a farm on land zoned agricultural, and agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm.* 2. A limited brewery must be located on one or more contiguous parcels of land, totaling at least 10 acres, owned or leased by the licensed limited brewery. 3. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof.* <p>C. Intensity/Character. Outdoor tasting rooms or similar outdoor activities must be set back at least 50-60** feet from all lot lines of adjacent agriculturally or residentially zoned properties under separate ownership. REDC recommends 60 foot setbacks for all structures.</p> <p>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.</p> <p style="text-align: center;">Distillery, Limited</p> <p>A. Applicability. Section 4.08.XX applies to limited distilleries.</p> <ol style="list-style-type: none"> 1. Limited distilleries must be licensed as a Limited Distillery in accordance with Code of Virginia Title 4.1. 2. No limited distillery may be established either as the initial use of the subject property or by change of use of the property until a Zoning Permit is approved pursuant to Section 10.04. 3. The owner of a limited distillery 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 distillery prior to establishing the use. <p>B. Location.</p>

		<p>1. A limited distillery must be located on a farm on land zoned agricultural and use agricultural products that are grown on the farm in the manufacture of their alcoholic beverages.*</p> <p>2. A limited distillery must be located on one or more contiguous parcels of land, totaling at least 10 acres, owned or leased by the licensed limited distillery.</p> <p>C. Intensity/Character. Outdoor tasting rooms or similar outdoor activities must be set back at least 50 60** feet from all lot lines of adjacent agriculturally or residentially zoned properties under separate ownership. REDC recommends 60 foot setbacks for all structures.</p> <p>D. Private Access Easements. Limited Distilleries that share a private access easement with another property owner/s, must show the easement allows access to such use.</p> <p style="text-align: center;">Winery, Virginia Farm</p> <p>A. Applicability. Section 4.08.XX applies to Virginia farm wineries.</p> <p>1. Virginia farm wineries must be licensed as a Virginia farm winery in accordance with Code of Virginia Title 4.1. A farm winery license shall be designated either as a Class I, Class II, Class III, or Class IV farm winery license in accordance with the limitations set forth in § 4.1-219.* See Wine/Farm definition in Chapter 12 of Loudoun County Zoning Ordinance.</p> <p>2. No Virginia farm winery can be established either as the initial use of the subject property or by change of use of the property until a Zoning Permit is approved pursuant to Section 10.04. Is this required by County Code?</p> <p>3. The owner of a Virginia farm winery 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 farm winery prior to establishing the use. Is this part of the permitting?</p> <p>B. Location.</p> <p>1. A Virginia farm winery must be located on a farm on** land zoned agricultural.</p> <p>C. Intensity/Character. Outdoor tasting rooms or similar outdoor activities must be set back at least 50 60*** feet from all lot lines of adjacent agriculturally or residentially zoned properties under separate ownership. REDC recommends 60 foot setbacks for all structures.</p> <p>D. Private Access Easements. Virginia farm wineries that share a private road with another property owner/s, must show the easement allows access to such use.</p>
SECTION	ISSUE	RECOMMENDATIONS & QUESTIONS FOR PLANNING STAFF and COUNTY ATTORNEY'S OFFICE

4.08.06

Stable, Livery – Justification

Equine Livery was “grouped” in *Agricultural Support Uses* during the 2015 Rural Uses ZOAM, without sufficient input or agreement from the industry (Loudoun County Equine Association).

There are two actions required to correct this:

1. The “Stable Livery” Use should have its own Use Specific Standards (vs. combined with Ag support) to provide standalone use standards that more closely aligns with the character of the long standing equestrian industry and other agricultural uses.
2. Within the Use Specific Standards as written there are requirements that are not in line with industry standards and should be discussed/reviewed for revisions.

At a minimum, the Zoning Ordinance Rewrite should provide the structural change (#1 above) of separating the Use Specific Standards with feasible proposed regulation changes within ZOR and the remainder in a future ZOAM- *See recommendations*.

Request that Stable Livery is removed from agricultural support and becomes its own use standard. Below is the possible flow of such a standard with questions for review based on the July 6 draft text for support use.

- A. Applicability. Section 4.08.06 applies to **livery stable** uses.
- B. Accessory Uses. Include offices, storage areas, tenant dwelling, educating and training students in equitation, and caring for, breeding, or training horses associated with the livery stable use.
- C. Intensity/Character.
 1. Site Size. The minimum lot area for Stable, Livery is 15 acres.
 2. Visitors/Customers/Parking Spaces. The number of vehicles allowed at any one time depends on the size of the lot area.

Table 4.08.03-2. Intensity/Character by Scale

Use	Scope of Use/Event
Level I—small scale	No more than 100 vehicles on site at any one time.
Level II—medium scale	No more than 200 vehicles on site at any one time.
Level III—large scale	No more than 300 vehicles on site at any one time. Exception: 2 additional vehicles allowed per acre in excess of 100 acres.

DISCUSSION/REVIEW – Does this take precedence over parking ratios as they are defined under parking regulations? (This may be able to wait for the ZOAM)

3. Hours of Operation. Hours of operation for a Stable, Livery are limited to the hours of 4:00 a.m. to 9:00 p.m.
4. Owner. The Stable, Livery must be operated or maintained by the owner or ~~occupant~~ **lessee** of the land upon which the primary associated agriculture, horticulture, or animal husbandry use is conducted.

D. Size of Use.

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

Table 4.08.03-3. Structure

Reference	Use	Lot Area
1	Level I—small scale	5 to 25 acres

2	Level II—medium scale	>25 acres, up to 50 acres
3	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.

DISCUSSION/REVIEW – What is the justification for this table if applied to a Stable, Livery separate Use-Specific Standard? If not required, can it be removed? Other support uses are additive to agriculture on the same parcel and the primary agriculture has its own structures and outbuildings (without sf limitation), such that the sf limitations of support use are not restrictive. However, a stable livery is usually the ONLY agriculture taking place on the parcel. Also note that private stables (no use standards)

2. Storage Areas. The total area of all storage areas used in the Stable, Livery use is limited to the following size. See Table .

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

Table 4.08.03-4. Storage Areas			
Reference	Use	Lot Area	
1	Level I—small scale	5 to 25 acres	
An additional 1,000 square feet of storage area is allowed per every 10 acres in excess of 25 acres, up to 48,000 square feet in total storage area size.			

DISCUSSION/REVIEW – What is the justification for this table if applied to a Stable, Livery separate Use-Specific Standard? If not required, can it be removed? Storage on a livery can be more than one building, one to house equipment and one or more for bedding/hay/feed.

E. Location on Site/Dimensional Standards. The minimum setback for structures or storage areas of a Stable, Livery from lot lines.

Location on Site/Dimensional Standards. The minimum setback for structures or storage areas of an agricultural support use (direct association) from lot lines. See Table 4.08.03-5.

Table 4.08.03-5. Site/Dimensional Standard		
Use	Lot Area (Min.)	Size of Structures (sq. ft.)
Level I—small scale	5 to 25 acres	12,000 square feet

		<table border="1" data-bbox="1073 115 2045 185"> <tr> <td>Level II—medium scale</td><td>>25 acres, up to 50 acres</td><td>24,000 square feet</td></tr> <tr> <td>Level III—large scale</td><td>> 50 acres, up to 100 acres</td><td>36,000 square feet</td></tr> </table> <p>DISCUSSION/REVIEW – What is the justification for this table if applied to a Stable, Livery separate Use-Specific Standard? If not required, can it be changed to a 60 foot setback in alignment with other agricultural uses? The problem is that most indoor arenas total built area are 100 x 200 feet (20,000sf). What setback will be required for a parcel of 15-24 acres? If greater than 60 feet, many parcels will not be suitable for an equine livery. (Note, Limited Brewery is suggested to have a 50 foot setback with no consideration of building size. Rural businesses need to have conformity unless a specific need can be justified.)</p> <p>F. Landscaping/Buffering/Screening.</p> <p>1. Buffer. Refer to Section 7.04.03.A.6.</p> <p>DISCUSSION/REVIEW – What are the justification for Landscaping/Buffering/Screening if applied to a Stable, Livery separate Use-Specific Standard? This section needs clarification.</p> <p>G. Road/Access. DISCUSSION/REVIEW – Is this necessary for stable, livery? If not, can it be removed?</p> <p>1. Road Access. Uses are subject to the road access standards of Section 7.07.01.F.</p> <p>2. Vehicles/Equipment. Any Stable, Livery that involves the use of or services heavy equipment must have direct access to a public road. Direct access by a private easement is not allowed.</p> <p>H. 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. DISCUSSION/REVIEW – Is this necessary for stable, livery? If not, can it be removed? How would a painted fence line be maintained?</p> <p>I. Exterior Lighting. Exterior lighting is subject to Section 7.05.02.C.2.</p>	Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet	Level III—large scale	> 50 acres, up to 100 acres	36,000 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	36,000 square feet						
	<p>Equestrian Event Facility Justification:</p> <p>Equestrian Event Facility was “grouped” in <i>Agricultural Support Uses</i> during the 2015 Rural Uses ZOAM, without sufficient input or agreement from the industry (Loudoun County Equine Association).</p> <p>There are two actions required to correct this:</p> <p>3. The Equestrian Event Facility Use should have its own Use Specific Standards (vs. combined with Ag support) to provide standalone use standards that more closely aligns with the</p>	<p><i>Note that the same total sf and storage sf concerns apply to Stable Event direct use and standalone. Request that these addressed during ZOR. Remaining concerns can be addressed during a ZOAM, including a stand alone use for stable event rather than inclusion in agriculture support.</i></p> <p>A. Applicability. Section 4.08.10 applies to</p> <ol style="list-style-type: none"> 1. An Equestrian Event Facility that includes the keeping and breeding of horses in direct association with on-site agricultural activity. 2. An Equestrian Event Facility that does not include the keeping and breeding of horses as a standalone agricultural support use. <p>B. Intensity/Character.</p>						

character of the long standing equestrian industry and other agricultural uses.

4. Within the Use Specific Standards as written there are requirements that are not in line with industry standards and should be discussed/reviewed for revisions.

At a minimum, the Zoning Ordinance Rewrite should provide the structural change (#1 above) of separating the Use Specific Standards with feasible proposed regulation changes within ZOR and the remainder in a future ZOAM- *See recommendations*.

i.

1. **Site Size.** The minimum lot area for any Equestrian Event Facility is 25 acres.
2. **Visitors/Customers/Parking Spaces.** The number of vehicles allowed at any one time depends on the size of the lot area. See Table...
3. **Hours of Operation.** a. Hours of operation for an Equestrian Event Facility use are limited to 6:00 a.m. to 10:00 p.m.
4. **Owner.** The Equestrian Event Facility 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.

APPLICABLE?

C. Size of Use.

1. Structure

- a. The size of structures used in the Equestrian Event Facility (direct association) is limited to the following gross floor area (total all structures) see current tables 4.08.03-3 4.08.04-3

DISCUSSION/REVIEW – What is the justification for this table if applied to an Equestrian Event Facility Separate Use-Specific Standard? If not required, can it be adjusted/removed?

2. Storage Areas

- a. The total area of all storage areas used in the Equestrian Event Facility use (direct association) is limited to the following size. See current tables 4.08.03-4 and for 4.08.04 **Storage Areas.** The total area of storage areas must not exceed 10% of the total area of the principal structure.

DISCUSSION/REVIEW – What is the justification for either of these requirements if applied to an Equestrian Event Facility separate Use-Specific Standard? If not required, can it be adjusted/removed?

D. Location on Site/Dimensional Standards. The minimum setback for structures or storage areas of an agricultural support use for lot lines. 12,000sf, 60 feet
24,000 sf, 120 feet
36,000sf, 175 feet

(See current Tables 4.08.03-5 and 4.08.04-4)

DISCUSSION/REVIEW – What is the justification for this table if applied to an Equestrian Event Facility separate Use-Specific Standard? If not required, can it be adjusted/removed?

E. Landscaping/Buffering/Screening

1. Buffer. Refer to section 7.04.03.A.6 **IS this correct and Why?**

		<p>DISCUSSION/REVIEW – What are the justifications for Landscaping/Buffering/Screening if applied to an Equestrian Event Facility separate Use-Specific Standard? The 7.04 requirements may be too restrictive.</p> <p>F. Road/Access</p> <p>1. Road Access. Uses are subject to the road access standards of Section 7.07.01.F.</p> <p>2. Vehicles/Equipment. Any Equestrian Event Facility that involves the use of or services heavy equipment must have direct access to a public road. Direct access by a private easement is not allowed.</p> <p>3. Number of Access Points. Only 2 points of access are permitted from the use to a public road. This requirement does not preclude an additional access for emergency vehicles only.</p> <p>DISCUSSION/REVIEW –Is this necessary for Equestrian Event and if not, can it be removed?</p> <p>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. DISCUSSION/REVIEW – Is this necessary for Equestrian Event and if not, can it be removed?</p> <p>H. Exterior Lighting. Exterior lighting is subject to section 7.05.02.c.2</p>
	<p>Farmer's Market Staff and the Planning Commission made changes to "Farmer's Market" definitions and Use table classifications. It appears not all Chapter 3 Use Tables were updated to correspond to the June 2023 changes.</p>	<p>Confirm all Chapter 3 Use Table references for "Farmer's Market" permitted uses are correct for BOS work session review.</p>
	<p>TOPICS TO BE INCLUDED IN FUTURE ZOAM</p>	<p>The above changes should be considered for implementation IN ZOR to address long-standing REDC and stakeholder/public input requests. A future ZOAM should include rural uses and in particular:</p> <ul style="list-style-type: none"> • Equine uses (any/all regulation changes not included in ZOR) • VaABC licensed uses including commercial winery to review regulation uniformity. • Agricultural Support uses

PURPOSE FOR AMENDMENT

To add the ability for the Board of Supervisors to approve modifications to the Zoning Ordinance in a rezoning application. Modifications allow for flexibility and innovation in development, and most successful developments in Loudoun would not be possible to build today under the draft Zoning Ordinance ("Draft ZOR") without them.

MOTION

I move to amend Chapter 10.10.04.C to add Chapter 5, 6, and 8 to the list of modifiable chapters. I further move to cut C.1 and C.4, and therefore remove Appendix C and any references to express authorizations of modifiability throughout the Ordinance.

REDLINE

C. Modification. As part of a Concept Development Plan, the Board of Supervisors may approve modifications to the regulations of Chapters 2, 5, 6, 7, 8, and 9 consistent with Section 10.10.04.C., except in Rural Zoning Districts.

- ~~1. A regulation may be modified only if such modification is expressly authorized by the applicable section. See Appendix C.~~
1. Use permissions provided in Chapter 3 and standards provided in Chapter 4 cannot be modified through this process.
2. Density is not increased, neither density limits nor standards that directly affect the maximum achievable density on a site.
3. No such modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will better achieve one or more policies of the 2019 General Plan.
4. No such modification shall be approved for the sole purpose of achieving the maximum density on a site.
5. An application for such modification shall include materials demonstrating how the modification will be used in the design of the project.
6. In approving any such modifications, the Board of Supervisors may impose such conditions, safeguards and restrictions upon the premises benefited by such modification as may be necessary to avoid or minimize potentially adverse or injurious effect of such modification upon other property in the neighborhood and to carry out the general purpose and intent of this Ordinance.
- ~~7. Modifications to Chapter 9 requirements are pursuant to Section 9.01.H. or Section 9.02.H., as applicable.~~

2019 COMPREHENSIVE PLAN JUSTIFICATION

- **Chapter 2-6:**
 - “The Plan streamlines its presentation of design concepts, providing specific design guidelines for each policy area in subsequent sections of this chapter. Future implementation of the design policies in the General Plan **will require thoughtful revisions to zoning regulations that will help accommodate the flexibility and adaptability** of a new land use planning approach in Loudoun.” (Emphasis added)
- **QD Policy 3:**
 - “Provide diverse environments and experiences in all development... A. **Develop flexible guidelines, regulations, and design standards** that support diverse environments and experiences.” (Emphasis added)
- **QD Policy 7, Action 7.1.E:**
 - “Allow the use mix of a development to differ from the preferred ranges noted in the place type, when street and open space network, project size, surrounding context or other factor supports flexibility to achieve the development objectives of the Plan.”

NARRATIVE SUPPORT FOR THE CHANGE

- Currently, the Draft ZOR prohibits almost all modifications. **Flexible modifications are needed for innovative development**, and most successful developments in Loudoun — including One Loudoun, Loudoun Station, Lansdowne Town Center, and others — could not be built with the Draft ZOR.
- **Prohibiting modifications removes authority from the Board of Supervisors.** Under the Draft ZOE, the Board is unable to adjust any ultra-specific regulations and standards without a ZOAM. This means the Draft ZOR must be perfectly written, or many future ZOAMs will be needed as new development approaches arise. Allowing modifications helps prevent unintended consequences from passage of the ZOR.

PURPOSE FOR AMENDMENT

To adopt the full recommendations for the Loudoun Chamber for Chapter 4. Overall, the goal of these changes are to ensure these Zoning Districts are feasible and follow goals of the 2019 Comprehensive Plan.

A Redline of Chapter 4 is attached, with numbered Recommended Changes. The motion template below can be utilized to turn these changes into motions.

MOTION TEMPLATE

"I MOVE TO ADOPT RECOMMENDED CHANGE #__ FROM THE ATTACHMENT PROVIDED BY THE LOUDOUN COUNTY CHAMBER OF COMMERCE."

JUSTIFICATIONS

Recommended Change #1 (**4.03.04.D. - Hotels/Motels in the TC, RDP, OP, and IP Zoning Districts**):

- Allows Hotels/Motels to be permitted if that have three of five of the following amenities (rather than ALL five):
 - a. A restaurant or carry-out food service;
 - b. Swimming pool;
 - c. Exercise room or fitness facility;
 - d. A guest store or area offering personal necessities or other items; and
 - e. Meeting/conference space of at least 30 square feet per each hotel room.
- Many of the nicer brands could not check all 5 of these requirements, yet would be desirable for the County.

Recommended Change #2 (**4.04.01.B - Animal Hospital in UE District**):

- Removes square footage limitation.
 - Why wouldn't we want larger hospitals in UE?

Recommended Change #3 (**4.04.07 - Business Support Services: Retail Sales**):

- Allows Retail Sales to be 49% (rather than 20%) of the gross floor area of a building.
 - Really important in the age of small manufacturing and online commerce businesses needing retail store frontage.

Recommended Change #4 (**4.04.11 Craft Beverage Manufacturing: Tasting Rooms and Accessory Food Sales**):

- Allows these to be up to 10,000 square feet, rather than 5,000.

Recommended Change #5 (**4.04.12 Drive-through Facilities**):

- Removes requirement that all drive-through lanes have an escape lane from the service lane.
 - While it's nice to have these, not all of these businesses have the space needed to include an escape lane.

Recommended Change #6 (**4.04.17 Office, Professional and Office, Medical**):

- Removes performance standards for "Professional office buildings" in the IP Zoning District.
 - Why should we make it more difficult to build office buildings in Industrial Parks?
 - A number of these requirements would not be feasible.

Recommended Change #7 (**4.04.22 Vehicle Wholesale Auction**):

- Removes requirement that these be located in the Airport Impact Overlay District and lower the lot area requirement to 20 acres, rather than 50.

Recommended Change #8 (**4.05.22.C.4 Health and Fitness Centers - GI Zoning District Development Criteria**):

- Removes the requirement that these be located outside of the Quarry Notification Overlay District.

Recommended Change #9 (**4.05.16 Recreation**):

- Removes performance standards for "Indoor recreation" in the IP and GI Zoning Districts.

- Indoor recreation is an ideal IP and GI use. Why would we make it more difficult for businesses to start here?
- A number of these requirements would not be feasible.

Recommended Change #10 (**4.06.01 Contractor - IP Zoning District**):

- Allows for the parking of trailers.

Recommended Change #11 (**Table 4.06.02-1.c.a - Facade Standards, Fenestration**)

- Changes Fenestration requirement from 30% of a Principal Facade to 20%.
 - This is still a massive increase and improvement over the current Ordinance, while also feasible for the industry. The examples provided to the industry of what the Board wanted were under 20% fenestration.
- Removes “Distributed Fenestration Coverage” requirement, that forces buildings to have no more than 7.5% of the fenestration in one location.
 - This would result in more of a Class B or Flex look, rather than a sleeker office design. This requires clumps of windows, rather than an all-glass look.

Recommended Change #12 (**Table 4.06.02-1.d.b. - Facade Standards, Distributed Green-Wall Surface Coverage**)

- Deletes requirement for Distributed Green-Wall Surface Coverage.
 - Northern Virginia is a difficult climate for Green Wall, and any additional requirements like this could limit its feasibility.

Recommended Change #13 (**Table 4.06.02-1 - Facade Standards, Data Center Mechanical Equipment Facade**)

- Adds language to allow for 2 of 4 facades of a building to be “Mechanical Equipment Facades,” if 1) 4 Principal Facade would otherwise have been required, and 2) such Principal Facades being replaced would face an existing or planned road (meaning the facade facing residential will always be Principal).
 - Current draft could force 4 sides of a building to be Principal Facade, which is not feasible. Data centers need mechanical yards for

generators and cooling equipment, and often need two of them for larger buildings.

- This change still protects facades facing residential buildings, and “Mechanical Equipment Facades” still have significant new design standards.

Recommended Change #14 (**Table 4.06.02-2 - General Site Design Requirements, Data Center Mechanical Equipment**)

- Changes setback requirement for Ground-mounted Data Center Mechanical Equipment to 100 feet.
 - When combined with the Facade requirements above, this provides significant protection to adjacent homes.
- Changes definition of Residential to “existing residential development, an approved CDP or plat or plan showing residential development, or Residential Zoning District,” rather than any district that permits residential uses.
 - MH-RI and other heavy use districts allow residential as an accessory use.

Recommended Change #15 (**Table 4.06.02-2 - General Site Design Requirements, Setbacks and Building Massing Adjacent to Residential**)

- Changes definition of Residential to “existing residential development, an approved CDP or plat or plan showing residential development, or Residential Zoning District,” rather than any district that permits residential uses.
 - MH-RI and other heavy use districts permit residential as an accessory use.
- Deletes “Change in building height” and “Building Step-Back.”
 - See DCC justification on lack of feasibility of this requirement. Extremely arbitrary and untested.

Recommended Change #16 (**Table 4.06.02-2 - General Site Design Requirements, Generator Noise Adjacent to Residential**)

- Deletes generator testing time restrictions that are not in line with DEQ requirements. This would result in an effective ban on testing. See DCC letter.

Recommended Change #17 (**Table 4.06.02-2 - General Site Design Requirements, Landscaping/ Buffering/ Screening**)

- Allows for required buffers to be substituted with “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 Type C with earthen berm.”
 - Existing habitat and vegetation that is more mature can often be better than manmade berms and replantings.

Recommended Change #18 (**4.06.07.D - Outdoor Storage**)

- Removes prohibition of outdoor storage between a structure and a road.
 - All outdoor storage requires significant buffers. Especially in industrial zoning, why wouldn't this be allowed if appropriated screened?

Recommended Change #19 (**4.07.06.B.1.b - Solar Facility, Size of Use**)

- Removes size restriction for solar facilities (proposed to be a minimum of 500 acres) in GI districts.
 - In the new energy economy, we should be trying to allow solar on whatever commercial parcels can fit it.

Recommended Change #20 (**4.07.06.B.3.a.2 - Solar Facility, Size of Use**)

- Removes size restriction for solar facilities (proposed to be a minimum of 20 acres). These would already require a special exception.
 - In the new energy economy, we should be trying to allow solar on whatever commercial parcels can fit it.

Recommended Change #21 (**4.07.02.B.1.a and 4.07.02.B.4 - Energy Storage Facility**)

- Aligns Minimum Area for Utility Scale Facility with Utility, Major use which is how current ordinance addresses Energy Storage, as well as removes distance from Historic Resource as this use is required to have buffering that would make off-site visibility a mute concern. Any modification of these requirements, let alone the commission permit process itself, would take into consideration their proximity to such resources.

- Energy Storage is essential to bring more renewables online and overall grid modernization. The Board's 2023 Energy Policy calls for net-zero by 2045 and carbon free by 2050. Limiting where Energy Storage can occur in the County makes meeting these even more difficult. These use standards align where this use is allowed with where it is allowed today under the current ordinance, while beefing up other use standard requirements.

CHAPTER 4: USE-SPECIFIC STANDARDS

Contents:

- 4.01 Purpose and Applicability
- 4.02 Residential
- 4.03 Lodging
- 4.04 Commercial
- 4.05 Public/Civic/Institutional
- 4.06 Industrial/Production
- 4.07 Infrastructure
- 4.08 Agriculture
- 4.09 Adaptive Reuse

4.01 Purpose and Applicability

Purpose. The purpose of Section 4.01 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 Comprehensive Plan.

- A. **Applicability.** The use specific standards of this section apply in addition to other standards and regulations within the Zoning Ordinance unless otherwise stated. The use specific standards of this section may be modified by Minor Special Exception pursuant to Section 10.11, unless otherwise specified. In no case can use approvals be modified.
- B. **Conditions.** In addition to any standards in Chapter 4, a use must conform to any proffers applied pursuant to a zoning amendment (10.10), conditions imposed pursuant to a Special Exception or Minor Special Exception (10.11) or variance (10.08) review, or conditions or proffers applied pursuant to a Planned Unit Development review (2.07).
- C. **Historic Resources.** Historic resources that existed prior to January 7, 2003, that do not meet the Use-Specific Standards regarding minimum lot area, yards, and/or setbacks; and/or maximum floor area ratio and/or size, may be used for the subject use. Such structures may be expanded or enlarged, provided that such expansion or enlargement does not exceed 15% of the total floor area existing prior to January 7, 2003, and does not decrease the yard or setback in existence on January 7, 2003. The following must be received:
 - 1. Documentation that a property or structure is listed on the Virginia Landmarks Register (VLM), the National Register of Historic Places, or is designated as a National Historic Landmark must be provided to the Zoning Administrator;
 - 2. Documentation demonstrating that the Virginia Department of Historic Resources (VDHR) has identified a property or structure eligible for listing on the VLM or NHRP must be provided to the Zoning Administrator; and
 - 3. Historic resources designated as a County Historic Overlay District (HOD) are also subject to the regulations of Section 5.08.

4.02 Residential

Contents:

4.02.01 Accessory Dwellings

4.02.02 Continuing Care Facility

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4.02.06 Dormitory, Seasonal Labor

4.02.07 Single-Family Dwelling Units

4.02.08 Multifamily Dwelling Units

4.02.09 Tenant Dwellings

4.02.01 Accessory Dwellings

- A. **Applicability.** Section 4.02.01 applies to Accessory Dwelling units.
- B. **Maximum Size.** Accessory Dwellings must not exceed the following maximum size:
 - 1. In Transition Zoning Districts under Section 2.03, Rural Zoning Districts under Section 2.04, and Joint Land Management Area Zoning Districts under Section 2.05, the lesser of:
 - a. 70% of the gross floor area of the principal structure and a footprint not more than 70% of the footprint of the principal structure; or
 - b. 2,500 square feet in gross floor area.
 - 2. In the Urban Zoning Districts under Section 2.01, the lesser of:
 - a. 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure; or
 - b. 1,200 square feet in gross floor area.
 - 3. In the Suburban Zoning Districts under Section 2.02: The footprint cannot exceed 50% of the footprint of the principal structure and the gross floor area cannot exceed the lesser of:
 - a. 50% of the gross floor area of the principal structure; or
 - b. 1,200 square feet in gross floor area.
- C. **Additional Approval.**
 - 1. On lots served by individual sewage disposal systems, Accessory Dwellings are permitted only upon approval from the Health Department.
 - 2. On lots served by community wastewater systems, Accessory Dwellings are permitted only upon approval from Loudoun Water.
- D. **Number of Accessory Dwellings.** Only 1 Accessory Dwelling is permitted on a lot of less than 20 acres.
 - 1. One additional Accessory Dwelling is permitted on a parcel with an area of 20 acres or more.
 - 2. In the AR-1 and AR-2 Zoning Districts, 1 additional Accessory Dwelling is permitted for each 25 acres in excess of 20 acres.
 - 3. Additional Accessory Dwellings may be permitted by Special Exception.
- E. **Density.** Accessory Dwellings are not included in calculations of density.
- F. **Placement.** Accessory Dwellings may be located within an accessory building or in the principal structure.
- G. **Yard.** An attached Accessory Dwelling is subject to all yard requirements applicable to the accessory building or principal structure in which it is located. A detached Accessory Dwelling located within an accessory building is subject to front yard and setback requirements applicable in the Zoning District and may be located 5 feet from

side and rear lot lines provided there are no windows or doors on the portion that encroaches into the required yard and setback applicable in the Zoning District.

H. **Use Limitations.** All of the use limitations of Section 3.03 must be met.

I. **Historic Resources.** Section 4.01.C. applies to historic resources existing prior to January 7, 2003.

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

4.02.02 Continuing Care Facility

A. **Applicability.** Continuing Care Facilities are subject to the following standards.

1. **TRC, UE, TC, and PD-MUB.** Facilities that provide only Independent Living are permitted. Facilities that provide Adult Assisted Living and/or Nursing Home require Special Exception approval. These facilities are not subject to Sections 4.02.02.B-H.

2. **PD-RV Village Center - Commercial and Workplace Area.** Facilities with 20 rooms or less are permitted. Facilities with more than 20 rooms require Special Exception approval. These facilities are not subject to Sections B-H below.

3. **CLI District.** Continuing Care Facilities are permitted in the CLI Zoning District subject to the additional standards of Sections 4.02.02.B-H.

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; and
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; or
 - c. Nursing Home; and
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; and
3. General 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; and
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.** The following recreational and cultural facilities solely for the residents, employees and their guests must be located on site or within 10 miles of the site. 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.

1. Recreation space, passive.
2. Medical care facility, outpatient only.
3. Chapel.

H. **Age of Residents.** The development must be designated age-restricted in accordance with Code of Virginia § 36-96.7, as amended, and at least 80% of the units must be occupied by at least one person 55 years of age or older per unit.

4.02.03 Live/Work Dwelling

A. **Applicability.** Section 4.02.03 applies to live/work dwellings.

B. **Approval.** Live/work dwellings must be designated on an approved Concept Development Plan. Use-Specific Standards within Section 4.02.03 are not modifiable under Section 4.01.A. Requests for modifications must be made in conjunction with a Zoning Map Amendment or Zoning Concept Plan Amendment application.

C. 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. **Employees.** Individuals residing on the premises are permitted to work on site. In addition, no more than 2 other employees are permitted to be onsite at any given time.
3. **Maximum Permitted Floor Area.** The area designated for the work component must be located on the ground level and occupy no more than 50% of the gross floor area of the live/work dwelling.

D. Uses and Limitations.

1. **Uses.** Uses for the work component are limited to principal uses in the Commercial Use Classification and the Education Use Category of the underlying Zoning District, pursuant to the Use Tables of Section 3.02 unless otherwise prohibited in this section. Such uses are subject to the Use Limitations of this section, and any Use-Specific Standards of Chapter 4, excluding specific parking requirements.

2. Use Limitations.

- a. Equipment or processes used in the work component must not create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises.

- b. No explosive, toxic, combustible, or flammable materials in excess of what would be allowed incidental to Household Living Category uses can be stored or used on the premises.
- c. **Non-Permitted Uses.** Non-permitted uses include:
 - 1. All uses in the Animal Services category;
 - 2. All uses in the Automotive category;
 - 3. Drive-through facilities;
 - 4. Dry Cleaning Plant; and
 - 5. Personal Services Uses involving dry cleaning services.
- E. **Signage.** Notwithstanding Sections 8.04, 8.05, 8.06, and 8.09, signage for the work component is limited to 1 wall or window sign no larger than 4 square feet in area and must not be illuminated. The sign must be attached below the second floor of the live/work dwelling.
- F. **Parking.**
 - 1. Parking requirements for the live component of the live/work dwelling are subject to Section 7.06.02.
 - 2. A minimum of 2 additional off-street parking spaces must be provided for the work component of each live/work dwelling.
- G. **Conversion.** The work component of the live/work dwelling must remain commercial and cannot be converted to a residential use. The live component must remain residential and cannot be converted to a commercial use.
- H. **Transfer of Property.** No portion of the live/work dwelling may be sold separately.

4.02.04 Manufactured Homes

- A. **Applicability.** Section 4.02.04 applies to manufactured homes. Manufactured homes in the AR-1, AR-2, A-3, A-10, and TR-10 Zoning Districts are not subject to this section.
- B. **Manufactured Homes.** The following standards apply to manufactured homes:
 - 1. Manufactured homes must be at least 900 square feet in floor area and a minimum of 19 feet in width;
 - 2. Roofs must:
 - a. Be pitched with a minimum vertical rise of 4 inches for each 12 inches of horizontal run; and
 - b. 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; and
 - 3. Manufactured homes must have a non-reflective roof material such as asphalt or wood shingles, tile, metal, or slate or other products as used on adjacent properties;
 - 4. Perimeter non-load bearing foundation enclosures must be masonry, stone or concrete; and
 - 5. Manufactured housing must have wheels, axles, transporting lights, and removable towing apparatus removed from the site and must be placed on a permanent foundation.
- C. **Restrictive Covenants.** Section 4.02.04 does not supersede valid restrictive covenants of record, except that a manufactured home is not considered a mobile home.

4.02.05 Religious Housing and Rooming and Boarding

- A. **Applicability.** Section 4.02.05 applies to religious housing in the AR-1, AR-2, TR-2, and JLMA-3 Districts and rooming and boarding within the AR Zoning Districts.
- B. **Intensity/Character.** The minimum lot area must be as follows, unless the use is developed as an adaptive reuse pursuant to Section 4.09.

Table 4.02.05-1. Intensity/Character		
Use	Size of Lot (Minimum)	Number of Residents (Maximum)
Level I – small scale	5 acres	5-10 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 10.11.	30 acres	31-40 residents

C. Building/Lot Requirements.

1. **Size of Use.** The maximum floor area ratio is 0.04.
2. **Minimum Required Yards.** 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; and
 - c. Level III and IV – large scale and above: 150 feet minimum from all lot lines.

D. Road Access. The use is subject to the road access standards of 7.07.01.F.

E. Exterior Lighting. Exterior lighting is subject to Section 7.05.02.C.2.

F. Historic Resources. Section 4.01.C. applies to historic resources existing prior to January 7, 2003. Notwithstanding Section 4.01.C, the only minimum lot size in Table 4.02.05-1 that the use is not required to meet is the Level 1 - small scale minimum lot size. All other minimum lot sizes in Table 4.02.05-1 apply to the use in a historic resource or structure.

4.02.06 Dormitory, Seasonal Labor

A. Applicability. Section 4.02.06 applies to seasonal labor dormitory uses in the 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 4.02.09.

B. Intensity/Character.

1. **Location of Use.** The use must be located on the site of active agriculture, horticulture or animal husbandry operations.
2. **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 must be accessed by internal site driveways and must not have direct access to public roads.
2. **Setback from Single-Family Dwellings.** Dormitories 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 block visibility of dormitory structures from adjacent properties and public streets.

E. Exterior Lighting. Exterior lighting is subject to Section 7.05.02.C.2.

4.02.07 Single-Family Dwelling Units

A. Maximum Dwelling Units per Structure. No one single-family attached (SFA) townhouse structure is permitted to exceed 8 dwelling units in a row.

- B. TRC Zoning District Requirements.** Single-family detached (SFD) and SFA dwelling units are only permitted in the TDSA of the TRC Zoning District and as follows:
1. SFD dwelling units must be no more than 2.5% of total dwelling units in the TRC Zoning District;
 2. SFD dwelling units and SFA dwelling units must be designed so that:
 - a. Blocks containing SFD dwelling units and/or SFA dwelling units include an alley;
 - b. Garages are alley-loaded; garages must not face or be accessed from any road within the Zoning District;
 - c. The buildings are a minimum of 3 stories in height; and
 - d. Front entrances are a minimum of 3 feet above the grade of the sidewalk.
- C. TC Zoning District Requirements.** SFD and SFA dwelling units are permitted in the TC Zoning District as follows:
1. SFD and SFA dwelling units permitted to be located in the Town Center Core must be designed in accordance with the following:
 - a. Blocks containing 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 Town Center Core;
 - c. Building must be a minimum of 3 stories in height; and
 - d. Front entrances must be a minimum of 3 feet above the grade of the sidewalk.
 2. The total number of SFD and SFA dwelling units must not exceed 20% of the total number of dwelling units approved for the TC Zoning District.
 3. The land area dedicated to SFD and SFA dwelling units must not exceed 10% of the land area of the TC Zoning District.
- D. PD-MUB Zoning District Requirements.** SFD and SFA dwelling units are permitted in the PD-MUB Zoning District as follows:
1. The land area dedicated to SFD and SFA dwelling units must not exceed 10% of the land area of the PD-MUB Zoning District; and
 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, and quadruplex.

4.02.08 Multifamily Dwelling Units

- A. Maximum Dwelling Units on the Ground Floor.** No one multifamily stacked (MFS) structure is permitted to exceed 8 MFS dwelling units on the ground floor.
- B. TRC Zoning District Requirements.** Multifamily dwelling units are permitted in the TRC Zoning District as follows:
1. Multifamily attached (MFA) dwelling units are permitted in the Inner Core, Outer Core, and TDSA of the TRC Zoning District.
 2. MFA dwelling units must meet the Transition standards in Section 7.01.07.
 3. MFS dwelling units are permitted only in the TDSA of the TRC Zoning District and as follows:
 - a. Blocks containing MFS dwelling units must include an alley;
 - b. Garages must be alley-loaded; garages must not face or be accessed from any road within the TDSA; and
 - c. Front entrances must be a minimum of 3 feet above the grade of the sidewalk.
- C. TC Zoning District Requirements.** Multifamily dwelling units are permitted in the TC Zoning District as follows:

1. MFS dwellings located in the Town Center Core must be designed in accordance with the following:
 - a. Blocks containing MFS dwellings must include an alley;
 - b. Garages must be alley-loaded; garages must not face or be accessed from any road within the Town Center Core; and
 - c. Front entrances must be a minimum of 3 feet above the grade of the sidewalk;
 2. MFA dwellings must meet the Transition standards in Section 7.01.07;
 3. The total number of MFS dwelling units must not exceed 30% of the total number of dwelling units approved for the TC Zoning District; and
 4. The land area dedicated to MFS dwelling units must not exceed 10% of the land area of the TCDistrict.
- D. **TCC Zoning District Requirements.** MF dwelling units are permitted in the TCC Zoning District only when such units are located above a first-floor nonresidential pedestrian-oriented use or uses, and the first floor includes features that activate a streetscape, such as a predominance of glass and an entrance.

4.02.09 Tenant Dwellings

- A. **Applicability.** Tenant dwellings are subject to the base Zoning District regulations and the additional regulations in Section 4.02.09.
- B. **Tenant Dwellings.**
 1. **All Parcels Except Open Space Parcels.**
 - a. The total number of tenant dwellings must not exceed 4 per parcel.
 - b. One additional tenant dwelling is permitted for each 25 acres of a parcel in excess of the minimum 10 acres.
 - c. One tenant dwelling is permitted on a parcel of at least 10 acres.
 2. **Open Space Parcels.**
 - a. Tenant dwellings on open space parcels are only allowed in the A-3, A-10, AR-1, AR-2, and TR districts.
 - b. One tenant dwelling is permitted on open space parcels with at least 25 acres.
- C. **Additional Requirements.**
 1. **On Internal Roads/No Direct Access to Public Roads.** Structures for multifamily dwellings must be accessed by internal roads, must not have direct access to public roads, and must be screened from public roads and neighboring properties in accord with the landscaping and buffering requirements for multifamily dwellings;
 2. **Separate Dwelling.** For the purposes of Section 4.02.09.B.1.a., each unit of a multiple dwelling structure is considered a separate tenant dwelling;
 3. **Home Occupations.** Occupants of tenant dwellings may conduct home occupations subject to Section 3.03.E.;
 4. **Size of Tenant Dwelling.** A tenant dwelling unit must not exceed 2,500 square feet in gross floor area;
 5. **Density.** Tenant Dwellings are not included in calculations of density; and
 6. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.
- D. **Historic Resources.** Section 4.01.C. applies to historic resources existing prior to January 7, 2003. Notwithstanding Section 4.01.C, the only minimum lot size that the use is not required to meet is the minimum 10-acre lot size requirement for 1 tenant dwelling pursuant to Section 4.02.09.B.1.c. Any additional tenant dwellings are subject to Sections 4.02.09.B.1.a. and 4.02.09.B.1.b.

4.03 Lodging

Contents:

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

4.03.02 Camp, Day and Boarding

4.03.03 Campgrounds

4.03.04 Hotel/Motel

4.03.05 Short-Term Rental

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

- A. **Applicability.** Section 4.03.01 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 is permitted to be established until a 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. **Road Access.** Bed and Breakfast Inn, Country Inn, and Rural Resorts are subject to the road access standards of Section 7.07.01.F.
- D. **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 4.03.01-1. 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
Rural Resort as Event Facility (Section 4.03.01.G.7.)	Section 4.04.05	Section 4.04.05

2. **Hours of Operation.** Hours of operation for private parties are limited to between 7:00 a.m. and 12:00 midnight.
3. **Landscaping/Buffering/Screening.** Outdoor private party areas must meet the requirements of Section 7.04.03.A.7., 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 7.04.08 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.
 - b. **Zoning Permit.** A Zoning Permit must be applied for at least 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 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.

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

1. **Intensity/Character.**

- a. **Management.** The operator, or manager designated by the operator, must live on the premises and be available at all times when the property is occupied by renters to address issues that arise. During all rental periods, the operator or manager must respond by phone or electronic means within 30 minutes and be available to be onsite within 60 minutes and provide the contact information of the operator and/or manager to the guests in writing prior to the beginning of the rental period. The contact information also must be posted in a conspicuous location within 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 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 7.05.02.C.2., the maximum height of pole-mounted exterior lighting is 12 feet.

3. **Noise.** No outdoor music is permitted between 11:00 p.m. and 10:00 a.m. on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, and between 10:00 p.m. and 10:00 a.m. on any other day.

4. **Roads/Access.** For any Bed and Breakfast Homestay located on a lot that does not have access to a public road, the property owner must provide documentation to the Zoning Administrator demonstrating that the establishment has permission to use the private road serving such lot.

F. **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 and its related uses and accessory uses, is permitted on a lot in the AR-1, AR-2, and A-3 Zoning Districts.
- b. **Management.** The operator, or manager designated by the operator, must live on the premises and be available at all times when the property is occupied by renters to address issues that arise. During all rental periods, the operator or manager must respond by phone or electronic means within 30 minutes and be available to be onsite within 60 minutes and provide the contact information of the operator and/or manager to the guests in writing prior to the beginning of the rental period. The contact information also must be posted in a conspicuous location within the Bed and Breakfast Inn.
- c. **Guest Rooms.** The number of guest rooms 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 is not permitted to contain restaurant facilities but may provide food service only for overnight guests or private party attendees.
- g. **Yard.** Parking must be setback 40 feet from all lot lines.

2. **Exterior Lighting.** Exterior lighting for a Bed and Breakfast Inn is subject to Section 7.05.02.C.2. In addition to the requirements of Section 7.05.02, the maximum height of pole-mounted exterior lighting, outside of parking areas is 12 feet.

3. **Noise.** Outdoor music is not permitted between 11:00 p.m. and 10:00 a.m. on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, or between 10:00 p.m. and 10:00 a.m. on any other day.

4. **Roads/Access.**

- a. For any Bed and Breakfast Inn that is located on a lot that does not have access to a public road, the property owner must provide documentation to the Zoning Administrator demonstrating that the establishment has permission to use the private road serving the lot.
 - b. Only two points of access are permitted for the Bed and Breakfast Inn.
5. **Historic Resource.** Section 4.01.C. applies to historic resources existing prior to January 7, 2003. Notwithstanding Section 4.01.C., expansion or enlargement of structure exceeding 15% of the total floor area existing prior to January 7, 2003, is permitted upon approval of a Minor Special Exception pursuant to Section 10.11.
- G. **Country Inn.** The following applies to a Country Inn:
 1. **Approval.** Minor Special Exception review and approval is required in AR-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 1 Country Inn use, and its related uses and accessory uses, is permitted on a lot in the AR-1, AR-2, and A-3 Zoning Districts.
 - b. **Management.** The owner or manager of the premises 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 is 40.
 - d. **Minimum Lot Area.** The minimum lot area is 20 acres.
 - e. **Size of Use.**
 1. The floor area ratio must not exceed 0.04.
 2. Any restaurant and indoor Banquet/Event Facilities located on the property must not exceed 49% of the total floor area of the Country Inn.
 - f. **Food Service.**
 1. Food service may be provided for overnight guests and private party attendees.
 2. Full-service restaurant facilities may be provided to the general public in accordance with the individual Zoning District regulations.
 - g. **Yard.**
 1. The Country Inn use must be set back 100 feet from all lot lines.
 2. Parking must be set back 100 feet from all lot lines.
 3. Outdoor private party areas must be set back 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. **Exterior Lighting.** In addition to the requirements of Section 7.05.02.C.2., the maximum height of pole-mounted exterior lighting, outside of parking areas, is 12 feet.
 4. **Noise.** No outdoor music is permitted between 12:00 midnight and 7:00 a.m.
 5. **Roads/Access.**
 - a. For any Country Inn that is located on a lot that does not have access to a public road, the property owner must provide documentation to the Zoning Administrator demonstrating that the establishment has permission to use the private road serving such lot.
 - b. Only 2 points of access for a Country Inn.

6. **Historic Resources.** Section 4.01.C. applies to historic resources existing prior to January 7, 2003. Notwithstanding Section 4.01.C., any expansion or enlargement of a structure is permitted to exceed 15% of the total floor area existing prior to January 7, 2003, upon approval of a Minor Special Exception, pursuant to Section 10.11.

H. Rural Resorts. The following standards apply to rural resorts.

1. **Parcel Size.** The minimum lot area of rural resorts must comply with Section 4.03.01.H.7.a., except when located within the buffer area of a PD-RV Zoning District.
2. **Separation Requirement.** When not located within a PD-RV Zoning District, rural resorts must be appropriately sited so as not to infringe on the character of any existing village. At a minimum, rural resorts must be located at least 1 mile from the boundaries of an existing VCOD or an existing PD-RV zoned parcel.
3. **Yard.** All new buildings or structures, active recreational areas, parking, and lighted areas must be set back a minimum of 200 feet from adjacent properties.
4. **Water and Sewer.** The establishment must be served by public water and sewer if located in a PD-RV district. Otherwise, the establishment must be served by a community water supply system and a community wastewater system. Community water and wastewater 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.
 - b. Driveways and parking areas supporting these recreational facilities may also be located in the open space area.
6. **May be Open to Public.** A Rural Resort may be open to the general public for patronage. A Rural Resort may be permitted as a Banquet/Event Facility pursuant to Section 4.04.05 by Minor Special Exception.
7. **Additional Standards for Certain Districts.** In the AR-1, AR-2, and TR-2 districts, rural resorts 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 control.
 - a. **Intensity/Character.** The lot area, guest room, and yard requirements for rural resorts are as follows on Table 4.03.01-2.

Table 4.03.01-2. Intensity/Character

	Minimum Lot Size	Number of Guest Rooms	Minimum Required Yard (From All Lot Lines)
1	40 acres	Up to 20 rooms	125 feet
2	60 acres	21-40 rooms	200 feet
3	80 acres	41-60 rooms	250 feet
4	100 acres	61-80 rooms	300 feet
5	120 acres	81-100 rooms	350 feet
6	150 acres	101-120 rooms	375 feet

TABLE NOTES:

More than 120 rooms requires Special Exception approval pursuant to Section 10.11.

b. Size of Use.

1. Any restaurant and Banquet/Event Facilities, and conference and training facilities must be less than 50% of the total floor area of the rural resort.
2. Outdoor storage related to the rural resort facilities is permitted.
3. Maximum Floor Area Ratio: 0.04.
8. **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.
9. **Parking.** All parking areas serving the use must use a dust-free surfacing material as provided in the Facilities Standards Manual.
10. **Noise.** Outdoor music is not allowed after 11:00 PM.
11. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

4.03.02 Camp, Day and Boarding

- A. **Applicability.** Section 4.03.02 applies to all day camps and boarding camps in the AR, TR, JLMA, and PD-CV Zoning Districts.
- B. **Approval.** Day and boarding camps that exceed 30 guests in the AR, TR, PD-CV, and JLMA-20 Zoning Districts require Special Exception review and approval.
- C. **Intensity/Character.**
 1. **Site Size.** Site size is in accordance with Table 4.03.02-1.

Table 4.03.02-1. Intensity/Character

Use	Scope of Use/Campers	Lot Area (Minimum)
Level I—small scale	Up to 30 guests or boarders daily.	15 acres
Level II—medium scale	Up to 100 guests or boarders daily.	40 acres
Level III—large scale	Up to 250 guests or boarders daily.	100 acres
Level IV	> 250 guests or boarders daily.	Special Exception pursuant to Section 10.11

2. **Temporary Dwellings.** Day and boarding camps must not be used as principal 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, must be provided in accordance with the Loudoun County Health Department requirements.
- D. **Location on Site/Dimensional Standards.** Structures must be set back from lot lines as provided in Table 4.03.02-2.

Table 4.03.02-2. Site/Dimensional Standards

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

E. Roads/Access.

1. **Road Access.** The use is subject to the road access standards of 7.07.01.F.
 2. **Number of Access Points.**
 - a. **Camp with Less Than 15 Campers/Level I Camp.** Only 1 point of access is permitted to a 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 2 points of access are permitted to a public road from a Level II or III day and boarding camp. This requirement does not preclude an additional access for emergency vehicles only.
- F. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

4.03.03 Campgrounds

- A. **Applicability.** Section 4.03.03 applies to campgrounds in the AR, TR, and JLMA Zoning Districts.
- B. **Approval.** Campgrounds in the JLMA Zoning District must have Special Exception review and approval.
- C. **Intensity/Character.**
 1. **Site Size.**

Table 4.03.03-1. Intensity/Character

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 10.11

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

Table 4.03.03-2. Structure Size

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

Table 4.03.03-2. Structure Size

Use	Scope of Use/Campsites	Total Size of All Structures (Maximum)
Level III—large scale	>100 up to 150 campsites	32,000 sf
Level IV	>150 campsites	Special Exception pursuant to Section 10.11

TABLE KEY:
sf = square feet

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

Table 4.03.03-3. Site/Dimensional Standards

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

TABLE KEY:
ft = feet
sf = square feet

F. Roads/Access.

1. **Road Access.** The use is subject to the road access standards of 7.07.01.F.
2. **Number of Access Points.**
 - a. Only 1 point of access is permitted to a public road from a Level I campground. This requirement does not preclude an additional access for emergency vehicles only.
 - b. Only 2 points of access are permitted to a public road from a Level II, III or IV campground. This requirement does not preclude an additional access for emergency vehicles only.

G. Exterior Lighting. Exterior lighting is subject to Section 7.05.02.C.2.

4.03.04 Hotel/Motel

- A. **Applicability.** Section 4.03.04 applies to all hotels/motels.
- B. **Locational Criteria.** 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 must be served by public water and sewer.
- D. **Hotels/Motels in the TC, RDP, OP, and IP Zoning Districts.**
 1. Hotels/Motels in the TC, RDP, OP, and IP Zoning Districts are permitted if three of the five of the following amenities are provided on-site:
 - a. A restaurant or carry-out food service;
 - b. Swimming pool;
 - c. Exercise room or fitness facility;
 - d. A guest store or area offering personal necessities or other items; and
 - e. Meeting/conference space of at least 30 square feet per each hotel room.
 2. Approval of a Special Exception is required if the Hotel/Motel does not meet Section 4.03.04.D.1.

- E. **Hotels/Motels in the TRC, UE, TC, and PD-MUB Zoning Districts.** Hotels in the TRC, UE, 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 not be directly accessible from the exterior of the building; and
 2. All stairwells, corridors, and circulation components of the building must be completely enclosed within the building envelope.

4.03.05 Short-Term Rental

- A. **Applicability.** Section 4.03.05 applies to short-term rental uses.
- B. **Short-Term Rental, Commercial Whole House.**
1. **Modifications Not Permitted.** Notwithstanding Section 4.01.A., this Section 4.03.05.B.1. and Sections 4.03.05.B.2., 4.03.05.B.3.b.2.a., 4.03.05.B.3.c., 4.03.05.B.3.d., 4.03.05.B.4., 4.03.05.B.9., and 4.03.05.B.10. cannot be modified by Minor Special Exception.
 2. **Registration.** A Short-Term Rental, Commercial Whole House use must be permitted only on a property that is currently registered by the Operator in accordance with Chapter 1470 of the Codified Ordinances of Loudoun County, unless exempt from the registration requirement under Section 1470.03.
 - a. An "Operator" must meet the definition of "Operator" found in Chapter 1470 of the Codified Ordinances of Loudoun County.
 - b. The annual registration required by Chapter 1470 of the Codified Ordinances of Loudoun County must be on display in a conspicuous location inside the main entrance into the Short-Term Rental, Commercial Whole House use and included with all advertising materials.
3. **Intensity and Character.**
- a. **Management Requirements.** The Operator, or a manager designated by the Operator, must be available during all times when the property is occupied by renters to address issues that arise. During all rental periods, the Operator or Manager must:
 1. Respond by phone or electronic means within 30 minutes and be available to be onsite within 60 minutes; and
 2. Provide the contact information for the Operator and/or Manager to guests of the Short-Term Rental, Commercial Whole House use in writing prior to the beginning of the rental period. The contact information also must be posted in a conspicuous location within the Short-Term Rental, Commercial Whole House use.
 - b. **Rental Capacity.** The following capacity limits apply to a Short-Term Rental, Commercial Whole House use per night.
 1. **Guest Rooms.** The number of rooms used for overnight accommodations for guests must not exceed 5 per parcel if owned in fee simple or per ownership unit if under condominium ownership.
 2. **Guest Capacity.**
 - a. **Individual Sewage Disposal System.** For parcels served by an individual sewage disposal system, the total number of guests permitted per night must not exceed the maximum permitted capacity of the individual sewage disposal system, as approved by the Health Department.
 - b. **Maximum Number of Guests.** Unless a lower total number of guests is required under Section 4.03.05.B.3.b.2.a, the total number of guests permitted per night must not exceed a maximum of 10 guests per parcel if owned in fee simple or per ownership unit if under condominium ownership. This requirement is not intended to limit the number of guests

that may sleep in each room, nor the number of dwelling units per parcel used for the Short-Term Rental, Commercial Whole House use.

- c. **Food Service Not Permitted.** The Operator or Manager must not prepare, serve, or contact for the catering of food or alcoholic beverages for consumption by any guests of the Short-Term Rental, Commercial Whole House use. The Short-Term Rental, Commercial Whole House use must not contain restaurant facilities; the dwelling unit's independent cooking facilities are for use by the guests only.
 - d. **Private Parties and/or Temporary Special Events Not Permitted.** Private parties and/or Temporary Special Events pursuant to Section 3.04.E. are not permitted in association with the Short-Term Rental, Commercial Whole House use.
 - e. **Dwelling Unit Types Permitted.** A Short-Term Rental, Commercial Whole House use is permitted to operate only in a not otherwise occupied single family detached dwelling unit and/or in a not otherwise occupied accessory dwelling unit approved pursuant to Section 4.02.01 that is accessory to a principal single family detached dwelling unit.
4. **Zoning Permit Requirements.** A Zoning Permit is required for all Short-Term Rental, Commercial Whole House uses.
- a. In addition to the requirements of Section 10.04, the Zoning Permit application must include authorization for the Zoning Administrator to conduct an inspection prior to approval of the Zoning Permit to verify compliance with all applicable Zoning Ordinance requirements and the following:
 - 1. Written consent from the property owner;
 - 2. The name and contact information of the Operator and/or Manager;
 - 3. The type of dwelling unit(s) that will be rented;
 - 4. The address of the dwelling unit(s) that will be rented;
 - 5. The maximum rental capacity;
 - 6. The type of water and sewer service for the proposed use;
 - 7. Any required Virginia Uniform Statewide Building Code (Part 1 Virginia Construction Code and Part 1 Virginia Existing Virginia Code) approval(s) from the Department of Building and Development, Virginia Statewide Fire Prevention Code approval(s) from the Fire Marshal, and Health Department approval;
 - 8. A drawing that shows the location of the dwelling unit(s) being rented and the required parking on the parcel that is subject to the Zoning Permit application; and
 - 9. A floor plan of the dwelling unit(s) being rented illustrating conformance with the safety requirements of Section 4.03.05.B.9; and
 - b. The approved Zoning Permit for the Short-Term Rental, Commercial Whole House use must be displayed in a conspicuous location upon entry into the Short-Term Rental, Commercial Whole House use and included with all advertising materials.
 - c. The Zoning Permit for a Short-Term Rental, Commercial Whole House use is valid for only the original Operator and dwelling unit(s) listed on the Zoning Permit application and is not transferable to any other Operator or property. Changes to the information pertaining to the Operator or dwelling unit(s) listed on the Zoning Permit will require the approval of a new Zoning Permit.
 - d. No more than 1 Zoning Permit for a Short-Term Rental, Commercial Whole House use is permitted per parcel. Such Zoning Permit must list all principal and/or accessory dwelling units to be used for the Short-Term Rental, Commercial Whole-House use.
 - e. A Zoning Permit for a Short-Term Rental, Commercial Whole House use is not permitted on a parcel that is subject to an approved Zoning Permit for a Bed and Breakfast Homestay use, Bed

and Breakfast Inn use, Country Inn use, Rural Retreats and Resorts use, Campground Use, or for a Short-Term Rental – Residential Accessory use.

- f. The County’s approval of a Zoning Permit for a Short-Term Rental, Commercial Whole House use is not intended to abrogate, annul, or otherwise interfere with any easement, covenant or other private agreement or legal relationship, such as those of a Homeowners Association or Condominium Owners Association. However, where the regulations of the Zoning Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements or legal relationships, the regulations of the Zoning Ordinance must govern.
5. **Simultaneous Rental Contracts Not Permitted.** All guests staying within the same dwelling unit during a rental period for a Short-Term Rental, Commercial Whole House use must be covered under the same rental agreement.
6. **Parking Requirement.**
 - a. In addition to the off-street parking spaces required for the existing dwelling unit(s) and any other uses on the parcel pursuant to Section 7.06, 1 off-street parking space must be provided.
 - b. The Zoning Administrator may modify the parking requirements of this Section if the Operator can demonstrate that the requirements of this Section cannot be met because of:
 1. The exceptional size and/or shape of the lot;
 2. Environmental or engineering constraints on the lot;
 3. Special accessibility needs; or
 4. Other extraordinary situations or conditions of the lot. The Zoning Administrator may attach conditions to any modification to ensure that the results of the modification will be in accordance with the purpose and intent of this Section.
 - c. On-street parking does not count toward the required parking unless specifically requested and approved pursuant to Section 4.03.05.B.6.b.
7. **Exterior Lighting.** Exterior lighting for a Short-Term Rental, Commercial Whole House use is subject to Sections 7.05.02.B.1., and 7.05.02.B.7. The maximum height of pole-mounted exterior lighting for a Short-Term Rental, Commercial Whole House use is 12 feet.
8. **Roads/Access.** For any Short-Term Rental, Commercial Whole House use that is located on a parcel that does not have access from a Class I or Class II Road, documentation must be provided to the Zoning Administrator, at the time of Zoning Permit application, demonstrating that the private road serving such lot may be used to provide access to the Short-Term Rental, Commercial Whole House use.
9. **Safety Requirements.** Dwelling units used for the Short-Term Rental, Commercial Whole House use must meet the following requirements:
 - a. Each room used for overnight accommodations and floor must have an operational smoke detector that is interconnected with the smoke detectors in the rest of the structure;
 - b. Each floor must have at least one operational fire extinguisher in a conspicuous location that is clearly marked and accessible to guests;
 - c. Each floor must have at least one operational carbon monoxide detector;
 - d. All rooms that may be used for overnight accommodations must have at least two means of continuous and unobstructed egress to the outside of the dwelling unit on the ground floor; and
 - e. A fire safety plan and emergency contact information, including the contact information for the Operator or Manager, local law enforcement, and fire and rescue, must be posted in a conspicuous location; and

10. Use of Affordable Dwelling Unit Developments and Unmet Housing Needs Units (UHNUs) Not Permitted. All units provided pursuant to Chapter 9 and UHNUs provided in accordance with proffered conditions cannot be used for Short-Term Rental – Commercial Whole-House uses.

C. Short-Term Rental, Residential Accessory.

1. **Modifications Not Permitted.** Notwithstanding Section 4.01.A., this Section 4.03.05.C.1. and Sections 4.03.05.C.2., 4.03.05.C.3.b.2.a., 4.03.05.C.3.d., 4.03.05.C.3.e., 4.03.05.C.3.g., 4.03.05.C.4., and 4.03.05.C.7. below cannot be modified by Minor Special Exception.

2. **Registration.** A Short-Term Rental, Residential Accessory use is permitted only on a property that is currently registered by the Operator in accordance with Chapter 1470 of the Codified Ordinances of Loudoun County, unless exempt from the registration requirement under Section 1470.03.

- a. An “Operator” must meet the definition of “Operator” under Chapter 1470 of the Codified Ordinances of Loudoun County.
- b. The annual registration required by Chapter 1470 of the Codified Ordinances of Loudoun County must be on display in a conspicuous location inside the main entrance into the Short-Term Rental, Residential Accessory use and included with all advertising materials.

3. Intensity and Character.

- a. **Management Requirements.** The Operator, or a Manager designated by the Operator, must be available at all times when the property is occupied by renters to address issues that arise. During all rental periods, the Operator or Manager must:

1. Respond by phone or electronic means within 30 minutes and be available to be onsite within 60 minutes; and
2. Provide the contact information of the Operator and/or Manager to guests of the Short-Term Rental, Residential Accessory use in writing prior to the beginning of the rental period. The contact information also must be posted in a conspicuous location within the area being used as the Short-Term Rental, Residential Accessory use; and

- b. **Rental Capacity.** The following capacity limits apply to a Short-Term Rental, Residential Accessory use per night.

1. **Guest Rooms.** The number of rooms used for overnight accommodations for guests must not exceed 4 per parcel if owned in fee simple or per ownership unit if under condominium ownership.

2. Guest Capacity.

- a. **Individual Sewage Disposal System.** For parcels served by an individual sewage disposal system, the total number of guests permitted per night must not exceed the maximum permitted capacity of the individual sewage disposal system, as approved by the Health Department.
- b. **Single Family Detached Development.** Unless a lower total number of guests is required under Section 4.03.05.C.3.b.2.a, the total number of guests permitted per night must not exceed a maximum of 8 guests per parcel if owned in fee simple or per ownership unit if under condominium ownership. This requirement is not intended to limit the number of guests that may sleep in each room.
- c. **Multifamily Dwelling Unit Development or Single-Family Attached Dwelling Unit Development.** Unless a lower total number of guests is required under Section 4.03.05.C.3.b.2.a., the total number of guests permitted per night must not exceed a maximum of 4 guests per parcel if owned in fee simple or per ownership unit if under

condominium ownership. This requirement is not intended to limit the number of guests that may sleep in each room.

- c. **Rental Period.** A dwelling unit, or portion thereof, only must be used as a Short-Term Rental, Residential Accessory use for a maximum of 180 days per calendar year.
- d. **Food Service Not Permitted.** The Operator or Manager must not prepare, serve, or contract for the catering of, food or alcoholic beverages for consumption by any guests of the Short-Term Rental, Residential Accessory use. The Short-Term Rental, Residential Accessory use must not contain restaurant facilities; independent cooking facilities, if provided, are for use by the guests only.
- e. **Private Parties and/or Temporary Special Events Not Permitted.** Private parties and/or Temporary Special Events pursuant to Section 3.04.E. are not permitted in association with the Short-Term Rental, Residential Accessory use.
- f. **Dwelling Unit Types Permitted.** A Short-Term Rental, Residential Accessory use is permitted to operate only in a principal dwelling unit and/or in an accessory dwelling unit approved pursuant to Section 4.02.01.
- g. **Residency Requirement.** The Operator must occupy the dwelling unit the Short-Term Rental, Residential Accessory use is accessory to for a minimum of 185 days out of the calendar year.
- 4. **Zoning Permit Requirements.** A Zoning Permit is required for all Short-Term Rental, Residential Accessory uses.
 - a. In addition to the requirements of Section 10.04, the Zoning Permit application must include authorization for the Zoning Administrator to conduct an inspection prior to approval of the Zoning Permit to verify compliance with all applicable Zoning Ordinance requirements and the following:
 - 1. Written consent from the property owner;
 - 2. The name and contact information of the Operator and/or Manager;
 - 3. The type of dwelling unit(s) that will be rented;
 - 4. The address of the dwelling unit(s) that will be rented;
 - 5. The maximum rental capacity;
 - 6. The type of water and sewer service for the proposed use;
 - 7. Any required Virginia Uniform Statewide Building Code (Part 1 Virginia Construction Code and Part 2 Virginia Existing Building Code) approval(s) from the Department of Building and Development, Virginia Statewide Fire Prevention Code approval(s) from the Fire Marshal, and Health Department approval;
 - 8. A drawing that shows the location of the dwelling unit(s) being rented and the required parking on the parcel that is subject to the Zoning Permit application; and
 - 9. A floor plan of the dwelling unit(s) being rented illustrating conformance with the safety requirements of Section 4.03.05.C.7; and
 - b. The approved Zoning Permit for the Short-Term Rental, Residential Accessory use must be displayed in a conspicuous location upon entry into the Short-Term Rental, Residential Accessory use and included with all advertising materials.
 - c. The Zoning Permit for a Short-Term Rental, Residential Accessory use is valid for only the original Operator and dwelling unit(s) listed on the Zoning Permit application and is not transferable to any other Operator or property. Changes to the information pertaining to the Operator or dwelling unit(s) listed on the Zoning Permit require the approval of a new Zoning Permit.
 - d. No more than 1 Zoning Permit for a Short-Term Rental, Residential Accessory use must be permitted per parcel if owned in fee simple or per ownership unit if under condominium ownership. Such

Zoning Permit must list all principal and/or accessory dwelling units to be used for the Short-Term Rental, Residential Accessory use.

- e. A Zoning Permit for a Short-Term Rental, Residential Accessory use is not permitted on a parcel that is subject to an approved Zoning Permit for a Bed and Breakfast Homestay use, Bed and Breakfast Inn use, Country Inn use, Rural Retreats and Resorts use, Campground Use, or Short-Term Rental, Commercial Whole House use.
 - f. The County's approval of a Zoning Permit for a Short-Term Rental, Residential Accessory use is not intended to abrogate, annul, or otherwise interfere with any easement, covenant or other private agreement or legal relationship, such as those of an Owners Association. However, where the regulations of the Zoning Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements or legal relationships, the regulations of the Zoning Ordinance must govern.
5. **Simultaneous Rental Contracts Not Permitted.** All guests staying within the same dwelling unit during a rental period for a Short-Term Rental, Residential Accessory use must be covered under the same rental agreement.
6. **Parking Requirements.**
- a. In addition to the off-street parking spaces required for the existing dwelling unit(s) and any other uses on the parcel pursuant to Section 7.06, 1 off-street parking space must be provided.
 - b. The Zoning Administrator may modify the parking requirements of this section if the Operator can demonstrate that the requirements of this Section cannot be met because of:
 - 1. The exceptional size and/or shape of the lot;
 - 2. Environmental or engineering constraints on the lot;
 - 3. Special accessibility needs; or
 - 4. Other extraordinary situations or conditions of the lot. The Zoning Administrator may attach conditions to any modification to ensure that the results of the modification will be in accordance with the purpose and intent of this section; and
 - c. On-street parking may not count towards the required parking unless specifically requested and approved pursuant to Section 4.03.05.C.6.b.
7. **Safety Requirements.** Dwelling units used for the Short-Term Rental, Residential Accessory use must meet the following requirements:
- a. Each room used for overnight accommodations and floor must have an operational smoke detector that is interconnected with the smoke detectors in the rest of the structure;
 - b. Each floor must have at least 1 operational fire extinguisher in a conspicuous location that is clearly marked and accessible to guests;
 - c. Each floor must have at least 1 operational carbon monoxide detector;
 - d. All rooms that may be used for overnight accommodations must have at least 2 means of continuous and unobstructed egress travel to the outside of the dwelling unit on the ground floor; and
 - e. A fire safety plan and emergency contact information, including the contact information for the Operator or Manager, local law enforcement, and fire and rescue, must be posted in a conspicuous location.

4.04 Commercial

Contents:

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4.04.01 Animal Hospital

- A. **Applicability.** Section 4.04.01 applies to animal hospitals in the UE, AR-1, AR-2, and JLMA districts.
- B. **UE District.** Within the UE District, the following standards apply:
 - 1. Animal Hospitals must be in a completely enclosed facility;
- C. **AR-1, AR-2, and JLMA Districts.**
 - 1. **Intensity/Character.** The minimum lot area for any animal hospital 5 acres.
 - 2. **Size of Use.**
 - a. **Floor Area Ratio.** The floor area ratio must not exceed 0.04.
 - b. **Storage Yards.** The total area of storage yards must not exceed 10% of the total area of the principal structure(s).
 - c. **Location on Site/Dimensional Standards.** The minimum setbacks are:
 - 1. Structures of 5,000 square feet or less of gross floor area: 100 feet minimum from all lot lines;
 - 2. Structures greater than 5,000 square feet and up to 15,000 square feet of gross floor area: 150 feet minimum from all lot lines; and

3. Structures greater than 15,000 square feet of gross floor area: 200 feet minimum from all lot lines.
3. **Roads/Access.**
 - a. **Road Access.** The use is subject to the road access standards of Section 7.07.01.F.
 - b. 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.
4. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
5. **Noise.** In addition to the regulations of Section 7.05.03.F., 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 p.m. and 6:00 a.m.

4.04.02 Art Studio and Antiques, Art, and Crafts

- A. **Applicability.**
 1. **AR-1, AR-2, and TR-10 Districts.** Section 4.04.02 applies to any art studio or antiques, art, and crafts use in the AR-1, AR-2, and TR-10 Zoning Districts.
 2. **CLI District.** Section 4.04.02.C. applies to any art studio or antiques, art, and crafts use in the CLI Zoning District.
- B. **Intensity/Character.** 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.
- E. **Roads/Access.**
 1. **Road Access.** The use is subject to the road access standards of Section 7.07.01.F.
 2. Only 1 point of access is permitted to a public road. This requirement does not preclude an additional access for emergency vehicles only.
- F. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
- G. **AR District Historic Resources.** Section 4.01.C. applies to historic resources existing prior to January 7, 2003.

4.04.03 Auction House

- A. **Applicability.** Section 4.04.03 applies to auction houses in the AR-1, AR-2, TRC, TC, and PD-MUB Zoning Districts.
- B. **AR-1 and AR-2 Zoning Districts.** In the AR-1 and AR-2 Zoning Districts, auction houses are subject to Section 4.04.03.B.
 1. **Intensity/Character.**
 - a. **Hours of Operation.** Hours of operation are limited to 8:00 a.m. to 9:00 p.m.
 - b. **Sanitary Facilities.** Bathroom facilities must be provided on site.
 2. **Size of Use.**
 - a. **Minimum Lot Area:** 10 acres.

- b. **Maximum Number of Structures:** 1.
 - c. **Maximum Gross Floor Area:** 10,000 square feet.
 - d. **Maximum Outdoor Storage Area:** 2,000 square feet.
3. **Location on Site.** The auction house must be set back at least 100 feet from all lot lines.
4. **Roads/Access.**
 - a. **Road Access.** Auction Houses are subject to the road access standards of Section 7.07.01.F.
 - b. Only 1 point of access is permitted to a public road. This requirement does not preclude an additional access for emergency vehicles only.
5. **Parking.** All parking areas serving the use must be of a dust-free surfacing material as provided in the Facilities Standards Manual.
6. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
7. **Historic Resources.** Section 4.01.C. applies to historic resources existing prior to January 7, 2003.
- C. **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 Car Share

- A. **Applicability.** Section 4.04.04 applies to any Car Share use in the UE, TC, TRC, and PD-MUB Zoning Districts.
- B. **On-Site Automobile Storage.** On-site automobile storage is limited as follows:
 1. **UE and TRC Zoning District.** No more than 10 cars; and
 2. **TC, TRC, and PD-MUB Zoning Districts.** Any single use may not exceed 4,000 square feet of gross floor area.
- C. **TC, TRC, and PD-MUB Zoning Districts, Office Space.** Any office area associated with the Car Share 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

- ~~A. **Applicability.** Section 4.04.05 applies to all Banquet/Event Facility uses. Exceptions are:~~
 1. Section 4.04.05 does not apply to Banquet/Event Facilities within the PD-CC(RC), TRC, UE, TC and PD-MUB Zoning Districts.
 2. For Banquet/Event Facilities within the CLI Zoning District, only Section 4.04.05.E. applies.
- B. **Intensity/Character.**
 1. **Hours of Operation.** Hours of operation are limited to between 7:00 a.m. and 12:00 midnight.
 2. **Size of Use.** The minimum lot area for a Banquet/Event Facility is 20 acres.
 3. **Floor Area.** The floor area ratio 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 must be setback 100 feet from all lot lines.
 - c. Parking must be setback 100 feet from all lot lines.
 - d. Outdoor private party areas must be setback 200 feet from all lot lines or 100 feet from a lot line of a property having a nonresidential use.

5. **Maximum Number of Attendees:** 200 attendees, plus 2 extra attendees per each acre over 20 acres as shown in Table 4.04.05-1.

Table 4.04.05-1. Intensity/Character Attendees	
Minimum Acreage	Maximum Number of Attendees
20 acres	200 attendees
50 acres	260 attendees
75 acres	310 attendees
100 acres	360 attendees

C. Exterior Lighting. Exterior lighting must meet the following requirements:

1. The standards in Section 7.05.02.C.2.; and
2. In addition to the requirements of Section 7.05.02.B.5., the maximum height of pole-mounted exterior lighting, outside of parking areas, is 12 feet.

D. Roads/Access.

1. **Number of Access Points.** Only 2 points of access are permitted to a public road for a Banquet/Event Facility use. This requirement does not preclude an additional access for emergency vehicles only.
2. **Access.**
 - a. **Road Access.** Banquet/Event Facilities are subject to the road access standards of Section 7.07.01.F.
 - b. **Public Road Frontage.** For any Banquet/Event Facility use located on a lot that does not have frontage on a publicly maintained road, the applicant must provide documentation to the Zoning Administrator demonstrating that a private road may be used to provide legal access to the Banquet/Event Facility use.

- E. **CLI Zoning District.** Within the CLI Zoning District, Banquet/Event Facilities must receive Special Exception approval. **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 Food Preparation

- A. **Applicability.** Section 4.04.06 applies to Food Preparation uses.
- B. **Size of Use.** Food preparation uses are limited to no more than 2,500 square feet of gross floor area per establishment.

4.04.07 Business Support Services

- A. **Applicability.** Section 4.04.07 applies to business support services.
- B. **Retail Sales.** Retail sales to the general public must not exceed 49% of the gross floor area devoted to business support services.
- C. All storage for business support services must be enclosed.

4.04.08 Child Day Center and Child Day Home

- A. **Applicability.** Section 4.04.08 applies to child day centers and child day homes.
- B. **Child Day Homes.**
 1. Sections 4.04.08.B.2 through 4.04.08.B.5. are not modifiable under Section 4.01.A.

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 must be the principal residence of the child day home provider.
4. The child day home must comply with any and all County and Code of Virginia requirements, including without limitation, obtaining a Zoning Permit in accordance with Section 10.04, 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.
5. Prior to the approval of a Zoning Permit for a child day home, written notice of the Zoning Permit application must 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 section, "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 must send the written notice by 1st class mail. If the Zoning Administrator does not send the notice, the applicant must submit an affidavit to the Zoning Administrator showing that the required notice was sent. The written notice must 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
 - d. A statement informing the adjacent property owner of the process to object:
 1. The adjacent property owner must send such objection in writing to the Zoning Administrator at the mailing address provided in the notice;
 2. The written objection must include the specific issues that are the basis for the objection; and
 3. The Zoning Administrator will review such objection within 30 days from the date the notification letter was sent.
6. If no objection is received in writing from an adjacent property owner within the required 30 days and all Zoning Ordinance requirements are met, the Zoning Administrator may issue the zoning permit. 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 once the required 30 days is complete.
7. The Zoning Permit application for the child day home must include an exhibit in accordance with Section 10.04.B.5. The exhibit must show the size and location of the required outdoor play area and fence required by Section 4.04.08.B.9. below, and the required parking spaces.
8. 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 Zoning Ordinance Section 10.11.
9. Unless exempted by Section 4.04.08.9.d. below, an outdoor play area must be provided on the lot where the child day home is located. The outdoor play area must 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 must 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; and
- c. The outdoor play area must be located in the rear or side yard; and
- 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;
 - 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).
- 10. No more than 2 non-resident assistants/employees are permitted at any time during hours of operation.
- 11. The hours of operation for the child day home are limited to 5 days a week between 6:00 a.m. and 7:00 p.m.
- 12. Signs for the child day home are permitted in accordance with Zoning Ordinance Chapter 8.
- 13. Parking spaces required by Zoning Ordinance Section 7.06.02 must be designed for the drop off/pick up of children and must be designed and constructed to enhance the safety of children as they arrive and leave the child day home.
- 14. 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 Center.

- 1. The child day center must comply with all County and Code of Virginia requirements, including obtaining a Zoning Permit in accordance with Zoning Ordinance Section 10.04, a County Business License, and a State Child Day Center License in accordance with the Code of Virginia prior to establishing the use. Section 4.04.08.C. is not modifiable by Minor Special Exception.
- 2. Except as provided in Section 4.04.08.C.2.e., an outdoor play area must be provided on the lot where the child day center is located. The outdoor play area must 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 must 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 center classroom areas;
 - c. The outdoor play area must not be located within the minimum required front yard but may extend into the minimum required side and rear yards. No play equipment must be located within any required yard or setback of any district;
 - d. The outdoor play area must be safely segregated from parking, loading, or service areas (such as dumpster pads or delivery sites); and
 - e. No outdoor play area is required on-site if:
 - 1. The child day center 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 center; 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 center is located, and which is

for the use of owners and residents of the portion of the development where the child day center is located; and

3. Parking areas and vehicular circulation patterns must meet the following standards:
 - a. Parking areas must be designed to enhance the safety of children as they arrive at and leave the facility; and
 - b. A designated area for the drop off/pick up of children, providing at a minimum 1 parking space per 20 children, must be located in proximity to the child day center building in such a way that provides safe and clearly designated access to enter or exit the day center. Such parking spaces may be used to meet the minimum off-street parking requirements of Section 7.06.02; and
4. In the TSN, TCN, and TCC Zoning Districts, the maximum number of permitted children is 50.

4.04.09 Nursery, Commercial

- A. **Applicability.** Section 4.04.09 applies to all commercial nurseries.
- B. **On-Site Production.** At least 25% of the area designated as a commercial nursery 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.
- C. **Certification.** Plant production must be certified by the County Extension Agent if requested by the Zoning Administrator.
- D. **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 requirements of Section 7.04.03. 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.

4.04.10 Restaurant

- A. **Applicability.** Section 4.04.10 applies to restaurant uses in all Zoning Districts, except the AR Zoning Districts. For restaurant uses in the AR Zoning Districts, refer to Restaurant, Rural regulations within Section 4.04.18. These Use Specific Standards are not modifiable pursuant to Section 4.01.A.
- B. **Intensity/Character.**
 1. **OP, IP, and GI Zoning Districts.** Restaurant uses may be permitted in accordance with Section 3.03.D.
 2. **PD-RDP Zoning District.** Drive-through facilities are not permitted in conjunction with restaurant uses. Restaurant uses with a seating area of 1,000 square feet or less are permitted. Restaurant uses with a seating area greater than 1,000 square feet require Special Exception review and approval pursuant to Section 10.11.
 3. **IP and GI Zoning Districts.** Drive-through facilities are not permitted in conjunction with restaurant uses. Restaurant uses with a seating area of 1,000 square feet or less are permitted. Restaurant uses with a seating area greater than 1,000 square feet require Minor Special Exception review and approval pursuant to Section 10.11.
 4. **GB Zoning District.** Restaurant uses may not exceed a seating area of 1,000 square feet and must not include drive-through facilities.

5. **TRC, UE, CC-NC, PD-SA, TCN, TCC, RC, and PD-RV Work Zoning Districts.** Restaurant uses without drive-through facilities are permitted. Drive-through facilities are not permitted in conjunction with restaurant uses.
6. **TC Fringe, CC-SC, and PD-CC(RC) Zoning Districts.** Restaurant uses with or without a drive-through facility are permitted. Drive-through facilities are subject to Section 4.04.12.
7. **CC-CC and PD-MUB Zoning Districts.** Restaurant uses without a drive-through facility are permitted. Restaurant uses with drive-through facilities require Special Exception review and approval, subject to Section 10.11 and are also subject to Section 4.04.12.
8. **TC Core Zoning District.** Restaurant uses without a drive-through facility are permitted. Restaurant uses with drive-through facilities require Special Exception review and approval, subject to Section 10.11 and are also subject to Section 4.04.12. Restaurant uses with drive-through facilities must be located in a vertically mixed-use building.
9. **JLMA-2, JLMA-3, JLMA-20, and OP Zoning Districts.** Restaurant uses require Special Exception review and approval pursuant to Section 10.11. Drive-through facilities are not permitted in conjunction with restaurant uses.
10. **CLI Zoning District.**
 - a. Restaurant uses that do not exceed 25% of the total gross floor area of a building and have no drive-through facility are permitted.
 - b. Restaurant uses that do not meet the criteria of 4.04.10.B.10.a. above require Special Exception review and approval pursuant to Section 10.11.
11. **Lanes.** Lanes in drive-through facilities must meet the following requirements:
 - a. A maximum of 3 lanes;
 - b. Include an escape lane from the service lanes; and
 - c. Stacking space that is sufficient to avoid vehicle stacking into drive lanes, parking spaces, and public streets.
12. **Buffer.**
 - a. A Type C buffer must be provided between the drive-through facility and any abutting property zoned, used, or planned for residential uses. (See Section 7.04.03)
 - b. **Exception.** The buffer requirement in Section 4.04.10.B.12.a. does not apply when the drive-through facility is provided in a vertically mixed-use building containing residential uses in the TRC, TC, and PD-MUB Zoning Districts

4.04.11 Craft Beverage Manufacturing

- A. **Applicability.** Section 4.04.11 applies to craft beverage manufacturing. For purposes of this section, "craft beverage manufacturing" means:
 1. A small-scale brewery manufacturing no more than 15,000 barrels of beer per calendar year licensed in accordance with Code of Virginia § 4.1-206.1; or
 2. A small-scale distillery manufacturing no more than 36,000 gallons of distilled spirits per calendar year, licensed in accordance with Code of Virginia § 4.1-206.
- B. **Intensity/Character.**
 1. **Tasting Rooms and Accessory Food Sales.**
 - a. Facilities for tasting rooms and accessory food sales must not exceed the lesser of:
 1. 49% of the total gross floor area of the craft beverage manufacturing use; or
 2. 10,000 square feet.

- b. 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.
 - c. Facilities for accessory food sales related to craft beverage consumption for the convenience of tasting room patrons only are permitted.
- 2. **Restaurant.** A restaurant may be provided in accordance with the applicable Zoning District.
- 3. **Storage Areas.** Outdoor equipment and storage of materials used for craft beverage manufacturing are not permitted.
- 4. **Hours of Operation.** Hours of operation are limited to 10:00 a.m. to 12:00 midnight.
- C. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
- D. **Water and Sewer.** The use must be served by central water and central sewer; however, Craft Beverage Manufacturing located in the RC district not served by central water and central sewer requires Minor Special Exception approval.
 - 1. A Type C buffer must be provided between the drive-through facility and any abutting property zoned, used, or planned for residential uses. (See Section 7.04.03)
 - 2. **Exception.** The buffer requirement in Section 4.04.12.D.1. does not apply when the drive-through facility is provided in a vertically mixed-use building containing residential uses in the TRC, TC, and PD-MUB Zoning Districts.
 - 3. In lieu of the maximum percentages applicable to deciduous and evergreen trees pursuant to Section 7.04.07.B., a maximum of 30% of the required plant units may be large deciduous trees and/or small deciduous trees. All other plant units must consist of evergreen trees and/or evergreen shrubs.

4.04.13 Farm Machinery Sales and Service

- A. **Applicability.** Section 4.04.13 applies to any farm machinery sales and service use.
- B. **Buffer.** The structures, storage, and parking areas and/or the perimeter of the property must have a Buffer Type B to screen such areas from adjacent residential buildings. (Section 7.04.03)

C. **Setback.**

1. Buildings must be set back a minimum of 75 feet from all property lines.
2. Parking, driveways (other than entrance) and storage yards must 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 may be located within 500 feet of an existing residential dwelling.

D. **Building Size.** The total Floor Area Ratio for all structures must not exceed 0.1.

E. **Accessory Sales.**

1. Accessory retail sales are limited to farm and garden equipment parts and related tools and accessories.
2. No more than 15% of the total floor area may be used for the display and sale of related tools and accessories.

4.04.14 Farmers Markets

A. **Applicability.** Section 4.04.14 applies to farmers markets.

B. **Product Origin.** Except as provided in Section 4.04.14.G., 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 Farmers Market. Upon request, an annual report verifying this percentage must be submitted to the Zoning Administrator.

C. **Location.** A Farmers Market must be located on the site of ongoing agricultural, aquacultural, or animal husbandry activity unless otherwise provided elsewhere in the Zoning Ordinance.

D. **Access.** Farmers Markets must be located on roads where the entrance provides safe sight distance. The Virginia Department of Transportation may require turn lanes. Farmers markets that share a private road 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 25% 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 gross floor area or a Floor Area Ratio of 0.02 (whichever is greater).

G. **Farmers Markets with Off-Site Production.** Farmers Markets with off-site production are permitted if, in addition to Sections 4.04.14.B. through 4.04.14.F. above, the following are met:

1. At least 50% of the products offered for sale at the Farmers Market (off-site production) must be produced in Loudoun County. An annual report verifying this percentage must be submitted to the Zoning Administrator on request; and
2. Landscaping/Buffering/Screening.
 - a. The use must comply with Section 7.04.03.A.7.
 - b. Parking areas must comply with Section 7.04.06.
 - c. Storage areas must comply with Section 7.04.05.

4.04.15 Feed and Farm Supply Center

A. **Applicability.** Section 4.04.15 applies to feed and farm supply centers.

- B. **Heavy Equipment.** No more than 10% of the gross floor area or display or storage area used for the Feed and Farm Supply Center is permitted to be devoted to heavy equipment and machinery.

4.04.16 Kennels/Indoor Kennels

- A. **Applicability.** Section 4.04.16 applies to kennels or indoor kennels. It does not apply to kennel functions when accessory to animal hospitals or animal care businesses.
- B. **Indoor Kennels.**
1. **No Opening to Outside.** Indoor Kennels 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 to 10% of gross floor area for retail sales;
 2. Up to 10% of gross floor area for veterinary service;
 3. Up to 10% of gross floor area for animal hospital; and
 4. Up to 10% of gross floor area for grooming; and
 - 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 must comply with the following standards.
1. **Location on Site/Dimensional Standards.** An outdoor kennel or associated use must be set back 100 feet from a lot line.
 2. **Roads/Access.**
 - a. All kennels must comply with the road access standards of Section 7.07.01.
 - 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. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.
 4. **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, is 55 dB(A).
- D. **Kennels in the GI District.** Kennels in the GI district must set back all structures 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 Office, Professional and Office, Medical

- A. **Applicability.** Section 4.04.17 applies to the CC-NC, CC-CC, CC-SC, PD-CC(RC), and IP Zoning Districts as listed below.
- B. **Intensity/Character.** Pursuant to Chapter 3, office, professional and/or office, medical are a permitted use or Special Exception use, as follows:
1. **CC-NC, CC-CC, CC-SC, PD-CC(RC) Zoning Districts.** Up to 20% of the total gross floor area depicted on an approved Concept Development Plan may be professional and/or medical office. Office uses greater than 20% of the total gross floor area require Special Exception approval pursuant to Section 10.11; and

4.04.18 Restaurant, Rural

- A. **Applicability.** Section 4.04.18 applies to any rural restaurant use in the AR Zoning Districts. Where the regulations of this Section conflict with Section 4.08.03, the regulations of Section 4.04.18 apply.
- B. **Use Approvals.** A rural restaurant use in the AR Zoning Districts is permitted if the use meets the requirements in Sections 4.04.18.B.1. or 4.04.18.B.2., and Sections 4.04.18.C through 4.04.18.G.; otherwise review and approval of a Minor Special Exception is required pursuant to Section 10.11.
1. **Directly Related to On-site Agriculture.**
 - a. Prepares, sells, and serves food and/or ingredients that are directly related to ongoing and on-site Agriculture, Horticulture, and/or Animal Husbandry Activity, subject to Section 4.08.03.
 - b. **Percentage of Food and/or Ingredients Derived On-Site.** 51% or more of the food and/or ingredients being served in the rural restaurant must be produced and processed from the parcel upon which the use is located or on another property engaged in agricultural production in Loudoun County. An annual report verifying this percentage must be submitted to the Zoning Administrator upon request.
 2. **Limited.**
 - a. Prepares, sells, and serves coffee, tea, and other beverages.
 - b. May sell baked goods and light meals such as soups and sandwiches.
 - c. Does not serve full meals.
 - d. **Seating Area.** Has an indoor and/or outdoor seating area, which serves as an informal conversation or lounging place.
 - e. **Intensity/Character.** Hours of operation are limited to between 6:00 a.m. and 9:00 p.m.
 - f. **Site Size.** The minimum lot area is 5 acres.
 - g. **Structure.** The maximum size of all structures used is 2,500 square feet in gross floor area.
 - h. **Location on Site/Dimensional Standards.** The minimum setback for such use is 50 feet from all lot lines.
- C. **Intensity/Character.**
1. Except as limited by Section 4.04.18.B.2.e., the hours of operation are limited to between 6:00 a.m. and 12:00 midnight.
 2. Drive-through facilities are not permitted in conjunction with rural restaurant uses. This section is not modifiable pursuant to Section 4.01.A.

D. Size of Use.

1. **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.
2. **Location on Site/Dimensional Standards.** Except as permitted in Section 4.04.18.B.2.h., the use must 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; and
 - c. Structures over 4,000 square feet of gross floor area: 175 feet minimum from all lot lines.

E. Roads/Access.

1. Road access is subject to the standards of 7.07.01.F.
2. Only 1 point of access is permitted on a public road. This requirement does not preclude an additional access for emergency vehicles only.

F. Landscaping/Buffering/Screening.

1. The use must comply with Section 7.04.03.A.7.
2. Parking areas must comply with Section 7.04.06.
3. Storage areas must comply with Section 7.04.05.

G. Exterior Lighting.

Exterior lighting is subject to Section 7.05.02.C.2.

H. Historic Resources.

Section 4.01.C. applies to historic resources existing prior to January 7, 2003.

4.04.19 Small Business, Agricultural, and Rural

- A. **Applicability.** Section 4.04.19 applies to all small business uses where permitted in Chapter 3.02. Individual Zoning District regulations apply to small business uses located in those districts. Notwithstanding other use-specific standards found in Chapter 4, the following regulations apply when the uses listed in Section 4.04.19.C. are established as a Small Business, Agricultural, and Rural use.
- B. **Minimum Lot Area.** 10 acres. Section 4.04.19.B. is not modifiable pursuant to Section 4.01.A.
 1. TR-10, TR-3, TR-1, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-2, A-10, A-3, PD-RV. Special Exception approval pursuant to Section 10.11 is required for small business uses located on a lot less than 10 acres in size.
 2. AR-1 and AR-2. Minor Special Exception approval pursuant to Section 10.11 is required for small business uses located on a lot less than 10 acres in size.
- C. **Permitted Small Business Uses.** The following uses may be approved as small businesses:
 1. Business Support Services;
 2. Personal Service;
 3. Personal Instructional Services;
 4. Contractors, excluding retail sales from the premises;
 5. Office, Professional;
 6. Maintenance and Repair Services, excluding retail sales from the premises;
 7. Art Studio;
 8. Antique Shop;
 9. Food Preparation; and

10. Except as provided above, retail sales are permitted from the premises only if said items and/or goods for sale are handcrafted, assembled, and/or prepared on the premises. Wholesale commercial businesses are prohibited.

D. Small Business Site Development Criteria.

1. **Standards and Restrictions for Small Business Uses.** See Table 4.04.19-1.

Table 4.04.19-1. Small Business Uses			
Acreage	No. of Employees	Heavy Equip. (On-Site)	Business Vehicles (On-Site)
Less than 10 acres	3 maximum	none	2 maximum
10 but less than 50 acres	4 maximum	2 maximum	4 maximum
50 acres or greater	10 maximum	5 maximum	6 maximum

TABLE NOTES:
A Business vehicle may not exceed a rated capacity of one and one half (1.5) tons and may have more than two axles.
An employee is a person, other than members of the household permanently residing on the premises, who is engaged on-site in the operation of the small business on a regular or part-time basis.

2. **Structures.** See Table 4.04.19-2.

Table 4.04.19-2. Structures	
Acreage	Cumulative Size of Structures
Up to 5 acres	2,000 sf maximum
Greater than 5 but less than 10 acres	2,500 sf maximum
10 acres or greater	5,000 sf maximum for the initial 10 acres, plus an additional 1,000 sf for each additional 10 acres, not to exceed 15,000 sf maximum

TABLE KEY:
sf = square feet
TABLE NOTES:
Building Height: 35 feet maximum.

3. **Agricultural Structures.** 100% of an agricultural structure, existing prior to the adoption date of this Zoning Ordinance, may be used for small businesses. An approved zoning/building permit must be approved for the change in use.
4. **Storage Areas.** See Table 4.04.19-3.

Table 4.04.19-3. Storage Areas	
Acreage	Cumulative Size of Storage Yards
Up to 5 acres	2,000 sf maximum
Greater than 5 but less than 10 acres	2,500 sf maximum
10 acres or greater	5,000 sf maximum for the initial 10 acres, plus an additional 1,000 sf for each additional 10 acres, not to exceed 15,000 sf maximum

TABLE KEY:
sf = square feet
TABLE NOTES:
All heavy equipment must be located within a storage area. Storage areas must be screened consistent with the requirements of Section 7.04.05. Outdoor storage space must be enclosed on all sides by a fence.

5. Setbacks.

a. Structures.

1. 2,000 square feet or less: 100 feet from all lot lines
2. In excess of 2,000 square feet but not exceeding 15,000 square feet: 300 feet from all lot lines.
- b. **Storage Area.**
 1. 2,000 square feet or less: 100 feet from all lot lines.
 2. In excess of 2,000 square feet but not exceeding 15,000 square feet: 300 feet from all lot lines.
Storage areas used for the storage of heavy equipment must be setback a minimum of 300 feet from all lot lines and 500 feet from existing residential dwellings on adjacent parcels, regardless of the size of the storage area.
- c. **Parking.** Parking must not be located within any setback required pursuant to Sections 4.04.19.D.5.a. and 4.04.19.D.5.b.
6. **Access.** All small businesses are subject to the Road Access Standards in Section 7.07.01.
7. **Landscaping/Buffering/Screening.**
 - a. The use must comply with Section 7.04.03.A.7.
 - b. Parking areas must comply with Section 7.04.06.
 - c. Storage areas must comply with Section 7.04.05.
8. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.

4.04.20 Vehicle Repair, Heavy

- A. **Applicability.** Section 4.04.20 applies to Heavy Vehicle Repair uses in the GI district.
- B. **General.**
 1. Motor vehicle service and repair must be conducted within a building and must not include on-site storage of inoperable vehicles.
 2. All vehicles accepted for repair must be screened in accordance with Section 4.06.07.
 3. Any loading/unloading of vehicles and vehicle storage areas must be located on the same lot and separated from the customer parking areas.
- C. **Heavy Vehicle Repair Uses with Accessory Vehicle Sales.**
 1. Motor vehicle sales are permitted as an accessory use to heavy vehicle repair subject to this Section 4.04.20.C. 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.
 3. **Outside Display.**
 - a. Outside display of vehicles is not permitted within front yards, setbacks, or within parking required in accordance with Section 7.06.
 - b. Parking for the outside display of vehicles must be done in accordance with Section 7.06.01.
 - c. Up to 4 vehicles may be outside on display for sale.
 4. **Inventory.**
 - a. All vehicles sold must have received major repair, modification, or customization (above those services defined as vehicle repair, light) by the Heavy Vehicle Repair use.

- b. The sale and/or outdoor storage of inoperable vehicles is not permitted.
- 5. **Franchise Prohibited.** No dealership franchises are permitted.

4.04.21 Vehicle Repair, Light

- A. **Applicability.** Section 4.04.21 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 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 must be screened.

4.04.22 Vehicle Wholesale Auction

- A. **Applicability.** Section 4.04.22 applies to any vehicle wholesale auction.
- B. **Locational Criteria.**
 - 1. Vehicle wholesale auctions must be located on a public road capable of accommodating the traffic generated by the use.
 - 2. The minimum lot area is 20 acres.
- C. **Site Development Criteria.**
 - 1. Any car-carrier loading/unloading area and vehicle storage areas must be located separately from the customer parking areas.
 - 2. The use must be served by public sewer.
 - 3. Car washing associated with the use 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 must 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 must not be conducted before 8:00 a.m., after 6:00 p.m., or on Saturdays or Sundays.

4.04.23 Vehicle Sales

- A. **Applicability.** Section 4.04.23 applies to Vehicle Sales uses in the IP and GI Zoning Districts.
- B. **Use Limitation.** Vehicles Sales uses in the IP and GI Zoning District are limited to vehicle rental establishments. No establishment where the principal occupation is the sale of vehicles, such as a car dealership, is permitted in the IP Zoning District or GI Zoning District.

4.05 Public/Civic/Institutional

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4.05.20 College or University

4.05.01 Amphitheater

- A. **Applicability.** Section 4.05.01 applies to any amphitheater in the TSN, TCN, and TCC Districts. This section does not apply to amphitheaters that are accessory to community centers, Owners Association facilities, or residential subdivisions.
- B. **TSN, TCN, and TCC Districts.** Seating capacity of amphitheaters in TSN, TCN, and TCC Districts is limited to 1,000 persons or less.

4.05.02 Agricultural Cultural Center

- A. **Applicability.** Section 4.05.02 applies to agricultural cultural centers in the AR districts.
- B. **Minimum Lot Area.** 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 are as provided below.
 - 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 up to or less than 9,000 square feet of gross floor area:** 125 feet minimum from all lot lines.
- E. **Roads/Access.**

1. **Access.** Road access is subject to the standards of Section 7.07.01.F.
 2. **Number of Access Points.** Only 1 point of access is permitted to a public road. This requirement does not preclude an additional access for emergency vehicles only.
- F. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
- G. **Historic Resources.** Section 4.01.C. applies to historic resources existing prior to January 7, 2003.

4.05.03 Agricultural Education or Research

- A. **Applicability.** Section 4.05.03 applies to any agricultural education or research use in the AR-1, AR-2, and 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 100 vehicles are allowed on site at any one time. Additional vehicles are permitted, subject to an increase in minimum site size at a rate of 1 acre per 5 vehicles 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 must not exceed 10% of the total area of the principal structure(s).
- 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; and
 3. Structures greater than 12,000 square feet of gross floor area: 200 feet.
- D. **AR District Only - Historic Resources.** Section 4.01.C. applies to historic resources existing prior to January 7, 2003.
- E. **Roads/Access.**
1. **Access.** Road access is subject to the standards of Section 7.07.01.F.
 2. **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.
- F. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

4.05.04 Religious Assembly

- A. **Applicability.** The following standards apply to religious assembly uses.
- B. **Use Approvals.** Special Exception or Minor Special Exception approval:
1. **AR, JLMA, and TR-10 Districts.** In the AR, JLMA, and TR-10 Districts Special Exception approval is required for religious assembly uses with a seating capacity of more than 300 in the sanctuary or main activity area, or a religious assembly use with any of the following:
 - a. Accessory schools;
 - b. Accessory Child Day Center with more than 50 children; or
 - c. Recreation facilities.
 2. **GI and GB Districts.** Special Exception approval is required for religious assembly uses with or without an accessory private school.
 3. **TRC, UE, PD-RDP, and RC Districts.** Minor Special Exception approval is required for a private school accessory to a permitted religious assembly use.

- C. **AR, JLMA, and TR-10 Zoning District Requirements.** Religious assembly uses must meet the following requirements:
1. **Site Size.** The minimum lot area is:
 - a. Seating capacity of less than 300 seats: 10 acres.
 - b. Seating capacity of 300 seats or more, or religious assembly uses with any accessory uses (schools, day care centers, recreation facilities): 20 acres.
 2. **Maximum Floor Area Ratio.** The maximum floor area ratio is 0.20.
 3. **Storage Yards.** The maximum total area of storage yards is 10% of the total gross floor area of the principal structure.
 4. **Access.** Road access is subject to the standards of Section 7.07.01.F.
 5. **Setbacks from Lot Lines.** The minimum setbacks from lot lines are:
 - a. 75 feet for structures; and
 - b. 100 feet for parking.
- D. **Accessory Uses.** Accessory child day center must comply with Section 4.04.08.
- E. **Roads/Access.** Only 2 points of access are permitted to a public road from a religious assembly use. This requirement does not preclude an additional access for emergency vehicles only.
- F. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
- G. **Adjustment or Waiver.**
1. The Zoning Administrator may adjust or waive, by determination pursuant to Section 10.02, any of the standards listed in this Section to eliminate a substantial burden on religious exercise as guaranteed by the federal *Religious Land Use and Institutionalized Persons Act of 2000* (42 U.S.C. Sec. 2000cc), as amended.
 2. In making such determination, 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 Cultural Facility

- A. **Applicability.** Section 4.05.05 applies to cultural facilities within the SN, A-10, A-3, CR, AR, TR, JLMA, and R districts.
- B. **Use Approval.**
1. Botanical garden, arboretum, and nature study area/nature preserve are permitted.
 2. Museum and interactive science and technology center require special exemption review and approval pursuant to Section 10.11.
- C. **AR and JLMA-20 Zoning Districts.**
1. **Intensity/Character.**
 - a. **Site Size.** The minimum lot area is 5 acres.
 - b. **Hours of Operation.** The hours of operation are limited to 6:00 a.m. to 9:00 p.m., except permitted temporary special events.
 - c. **Accessory Uses.** Accessory uses are only permitted on lots 20 acres in size or larger. Accessory uses may include retail sales (e.g., gift shops), small restaurants or cafes, or visitor centers and are subject to the following standards:
 1. Retail sales are limited to the sale of items directly related to the nature and character of the principal permitted use;
 2. Accessory uses other than visitor centers 1,000 square feet of gross floor area; and

3. A visitors' center is limited 2,500 square feet of gross floor area.
2. **Size of Use.**
 - a. **Floor Area Ratio.** The maximum floor area ratio is 0.02.
 - b. **Storage Areas.** The total area of storage areas is limited to 10% of the total gross floor area of the principal structure.
3. **Access.** Road access is subject to the standards of Section 7.07.01.F.
4. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
5. **Historic Structures.** Section 4.01.C. applies to structures existing prior to January 7, 2003.

4.05.06 Conference and Training Facilities

- A. **Applicability.** Section 4.05.06 applies to conference and training facilities in the AR, TR-10, and JLMA-20 districts.
- B. **Intensity/Character.** See Table 4.05.06-1.

Table 4.05.06-1. Intensity/Character		
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 10.11.01	>150 users

TABLE NOTES:
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 principal 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 3.04 or Special Exception.** Special events must receive approval pursuant to Section 3.04 or be specifically provided for in the approval of a Special Exception (See Section 10.11.01), as applicable.
 4. **No Products Sold On-Site.** No products must 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 gross floor area of the 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.** See Table 4.05.06-2.

Table 4.05.06-2. Site/Dimensional Standards	
Use	Setback from Lot Lines (Minimum)
Level I—small scale	150 ft
Level II—medium scale	200 ft
Level III—large scale and Level IV	250 ft
TABLE KEY: ft = feet	

D. Roads/Access.

1. **Road Access.** Conference and Training Facilities are subject to the road access standards of Section 7.07.01.F.
2. **Number of Access Points.** Only 1 point of access is permitted to a public road. This requirement does not preclude an additional access for emergency vehicles only.

E. Exterior Lighting. Exterior lighting is subject to Section 7.05.02.C.2.

F. Noise.

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

4.05.07 Country Club

A. Applicability.

1. Section 4.05.07 applies to country clubs in the AR-1 and AR-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. See Table 4.05.07-1.

Table 4.05.07-1. Intensity/Character	
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.

1. **Floor Area Ratio.** The maximum floor area ratio is 0.04.
2. **Maximum Structure Size.** See Table 4.05.07-2.

Table 4.05.07-2. Structure Size

Use	Maximum Total Size of Permitted Principal Structures (GFA)
Level I—small scale	25,000 sf
Level II—medium scale	50,000 sf
Level III—large scale	75,000 sf
TABLE KEY: sf = square feet	

- 3. Accessory Structures.** The maximum total area of all accessory structures is 15% of the total gross floor area of the principal structures used for the country club.
- 4. Distribution of Uses.** See Table 4.05.07-3.

Table 4.05.07-3. 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, travel way, 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 must be sited to minimize visual impacts on adjacent properties and promote the rural character of the landscape. Siting on Ridges 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 Ridge or hilltop, the applicant must provide additional landscaping and buffering to mitigate the visual impact from adjacent public roadways.

E. Minimum Required Yards.

- The minimum required yard for principal and accessory structures is 50 feet from all property lines (the "property line" is the outer line of the properties under common ownership and control).
- To encourage preservation of environmental resources, the Zoning Administrator may reduce yard requirements up to 25%.
- 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 Type B (see Section 7.04.03.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.

G. Roads/Access.

- 1. Road Access.** Country Clubs are subject to the road access standards of Section 7.07.01.F.

2. 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.
- H. **Water and Sewer.** A Country Club must be served by a community water supply system and a community wastewater system.
- I. **Parking Surface.** Where practicable, a pervious surface is required.
- J. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
- K. **Noise.** 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

- A. **Applicability.** Section 4.05.08 applies to the following uses: cemetery and funeral home.
- B. **Cemetery.**
 1. **Intensity/Character.**
 - a. **Site Size.** The minimum lot area for any cemetery is 10 acres.
 - b. **Hours of Operation.** The hours of operation are limited to 6:00 a.m. to 9:00 p.m. or dusk, whichever occurs first.
 2. **Size of Use.**
 - a. **Maximum Floor Area Ratio.** The maximum floor area ratio is 0.04. Structures such as mausoleums and columbaria do not count toward floor area.
 - b. **Storage Areas.** The maximum total area of storage areas is 10% of the total gross floor area of the principal structure.
 3. **Location on Site/Dimensional Standards.**
 - a. **General.** The minimum set back is 50 feet from lot lines.
 - b. **Setback from Dwellings.**
 1. The minimum setback from a dwelling is 750 feet.
 2. **Exceptions.**
 - a. If the location of the cemetery is separated from the dwelling by a public road, the setback may be reduced to 250 feet.
 - b. The setback may be reduced further with written consent from the owner of the dwelling.
 3. Section 4.05.08.B.3.b. is not modifiable under Section 4.01.A.
 - c. **Setback from Water Company Well.** The minimum setback from a city, town, or water company well is 900 feet (Code of Virginia § 57-26). Section 4.05.08.B.3.c. is not modifiable under Section 4.01.A.
 4. **Roads/Access.**
 - a. The area of the lot used to form funeral processions must have direct, but limited, access to a public road.
 - b. **Stacking.** Sufficient car stacking space must be provided on the lot such that a public road need not be used to form funeral processions.
 5. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
- C. **Funeral Homes.** Funeral homes, except those located in the CLI and TCC Zoning Districts, are subject to the following additional provisions:
 1. **Location.** The funeral home must be located within a freestanding building and be the sole principal use on the lot;

2. **Minimum Lot Size.** The minimum lot area for any funeral home is 1.5 acres; and
3. **Roads/Access.**
 - a. 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.
 - b. **Stacking.** Sufficient car stacking space must be provided on the lot such that a public road need not be used to form funeral processions. The area of the lot used to form funeral processions must have direct, but limited, access to the public road.

4.05.09 Fairground

- A. **Applicability.** The following standards must apply to fairgrounds in the AR 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 provided below.
 - 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.
- D. **Roads/Access.**
 1. **Access.** Road access is subject to the standards of Section 7.07.01.F.
 2. Only 2 points of access to a fairground are permitted. This requirement does not preclude an additional access for emergency vehicles only.
- E. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
- F. **Noise.**
 1. **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 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, must not exceed 55 dB(A).
 3. **Outdoor Music.** Outdoor music is not allowed after 11:00 p.m.
- G. **Parking Surface.** All parking areas serving a fairground must use a dust-free surfacing material as provided in the Facilities Standards Manual.

4.05.10 Cultural Tourism

- A. **Applicability.** Section 4.05.10 applies to Cultural Tourism in the AR, TR, and JLMA, districts.
- B. **Intensity/Character Standards.**
 1. **Site Size.** The minimum lot area is 5 acres.
 2. **Visitors/Customers/Parking Spaces.** The minimum lot area increases based on the number of vehicles on site at any one time. See Table 4.05.10-1.

Table 4.05.10-1. Intensity/Character

Use	Scope of Use/Event	Lot Area Requirement
Level I—small scale	No more than 150 vehicles allowed on site at any one time.	>5 acres, up to 40
Level II—medium scale	No more than 300 vehicles allowed on site at any one time.	>40 acres, up to 80
Level III—large scale	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 cultural tourism use must 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. **AR District Only - Historic Resources.** Section 4.01.C. applies to historic resources existing prior to January 7, 2003.

1. Notwithstanding Section 4.01.C., the only lot area requirement in Table 4.05.10-1 that the use is not required to meet the Level 1 - small scale lot area. All other lot area requirements in Table 4.05.10-1 apply to the use in a historic resource or structure.

2. Notwithstanding Section 4.01.C., the only setback from lot lines requirement in Table 4.05.10-3 that the use is not required to meet the Level 1 - small scale setback from lot lines. All other setback from lot lines requirements in Table 4.05.10-3 apply to the use in a historic resource or structure.

D. **Size of Use.**

1. **Structure.** The maximum size (total for all structures, based on gross floor area) used for the cultural tourism use is as shown in Table 4.05.10-2.

2. **Storage Area.** The maximum total area of all storage areas is 25% of the total gross floor area of the structures used for the cultural tourism use.

Table 4.05.10-2. Structure

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

E. **Location on Site/Dimensional Standards.** See Table 4.05.10-3.

Table 4.05.10-3. Site/Dimensional Standards

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

4.05.11 Golf Course

A. **Applicability.** Section 4.05.11 applies to any golf course in the AR, TR, and JLMA districts. A golf course is classified as part of an outdoor or major recreation use.

B. **Intensity/Character.**

1. **Site Size.** The minimum lot area for a golf course is:

a. 75 acres for 9 holes; and

- b. 150 acres for 18 holes.
- 2. **Hours of Operation.** The hours of operation for a golf course are limited to 6:00 a.m. to 9:00 p.m.
- 3. **Accessory Uses.** Accessory uses to a golf course may include a club house with a pro shop and small restaurant or café, subject to the following standards:
 - a. The pro shop is limited to sales of golf-related items; and
 - b. Accessory uses 25% of the total size of the golf clubhouse.
- C. **Size of Use.**
 - 1. **Structure Size.** The maximum size of all structures (total) used at a golf course is 25,000 square feet in gross floor area.
 - 2. **Storage Yards.** The maximum total area of storage yards is 5,000 square feet.
- D. **Location on Site/Dimensional Standards.** The minimum setback is 200 feet from all lot lines.
- E. **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.
- F. **Roads/Access.**
 - 1. **Access.** Road access is subject to the standards of Section 7.07.01.F.
 - 2. 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.
- G. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

4.05.12 Health and Fitness Centers

- A. **Applicability.** Section 4.05.12 applies to health and fitness centers.
- B. **Massage Services.** A health and fitness center may provide massage services if:
 - 1. The health and fitness center must contain at least 5,000 square feet of gross floor area; and
 - 2. No more than 5% of the total gross floor area is used for massage services.
- C. **GI Zoning District Development Criteria.** Health and Fitness Centers are permitted subject to the following criteria in the GI Zoning District. Special Exception review and approval is required if criteria are not met. This section 4.05.12.C is not modifiable by Section 4.01.A.
 - 1. **Pickup and Drop-off.** Include a designated pickup and delivery zone providing at a minimum 1 parking space per 20 patrons/children located in close proximity to the facility that provides safe and clearly designated access to enter or exit the facility.
 - 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.

4.05.13 Hospitals

- A. **Applicability.** Section 4.05.13 applies to hospitals.
- B. **Location.** All hospital sites must have access to a 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 principal structures is the greater of:

- a. 100 feet from property lines; or
 - b. The minimum yard requirements of the applicable district; or
 - c. The adjacent district setback requirements; and
3. 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 adjoining agricultural or residential districts; or
 - b. The minimum yard requirements of adjoining districts.

4.05.14 Community Center

- A. **Applicability.** Section 4.05.14 applies to Community Centers in the SN, SCN, TSN, TCN, JLMA-1, JLMA-2, and JLMA-3 districts.
- B. **Approval.**
 1. Community Centers associated with Homeowners Association facilities are permitted.
 2. All other Community Centers require Special Exception approval.
 3. This requirement is not modifiable under Section 4.01.A.

4.05.15 Public Safety Uses

- A. **Applicability.** Section 4.05.15 applies to public safety uses (fire and/or rescue stations and police stations or substations) in the AR, TR, and JLMA Zoning Districts. These standards do not apply to the development of a temporary fire and/or rescue station in the AR, TR, and JLMA Zoning Districts.
- B. **Fire and/or Rescue Station.**
 1. **Size of Use.**
 - a. **Site Size.** The minimum lot area is 2 acres.
 - b. **Floor Area Ratio.** The maximum floor area ratio is 0.3.
 - c. **Storage Yards.** The maximum total area of storage yards is 20% of the total gross floor area of the principal structure.
 - d. **Setback from Lot Lines.** The minimum setbacks from lot lines are:
 1. 100 feet from all lot lines; and
 2. 60 feet from lot lines if a Buffer Type C is provided along each lot lines.
 2. **Roads/Access.**
 - a. **Access.** Road access is subject to the standards of Section 7.07.01.F.
 - b. Only 2 points of access are permitted to a public road. This requirement does not preclude an additional access for emergency vehicles only.
 3. **Parking.** Refer to Section 7.06.02.B.4. These spaces are in addition to vehicle storage spaces for vehicles not in use.
- C. **Police Station or Substation.**
 1. **Size of Use.**
 - a. **Site Size.** The minimum lot area is 2 acres.
 - b. **Floor Area Ratio.** The maximum floor area ratio is 0.3.
 - c. **Storage Yards.** The maximum total area of storage yards is 20% of the total gross floor area of the principal structure.
 - d. **Setback from Lot Lines.** The minimum setbacks from lot lines are:

1. Structures of less than 4,000 square feet of gross floor area: 60 feet;
 2. Structures greater than 4,000 square feet, and up to 8,000 square feet of gross floor area: 100 feet; and
 3. Structures greater than 10,000 square feet of gross floor area: 120 feet.
2. **Roads/Access.** Only 2 points of access are permitted to a public road. This requirement does not preclude an additional access for emergency vehicles only.
3. **Parking.** Refer to Section 7.06.02.B.4. These spaces are in addition to vehicle storage spaces for vehicles not in use.

4.05.16 Recreation

- A. **Applicability.** Section 4.05.16 applies to indoor recreation uses and outdoor or major recreation uses, unless otherwise noted below. Sections 4.05.16.B., 4.05.16.C., and 4.05.16.F. of this section are not modifiable under Section 4.01.A.
1. Country Club uses are subject to Section 4.05.07.
 2. Fairground uses are subject to Section 4.05.09.
 3. Golf Course uses are subject to Section 4.05.11.
- B. **Prohibited.** Amusement or theme parks and sports stadiums, complexes, or arenas are not permitted in the Rural Zoning Districts, Transition Zoning Districts, and SN, SCN, and R Zoning Districts.
- C. **Development Criteria in TRC and UE Districts.** Indoor recreation uses in the TRC and UE districts are subject to the following criteria. Special Exception review and approval is required if criteria are not met.
1. The use must not exceed 10,000 square feet.
 2. The building for an indoor recreation use must be a minimum of 3 stories in height and contain 2 or more distinct principal uses that do not share the same physical space.
- D. **Bicycle Parking.** Parking and storage for bicycles must be provided consistent with Section 7.06.03.
- E. **Playing Field Lighting.** Lighting for playing fields and courts is permitted by Special Exception in the Rural Zoning Districts, Transition Zoning Districts, and SN, SCN, and R Zoning Districts.
- F. **Historic Resources.** Section 4.01.C. applies to historic resources existing prior to January 7, 2003.

4.05.17 Rural Retreat

- A. **Applicability.** Section 4.05.17 applies to rural retreats in the AR-1, AR-2, A-3, A-10, TR-10, RC, PD-RV, JLMA-3 and JLMA-20 districts.

- B. **Approval.** Permitted rural retreats must meet the development standards provided in Section 4.05.17.C. Any rural retreat that does not meet the development standards of Section 4.05.17.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 a.m. to 12:00 midnight.
 - 2. **Minimum Lot Area.** The minimum lot area 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 public road and is subject to the standards of Section 7.07.01.F.
 - 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 structures 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 3.04, unless the Rural Retreat meets the requirements of Section 4.04.05.
 - 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 4.02.09.
 - 13. **Adaptive Reuse.** Incorporating restored structures to preserve rural character is encouraged and subject to Section 4.09.
 - 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. **Use Intensity.**
 - a. The Rural Retreat may have 50 rooms for overnight guests per 50 acres of lot area.
 - b. The Rural Retreat may have 20,000 sf of conference/dining space per 50 acres of lot area.
 - 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 community water supply system and a community wastewater system.
 - c. Community water supply and wastewater systems may be located within open space.
 - 17. **Exclusions.** 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 must comply with the standards of Section 7.05.
- E. **Statements of Use.**
 - 1. For all Rural Retreats, a statement of use must be filed in conjunction with the Site Plan.
 - 2. The statement of use must define the operations of the Rural Retreat and provide a narrative of how the use meets the development standards.

4.05.18 Public School

- A. **Applicability.** Section 4.05.18 applies to public elementary, middle or high schools (public schools).
- B. **Approval.** Pursuant to Chapter 3, public schools are a Permitted use, Minor Special Exception use, or Special Exception use, as follows:
1. Public schools are a permitted use in the SN, SCN, R, TR, TSN, TCN, A-3, CR, PD-RV (Civic Lot only), and JLMA Zoning Districts;
 2. Public schools require Minor Special Exception approval in the TRC, UE, TC (Fringe), CC-NC, CC-CC, OP, IP, CC-SC, PD-CC(RC), PD-RDP, PD-SA, PD-MUB, RC, and PD-RV Zoning Districts; and
 3. Public schools require Special Exception in the TC (Core), GI, and 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 must 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, 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 11:00 p.m., whichever occurs first.
 4. **Recreational and Athletic Fields and Facilities Lighting.**
 - a. Lighting must be turned off by 11:00 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 7.04.03, 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 (See Section 7.04).
- F. **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 PublicSchool building consistent with requirements of Section 7.06.03.

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 11:00 p.m. and before 8:00 a.m.

I. **Setbacks.**

1. **From Agriculture or Residential.** The minimum setback for principal Public School buildings is 50 feet from adjacent agriculturally or residentially zoned properties or, if located within a mixed use Zoning District, from any land bay designated for agricultural or residential use. 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 100 feet from adjacent industrial, commercial or office zoned properties or, if located within a mixed use Zoning District, from any land bay designated for industrial, commercial or office uses. 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 Improvements.** Unless stormwater management is provided by an existing approved off-site stormwater management improvement, stormwater management improvements are required on-site.
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 must 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 10% 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 Section 4.05.18.J.5.c..
- b. Road Crossings are not subject to the use limitation of Section 4.05.18.J.5.a. above, and areas used for road crossings are excluded from the calculation for meeting the forest cover requirement of Section 4.05.J.5.c.
- c. Unless excluded by Section 4.05.18.J.5.a. or J.5.b. above, 90% of major and minor floodplain located on-site must be forested, either through the retention of existing forest cover or through the planting of unforested floodplain with at least 5 different native deciduous species at a density of 300 3-gallon plants (180 canopy trees and 120 understory trees) per acre on a 12 x 12 grid.

K. **Transportation.**

1. **Access.**

- a. Public Schools must have direct access to at least one public road.

- b. Public Schools must have a second means of access, which must be provided by a paved roadway unless such access is restricted for emergency access only.
 - 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 TIA, in conformance with the Loudoun County Facilities Standards Manual, is required in conjunction with each Site Plan application for a public school building.
 - b. The TIA must include, at a minimum, an analysis of:
 - 1. The need for right- and left-turn lanes into and out of the public school site; and
 - 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 Noise.** No Public School will be located within the portions of the County subject to the Airport Impact Overlay District Ldn 65 or higher aircraft noise contour.

4.05.19 Private School

- A. **Applicability.**
 - 1. Section 4.05.19 applies to any private elementary, middle, or high school.
 - 2. Sections 4.05.19.B. and G. are not modifiable under 4.01.
- B. **Use Approvals.** Pursuant to Chapter 3, private schools are a Permitted use, Minor Special Exception use, or Special Exception use, as follows:
 - 1. Private schools with up to and including 15 students are a permitted use in the SN, SCN, R, TR, TSN, TCN, JLMA, A-3, and CR Districts;
 - 2. Private schools with more than 15 students require Minor Special Exception approval in the SN, SCN, R, TR, TSN, TCN, JLMA, A-3, and CR Districts;
 - 3. All private schools require Special Exception approval in the TC Core, TCC, AR, and GI Districts; and
 - 4. All private schools require Minor Special Exception approval in the TRC, UE, TC Fringe, CC-NC, CC-CC, CC-SC, PD-CC(RC), PD-RDP, PD-SA, PD-MUB, RC, PD-RV, OP, and IP Districts.
- C. **Size of Use.** The minimum lot area is 5 acres.
- D. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
- E. **Outdoor Play Space.** Outdoor play space must be provided in accordance with Section 4.04.08.B.9.
- F. **IP Notification.**
 - 1. Operators of a private school located within the IP Zoning District must notify all applicants, at the time of application, of the potential Permitted and Special Exception uses within such a district.

2. The notification document must include a list of the uses permitted within the industrial zone.
 3. The notification document must 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.
 4. Said notification document must remain on file at the school for the period of the student's enrollment.
- G. On-Site Housing.
1. On-site housing for staff or faculty employed by the private school and/or for students attending the private school is permitted as an accessory use.
 2. Exception. On-site housing is prohibited in the TCC Zoning District.

4.05.20 College or University

- A. **Applicability.** Section 4.05.20 is not modifiable pursuant to Section 4.01.A.
- B. **Approval.**
1. **TRC and UE.**
 - a. Permitted with less than 50,000 square feet of total gross floor area.
 - b. Special Exception review and approval required with 50,000 square feet or greater of total gross floor area.
 2. **GB, CLI, OP, and IP Zoning Districts.**
 - a. Use is permitted.
 - b. No on-campus student, faculty, and/or employee housing facilities are permitted.
 3. **PD-RDP and PD-SA.** Use is permitted with greater than 50,000 square feet of total gross floor area.
 4. **PD-MUB.**
 - a. Uses with 50,000 square feet or less of gross floor area are permitted.
 - b. Uses with more than 50,000 square feet of total gross floor area require Special Exception review and approval.
 - c. No on-campus student, faculty, and/or employee housing facilities are permitted.

4.06 Industrial/Production

Contents:

- 4.06.01 Contractor
- 4.06.02 Data Centers
- 4.06.03 Extractive Industries
- 4.06.04 Flex Buildings
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- 4.06.06 Mini-Warehouse
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- 4.06.09 Sawmills
- 4.06.10 Wholesale Distribution, Warehousing, and Storage
- 4.06.11 Manufacturing, Intensive

4.06.01 Contractor

- A. **Applicability.** Section 4.06.01 applies to contractors in all permitted Zoning Districts.
- B. **Intensity/Character.**
 - 1. TRC, UE, TC, CC-NC, CC-CC, CC-SC, PD-CC(RC), PD-MUB, RC, GB, PD-RV, and TCC Zoning Districts.
 - a. All associated activities must be contained within a building. No outdoor storage of materials is allowed.
 - b. 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.
 - 2. GI and MR-HI Zoning Districts.
 - a. Outdoor storage in conjunction with the use is subject to the Use-Specific Standards of Section 4.06.07.
 - b. 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. CLI Zoning District.
 - a. Contractors with no outdoor storage are permitted. Contractors with outdoor storage require Special Exception approval and such outdoor storage is subject to the Use-Specific Standards of Section 4.06.07.A-G.
 - b. 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. IP Zoning District.
 - a. 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-F. Outdoor storage greater than 20% of the gross lot area requires Special Exception review and approval.
 - b. Vehicles larger than two-axle must be within the outdoor storage areas. Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans, and trailers utilized in connection with the contractor use is permitted subject to Chapter 7.06.02.

4.06.02 Data Centers

- ~~A. **Applicability.** Section 4.06.02 applies to Data Center Uses. In addition to any other applicable requirements of Chapter 10, applicants must submit materials at the time of submission of a Site Plan that includes any information necessary to evaluate conformance with standards in Section 4.06.02. Conditional or final Site Plan approval is contingent upon the applicant demonstrating conformance with standards in Section 4.06.02 and other standards of the Zoning Ordinance.~~
- 1. **Data Centers in the TC Zoning District.** Section 4.06.02-3 applies to proposed Data Center Uses in the TC Zoning District only. In the TC Zoning District, Data Center uses must meet the following standards:
 - a. Table 4.06.02-1 Data Center Facade Standards;
 - b. Table 4.06.02-2 General Site Design Standards: 4.06.02-2.e. Utilities Standards, only; and
 - c. Table 4.06.02-3 TC Data Center Standards; and
- 2. **Data Centers in All Other Zoning Districts.** This section applies to Data Center uses in all Zoning Districts where Data Centers are permitted except for the TC Zoning District. Such Data Center uses must meet the following standards:
 - a. Table 4.06.02-1 Facade Standards;

b. Table 4.06.02-2 General Site Design Standards; and

B. **Data Center Use-Specific.** Standards related to Facades, General Site Design, and TC Data Centers are provided in the following tables:

1. **Facades.** Facade Standards are provided in Table 4.06.02.-1.

Table 4.06.02-1 Facade Standards		
Facade Element	Applicability	Requirements
Principal Facade	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, or plan showing residential development, or Zoning District permitting residential uses.	<p>a. Differentiated Surfaces. Principal Facades of a building must incorporate the following standards at horizontal linear intervals that may vary in frequency but must be no less frequent than every 150 horizontal linear feet or no less frequent than 3x the average height of the building:</p> <ul style="list-style-type: none"> a. Fenestration or Fenestration and (Optional) Green Wall; and b. A change in one of the following design elements: <ul style="list-style-type: none"> a. building material; b. pattern; c. texture; d. color; or e. accent materials.
		<p>b. Consistent Design. When a building has more than 1 Principal Facade, the Principal Facades of such building must be consistent in terms of design, materials, details, and treatment.</p>
		<p>c. Fenestration. Each Principal Facade of a building must include Fenestration as follows:</p> <ul style="list-style-type: none"> a. Fenestration Surface Coverage of the Facade. Fenestration must comprise at least 20% of the total surface coverage area of the Principal Facade; a. Fenestration Coverage Pattern. The placement pattern of individual or clustered bays of Fenestration must be distributed horizontally and vertically across the Principal Facade; and b. Fenestration Consistent Design with Principal Facade. The Fenestration must be compatible with the other design, materials, details, and treatment used on the same Principal Facade.
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.	<p>d. Green-Wall. Green-Wall Treatments must provide the following:</p> <ul style="list-style-type: none"> 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; b. Green-Wall Coverage Pattern. The pattern of individual placements of Green-Wall areas must be distributed horizontally and vertically across the Principal Facade.
Data Center Mechanical Equipment Facade	If 2 Principal Facades are required on opposing sides of a building pursuant to Section 4.06.02-1, up to 1 Data Center Mechanical Equipment Facade pursuant to Section 4.06.02-1.e may be provided in lieu of 1 such required Principal Facade if such	<p>e. Data Center Mechanical Equipment Facade. Optional Data Center Mechanical Equipment Facades must provide the following:</p> <ul style="list-style-type: none"> a. Partial or Full Visual Screening of Data Center Mechanical Equipment. Data Center 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 Data Center Mechanical Equipment is

Table 4.06.02-1 Facade Standards

Facade Element	Applicability	Requirements
	Principal Facade faces an adjacent existing or planned public road. If 4 Principal Facades are required on opposing sides of a building pursuant to Section 4.06.02-1, up to 2 Data Center Mechanical Equipment Facade pursuant to Section 4.06.02-1.e may be provided in lieu of 2 such required Principal Facade if such Principal Facade faces an adjacent existing or planned public road.	partially or fully screened to the maximum extent that permits necessary ventilation for any equipment; and b. Differentiated Surfaces. The Data Center Mechanical Equipment Facade, including any provided screening methods, must incorporate a change in at least one of the following design elements at horizontal linear intervals that may vary in frequency but must be no less frequent than every 150 horizontal linear feet or no less frequent than 3x the average height of the building: a. building material; b. pattern; c. texture; d. color; or e. accent materials.
Main Entrance Feature	Each building containing a Data Center must include at least one Main Entrance Feature that meets the requirements of Section 4.06.02-1.f.	f. Main Entrance Feature. Main Entrance Features must meet the following requirements: 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 building facade by a change in building material; and b. Foundation Plantings or Enhanced Landscaping. Main Entrance Features must incorporate foundation plantings consisting of a mix of evergreen and deciduous shrubs, grasses, sedges, or rushes, and/or herbaceous perennials, ferns, or vines for a minimum of 50% of the length of the Facade. 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.

2. **Site Design.** General Site Design Standards are provided in Table 4.06.02-2.

Table 4.06.02-2 General Site Design Standards

Site Design Element	Requirements
Loading Bay Location	a. Location Bay Location. Loading bays are permitted to be located on only one facade.
Data Center Mechanical Equipment	b. Location and Screening of Data Center Mechanical Equipment. All ground level and roof top Data Center Mechanical Equipment must meet the following standards: a. Data Center Mechanical Equipment must be shown on any proposed Site Plan and must be fully screened on all sides. Such visually solid screen must be constructed with a design, materials, details, and treatment compatible with those used on the nearest Principal Facade of a building; a. Perforation for Ventilated Screening. As determined by the Zoning Administrator, screening for Data Center Mechanical Equipment may incorporate perforated surfaces on screening walls as necessary to permit ventilation of Data Center Mechanical Equipment; b. Separation from Residential. Ground mounted Data Center Mechanical Equipment must be separated by a setback of a minimum of 100 feet from adjacent property that has existing residential development, an approved CDP or plat or plan showing residential development, or Zoning District permitting residential uses, by a principal building, or is otherwise not permitted adjacent to property with existing residential development, an approved CDP or plat or plan showing residential development, or Residential Zoning District; c. Ground Mounted Prohibited in Front Yards. Ground mounted Data Center Mechanical Equipment must not be located in any required front yard; and d. No Screening Requirements Adjacent to Industrially Zoned Property. As determined by the Zoning Administrator, Data Center Mechanical Equipment located in a manner found to have no adverse impact on adjacent properties zoned IP, GI, or MR-HI is not required to be screened pursuant to Section 4.06.02-

Table 4.06.02-2 General Site Design Standards

Site Design Element	Requirements
	2.b.1, except that such Data Center Mechanical Equipment must be screened from any existing or planned public road.
Refuse Collection and Loading Bay Area Screening	c. Screening of Refuse Collection and Loading Bay Areas. Refuse collection 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.
Utilities	d. Utilities Location. Data Centers are subject to Utilities requirements pursuant to Section 7.08.
Transportation	e. Transportation. Except for the Mid-Block Passageway requirement pursuant to Section 7.07.03.C, which does not apply to Data Centers, Data Centers are subject to Transportation requirements pursuant to Section 7.07. f. LPAT Trails in RSCR Buffer Areas. 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.
Setbacks and Building Massing Adjacent to Residential	g. Setbacks and Building Massing When 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 or plan showing residential development, or Residential Zoning Districts: a. Minimum Parking Setback. Parking must be setback at least 50 feet from the common property line; b. Minimum Setback for Structures. Structures must be setback at least 100 feet from the common property line;
Generator Noise Adjacent to Residential	h. Generator Testing Adjacent to Residential. For Data Centers on property adjacent to property with existing residential development, an approved CDP, or plat, or plan showing residential development, or Zoning District permitting residential uses, the following standard applies to generator testing: a. Except for generator testing or commissioning activities, generator use is limited to backup/emergency use only.
Light and Glare	i. Light and Glare. In addition to the requirements of Section 7.05.02, Data Centers must meet the following standards: a. Data Centers must include a photometric plan that shows all exterior lighting, including any security lighting; and b. Maximum illumination under Section 7.05.02.B.3 includes any security lighting.
Noise Studies	j. Noise Studies. Data Centers are subject to the Noise Study standards pursuant to Section 7.05.03.G.
Landscaping/ Buffering/ Screening	k. Landscaping/Buffering/Screening. All applicable regulations for Landscaping, Buffers, and Screening pursuant to Section 7.04 apply except as follows: a. Specific Plant Unit Composition Requirements. In lieu of the requirements of Section 7.04.07.B.2., the following requirements apply to the plant types used to meet Section 7.04.03 Buffer requirements. Maximum percentages apply solely in determining the quantity of a given plant type that can be counted towards meeting a Plant Unit requirement and do not preclude the installation of additional plant material from that plant type, if desired. a. Specific Plant Unit Percentages. The following plant unit percentages apply to each property line where the buffer or road corridor buffer is required:

Table 4.06.02-2 General Site Design Standards

Site Design Element	Requirements
	<ol style="list-style-type: none"> 1. A maximum of 30% of the required plant units may be large deciduous trees. 2. A maximum of 30% of the required plant units may be small deciduous trees. 3. 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. 4. A maximum of 20% of the required plant units may be a combination of shrubs, ornamental grasses, and perennials. <p>b. Buffer Substitution Using Topography and Vegetation. 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 Type C with earthen berm or Road Corridor Buffer Type 3 with earthen berm.</p> <p>b. Specific Buffer and Berm Requirements. In lieu of the buffer required under Table 7.04.03-1, a Buffer Type C is required with the specified plantings, and located on an earthen berm that has a minimum height of 6 feet and a grade lower than 2:1. 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 Type C with earthen berm.</p> <p>c. Road Corridor Buffer. If a Gateway Corridor Buffer is required pursuant to Section 7.04.02, the Gateway Corridor Buffer standards of Section 7.04 apply. 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 Gateway Corridor Buffer with earthen berm.</p>

3. **TC Zoning District Data Center Standards.** TC Data Center Standards are provided in Table 4.06.02-3.

Table 4.06.02-3 TC Data Center Standards

TC Element	Requirements
Design	<p>a. Design Standards. Data Centers must meet the following design standards:</p> <ol style="list-style-type: none"> 1. Consistent Design. 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; 2. Minimum Height. The building that contains the use must be at least 3 stories in height; 3. Mechanical Equipment Screening. Power generators, cooling and storage facilities, and other Data Center Mechanical Equipment and associated infrastructure serving the use must be building mounted and fully enclosed except for any perforated surfaces necessary for ventilation; and 4. Ground Level Pedestrian Accessibility. Except for security bollards, no security fencing, security walls, or other security barriers are permitted around the exterior of the ground floor of any building containing the use. Any provided security bollards must allow for wheelchair accessibility.
Use Mix and Limitations	<p>b. Use Mix and Limitations. Data Centers are subject to the following:</p> <ol style="list-style-type: none"> 1. Use Mix Limitation. A Data Center is not permitted to occupy more than 49% of the gross floor area of the building in which it is located; and 2. Separation from Residential Uses. A Data Center must not be located in a building containing residential uses.
Generator Noise	<p>c. Generator Testing. Generator testing, exclusive of commissioning activities, is limited to weekdays between 8:00 a.m. and 5:00 p.m.</p>

4.06.03 Extractive Industries

- Applicability.** Section 4.06.03 applies to Extractive Industries uses.
- Dimensional Standards.** Refer to Table 4.06.03-1 for dimensional standards specific to Extractive Industries. 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

	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	3 acres, exclusive of major floodplain
2	Lot Width (min.)	200 ft fronting on public or private roads
3	Lot Depth (min.)	500 ft
Yards		
4	Setback Adjacent to Roads (min.) ^{1, 2}	50 ft
5	Setback from Any Property Line (min.) ²	50 ft
TABLE KEY: ft = feet min. = minimum TABLE NOTES: ¹ Except when a greater setback is required by Section 7.04.02. ² Except when a greater setback is required by Section 7.01.07.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 1,000 feet from the MR-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 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; and
 - d. Where quarries are adjacent to the GI or CLI district, the minimum setback may be reduced to 50 feet.
2. **Processing Equipment.** Structures 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 the operation is adjacent to land not under County zoning authority, such as IAD or an incorporated town, the minimum setback may be reduced to 200 feet by Special Exception approval, which assures abutting lands are adequately buffered from the processing operations.
3. **Other Extraction Structures.** Other structures related to extraction operations, including scale houses and storage yards, must be set back as follows:
 - a. A minimum of 200 feet from the MR-HI district boundary. **Exception.** When abutting the GB, CLI, or GI Zoning District boundary, the minimum setback from the MR-HI district boundary is 50 feet; and
 - b. A minimum of 100 feet from all public roads within the district.
4. **Office and Administration.** Buildings devoted solely to office and administrative uses must be set back a minimum of 50 feet from the MR-HI district boundary.
5. **Adjacent Nonresidential Uses.** For adjacent 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 7:00 a.m. to 6:00 p.m. or such lesser time as may be established by Special Exception; and
 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 Table 5.08.03-1;
 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; and
 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.**
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 3 mutually perpendicular directions. The maximum peak particle velocity is the largest of any of the 3 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.** Section 4.06.04 applies to flex buildings located in the UE, CLI, IP, and GI Zoning District.
- B. **Uses.** Buildings that are identified as a Flex Building on an approved Site Plan may contain any use permitted in the underlying Zoning District as listed in the Use Tables of Section 3.02 without the need for further Site Plan approval, subject to the following:
 - 1. Pursuant to Section 10.04, a Zoning Permit, required prior to the commencement of any use or change of use, must identify the specific use as listed in the Use Tables of Section 3.02 and demonstrate conformance to any applicable Use Specific Standards of Chapter 4; and
 - 2. Gross floor area of a Flex Building is not being increased.
 - 3. No exterior site improvements are proposed.
- C. **Flex Building in the GI Zoning District.** In addition to those uses listed in Section 3.02, up to 49% of the gross floor area of a Flex Building in the GI Zoning District may be used for non-accessory office. Such Office uses may not include corporate headquarters, law offices, architectural offices, insurance offices, medical offices, or medical care facilities. This section is not modifiable under Section 4.01.A.
- D. **Parking.** Parking provided at the time of Site Plan may be done in conformance with the Flex Building requirements of Section 7.06.02. At the time of Zoning Permit, each use must demonstrate adequate parking is available for the specific parking rate of the use pursuant to Section 7.06.02. Requests for parking adjustments are subject to Section 7.06.08.
- E. **Loading Bays.**
 - 1. At least 2 loading bays are required for each Flex Building.
 - 2. All loading bays must be screened in accordance with Section 7.04.05.
- F. **Outdoor Storage.** Outdoor storage is limited to 10% of the lot area and is subject to the Use Specific Standards of Section 4.06.07.B-F. Outdoor storage is prohibited in the UE Zoning District.
- G. All sources of emission of noise and/or vibration must meet the performance standards of Sections 7.05.

4.06.05 Manufacturing, General

- A. **Applicability.** Section 4.06.05 applies to General Manufacturing uses in the TC and PD-MUB Zoning Districts.
- B. **Intensity/Character.** General Manufacturing uses must 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; and
 - 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.** Section 4.06.06 applies to a mini-warehouse in the 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. TRC, TC, and PD-MUB Zoning Districts. Buildings must be a minimum of 3 stories in height; and
 - 2. IP Zoning District. Buildings must be a minimum of 2 stories in height.
- C. **Intensity/Character.** Mini-warehouse uses must be designed in accordance with the following:

1. **TRC, TC, PD-MUB, IP, and PD-RV Zoning Districts.** No individual unit may be accessed directly from the exterior of the building;
 2. **TRC and TC Zoning Districts.** A minimum of 50% of the ground floor must contain pedestrian-oriented uses;
 3. **IP Zoning District.** Buildings must be climate controlled;
 4. The building that contains the 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; and
 5. No outdoor storage.
- D. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
- E. **Access.** Road access is subject to the standards of Section 7.07.01.F.
- F. **GB, IP, and GI Zoning Districts - Landscaping/Buffering/Screening.** Refer to Section 7.04. When the use abuts a major collector road, in lieu of the road corridor buffer for other major collector roads required under Section 7.04.02, a Road Corridor Buffer Type 3 is required.
- G. **GB, IP, and GI Zoning Districts - 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 must be installed prior to Certificate of Occupancy.

4.06.07 Outdoor Storage

- A. **Applicability.** Section 4.06.07 applies to outdoor storage. 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 Type C Buffer, wall, berm with landscaping that provides year around screening, or other comparable enclosure method.
- C. Outdoor storage is not permitted in the following Zoning Districts: TRC, UE, and TC (Town Center Core only).
- D. **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. **GI and MR-HI Zoning Districts.** Industrial storage that includes the bulk storage of gasoline, petroleum products, or natural gas requires Special Exception review and approval in accordance with Section 10.11;
 2. **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;
 3. The bulk storage must be provided underground; and
 4. Any storage of bulk gasoline, petroleum products, and natural gas must be set back 200 feet from residential districts or residential property lines.
- E. Waste materials must be stored in a closed container. The burning of waste materials is prohibited.
- F. **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 Section 4.06.07. No storage of any kind is permitted within any required yard.
- G. **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 Section 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.** Section 4.06.08 applies to Research and Development uses in the PD-MUB, TC, TRC, and UE Zoning Districts.
- B. **Intensity/Character.**
 - 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.** Section 4.06.09 applies to sawmills.
- B. **Intensity/Character.**
 - 1. **Site Size.** The minimum lot size is 12 acres.
 - 2. **Hours of Operation.** Hours of operation are limited from 6:00 a.m. to 6:00 p.m.
- C. **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). See Table 4.06.09-1.

Table 4.06.09-1. Structure

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

- 2. **Storage Yards.** See Table 4.06.09-2.

Table 4.06.09-2. Storage Yards

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

- D. **Location on Site/Dimensional Standards. Lot Lines.** See Table 4.06.09-3.

Table 4.06.09-3. Site/Dimensional Standards

Use	Size of Structures (Maximum)	Setback from Lot Lines (Minimum)
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.

- E. **Roads/Access.** Driveways are not permitted within a required buffer except as necessary to access the site.

- F. **Noise.** The maximum allowable dB(A) level of impulsive sound emitted by the use, as measured at the property line, is 55 dB(A).
- G. **Sawmills in the GI Zoning District.** Sawmills in the GI Zoning District must set back all structures 200 feet from any adjacent residentially zoned property.

4.06.10 Wholesale Distribution, Warehousing, and Storage

- A. **Applicability.** Section 4.06.10 applies to any wholesale distribution, warehousing, and storage use.
- B. **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.

4.06.11 Manufacturing, Intensive

- A. **Applicability.** Section 4.06.11 applies to Intensive Manufacturing uses in the GI Zoning District.
- B. **Asphalt Mixing Plant and Concrete Mixing Plant Uses.** Asphalt mixing plant and concrete mixing plant uses in the GI district must set back all structures 200 feet from any adjacent residentially zoned property.

4.07 Industrial/Production

Contents:

- 4.07.01 Airport/Landing Strip
- 4.07.02 Energy Storage Facility
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4.07.01 Airport/Landing Strip

- A. **Applicability.** Section 4.07.01 applies to Airports in the AR-1, AR-2, TR-10, and JLMA-20 Zoning Districts.
- B. **Intensity/Character of Use.**
 - 1. **Scope of Aviation Operations.**
 - a. The airport/landing strip must be for private aviation aircraft only, limited exclusively to the use of the landowner and guests; commercial operations, including flight training, ground school, and sales, are prohibited.
 - b. Instrument-guided flight to access the airport/landing strip is prohibited.
 - c. Jet-propelled aircraft is prohibited.
 - d. Takeoffs or landings are prohibited between the hours of 6:00 p.m. and 6:00 a.m.
 - 2. **Accessory Aircraft Repairs and Servicing.**

- a. Typical accessory support services for the airport landing strip are allowed, including but not limited to fueling stations, fuel tanks, and storage.
- b. Routine minor repairs and necessary maintenance of aircraft are permitted accessory uses, provided all routine repairs and maintenance occur within an enclosed structure, such as a hangar.

C. Size of Use.

1. **Minimum Lot Area.** The minimum lot area for an airport/landing strip must be 80 acres, except that a use consisting only of a landing strip with no accessory structures or facilities, other than a fueling station, requires a minimum of 15 acres in size.
2. **Structures and Storage Yards.**
 - a. **Gross Floor Area.** The size of structures necessary to service the use, such as aircraft service buildings, must not exceed 15,000 square feet.
 - b. **Storage Yards.** The maximum total area of storage yards must be 5,000 square feet.
 - a. Unless a more restrictive setback within the underlying Zoning District or road corridor applies, all components of the energy storage facility must be set back a distance of at least 100 feet from all public roads and principal buildings and a distance of at least 100 feet from adjoining property lines of the project area.
 - b. These setbacks must not restrict the location of access and stormwater management improvements.
3. **Height.**
 - a. All components of the facility must meet the height standards of the underlying Zoning District.
 - b. The maximum height standard does not apply to electric utility poles that are connected or interconnected with the energy storage facility.
4. **Access.** Access to the lot on which the facility is located must be provided from a public road that is maintained by a public body and that is at least 20 feet in width.

5. **Landscaping/Buffering/Screening.** Refer to Section 7.04.

6. **Lighting/Noise/Vibration.** Refer to Section 7.05.

7. **Decommission Plan.**

a. **Decommission Plan.** 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 components of the facility at the end of the useful life of the facility or if the facility is deemed abandoned by the County. The decommission plan must include:

1. The anticipated life of the facility;
2. The manner in which the facility will be decommissioned;
3. The vehicular route taken;
4. The manner in which the site will be restored; and
5. A listing of any contingencies for removing an intact operational energy storage facility from service and for removing any energy storage facility from service that has been damaged by fire or other event.

b. **Additional Requirements.**

1. The plan must be approved by the Zoning Administrator prior to approval of the Site Plan.
2. The plan must be updated upon the request of the Zoning Administrator, provided the update is no more frequent than once every 5 years and no less frequently than once every 10 years.

c. **Failure to Follow Decommission Plan.**

1. 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.
2. The locality has the right to decommission such equipment, facilities, or devices in accordance with the decommission plan.
3. Any costs associated with the execution of the decommission plan will be the responsibility of the owner, lessee, and/or developer.

8. **Unsafe or Abandoned Facility/Decommissioning.**

a. **Unsafe Facility.** If the Zoning Administrator determines an energy storage facility is unsafe, the facility owner, site owner, or operator must complete either of the following within the time period as directed by the Zoning Administrator and in compliance with the facility's decommission plan:

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

b. **Abandoned Facility.** If any energy storage facility is not operated for 12 continuous months, the Zoning Administrator will notify the property owner by registered mail that the facility is deemed abandoned and provide the property owner with 45 days to respond. The response must set forth reason(s) why the facility has not operated and provide a reasonable timetable for the facility to come back into operation. If the Zoning Administrator deems the timetable to be unreasonable, the Zoning Administrator will notify the property owner, and the property owner, site owner, or operator must remove the solar facility in accordance with the decommission plan established for such facility.

c. **Notification.** At the time an energy storage facility is scheduled to be decommissioned, the property owner or facility owner must notify the Zoning Administrator in writing.

d. **Removal Period.**

1. Within 365 days of the date of decommission, the physical removal of the energy storage facility must be completed in compliance with the facility's decommission plan.
 2. This period may be extended at the request of the owners or operator, upon approval of the Zoning Administrator.
 - e. **Handling and Disposal.** The handling and disposal of all equipment and facility components must comply with the decommission plan and federal, state, and local requirements.
 - f. **Legal Action.** If the facility owner or property owner fails to timely remove or repair an unsafe or abandoned energy storage facility after written notice, the county may pursue legal action to have the facility removed at the expense of the facility owner and property owner, each of whom will be jointly and severally liable for the expense of removing or repairing the facility. The county also may use the decommissioning security to remove the facility.
9. **Emergency Operations Plan.** As part of the first submission of the Site Plan for the facility, the applicant must provide an emergency operations plan acceptable to the Zoning Administrator that provides procedures and requirements for the safe operation of the facility. The emergency operations plan must include the following:
- a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions;
 - b. Procedures for inspection and testing of associated alarms, interlocks, and controls;
 - c. Procedures to be followed in response to notifications from the energy storage facility, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure;
 - d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire;
 - e. Response considerations similar to a safety data sheet (SDS) that address response safety concerns and extinguishment when an SDS is not required;
 - f. Procedures for dealing with the energy storage facility and any equipment when damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged components and equipment from the facility; and
 - g. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
10. **Safety.**
- a. **Certification.** Any energy storage facility equipment must be listed by a nationally recognized testing laboratory to UL 9540 (safety standard for energy storage system (ESS) and equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:
 1. UL 1973 (Batteries for Use in Light Electric Rail (LER) and Stationary Applications);
 2. UL 1642 (Lithium batteries);
 3. UL 1741 or UL 62109 (Standard for Inverters, Converters, Controllers and Interconnection System Equipment for Use With Distributed Energy Resources);
 4. Certified under the electrical, building, and fire prevention codes as required; and

5. Alternatively, a field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and codes, regulations and safety standards may be used to meet system certification requirements.

b. **Clearance/Enclosures.** All energy storage facility components and associated equipment must have required working space clearances, and electrical circuitry must be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70 (National Electrical Code).

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

1. Intensity/Character.

a. **Service Area.** A site-specific energy storage facility must serve the on-site needs of the property on which it is located. This does not include energy storage facilities or devices associated with utility scale solar facilities, which are subject to the standards for Solar Facilities, Utility Scale and Energy Storage Facility, Utility Scale above.

Table 4.07.03-1. Parking Facility Type

Zoning District	Accessory Parking Area Surface	Accessory Parking Area Structured	Principal Off-Street Parking Facility Surface	Principal Off-Street Parking Facility Structured	Commuter Parking Lot less than or equal to 50 Spaces	Commuter Parking Lot greater than 50 Spaces
Urban						
TRC Inner Core	P/S*	P		P	S	S
TRC Outer Core	P/S*	P	S	P	S	S
TRC TDSA	P	P	S	P	S	S
UE	P/S*	P	S	P	S	S
Suburban						
SN	P		S		P	S
SCN	P	P	S	P	P	S

Table 4.07.03-1. Parking Facility Type

Zoning District	Accessory Parking Area Surface	Accessory Parking Area Structured	Principal Off-Street Parking Facility Surface	Principal Off-Street Parking Facility Structured	Commuter Parking Lot less than or equal to 50 Spaces	Commuter Parking Lot greater than 50 Spaces
TC Core	P/S*	P	S	P	S	S
TC Fringe	P	P	S	P	P	P
CC-NC, CC-CC, CC-SC	P	P	S	P	P	P
Legacy Suburban						
R	P	P			P	S
PD-CC(RC)	P	P	S	S	P	
PD-RDP	P	P	S	P	P	P
PD-SA	P	P	S	P	P	P
PD-AAAR	P	P				
PD-MUB	P/S*	P	M	P	P	P
GB	P		S		P	P
CLI	P					
Transition						
TR	P					
TSN	P		S		P	S
TCN	P		S		P	S
TCC	P		S		P	S
TR-2	P					
Legacy Transition						
TR-2	P					
Rural						
AR	P				P	S
Legacy Rural						
A-3, A-10	P				P	S
CR	P				P	S
RC	P				P	P
PD-RV Conservancy					P	
JLMA						
JLMA	P				P	S
Legacy JLMA						
JLMA-20	P					
Office and Industrial						
OP	P	P	S	P	P	P
IP	P		S	S	P	P
GI	P		P	P		
MR-HI	P				S	S

Table 4.07.03-1. Parking Facility Type

Zoning District	Accessory Parking Area Surface	Accessory Parking Area Structured	Principal Off-Street Parking Facility Surface	Principal Off-Street Parking Facility Structured	Commuter Parking Lot less than or equal to 50 Spaces	Commuter Parking Lot greater than 50 Spaces
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TABLE NOTES:

* Permitted accessory parking limited to on-street parking.

4.07.04 Utility, Major

- A. **Applicability.** Section 4.07.04 applies to uses in the Utilities use category that are provided or operated by Towns, VDOT, Loudoun Water, Public Utilities and Public Service Corporations. **Exceptions.** Section 4.07.04 does not apply to:
 1. Utility substations, see Section 4.07.09; and
 2. Solar facilities (site-specific or utility scale), see Section 4.07.06.
- 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 Type C.
 2. A municipal water well (defined as a major utility) requires a minimum Buffer Type A if the well area includes other accessory structures. Side and rear buffers must be supplemented with an additional 2 evergreen trees per 100 linear feet.
- D. **Access Easements.** Utilities may be accessed by private road.
- E. **Municipal Water Well.** Prior to approval of the first Site Plan application for a new municipal water well, the applicant must:
 1. Complete the requirements of either Sections 4.07.04.E.1. or E.2. The applicant has the discretion to choose either option;
 2. Provide the results to the Director of the Department of Building and Development in conjunction with the Site Plan application; and
 3. 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:
 - a. 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
 - b. A Hydrogeologic Report prepared in accordance with the Facilities Standards Manual (FSM). 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 structures 200 feet from any adjacent residentially zoned property.

4.07.05 Waste-Related Uses

- A. **Applicability.** Section 4.07.05 applies to recycling collection centers, material recovery facilities, solid waste facility uses, vegetative waste management facility uses, and junkyard uses.
- B. **Recycling Collection Centers.** Recycling collection centers (public or private) 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 centers may only accept 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 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 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 [7.04.03](#);
 9. Recycling containers must be at least 150 feet from any residential use;
 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; and
 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 must occur during daylight hours, unless located within commercial or industrial areas equipped with lighting capable of illuminating the center during periods of darkness;
 15. The minimum setback for recycling collection centers is 50 feet from the right-of-way of any street or as otherwise specified under Section [7.04.02](#), and 100 feet from any lot or land bay zoned, used, or planned for residential uses. The use must not obstruct pedestrian or vehicular circulation; and
 16. In IP and GI Zoning Districts, recycling collection centers may utilize electric power-driven processing equipment to sort, clean, or compact recyclable materials between the hours of 7:00 a.m. and 7:00 p.m.
- C. **Material Recovery Facilities (MRF).** All MRF's must meet the following minimum standards:
1. A MRF may not be established on a lot that abuts a lot or land bay zoned, used, or planned for residential use.

2. All processors must operate in an entirely enclosed building, 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.
 3. 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.
 4. Power-driven processing equipment is permitted if the noise level requirements of Section 7.05.03 and any Special Exception conditions are met.
 5. All exterior storage of material must be in sturdy containers or enclosures covered, secured, and maintained in good condition at all times.
 6. Exterior storage is subject to Section 4.06.07.
 7. 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.
 8. The hours of operation for MRF sites located within 500 feet of a residential dwelling are 8:00 a.m. to 7:00 p.m.
 9. On-site personnel must be present during all hours of operation.
 10. Any containers provided for after-hours donation of recyclable materials must be at least 500 feet from any residential dwelling.
 11. If the MRF is open to the public, vehicle stacking spaces are subject to Section 7.06.10.F.4.
 12. No dust, fumes, noxious odors, or smoke generated by the MRF may be detectable on adjacent properties.
 13. Noise or vibration emitted or derived from the MRF must not exceed the levels permitted by Sections 7.05.03 and 7.05.04 respectively.
 14. 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.
- D. **GI Zoning District Residential Setback.** In the GI district, all solid waste facility uses, vegetative waste management facility uses, junkyard uses, recycling collection center uses, and MRF uses must be setback 200 feet from any adjacent residentially zoned property.

4.07.06 Solar Facility

- A. **Applicability.** Section 4.07.06 applies to utility scale and site-specific solar facilities.
- B. **Solar Facility, Utility Scale.**
 1. **Solar Facilities, Permitted.** Utility Scale Solar Facilities that meet all of the following standards are a permitted use in the GI zoning district.
 - a. **Ground-mounted.** The solar facility must utilize only ground-mounted solar panels.
 - b. **Location/Dimensional.**
 1. **Height.** The solar facility must meet Section 4.07.06.B.3.c.1

2. **Setbacks.** The solar facility must meet Section 4.07.06.B.3.c.2., except that all types of erosion and sediment control and/or stormwater management facilities are permitted in applicable yards and/or setbacks to the extent such facilities are permitted by the underlying Zoning District, any applicable Overlay District, and Section 5.08.
3. **Distance from Airports.** The solar facility must not be located within 1 mile of an airport unless the applicant submits, as part of its application, written certification from the Federal Aviation Administration (FAA) that the location of the solar facility poses no hazard for, and will not interfere with, airport operations.
- c. **Visual Impacts.**
 1. **Panel Construction.** The solar facility must meet Section 4.07.06.B.3.b.1.
 2. **Viewshed.** The solar facility must use project siting and mitigation to minimize impacts on viewsheds, including from residential areas and areas of scenic, historical, cultural, archaeological, and recreational significance.
- d. **Access.**
 1. **Paved Public Road.** The solar facility must meet Section 4.07.06.B.3.b.
 2. **Private Roads and Driveways.** All private roads and/or driveways internal to the parcel(s) upon which the solar facility is located must meet fire apparatus access road standards.
- e. **Landscaping/Buffering/Screening.** The solar facility must meet Section 4.07.06.B.3.e
- f. **Decommission Plan/Security.** The solar facility must meet Section 4.07.06.B.3.g
- g. **Unsafe or Abandoned Projects/Decommissioning.** The solar facility is subject to Section 4.07.06.B.3.h.
2. **Solar Facilities, Special Exception Required.** Unless listed as a permitted use under Section 4.07.06.B.1, Utility Scale Solar Facilities are a Special Exception use in the GI and MR-HI Zoning Districts and are subject to Section 4.07.06.B.3.
3. **General.**
 - a. **Intensity Character.**
 1. **Capacity.** The nameplate capacity rating must exceed 5,000 kilowatts of alternating current.
 - b. **Visual Impacts. Panel Construction.** The facility must use only panels that employ anti-glare technology, anti-reflective coatings, and other available mitigation techniques, all that meet or exceed industry standards to reduce glint and glare.
 - c. **Location/Dimensional.**
 1. **Height.** Ground-mounted solar panels must not exceed 20 feet in height as measured from the highest natural grade below each such solar panel 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 such solar panels.
 2. **Setbacks.** All components of the solar facility must be set back a distance of at least 75 feet from all public roads and buildings and at least 25 feet from property lines, or the applicable yards and setbacks of the underlying Zoning District, Section 7.04, or Section 5.08, whichever is greatest.
 3. **Distance From Historic Resources.** The solar facility must not be located within 1 mile of a Historic Resource.
 - d. **Access.** Access to the parcel on which the facility is located must be provided from a paved public road that is at least 20 feet in width.
 - e. **Landscaping/Buffering/Screening.** The solar facility must meet Section 7.04.

- f. **Lighting/Noise/Vibration.** The solar facility must meet Section 7.05.
- g. **Decommission Plan/Security.**
 - 1. **Decommission Plan.** The first submission of the Site Plan for the solar facility must include a detailed decommission plan that provides procedures and requirements for removal of all components of the solar facility at the end of the useful life of the solar facility or if the solar facility is deemed abandoned by the Zoning Administrator. The decommission plan must include:
 - a. The anticipated life of the solar facility,
 - b. The estimated overall cost of decommissioning the solar facility in current dollars and the methodology used for determining such estimate; and
 - c. The manner in which the solar facility will be decommissioned.
 - 2. **Additional Requirements.**
 - a. The decommission plan must be approved by the Zoning Administrator prior to approval of the Site Plan.
 - b. The decommission plan and the estimated overall cost of decommissioning must be updated upon the request of, and approved by, the Zoning Administrator, which request may not occur more frequently than once every 5 years and no less frequently than once every 10 years.
 - 3. **Security.**
 - a. Prior to approval of the Site Plan for the solar facility, the solar facility's owner or property owner must provide a security, for the benefit of the County, in the amount of the approved estimated overall cost of decommissioning the solar facility under the decommission plan. Options for such security include a cash escrow, a performance surety bond, an irrevocable letter of credit, or other security acceptable to the Zoning Administrator.
 - b. Such security must be promptly adjusted, renewed, and/or replaced in accordance with any changes to the estimated overall cost of decommissioning resulting from an update requested by the Zoning Administrator, and must remain valid until all obligations under the decommission plan have been met as determined in the sole discretion of the Zoning Administrator.
- h. **Unsafe or Abandoned Facility/Decommissioning.**
 - 1. **Unsafe Facility.** If the Zoning Administrator determines that a solar facility is unsafe, the solar facility's owner or property owner must complete either of the following:
 - a. Promptly repair the solar facility to meet federal, state, and local safety standards; or
 - b. Remove the solar facility in accordance with the solar facility's approved decommission plan.
 - 2. **Abandoned Facility.** If any solar facility is not operated for 12 continuous months, the Zoning Administrator will notify the solar facility's owner and property owner by registered mail that the facility is deemed abandoned. A response must be received by the Zoning Administrator within 45 days of mailing and set forth the reason(s) why the solar facility has not been operating and provide a reasonable time period for corrective action. If the Zoning Administrator deems the time period to be unreasonable, the Zoning Administrator will notify solar facility's owner and property owner, and the solar facility's owner or property owner must remove the solar facility in accordance with the solar facility's approved decommission plan.
 - 3. **Notification.** At such time a solar facility is scheduled to be abandoned, the solar facility's owner or property owner must notify the Zoning Administrator in writing.

4. **Removal Period.** Within 365 days of the date of abandonment, the physical removal of the solar facility must be completed in compliance with the solar facility's approved decommission plan. This period may be extended at the request of the solar facility's owner or property owner upon approval of such request by the Zoning Administrator.
5. **Handling and Disposal.** The handling and disposal of all equipment and components of the solar facility must comply with the solar facility's approved decommission plan and federal, state, and local requirements.
6. **Legal Action.** If the solar facility's owner or property owner fails to timely remove or repair an unsafe or abandoned solar facility after written notice, the County may pursue legal action to have the solar facility removed or repaired at the expense of the solar facility's owner and property owner, each of whom will be jointly and severally liable for the expense of removing or repairing the solar facility. The County also may use the security required by Section 4.07.06.B.3.g.2 to remove the facility.

C. Solar Facility, Site-Specific (On-Site Accessory Use).

1. Placement.

- a. **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.
- b. **Agricultural Districts.** The solar facility may be installed on the roof of a dwelling unit or on the roof of another structure on the property or ground mounted on the property in which it serves.
- c. **Commercial, Industrial, Institutional, and Mixed-Use Districts.** The solar facility may be installed on the roof of one or more structures located on the property or ground mounted on the property in which it serves.

2. **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.

3. 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.

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

4.07.07 Stockpiling

- A. **Applicability.** Section 4.07.07 applies to any stockpiling.

B. Intensity/Character Standards.

1. Size of Use.

- a. **Minimum Lot Size.** 5 Acres.
- b. **Pile Area.** The maximum area of a single stockpile is 2 acres.
- c. **Height.** The maximum height of a single stockpile 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.
- d. **Slope.** Maximum slope is 3:1.

2. Siting.

- a. **Prohibited.** No stockpiling is permitted in:
 - 1. MOD or FOD; or
 - 2. Wetlands, hydric soils, or areas identified as containing endangered species or plants.
- b. Stockpiling 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 single-family dwelling.
- b. **Other setbacks.** No stockpiling is permitted within 100 feet of any lot line and/or public or private roads.

- 4. **Hours of Operation.** The hours of operation are limited to 7:00 a.m. to 6:00 p.m.

C. Access/Vehicular Circulation.

- 1. **Access.** Access to the lot is required from a paved public road at least 20 feet in width.
- 2. **Driveways/Internal Access Roads (driveways).** Driveways must have all-weather roadways negotiable by loaded transport vehicles.
- 3. **Vehicular Circulation.** Adequate-stacking space must be provided on site to accommodate traffic. Stacking spaces must be screened in accordance with Section 4.07.07.F.
- 4. **Debris.** To prevent the tracking of debris, mud, dirt or other material on roads, an Erosion and Sediment Control Plan must be provided to demonstrate methods to control sediment and soil erosion and avoid debris, mud, dirt or other material from leaving the property. The Plan must address methods such as vehicle or road cleaning.
- D. **Materials.** Stockpiles 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 3% by volume in the stockpile. 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 7.05.02.C.2
- F. **Landscaping/Buffering/Screening.** Refer to Section 7.04.03.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 is required prior to commencement of any stockpiling. A grading permit may be required prior to the commencement of any stockpiling.
- H. **Light, Noise, and Vibration.** Light, noise, and vibration created by the activity at the stockpile must comply with Section 7.05.

4.07.08 Telecommunications Facility

- A. **Applicability.** Section 4.07.08 applies to telecommunications facilities.
- B. **Telecommunications Antennas.** Telecommunications Antennas are permitted subject to the following regulations.
 - 1. **Structure-Mounted Antennas Over 60 Feet.**
 - a. Section 4.07.08.B.1. applies to antennas mounted on structures and related connected unmanned equipment, any portion of which that exceeds 60 feet in height, as measured from natural ground elevation.

- b. Omnidirectional or whip antennas must not exceed 20 feet in height or 7 inches in diameter, and must consist of a material or color that matches the exterior of the structure upon which they are mounted.
- c. Directional or panel antennas must not exceed 10 feet in height or 2 feet in width, and must consist of a material or color that matches the exterior of the structure upon which they are mounted.
- d. Dish antennas must not exceed 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 must not exceed 11 feet in height or 26 inches in diameter and must consist of a material or color that matches the exterior of the structure upon which they are mounted. The antenna, or any portion thereof, must not be exposed outside of the shroud.
- g. Related unmanned equipment structure(s) are limited to a cumulative total of 500 square feet of gross floor area per user on each site and 12 feet in height. If located upon the same structure upon which the antennas are mounted, a related unmanned equipment structure may be located in an area that is excluded from the determination of the structure's gross floor area without affecting the exclusion of such area from the calculation of the structure's FAR. Related unmanned equipment structures must consist of a material or color that matches the exterior of the structure upon which they are mounted.
- h. Related unmanned equipment structures located on the roof of a structure cumulatively may not occupy more than 25% of the roof's 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 telecommunications monopole or tower may be increased 20 feet for the collocation of telecommunications antennas if their height (including any collocated antennas) does not exceed 199 feet, as measured from natural ground elevation.

2. Antennas Up To 60 Feet in Height.

- a. Section 4.07.08.B.2. applies to antennas mounted on structures and related connected unmanned equipment, no portion of which exceeds a height of 60 feet, as measured from natural ground elevation.
- b. Omnidirectional or whip antennas must not exceed 8½ feet in height and 3 inches in diameter and must consist of a material or color that matches the exterior of the structure upon which they are mounted. Such antennas must be flush mounted so that neither the antenna nor any portion of the supporting mount extends more than 2 feet from the structure.
- c. Directional or panel antennas must not exceed 5 feet in height and 1 foot in width and must consist of a material or color that matches the exterior of the structure upon which they are mounted. Such antennas must be flush mounted so that neither the antenna nor any portion of the supporting mount extends more than 2 feet from the structure.
- d. Dish antennas must not exceed 3 feet in diameter and must consist of a material or color that matches the exterior of the structure upon 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 and 14 inches in diameter, and must consist of a material or color that matches the exterior of the structure upon which they are mounted. The antenna, or any portion thereof, must not be exposed outside the shroud.
- g. Only 1 related unmanned equipment structure is permitted on an antenna support structure. Such related unmanned equipment structure is limited to 5 feet in height and 20 cubic feet in volume and must consist of a material or color that matches the exterior of the antenna support structure upon which it is mounted.
- h. Antennas and related unmanned equipment structures located on the roof of a structure must not exceed 15 feet in height above the height of the structure and cumulatively may not occupy more than 25% of the roof's area.
- i. All antennas and related unmanned equipment must be removed within 90 days after cessation of use.

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

- a. Related unmanned equipment must not exceed a cumulative total of 500 square feet of gross floor area and 12 feet in height.
- b. Antenna hub sites are subject to the maximum permitted floor area ratio and lot coverage requirements and minimum yard and setback requirements of the underlying Zoning District.
- c. Antenna hub sites must be compatible with development in the vicinity regarding the setting, color, lighting, topography and materials. To the maximum extent feasible, related unmanned equipment must be located in a manner that minimizes impacts to adjacent properties.
- d. Related unmanned equipment 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. Such screening is not required if related unmanned equipment is installed within an existing screened enclosure for a telecommunication facility.
- e. Antenna hub sites that are fully enclosed within a building are not subject to subsections a, c, and d above.
- f. Antenna hub sites must be removed within 90 days after cessation of use.

C. **Telecommunications Monopoles.** The following applies to telecommunications monopoles and related unmanned equipment structure(s).

1. **Monopoles, Permitted.** The following monopoles are a permitted use subject to Section 4.07.08.C.3.:

- a. Located within an existing overhead utility line's right of way that has existing utility poles greater than 80 feet in height;
- b. Located within the OP, GI, IP, MR-HI, PD-RDP, PD-SA, or GB Zoning Districts and at least 750 feet from an adjacent existing or planned zoning district that permits residential uses;
- c. Located within the GI or MR-HI Zoning Districts subject to Section 4.07.08.C.4. if located less than 750 feet from an adjacent existing or planned zoning district that permits residential uses; and
- d. Located within the AR-1, AR-2, A-10, A-3, TR-1, TR-2, TR-3, TR-10, JLMA-1, JLMA-2, JLMA-3, CR-1, CR-2, CR-3, CR-4, UE, and RC Zoning Districts, when accessory to a fire or rescue station.

2. **Monopoles, Special Exception Required.** Unless listed as a permitted use under Section 4.07.08.C.1., the following monopoles are Special Exception uses and are subject to Sections 4.07.08.C.3. and 4.07.08.C.4:

- a. Located within the AR-1, AR-2, A-10, A-3, TR-1, TR-2, TR-3, TR-10, TSN, TCN, TCC, JLMA-1, JLMA-2, JLMA-3, CR-1, CR-2, CR-3, CR-4, UE, RC, CLI, CC-CC, TC, TRC, CC-SC, PD-CC(RC), PD-MUB, or PD-RV Zoning Districts;

- b. Located within the OP, IP, PD-RDP, PD-SA, and GB Zoning Districts and less than 750 feet from an adjacent existing or planned zoning district that permits residential uses;
 - c. Located within any Zoning District, except the PD-AAAR Zoning District, as an accessory use to a fire and rescue station;
 - d. Located within any zoning district, within the right of way of a private toll road or public road interchange; and
 - e. Located within the SN, SCN, PD-H or R Zoning Districts and on property owned by:
 - 1. The Federal Government or Commonwealth of Virginia, and not used for governmental purposes;
 - 2. Loudoun County, or Loudoun County School Board; or
 - 3. Public Utilities.
3. **Monopoles, General Performance Standards.** All monopoles, whether listed as a permitted or Special Exception use, are subject to the following:
- a. The proposed 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 a manner that minimizes impacts to adjacent properties, and in areas of existing vegetation, if applicable, must be used to screen the facility;
 - b. New monopoles must be designed to accommodate at least 3 service providers, unless:
 - 1. Doing so would create an unnecessary visual impact on the surrounding area;
 - 2. No additional need is anticipated for any other potential user in the vicinity; or
 - 3. There is some valid economic, technological, or physical justification as to why co-location is not possible, and the applicant has identified the conditions under which future co-location by other service providers is permitted; and
 - c. Monopoles, including any antennas, must not exceed 199 feet in height, 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 Section 4.07.08.C.3.m. and 4.07.08.C.4.c., monopoles must be setback 1 foot for every 5 feet in height from any property line. Structures are permitted within the setback areas of monopoles if all other applicable zoning requirements are met;
 - f. Related unmanned equipment must not exceed a cumulative total of 500 square feet of gross floor area per service provider on each site, and 12 feet in height;
 - g. Unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA), monopoles must blend with the background;
 - h. Signals, lights and/or illumination are not permitted on any monopole, unless required by the FCC, the FAA, State or Federal authorities, or the County;
 - i. A Commission Permit is required, except when located in accordance with Section 4.07.08.C.1.a. and the monopole does not exceed the height of existing utility poles by more than 20 feet as measured from natural ground elevation;
 - j. Monopoles are prohibited within the HOD;
 - k. The monopole and all related unmanned equipment must be removed and the site must be restored as closely as possible to its original condition within 90 days after cessation of use;
 - l. Applicants for a monopole must demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding from the FAA that the proposed monopole is not a hazard or obstruction to aviation is required prior to the approval of a zoning permit. If a proposed monopole

exceeds 199 feet in height or is located within 5 miles of the boundary of either Dulles or Leesburg Airport, the applicant must provide verification that:

1. The appropriate airport authority (Metropolitan Washington Airports Authority (MWAA) or the Town of Leesburg) was notified in writing of the proposed monopole; and
 2. The FAA determined that the proposed monopole is neither a hazard nor an obstruction to aviation; and
- m. When locating on a parcel owned by Loudoun County, Loudoun Water, or a fire and/or rescue company:
1. The monopole and related unmanned equipment must not interfere with any existing telecommunications facility of the parcel's owner; and
 2. The setback under Section 4.07.08.C.3.e. does not apply;
- n. Applicants proposing a monopole located within 1 mile of the HOD, a property listed on the National Register of Historic Places, or a Virginia Byway must submit at least 3 visual simulations and written justification as to why the monopole could not be sited elsewhere;
- o. Monopoles are prohibited within the Ridge Protection Feature Setback; and
- p. Applicants proposing a monopole must submit documentation, in written and graphic form, regarding the service area to be provided by the proposed monopole.
4. **Monopoles, Additional Submission Requirements.** Monopoles listed as a Special Exception use also are subject to the following:
- a. Applicants proposing a monopole must submit photo imagery or other visual simulation of the proposed monopole shown with the existing site conditions from at least 3 different perspectives. The applicant must address how the monopole will be designed to mitigate the visual impact on development and roads in the vicinity;
 - b. Applicants proposing a monopole must demonstrate that co-location on an existing or approved telecommunications facility greater than 40 feet in height is not feasible:
 1. For a 1-mile radius from the proposed monopole within the Eastern Loudoun Urban Growth Area;
 2. For a 2-mile radius from the proposed monopole for elsewhere in the County; and
 3. Technological, physical, and economic constraints are factors that may be considered in determining feasibility of co-location. Other factors that may be considered in determining feasibility of co-location are whether:
 - a. Such co-location would exceed the structural capacity of existing and approved telecommunications facilities, including the planned use of such facilities, and such facilities cannot be reinforced to accommodate the co-location at a reasonable cost;
 - b. Such co-location will cause interference with other existing or planned equipment for the telecommunications facilities, and that interference cannot be prevented at a reasonable cost;
 - c. Existing or approved telecommunications facilities do not have space to accommodate the co-location so as to provide adequate service; and
 - d. Existing and approved telecommunications facilities will not provide adequate signal coverage; and
 - c. Monopoles requiring a Special Exception under Section 4.07.08.C.2.d. are not subject to any zoning district's lot requirements, building requirements, or open space requirements, the setback under Section 4.07.08.C.3.e., or the road corridor buffers and setbacks under Section 7.04.02.

D. **Telecommunications Towers.** The following applies to telecommunications towers and related unmanned equipment structure(s).

1. **Towers, Permitted.** The following towers are a permitted use subject to Section 4.07.08.D.3.:
 - a. Located within the GI and MR-HI Zoning Districts, 40 feet or less in height, and mounted on an existing structure; and
 - b. Located within the GI and MR-HI Zoning Districts, and greater than 40 feet in height, subject to Section 4.07.08.D.4.
2. **Towers, Special Exception Required.** Unless listed as a permitted use under Section 4.07.08.D.1. the following towers are Special Exception uses and are subject to Sections 4.07.08.D.3. and 4.07.08.D.4.:
 - a. Located within the AR-1, AR-2, TR-1, TR-2, TR-3, TR-10, JLMA-1, JLMA-2, JLMA-3, CC-CC, TC, UE, TRC, A-10, A-3, CR-1, CR-2, CR-3, CR-4, CLI, CC-SC, PD-CC(RC), PD-MUB, TSN, TCN, TCC, OP, IP, PD-RDP, PD-SA, and GB Zoning Districts;
 - b. Located within any Zoning Districts, except the PD-AAAR and PD-RV Zoning Districts, as an accessory use to a fire and rescue station; and
 - c. Located within the SN, SCN, PD-H, or R Zoning Districts and on property owned by:
 1. The Federal Government or Commonwealth of Virginia, and not used for governmental purposes;
 2. Loudoun County or Loudoun County School Board; or
 3. Public Utilities.
3. **Towers, General Performance Standards.** All towers, whether listed as a permitted or Special Exception use, are subject to the following:
 - a. The proposed 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 a manner that minimizes impact to adjacent properties and within areas of existing vegetation, if applicable, to screen the facility;
 - b. New towers must be designed to accommodate at least 3 service providers, unless:
 1. Doing so would create an unnecessary visual impact on the surrounding area;
 2. No additional need is anticipated for any other potential user in the vicinity; or
 3. There is some valid economic, technological, or physical justification as to why co-location is not possible and the applicant has identified the conditions under which future co-location by other service providers is permitted; and
 - c. Towers, including any antennas, must not exceed 199 feet in height, as measured at the natural ground elevation, unless the applicant demonstrates that a tower 199 feet or less in height cannot render needed services. At the applicant's expense, the County may have an independent analysis performed of the applicant's proposal;
 - d. Satellite and microwave dishes attached to the towers are limited to 6 feet in diameter;
 - e. Except as provided in Section 4.07.08.D.3.m., towers must be setback 1 foot for every 5 feet in height from any property line. Structures are permitted within the setback areas of towers if all other applicable zoning requirements are met;
 - f. Related unmanned equipment must not exceed a cumulative total of 500 square feet of gross floor area per service provider on each site, and 12 feet in height;
 - g. Unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA), towers must blend with the background;
 - h. Signals, lights and/or illumination are not permitted on a tower unless required by the FCC, the FAA, State or Federal authorities, or the County;

- i. A Commission Permit is required for all towers;
 - j. Towers are prohibited within the HOD;
 - k. The tower and all related unmanned equipment must be removed and the site must be restored as closely as possible to its original condition within 90 days after cessation of use;
 - l. Applicants for a tower must demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding from the FAA that the proposed tower is not a hazard or obstruction to aviation is required prior to the approval of a Zoning Permit. If a proposed tower exceeds 199 feet in height or is located within 5 miles of the boundary of either Dulles or Leesburg Airports, the applicant must provide verification that:
 - 1. The appropriate airport authority (Metropolitan Washington Airports Authority (MWAA) or the Town of Leesburg) was notified in writing of the proposed tower; and
 - 2. The FAA determined that the proposed tower is neither a hazard nor an obstruction to aviation; and
 - m. When locating on a parcel owned by Loudoun County, Loudoun Water, or a fire and/or rescue company:
 - 1. The tower and related unmanned equipment must not interfere with any existing telecommunications facility of the parcel's owner; and
 - 2. The setback under Section 4.07.08.D.3.e. does not apply; and
 - n. Applicants proposing a tower within 1 mile of the HOD, a property listed on the National Register of Historic Places, or a Virginia Byway must submit at least 3 visual simulations and written justification as to why the tower could not be sited elsewhere;
 - o. Towers are prohibited within the Ridge Protection Feature Setback; and
 - p. Applicants proposing a tower must submit documentation, in written and graphic form, regarding the service area to be provided by the proposed tower.
4. **Towers, Additional Submission Requirements.** Towers listed as a Special Exception use or a permitted use under Section 4.07.08.D.1.b. also are subject to the following:
- a. Applicants proposing a tower must provide photo imagery or other visual simulation of the proposed tower shown with the existing site conditions from at least 3 different perspectives. The applicant must address how the tower will be designed to mitigate the visual impact on development and roads in the vicinity;
 - b. Applicants proposing a tower must demonstrate that co-location on an existing or approved telecommunications facility greater than 40 feet in height is not feasible: 1) . for a 1-mile radius from the proposed tower within the Eastern Loudoun Urban Growth Area; and 2) for a 2-mile radius from the proposed tower for elsewhere in the County. Technological, physical, and economic constraints are factors that may be considered in determining feasibility of co-location. Other factors that may be considered in determining feasibility of co-location are whether:
 - 1. Such co-location would exceed the structural capacity of existing and approved telecommunications facilities, including the planned use of such facilities, and such facilities cannot be reinforced to accommodate the co-location at a reasonable cost;
 - 2. Such co-location will cause interference with other existing or planned equipment for that telecommunications facility, and that interference cannot be prevented at a reasonable cost;
 - 3. Existing or approved telecommunications facilities do not have space to accommodate the co-location so as to provide adequate service; and
 - 4. Existing and approved telecommunications facilities will not provide adequate signal coverage; and

- c. Applicants proposing a tower must demonstrate that a monopole, capable of an equivalent level of service, cannot be utilized instead of a tower.

4.07.09 Utility Substations

- A. **Applicability.** Section 4.07.09 applies to utility substations. Utility substations are defined as a major utility.
- B. The minimum lot size of a utility substation is 1 acre exclusive of major floodplain.
- C. **Comprehensive Plan Compliance.** All utility substations must be located in areas consistent with the Comprehensive Plan. A Commission Permit is required for a utility substation established as a principal use on a lot unless the utility substation is specifically delineated in the Comprehensive Plan.
- D. **Utility substation, accessory.**
 - 1. An accessory utility substation is a substation dedicated to an individual user.
 - 2. An accessory utility substation is a permitted use.
 - 3. A Commission Permit is not required for an accessory utility substation that is located on the same lot as the principal structure or use that it serves and meets criteria as an accessory use in accordance with applicable regulations in Section 3.03, except an accessory utility substation may be operated and maintained under different ownership than the principal use.
- E. **Buffers.** All utility substations and accessory storage yards require a minimum Buffer Type C, however, if required utility connections preclude installation of large and small deciduous trees, the maximum percentage applicable to shrubs under Section 7.04.07.B.2.d. does not apply. In lieu of the minimum and maximum percentages applicable to evergreen trees under Section 7.04.07.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 road.

4.07.10 Transit Facility

- A. **Applicability.** Section 4.07.10 applies to Transit Facility uses in the GI Zoning District.
- B. **Residential Setback in the GI Zoning District.** Transit Facility uses in the GI district must set back all structures 200 feet from any adjacent residentially zoned property.

4.08 Agriculture

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4.08.01 Agriculture, Bona Fide

- A. **Applicability.** Section **4.08.01** applies to Bona Fide Agriculture.
- B. **Approval.** The use must be located in an Agricultural Zoning District and at least one of the following as applicable.
 - 1. **Agriculture (Silviculture).**
 - a. 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.
 - b. Agriculture not conducted in accordance with an approved Conservation Farm Management Plan is not considered to be Bona Fide Agriculture.
 - 2. **Agriculture (Non-Silviculture).**
 - a. Conducted in conformance with a Forest Management Plan that meets the requirements of the Facilities Standards Manual, includes best management practices, and is approved by the County.
 - b. All timber harvesting must also meet the notification requirements of Code of Virginia § [10.1-1181.2.H](#).
 - c. Only those roads shown on the approved Forest Management Plan are permitted to be constructed.
 - d. 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 Code of Virginia § [10.1-1181.2.H](#), is not considered to be Bona Fide Agriculture.

4.08.02 Agriculture, Horticulture, and Animal Husbandry

- ~~A. **Applicability.** Section **4.08.02** 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 Section **4.08.02.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 a copy of the executed Conservation Farm Plan to the Zoning Administrator; and
 - 2. The Conservation Farm Plan 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.** 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. If the closest dwelling on an adjacent lot is located more than 60 feet from the common lot line, the structure must meet the minimum required yards for the zoning district.

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

A. **Applicability.**

1. Section 4.08.03 applies to agriculture support and service uses that are directly associated with ongoing agriculture, horticulture or animal husbandry, on-site.
2. **Exception.** These Use Specific Standards do not apply to agricultural processing in the A-3 and A-10 Zoning Districts.

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. Exceptions. See Table 4.08.03-1.

Table 4.08.03-1. Intensity/Character Site Size Exceptions

Use	Lot Area (Minimum)
Equestrian Event Facility	25 acres
Stable, Livery	15 acres
Restaurant, Rural	20 acres

3. **Visitors/Customers/Parking Spaces.** The number of vehicles allowed at any one time depends on the size of the lot area. See Table 4.08.03-2.

Table 4.08.03-2. Intensity/Character by Scale

Use	Scope of Use/Event	Lot Area (Minimum)
Level I—small scale	No more than 100 vehicles on site at any one time.	5 to 25 acres Section 4.08.03.B.2.
Level II—medium scale	No more than 200 vehicles on site at any one time.	>25 acres, up to 50 acres
Level III—large scale	No more than 300 vehicles on site at any one time. Exception: 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., except hours of operation for a Stable, Livery are limited to the hours of 4:00 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). See Table 4.08.03-3.

Table 4.08.03-3. Structure		
Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	30,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	30,000 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. See Table 4.08.03-4.

Table 4.08.03-4. Storage Areas		
Use	Lot Area	Size of Storage Areas (Maximum)
Level I—small scale	5 to 25 acres	5,000 square feet
TABLE NOTES: 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. See Table 4.08.03-5.

Table 4.08.03-5. Site/Dimensional Standards			
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 7.04.03.A.6.
2. **Storage Areas.** Refer to Section 7.04.03.

F. Road/Access.

1. **Road Access.** Uses are subject to the road access standards of Section 7.07.01.F.
2. **Vehicles/Equipment.** Any agricultural support use (direct association) that involves the use of or services heavy equipment must have direct access to a 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.

H. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

4.08.04 Agriculture Support Uses (Standalone)

A. **Applicability.** Section 4.08.04. 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. **Exceptions.** See Table 4.08.04-1.

Table 4.08.04-1. Intensity/Character Site Size Exceptions	
Use	Lot Area (Minimum)
Agricultural education or research	25 acres
Farm distribution hub	25 acres
Equestrian event facility	25 acres

2. **Visitors/Customers/Parking Spaces.** The number of vehicles allowed depends on the size of the lot area. See Table 4.08.04-2.

Table 4.08.04-2. Intensity/Character by Scale		
Use	Scope of Use/Event	Lot Area (Minimum)
Level I - small scale	No more than 100 vehicles on site at any one time.	5 to 25 acres See Section 4.08.04.B.1 above
Level II - medium scale	No more than 200 vehicles on site at any one time.	>25 acres, up to 50 acres
Level III - large scale	No more than 300 vehicles on site at any one time. Exception: 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., except hours of operation for a Stable, Livery are limited to the hours of 4:00 a.m. to 9:00 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. See Table 4.08.04-3.

Table 4.08.04-3. Structure		
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		
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 must not exceed 10% of the total area of the principal structure.
- D. **Location on Site/Dimensional Standards.** An agricultural support use (standalone) must be set back from lot lines. See Table 4.08.04-4.

Table 4.08.04-4. Site/Dimensional Standards

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

- E. **Roads/Access.**
 1. **Road Access.** Uses are subject to the road access standards of 7.07.01.F.
 2. **Vehicles/Equipment.** Any use that involves the use of or services heavy equipment must have direct access to a public road.
 3. **Number of Access Points.** Only 2 points of access are permitted from the use to a public road. This requirement does not preclude an additional access for emergency vehicles only.
- F. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

4.08.05 Brewery, Limited

- A. **Applicability.** Section 4.08.05 applies to limited breweries.
 1. Limited breweries must be licensed as a Limited Brewery in accordance with Code of Virginia Title 4.1.
 2. No limited brewery may be established either as the initial use of the subject property or by change of use of the property until a Zoning Permit is approved pursuant to Section 10.04.
 3. 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 contiguous parcels of land, totaling at least 10 acres, owned or leased by the licensed limited brewery.
- C. **Intensity/Character.** 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.

4.08.06 Stable, Livery

- A. **Applicability.** Section 4.08.06 applies to livery stable uses.
- B. **Accessory Uses.** Include offices, storage areas, tenant dwelling, educating and training students in equitation, and caring for, breeding, or training horses associated with the livery stable use.

- C. A livery stable is subject to Section 4.08.03 Agricultural Support Uses (Direct Association with On-Site Agricultural Activity).

4.08.07 Wayside Stands

- A. **Applicability.** Section 4.08.07 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 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.

4.08.08 Winery, Commercial

- A. **Applicability.** Section 4.08.08 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 Code of Virginia § 4.1-213.
- C. **Approval.**
 - 1. In the AR Zoning Districts, commercial wineries that exceed 20,000 square feet of gross floor area require Special Exception review and approval.
 - 2. In the JLMA-20 Zoning District, commercial wineries require Special Exception review and approval. Commercial wineries must be located on a parcel with associated on-going agriculture, horticulture, or animal husbandry. This section is not modifiable under Section 4.01.A.
- 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 total area of storage yards must not exceed 20% of the total gross floor 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.** Refer to Section 7.04.03.A.6.
- H. **Roads/Access.**
 1. **Road Access.** Commercial winery is subject to the road access standards of 7.07.01.F.
 2. **Vehicles/Equipment.** Commercial wineries that use heavy equipment must have direct access to a public road.
- I. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

4.08.09 Pet Farm

- A. **Applicability.** Section 4.08.09 applies to Pet Farms.
- B. **Retail Sales.** Accessory retail sales must not exceed a total area of 600 square feet.
- C. **Additional Use Specific Standards.** Pet Farms located in the AR, TR, and JLMA Zoning Districts are subject to the additional Use Specific Standards of Chapter 4.08.03.

4.08.10 Equestrian Event Facility

- A. **Direct Association with On-Site Agricultural Activity.** An equestrian event facility that includes the keeping and breeding of horses is subject to Section 4.08.03.
- B. **Standalone Agriculture Support Use.** An equestrian event facility that does not include the keeping and breeding of horses is subject to Section 4.08.04.

4.08.11 Auction Facility, Livestock

- A. **Applicability.** Section 4.08.11 applies to Auction Facility, Livestock uses in the GI Zoning District.
- B. **Residential Setback in the GI Zoning District.** Auction Facility, Livestock uses in the GI Zoning District must set back all structures 200 feet from any adjacent residentially zoned property.

4.08.12 Agricultural Processing

- A. **Applicability.** Section 4.08.12 applies to agricultural processing uses.
- B. **Approval/Intensity.**
 1. **RC, JLMA-1, JLMA-2, JLMA-3, and JLMA-20 Zoning Districts.**
 - a. Agricultural processing is permitted as accessory to a principal on-site agricultural activity.
 - b. At least 51% of the products used for processing and/or preparation must be derived from on-site agriculture.
 - c. Agricultural processing is subject to Section 4.08.03.
 2. **TR-10 and TR-3 Zoning Districts.**
 - a. Agricultural processing as accessory to a principal on-site agricultural activity requires Special Exception review and approval.
 - b. At least 51% of the products used for processing and/or preparation must be derived from on-site agriculture.
 - c. Agricultural processing is subject to Section 4.08.03.
 3. **AR-1 and AR-2 Zoning Districts.**
 - a. Agricultural processing is permitted as accessory to principal on-site agricultural activity.

1. At least 51% of the products used for processing and/or preparation must be derived from on- site agriculture.
2. Agricultural processing is subject to Section 4.08.03.
- b. Agricultural processing is allowed as a principal use, subject to Special Exception review and approval.
 1. At least 51% of the products used for processing and/or preparation must be derived from agriculture operations within Loudoun County.
 2. Agricultural processing is subject to Section 4.08.04.

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 structure with a surrounding neighborhood, community, Place Type, village, or historic district; and*
- *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. 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; or
3. A minimum of 50 years old, and the original use of the structure is functionally or economically obsolete as determined by the Zoning Administrator.
 - a. 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. 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.
- b. 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.
- c. 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; and
 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. If the structure is eligible for adaptive reuse pursuant to Sections 4.09.B.1. or 4.09.B.3.b., 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 4.09.E., 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 4.09.B.2. or 4.09.B.3.b., 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. Enclosed additions are not permitted on the primary façade, front elevation, or character-defining elevation of the structure.
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; and
 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. Removal of non-historic additions is permitted; and
 - 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. Repair of such features is permitted; and

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 Section 4.09.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 10.11.01;
2. All uses must comply with any applicable Use-Specific Standards in Chapter 4; and
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
1	Zoning districts that permit residential uses, except zoning districts that permit only single-family detached (SFD) dwelling units (TRC, SN, SCN, TC, TCN, RC, R-8, R-16, R-24, PD-MUB, PD-AAAR)	100% attainable housing regardless of the dwelling unit type permitted in the Zoning District (SFD, single-family attached (SFA), multifamily stacked (MFS) and/or multifamily attached (MFA)) provided the dwelling units are developed pursuant to Sections 9.01.B., C., E., and I. of the ADU Program requirements, Sections 9.02.A., B., C., D., and I. of the UHNU Program requirements, or Section 9.03 of the AHU Program requirements.
2	Zoning districts that permit SFD, SFA, and/or MF stacked dwelling units (TRC, SN, SCN, TC, TR, TSN, TCN, AR-1, AR-2, CR, RC, JLMA, R, PD-MUB)	SFD dwelling unit converted to up to 4 dwelling units or 4 live/work dwellings
3	Any Zoning District that does not currently permit the use	Public, Civic, Institutional Uses, except for the following uses: Hospital; Recreation, Indoor; Recreation, Outdoor or Major; and Shooting Range, Indoor
4	Any Zoning District that does not currently permit the use	Lodging Uses
5	Any Zoning District that does not currently permit the use	Commercial Uses, except for the following uses: Kennel; Kennel, Indoor; Dry Cleaning Plant; Convenience Store (with Gasoline Sales); and all Automotive uses
6	Any Zoning District that does not currently permit the use	Industrial/Production: Wood, Metal, and Stone Crafts use only. The Wood, Metal, and 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 Section 4.09.B.

TABLE NOTES:

¹Uses 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 Sections 4.09.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.

1. Incentives with a plus mark (+) in the Existing Floor Area column apply to the existing floor area of the structure.
2. 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
1	Rear Yards. Additions to existing principal buildings may encroach into rear yards pursuant to Section 10.03. 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.		+
2	Side Yards. Additions to existing principal buildings may encroach into side yards pursuant to Section 10.03. 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.		
3	Residential 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.	+	
4	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.	+	+
5	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.	+	+
6	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 Zoning 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.	+	
7	Loading Space. New loading spaces pursuant to Section 7.06.09. are not required for adaptive reuse.	+	
8	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.	+	

PURPOSE FOR AMENDMENT

To adopt the full recommendations for the Loudoun Chamber for Chapter 3. Overall, the goal of these changes are to ensure these Zoning Districts are feasible and follow goals of the 2019 Comprehensive Plan.

A Redline of Chapter 3 is attached, with numbered Recommended Changes. The motion template below can be utilized to turn these changes into motions.

MOTION TEMPLATE

"I MOVE TO ADOPT RECOMMENDED CHANGE #__ FROM THE ATTACHMENT PROVIDED BY THE LOUDOUN COUNTY CHAMBER OF COMMERCE."

JUSTIFICATIONS

Recommended Change #1 (**Table 3.02.01-1. - Principal Use Table for Urban and Suburban Zoning Districts**):

- Allows Banquet/Event Facility to be Permitted in CC-NC, CC-CC, and CC-SC districts.
 - These should be allowed in commercial retail centers.

Recommended Change #2 (**Table 3.02.05-1. - Principal Use Table for Office and Industrial Zoning Districts**):

- Allows Animal Care Business to be Permitted in the IP district.
 - Small business use that is in demand for flex industrial parks.

Recommended Change #3 (**Table 3.02.05-1. - Principal Use Table for Office and Industrial Zoning Districts**):

- Allows Veterinary Service to be Special Exception (rather than not allowed) in the IP district.
 - Small business use that is in demand for flex industrial parks.

Recommended Change #4 (**Table 3.02.05-1. - Principal Use Table for Office and Industrial Zoning Districts**):

- Allows Banquet/Event Facility to be Permitted with performance standards in the IP district.
 - Small business use that is in demand for flex industrial parks.
 -

Recommended Change #5 (**Table 3.02.05-1. - Principal Use Table for Office and Industrial Zoning Districts**):

- Allows Craft Beverage Manufacturing to be Permitted with performance standards (rather than Minor Special Exception) in the IP district.
 - Small business use that is in demand and fits the purpose for flex industrial parks.

Recommended Change #6 (**Table 3.02.05-1. - Principal Use Table for Office and Industrial Zoning Districts**):

- Allows Office, Professional to be Permitted in the IP district.
 - Maybe flex office parks include Class B office buildings and include many small businesses that may not need loading docks, etc.
 - These should be encouraged, not regulated heavily.

Recommended Change #7 (**Table 3.02.05-1. - Principal Use Table for Office and Industrial Zoning Districts**):

- Allows Recreation, Indoor to be Permitted in the IP and GI districts.
 - Small business use that is in demand and fits the purpose for flex industrial parks, and shouldn't include additional regulations.

Recommended Change #8 (**Table 3.02.05-1. - Principal Use Table for Office and Industrial Zoning Districts**):

- Allows Manufacturing, Intensive by Special Exception (rather than not allowed) in the IP district.
 - These uses could be appropriate in certain parcels that are zoned IP.

Recommended Change #9 (**Table 3.02.05-1. - Principal Use Table for Office and Industrial Zoning Districts**):

- Allows Wood, Metal and Stone Crafts to be Permitted (rather than not allowed) in the IP district.

- Small business use that is in demand and fits the purpose for flex industrial parks.

Recommended Change #10 (**Table 3.02.05-1. - Principal Use Table for Office and Industrial Zoning Districts**):

- Allows Building and Landscaping Materials Supplier to be Permitted with performance standards (rather than not allowed) in the IP district.
 - Small business use that is in demand and fits the purpose for flex industrial parks.

Recommended Change #11 (**Table 3.02.05-1. - Principal Use Table for Office and Industrial Zoning Districts**):

- Allows Freight to be allowed with a Special Exception in the IP district.
 - These uses could be appropriate in certain parcels that are zoned IP.

Recommended Change #12 (**Table 3.02.05-1. - Principal Use Table for Office and Industrial Zoning Districts**):

- Allows Industrial Storage to be Permitted with performance standards (rather than not allowed) in the IP district.
 - Business use that is in demand and fits the purpose for flex industrial parks.

Recommended Change #13 (**Table 3.02.05-1. - Principal Use Table for Office and Industrial Zoning Districts**):

- Allows Mini-Warehouse to be Permitted with performance standards (rather than not allowed) in the IP district.
 - Business use that is in demand and fits the purpose for flex industrial parks.

Recommended Change #14 (**Table 3.02.05-1. - Principal Use Table for Office and Industrial Zoning Districts**):

- Allows Outdoor Storage, Vehicles to be Permitted with performance standards (rather than not allowed) in the IP district.
 - This use is needed to support many businesses in the IP district.

Recommended Change #15 (**Table 3.02.05-1. - Principal Use Table for Office and Industrial Zoning Districts**):

- Allows Material Recovery Facility (MRF) to be Permitted with performance standards (rather than not allowed) in the IP district.
 - Business use that is in demand and fits the purpose for flex industrial parks.

Recommended Change #16 (**Table 3.02.05-1. - Principal Use Table for Office and Industrial Zoning Districts**):

- Allows Stockpiling to be allowed with a Special Exception in the IP district.
 - These uses could be appropriate in certain parcels that are zoned IP.

Recommended Change #17 (**Table 3.03-1. Permitted Accessory Uses and Structures**):

- Adds Compactors to the use for Dumpsters and Dumpster Pads.
 - These are often needed and would still be subject to the performance standards.

Recommended Change #18 (**Table 3.03-1. Permitted Accessory Uses and Structures**):

- Adds “electrical transformers, switch gear, and similar” to the use for Energy Storage.
 - These are often needed with Energy Storage sites and would still be subject to the performance standards.

Recommended Change #19 (**Table 3.03-1. Permitted Accessory Uses and Structures**):

- Allows “Freestanding freezers/refrigerators and above-grade tanks” as permitted accessory uses and structures in Commercial and Industrial districts.
 - These are often needed to support businesses, including biomedical facilities and offices.

Recommended Change #20 (**Table 3.03-1. Permitted Accessory Uses and Structures**):

- Allows “Play equipment and playhouses” as permitted accessory uses and structures in Commercial and Industrial districts.
 - There are existing schools and daycares in commercial and industrial parks that are successful and appropriate.
 - With childcare becoming less affordable, allowing these would help alleviate that demand.

Recommended Change #21 (**Table 3.03-1. Permitted Accessory Uses and Structures**):

- Allows “Propane Tanks, Home/Personal utility use only” as permitted accessory uses and structures in Residential districts.
 - Current draft is unclear if this would be allowed.

Recommended Change #22 (**Section 3.03.C.8 - General**):

- Allows trailers and equipment used daily in the course of a permitted use to be parked at the facility.
 - Does not allow long-term storage of said trailers and equipment.

Recommended Change #23 (**Section 3.03.D.5. - Accessory Uses in IP**):

- Allows Accessory Uses to be 49% (rather than 20%) of the gross floor area of a building.
 - Really important in the age of small manufacturing and online commerce businesses needing retail store frontage, as well as tasting rooms for breweries, etc.

Recommended Change #24 (**Table 3.02.01-1 Principal Use Table for Urban and Suburban Zoning Districts**):

- Aligns where Energy Storage, Utility Scale is permitted by-right and/or special exception with Utility, Major which is how the current ordinance addresses Energy Storage.
 - Energy Storage is essential to bring more renewables online and overall grid modernization. The Board’s 2023 Energy Policy calls for net-zero by 2045 and carbon free by 2050. Limiting where Energy Storage can occur in the County makes meeting these even more difficult.

Recommended Change #25 (**Table 3.02.02-1 Principal Use Table for Legacy Suburban Zoning Districts**):

- Aligns where Energy Storage, Utility Scale is permitted by-right and/or special exception with Utility, Major which is how the current ordinance addresses Energy Storage.
 - Energy Storage is essential to bring more renewables online and overall grid modernization. The Board's 2023 Energy Policy calls for net-zero by 2045 and carbon free by 2050. Limiting where Energy Storage can occur in the County makes meeting these even more difficult.

Recommended Change #26 (**Table 3.02.03-1 Principal Use Table for Transition, Rural, and Joint Land Management Area (JLMA) Zoning Districts**):

- Aligns where Energy Storage, Utility Scale is permitted by-right and/or special exception with Utility, Major which is how the current ordinance addresses Energy Storage.
 - Energy Storage is essential to bring more renewables online and overall grid modernization. The Board's 2023 Energy Policy calls for net-zero by 2045 and carbon free by 2050. Limiting where Energy Storage can occur in the County makes meeting these even more difficult.

Recommended Change #27 (**Table 3.02.02-1 Principal Use Table for Legacy Transition, Rural, and JLMA Zoning Districts**):

- Aligns where Energy Storage, Utility Scale is permitted by-right and/or special exception with Utility, Major which is how the current ordinance addresses Energy Storage.
 - Energy Storage is essential to bring more renewables online and overall grid modernization. The Board's 2023 Energy Policy calls for net-zero by 2045 and carbon free by 2050. Limiting where Energy Storage can occur in the County makes meeting these even more difficult .

CHAPTER 3: USES

Contents:

- 3.01 Uses Generally**
- 3.02 Use Tables**
- 3.03 Accessory Uses**
- 3.04 Temporary Uses**

3.01 Uses Generally

- A. **Use Regulations.** Section 3.02 (Tables 3.02.01-1 through 3.02.03-1) establishes the principal uses as permitted, Special Exception, or Minor Special Exception in the Urban, Suburban, Transition, Rural, JLMA, and Office and Industrial Zoning Districts. Use approvals and Zoning Districts are organized into Use Tables in Section 3.02, organized as follows:

Table 3.01-1. Use Regulations		
Zoning District	Acronym	Table
Urban		
Transit Related Center	TRC	3.02.01
Urban Employment	UE	
Suburban		
Suburban Neighborhood	SN	3.02.01
Suburban Compact Neighborhood	SCN	
Town Center	TC	
Commercial Center	CC	
Legacy Suburban		
Single-Family Residential	R-1, R-2, R-3, R-4, R-8	3.02.02
Townhouse/Multifamily Residential	R-16	
Multifamily Residential	R-24	
Planned Development-Housing	PD-H	
Planned Development-Commercial Center (Regional Center)	PD-CC(RC)	
Planned Development-Research and Development Park	PD-RDP	
Planned Development-Special Activity	PD-SA	
Planned Development-Active Adult/Age Restricted	PD-AAAR	
Planned Development-Mixed Use Business	PD-MUB	
General Business	GB	
Commercial Light Industry	CLI	
Transition		
Transitional Residential	TR-10, TR-3, TR-1	3.02.03
Transition Small Lot	TSN	
Transition Compact Neighborhood	TCN	
Transition Community Center	TCC	
Legacy Transition		
Transitional Residential-2	TR-2	3.02.04
Rural		
Agricultural Rural-1	AR-1	3.02.03

Table 3.01-1. Use Regulations		
Zoning District	Acronym	Table
Urban		
Agricultural Rural-2	AR-2	
Legacy Rural		
Agriculture-10	AR-10	3.02.04
Agricultural Residential-3	A-3	
Countryside Residential	CR-1, CR-2, CR-3, CR-4	
Rural Commercial	RC	
Planned Development-Rural Village	PD-RV	
Joint Land Management Area		
Joint Land Management Area	JLMA-1, JLMA-2, JLMA-3	3.02.03
Legacy Joint Land Management Area		
Joint Land Management Area-20	JLMA-20	3.02.04
Office and Industrial		
Office Park	OP	3.02.05
Industrial Park	IP	
General Industry	GI	
Mineral Resource-Heavy Industry	MR-HI	
Planned Unit Development		
Planned Unit Development	PUD	

- B. **Organization of Use Tables.** Section 3.02, Tables 3.02.01-1 through 3.02.05-1 (Use Tables) organize the uses in each Zoning District by Use Classifications, Use Categories, and specific Uses.
1. **Use Classifications.** The Use Classifications are identified by the green shaded rows in each use table. The Use Classifications organize Uses into broad general classifications (e.g., Residential, Lodging, Commercial, Public/Civic/Institutional, Industrial/Production, Infrastructure, Agriculture, etc.).
 2. **Use Categories.** Use Classifications are further divided into Use Categories (the yellow shaded rows in each use table). The Use Categories describe the major sub-groups of the Use Classification. For example, the residential Use Classification is divided into two major Use Categories: Household Living and Group Living.
 3. **Use.** The Use Classifications or Use Categories are then divided into specific Uses (the alternating white and highlighted rows in each use table). For example, single-family detached dwellings, multifamily dwellings, and single-family attached dwellings are Uses in the Household Living Use Category.
- C. **Use Categories and Uses Defined.** Use Categories and Uses listed in Section 3.02 are defined in Chapter 12.
- D. **Use Approvals.** Use Tables establish the following use approvals:

Table 3.01-1. Key to Use Table		
Notation	Approval	Description
P	Permitted	A "P" indicates that a specific Use is permitted in the Zoning District, subject to compliance with all standards and regulations in the Zoning Ordinance and all other applicable County ordinances.
S	Special Exception	An "S" indicates that a Use may be allowed in the Zoning District as a Special Exception subject to conditions imposed by the Board of Supervisors, in accordance with the procedures and standards for special exceptions in Section 10.11.01.
M	Minor Special Exception	An "M" indicates that a Use may be permitted in the Zoning District as a Minor Special Exception subject to conditions of approval imposed by the Board of Supervisors, in accordance with the procedures and standards for Minor Special Exceptions in Section 10.11.02.

Table 3.01-1. Key to Use Table

Notation	Approval	Description
P/S, M/S, or P/M	Varies	In some instances and based on the Use-Specific Standards (Chapter 4), a Use will be a Permitted Use under certain conditions or may be allowed by Special Exception or Minor Special Exception approval under other conditions. Those instances are identified as "P/S," "M/S," or "P/M," as appropriate.
	Prohibited	A blank cell indicates that the use is not permitted in the district.

- E. Use-Specific Standards.** Some Principal Uses in Tables 3.02.01 through 3.02.05 and Accessory Uses in Table 3.03-1 are subject to certain Use-Specific Standards prescribed in Chapter 4 of the Zoning Ordinance. In those instances, the Use Table includes a cross-reference to the applicable section in Chapter 4.
- F. Multiple Principal Uses on Lots.** Each principal permitted use must meet the minimum lot area requirement for each use when 1 or more of the uses has a minimum lot area specified in Chapter 4, Use-Specific Standards.
- G. Uses Not Defined.**
1. If a proposed use is not identified in Section 3.02 or Section 3.03, the Zoning Administrator may determine whether that use falls within the definition of an identified principal or accessory use pursuant to Section 10.02.
 2. In determining whether the proposed use falls within the definitions of an identified use, the Zoning Administrator must refer to the Merriam-Webster online dictionary (www.merriam-webster.com).
 3. If the Zoning Administrator determines that an unlisted proposed use does not fall within the definition of a use identified and defined in the Zoning Ordinance, the use is not permitted unless the Board of Supervisors, in its discretion, approves a Zoning Ordinance Amendment (Section 10.10.02) to allow such use.
- H. Stream Restoration and Wetland Mitigation.** Stream Restoration and Wetland Mitigation are exempt from the Zoning District requirements in Chapter 2 but are subject to the applicable regulations prescribed in Section 5.03 Floodplain Overlay District, Section 5.04 Mountainside Overlay District, Section 5.05 Limestone Overlay District, and Chapter 6: Natural and Environmental Resources.

3.02 Use Tables

Contents:

3.02.01 Urban and Suburban Zoning Districts Use Table

3.02.02 Legacy Suburban Zoning Districts Use Table

3.02.03 Transition, Rural, and JLMA Zoning Districts Use Table

3.02.04 Legacy Transition, Rural, and JLMA Zoning Districts Use Table

3.02.05 Office and Industrial Zoning Districts Use Table

3.02.01 Urban and Suburban Zoning Districts Use Table

Table 3.02.01-1.

Principal Use Table for Urban and Suburban Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Urban				Suburban									
		TRC Inner Core	TRC Outer Core	TRC TDSA	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	TC Core	TC Fringe	CC - NC	CC - CC	CC - SC
Residential															
Household Living															
Dwelling, Accessory	4.02.01		P	P		P	P	P	P	P	P	P			
Caretaker or Guard Residence															
Dwelling, Single-Family Attached	4.02.07			P		P	P	P	P	P	P	P			
Dwelling, Multifamily	4.02.08	P	P	P		P	P	P	P	P	P	P			
Dwelling, Single-Family Detached	4.02.07			P		P	P	P	P		P	P			
Dwelling, Live/Work	4.02.03			P		S	S	P	P	P	P	P			
Manufactured Home	4.02.04							P	P	S					
Dwelling, Tenant	4.02.09														
Group Living															
Rooming and Boarding	4.02.05	P	P	P							S	S			
Congregate Housing		P	P	P		S	S	S	S	S	P	P			
Continuing Care Facility	4.02.02	P/S	P/S	P/S	P/S	S	S	S	S	S	P/S	P/S	P	P	
Religious Housing	4.02.05					S	S	S	S	S					
Dormitory, Seasonal Labor	4.02.06														
Lodging															
Bed and Breakfast Homestay	4.03.01														
Bed and Breakfast Inn	4.03.01														
Camp, Day and Boarding	4.03.02														
Campground	4.03.03														
Country Inn	4.03.01														
Hotel/Motel	4.03.04	P	P	P	P						P	P/S			P
Rural Resort	4.03.01														
Recreational Vehicle Park															
Short-Term Rental, Commercial Whole House	4.03.05					S	S	S			S	S			
Commercial															
Animal Services															

Table 3.02.01-1.

Principal Use Table for Urban and Suburban Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Urban				Suburban									
		TRC Inner Core	TRC Outer Core	TRC TDSA	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	TC Core	TC Fringe	CC-NC	CC-CC	CC-SC
Animal Care Business															
Animal Hospital	4.04.01			P	P/S						S	S	S	S	S
Companion Animal/Pet Grooming		P	P	P	P						P	P	P	P	P
Kennel	4.04.16														
Kennel, Indoor	4.04.16	P	P	P	P						P	P	P	P	P
Veterinary Service													S	S	S
Day Care															
Adult Day Care		P	P	P	P	S	S	S	S	S	P	P	P	P	P
Child Day Center	4.04.08	P	P	P	P	S	S	S	S	S	P	P	P	P	P
Child Day Home	4.04.08			P		P	P	P	P	P	P	P			
Financial Services															
Bank or Financial Institution	4.04.12	P	P	P/S	P						P/S	P	P	P	P
Food and Beverage Sales/Service															
Banquet/Event Facility	4.04.05	P	P	P	P						P	P	P	P	P
Craft Beverage Manufacturing	4.04.11	P	P	P	P						P	P	P	P	P
Farmers Market	4.04.14														
Farmers Market (off-site production)	4.04.14														
Food Preparation	4.04.06	P	P	P	P						P	P	P	P	P
Restaurant	4.04.10	P	P	P	P						P/S	P	P	P/S	P
Restaurant, Rural	4.04.18														
Office, Business, and Professional															
Office, Professional	4.04.17	P	P	P	P						P	P	P/S	P/S	P/S
Small Business, Agricultural and Rural	4.04.19														
Personal/Business Services															
Business Support Services	4.04.07	P	P	P	P						P	P	P	P	P
Dry Cleaning Plant															
Farm Machinery Sales and Service	4.04.13														
Maintenance and Repair Services															

Table 3.02.01-1.

Principal Use Table for Urban and Suburban Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Urban					Suburban								
		TRC Inner Core	TRC Outer Core	TRC TDSA	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	TC Core	TC Fringe	CC-NC	CC-CC	CC-SC
Personal Services		P	P	P	P						P	P	P	P	P
Postal Services		P	P	P	P						P	P	P	P	P
Retail															
Antiques, Art, and Crafts	4.04.02	P	P	P	P						P	P	P	P	P
Auction	4.04.03	P	P	P	P						P	P			
Convenience Store		P	P	P	P						P	P	P	P	P
Convenience Store (with Gasoline Sales)				S								S	S	S	S
Feed and Farm Supply Center	4.04.15														
Machinery and Equipment Sales and Services											P		P	S	
Nursery, Commercial	4.04.09														
Retail, General	4.04.12	P	P	P/S*	P						P	P	P	P	P
Automotive															
Car Share	4.04.04	P	P	P	P						P	P			
Car Wash												S	S		P
Vehicle Repair, Heavy	4.04.20														
Vehicle Repair, Light	4.04.21			S								S			P
Vehicle Sales	4.04.23														P
Vehicle Service Station				S								S	S	S	S
Vehicle Wholesale Auction	4.04.22														
Public/Civic/Institutional															
Assembly															
Civic, Social, and Fraternal Meeting Place		P/S	P/S	P/S	P/S	S	S	S	S	S	P	P		P	P
Community Center	4.05.14	P	P	P	P	P/S	P/S	P/S	P/S	P/S	P	P	P	P	P
Convention or Exhibition Facility		S	S	S	S						S	S			
Religious Assembly	4.05.04	P	P	P	P	S	S	S	S	S	P	P			
Death Care Services															
Cemetery	4.05.08														
Crematorium											S	S	S	S	S
Funeral Home	4.05.08	S	S	S	S						P	P			
Government															

Table 3.02.01-1.

Principal Use Table for Urban and Suburban Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Urban				Suburban										
		TRC Inner Core	TRC Outer Core	TRC TDSA	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	TC Core	TC Fringe	CC - NC	CC - CC	CC - SC	
Government (General) (not otherwise listed)		P	P	P	P	S	S	S	S	S	P	P	P	P		
Public Safety	4.05.15	P	P	P	P	S	S	S	S	S	P	P	S	S	S	
School, Public	4.05.18	M	M	M	M	P	P	P	P	P	S	M	M	M	M	
Education																
Agricultural Education or Research	4.05.03															
School, Trade		S	S	S							S	S	S	S	S	
College or University	4.05.20	P/S	P/S	P/S	P/S						P	P				
Library		P	P	P	P	S	S	S	S	S	P	P		P	P	
Personal Instructional Services		P	P	P	P						P	P	P	P	P	
Rural Retreat	4.05.17															
School, Private	4.05.19	M	M	M	M	P/M	P/M	P/M	P/M	P/M	S	M	M	M	M	
Conference and Training Facility	4.05.06	P	P	P	P						P	P	S	S	P	
Medical																
Hospital	4.05.13	S	S	S								S				
Medical Care Facility		P	P	P	P						P	P	P	P	P	
Medical Office	4.04.17	P	P	P	P						P	P	P/S	P/S	P/S	
Arts, Entertainment, and Recreation																
Agricultural Cultural Center																
Amphitheater	4.05.01	S	S	S	S						S	S				
Art Studio	4.04.02	P	P	P	P						P	P	P	P	P	
Cultural Facility	4.05.05	P	P	P	P	P					P	P	P	P	P	
Cultural Tourism	4.05.10															
Dinner Theater		P	P	P	P						P	P		P	P	
Dog Park		M	M	M		M	M	M	M	M	M	M				
Entertainment Facility											S				S	
Health and Fitness Center	4.05.12	P	P	P	P						P	P	P	P	P	
Open Space		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Park, Community		P	P	P	P	P	P	P	P	P			P	P	P	
Park, Passive		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Park, Regional						S	S	S	S	S						
Recreation, Indoor	4.05.16	P	P	P	P/S						P	P	S	P	P/S	

Table 3.02.01-1.

Principal Use Table for Urban and Suburban Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Urban				Suburban									
		TRC Inner Core	TRC Outer Core	TRC TDSA	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	TC Core	TC Fringe	CC - NC	CC - CC	CC - SC
Recreation, Outdoor or Major	4.05.16		S	S	S	S	S	S	S	S	S	P/S			
Shooting Range, Indoor															
Theater		P	P	P	P						P	P		P	P
Urban Deck		S	S								S	S			
Zoo			S	S											
Industrial/Production															
Manufacturing and Employment															
Contractor	4.06.01	P	P	P	P						P	P	P	P	P
Data Center	4.06.02										S	S			
Extractive Industries	4.06.03														
Flex Building	4.06.04				P							S			
Manufacturing, General	4.06.05				S						S	S			
Manufacturing, Intensive	4.06.11														
Research and Development	4.06.08	P	P	P	P						P	P			
Sawmill	4.06.09														
Slaughterhouse															
Wood, Metal and Stone Crafts															
Warehousing, Storage and Distribution															
Building and Landscaping Materials Supplier	4.06.07														
Freight															
Industrial Storage	4.06.07														
Mini-Warehouse	4.06.06		S	S								S			
Outdoor Storage	4.06.07														
Outdoor Storage, Vehicles	4.06.07														
Vehicle Storage and Impoundment	4.06.07														
Wholesale Distribution, Warehousing and Storage	4.06.10											S			
Infrastructure															
Transportation/Parking															

Table 3.02.01-1.

Principal Use Table for Urban and Suburban Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Urban				Suburban										
		TRC Inner Core	TRC Outer Core	TRC TDSA	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	TC Core	TC Fringe	CC - NC	CC - CC	CC - SC	
Airport/Landing Strip	4.07.01															
Ground Passenger Transportation (e.g. Taxi, Charter bus)			S													
Heliport or Helistop		S	S	S	S						S	S				
Marina																
Parking Facility	4.07.03	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	
Transit Facility	4.07.10	P	P	P	P						S	S	S	S	S	
Utilities																
Energy Storage, Utility Scale	4.07.02					P/S	P/S	P/S	P/S	P/S		P/S	P/S	P/S	P/S	
Electric Generating Plant and Transmission Facility/Utility Generating Plant or Transmission Facility																
Public Service Center, with Outdoor Storage	4.06.07															
Public Service Center, without Outdoor Storage													S	P	P	
Solar Facility, Utility Scale	4.07.06															
Utility, Minor		P	P	P	P	S	S	S	S	S	P	P	P	P	P	
Utility, Major	4.07.04					P/S	P/S	P/S	P/S	P/S		P/S	P/S	P/S	P/S	
Communications Facilities																
Recording Studio		P	P	P	P						P	P		P	P	
Telecommunications Facility	4.07.08	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P	P/S	P/S	
Waste-Related																
Composting Facility																
Junkyard	4.07.05															
Recycling Collection Center	4.07.05			P	S	P	P	P	P	P	P	P	P	P	P	
Material Recovery Facility (MRF)	4.07.05															
Solid Waste Facility	4.07.05															
Stockpiling																
Vegetative Waste Management Facility	4.07.05															

Table 3.02.01-1.

Principal Use Table for Urban and Suburban Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Urban				Suburban									
		TRC Inner Core	TRC Outer Core	TRC TDSA	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	TC Core	TC Fringe	CC - NC	CC - CC	CC - SC
Agriculture															
Agricultural Processing	4.08.12														
Agriculture	4.08.02												P	P	P
Agritainment	4.08.03														
Animal Husbandry	4.08.02														
Auction Facility, Livestock	4.08.11														
Brewery, Limited	4.08.05														
Community Garden		P	P	P		P	P	P	P	P	P	P			
Equestrian Event Facility	4.08.10														
Farm Co-ops	4.08.03														
Farm Distribution Hub	4.08.04														
Feedlot	4.08.03														
Horticulture	4.08.02										P	P	P	P	P
Mill, Feed and Grain															
Nursery, Production															
Pet Farm	4.08.09														
Stable, Livery	4.08.06														
Stable, Private															
Wayside Stand	4.08.07														
Winery, Commercial	4.08.08														
Winery, Virginia Farm															
Miscellaneous															
Temporary Uses	3.04	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Adaptive Reuse	4.09	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S

TABLE NOTES:

See Section 2.01 for Transit Related Center (TRC) and Urban Employment (UE) Zoning District regulations.

See Section 2.02 for Suburban Neighborhood (SN), Suburban Compact Neighborhood (SCN), Town Center (TC), Commercial Center (Neighborhood Center) (CC-NC), Commercial Center (Community Center) (CC-CC) and Commercial Center (Small Regional Center) (CC-SC) Zoning District Regulations.

* TRC TDSA - single retail use up to and including 10,000 sf permitted, single retail use in excess of 10,000 sf Special Exception required

3.02.02 Legacy Suburban Zoning Districts Use Table

Table 3.02.02-1.

Principal Use Table for Legacy Suburban Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Suburban													
		R-1	R-2	R-3	R-4	R-8	R-16	R-24	PD-CC (RC)	PD-RDP	PD-SA	PD-AAAR	PD-MUB	GB	CLI
Residential															
Household Living															
Dwelling, Accessory	4.02.01	P	P	P	P	P						P	P		
Caretaker or Guard Residence															P
Dwelling, Single-Family Attached	4.02.07					P	P					P	P		
Dwelling, Multifamily	4.02.08						P	P				P	P		
Dwelling, Single-Family Detached	4.02.07	P	P	P	P	P						P	P		
Dwelling, Live/Work	4.02.03														
Manufactured Home	4.02.04					S	S								
Dwelling, Tenant	4.02.09														
Group Living															
Rooming and Boarding	4.02.05												S		
Congregate Housing		S	S	S	S	S	S	S					P		
Continuing Care Facility	4.02.02	S	S			S	S	S				S	P/S		S
Religious Housing	4.02.05														
Dormitory, Seasonal Labor	4.02.06														
Lodging															
Bed and Breakfast Homestay	4.03.01	P	P												
Bed and Breakfast Inn	4.03.01	M	M												
Camp, Day and Boarding	4.03.02	S	S												
Campground	4.03.03	S	S								P				
Country Inn	4.03.01														
Hotel/Motel	4.03.04								P	P	P		P		P
Rural Resort	4.03.01														
Recreational Vehicle Park											P				
Short-Term Rental, Commercial Whole House	4.03.05	M	M	S	S	S							S		
Commercial															
Animal Services															

Table 3.02.02-1.

Principal Use Table for Legacy Suburban Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Suburban													
		R-1	R-2	R-3	R-4	R-8	R-16	R-24	PD-CC (RC)	PD-RDP	PD-SA	PD-AAAR	PD-MUB	GB	CLI
Animal Care Business															
Animal Hospital	4.04.01								S				S	P	P
Companion Animal/Pet Grooming		S							P					P	P
Kennel	4.04.16	S												S	
Kennel, Indoor	4.04.16	S							P					S	P
Veterinary Service									S					P	P
Day Care															
Adult Day Care		S	S	S	S	S	S	S	P	P			P	P	P
Child Day Center	4.04.08	P	P	P	P	P	P	P	P	P			P	P	P
Child Day Home	4.04.08	P	P	P	P	P	P						P		
Financial Services															
Bank or Financial Institution	4.04.12								P	P			P/S	P	S
Food and Beverage Sales/ Service															
Banquet/Event Facility	4.04.05	S							P				P		P/S
Craft Beverage Manufacturing	4.04.11								P	M	P		P	S	M
Farmers Market	4.04.14														
Farmers Market (off-site production)	4.04.14														
Food Preparation	4.04.06								P				P	P	P
Restaurant*	4.04.10								P	P/S	P		P/S	P	P/S
Restaurant, Rural	4.04.18														
Office, Business, and Professional															
Office, Professional	4.04.17								P/S	P	P		P		P
Small Business, Agricultural and Rural	4.04.19														
Personal/Business Services															
Business Support Services	4.04.07								P	P	P		P	P	P
Dry Cleaning Plant															
Farm Machinery Sales and Service	4.04.13													P	
Maintenance and Repair Services															
Personal Services*									P	S	P		P	P	P/S

Table 3.02.02-1.

Principal Use Table for Legacy Suburban Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Suburban													
		R-1	R-2	R-3	R-4	R-8	R-16	R-24	PD-CC (RC)	PD-RDP	PD-SA	PD-AAAR	PD-MUB	GB	CLI
Postal Services									P	P			P	P	P
Retail															
Antiques, Art, and Crafts	4.04.02								P	P	P		P		P
Auction	4.04.03												P		
Convenience Store									P				P/S	P	S
Convenience Store (with Gasoline Sales)									S					S	S
Feed and Farm Supply Center	4.04.05										P				
Machinery and Equipment Sales and Services													P/S	P	
Nursery, Commercial	4.04.09													P	P
Retail, General*	4.04.12								P				P/S		P/S
Automotive															
Car Share	4.04.04												P		
Car Wash									P				S	S	S
Vehicle Repair, Heavy	4.04.20													P	
Vehicle Repair, Light	4.04.21								P				S	P	S
Vehicle Sales	4.04.23								S				P	P	S
Vehicle Service Station									S				S	S	S
Vehicle Wholesale Auction	4.04.22														
Public/Civic/Institutional															
Assembly															
Civic, Social, and Fraternal Meeting Place		S	S	S	S	S	S	S	P				P		S
Community Center	4.05.14	P	P	P	P	P	P	P	P			P	P		
Convention or Exhibition Facility											P		S		S
Religious Assembly	4.05.04	S	S	S	S	S	S	S		P		P	P	S	P
Death Care Services															
Cemetery	4.05.08	S	S	S	S										
Crematorium									S				S	S	
Funeral Home	4.05.08												S		P
Government															

Table 3.02.02-1.

Principal Use Table for Legacy Suburban Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Suburban													
		R-1	R-2	R-3	R-4	R-8	R-16	R-24	PD-CC (RC)	PD-RDP	PD-SA	PD-AAAR	PD-MUB	GB	CLI
Government (General) (not otherwise listed)		S	S	S	S	S	S	S					P		
Public Safety	4.05.15	S	S	S	S	S	S	S	S	S	P	S	P	S	P
School, Public	4.05.18	P	P	P	P	P	P	P	M	M	M		M		
Education															
Agricultural Education or Research	4.05.03									P					
School, Trade															
College or University	4.05.20									P	P		P/S	P	P
Library		P	P	P	P	P	P	P	P	P	P		P		P
Personal Instructional Services									P				P	P	P
Rural Retreat	4.05.17														
School, Private	4.05.19	P/M	P/M	P/M	P/M	P/M	P/M	P/M	M	M	M		M		
Conference and Training Facility	4.05.06								P	P	P		P		P
Medical															
Hospital	4.05.13									S	P		S		
Medical Care Facility									P	S		P	P	P	P
Medical Office	4.04.17								P/S	P			P		
Arts, Entertainment, and Recreation															
Agricultural Cultural Center															
Amphitheater	4.05.01												S		
Art Studio	4.04.02								P				P		
Cultural Facility	4.05.05	P	P	P	P	P			P	P	P		P		P
Cultural Tourism	4.05.10														
Dinner Theater									P	P	P		P		
Dog Park		M	M	M	M	M	M	M					M		
Entertainment Facility									S						
Health and Fitness Center	4.05.12								P	P	P	P	P	P	P
Open Space					P	P	P	P	P	P	P		P	P	
Park, Community		P	P	P	P	P	P	P	P		P		P	P	P
Park, Passive		P	P	P	P	P	P	P	P	P	P	P	P	P	P
Park, Regional		S	S	S	S	S	S	S							
Recreation, Indoor	4.05.16								P		P		P		

Table 3.02.02-1.

Principal Use Table for Legacy Suburban Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Suburban													
		R-1	R-2	R-3	R-4	R-8	R-16	R-24	PD-CC (RC)	PD-RDP	PD-SA	PD-AAAR	PD-MUB	GB	CLI
Recreation, Outdoor or Major	4.05.16	S	S	S	S	S	S	S		S	P	P	P/S		
Shooting Range, Indoor															
Theater									P	P	P		P		
Urban Deck													S		
Zoo											P				
Industrial/Production															
Manufacturing and Employment															
Contractor	4.06.01								P				P	P	P/S
Data Center	4.06.02									P					S
Extractive Industries	4.06.03														
Flex Building	4.06.04												S		P
Manufacturing, General	4.06.05									S			S		P
Manufacturing, Intensive	4.06.11														
Research and Development	4.06.08									P			P		P
Sawmill	4.06.09														
Slaughterhouse															
Wood, Metal and Stone Crafts															
Warehousing, Storage and Distribution															
Building and Landscaping Materials Supplier	4.06.07														
Freight															
Industrial Storage	4.06.07														
Mini-Warehouse	4.06.06												S		
Outdoor Storage	4.06.07														
Outdoor Storage, Vehicles	4.06.07														
Vehicle Storage and Impoundment	4.06.07													P	
Wholesale Distribution, Warehousing and Storage	4.06.10												S	P	P
Infrastructure															
Transportation/Parking															
Airport/Landing Strip	4.07.01										P				

Table 3.02.02-1.

Principal Use Table for Legacy Suburban Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Suburban													
		R-1	R-2	R-3	R-4	R-8	R-16	R-24	PD-CC (RC)	PD-RDP	PD-SA	PD-AAAR	PD-MUB	GB	CLI
Ground Passenger Transportation (e.g. Taxi, Charter Bus)															
Heliport or Helistop										S		S	S		S
Marina															
Parking Facility	4.07.03	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P	P/S/M	P/S	P
Transit Facility	4.07.10								S	S	P		S	S	P
Utilities															
Energy Storage, Utility Scale	4.07.02	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S
Electric Generating Plant and Transmission Facility/Utility Generating Plant or Transmission Facility															
Public Service Center, with Outdoor Storage	4.06.07													S	S
Public Service Center, without Outdoor Storage									P	P					P
Solar Facility, Utility Scale	4.07.06														
Utility, Minor		P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utility, Major	4.07.04	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S
Communications Facilities															
Recording Studio									P	P	P		P	P	P
Telecommunications Facility	4.07.08	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S
Waste-Related															
Composting Facility															
Junkyard	4.07.05														
Recycling Collection Center	4.07.05	P	P	P	P	P	P	P	P	P			P	P	
Material Recovery Facility (MRF)	4.07.05														
Solid Waste Facility	4.07.05														
Stockpiling															
Vegetative Waste Management Facility	4.07.05														
Agriculture															

Table 3.02.02-1.

Principal Use Table for Legacy Suburban Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Suburban													
		R-1	R-2	R-3	R-4	R-8	R-16	R-24	PD-CC (RC)	PD-RDP	PD-SA	PD-AAAR	PD-MUB	GB	CLI
Agricultural Processing	4.08.12														
Agriculture	4.08.02	P	P	P	P				P	P	P			P	
Agritainment	4.08.03														
Animal Husbandry	4.08.02														
Auction Facility, Livestock	4.08.11														
Brewery, Limited	4.08.05														
Community Garden													P		
Equestrian Event Facility	4.08.10														
Farm Co-ops	4.08.03														
Farm Distribution Hub	4.08.04														
Feedlot	4.08.03														
Horticulture	4.08.02	P	P	P	P				P	P	P		P	P	
Mill, Feed and Grain															
Nursery, Production															
Pet Farm	4.08.09														
Stable, Livery	4.08.06														
Stable, Private															
Wayside Stand	4.08.07	P													
Winery, Commercial	4.08.08														
Winery, Virginia Farm															
Miscellaneous															
Temporary Uses	3.04	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Adaptive Reuse	4.09	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S

TABLE NOTES:

See Section 2.02.05 for Single Family Residential (R-1, R-2, R-3, R-4, R-8, R-16, and R-24), Planned Development-Commercial Center (Regional Center) (PD-CC(RC)), Planned Development-Research and Development Park (PD-RDP), Planned Development-Special Activity (PD-SA), Planned Development-Active Adult Age Restricted (PD-AAAR), Planned Development-Mixed Use Business (PD-MUB), General Business (GB), and Commercial Light Industry (CLI) Legacy Zoning District regulations.

* See Section 3.03.D.

3.02.03 Transition, Rural, and JLMA Zoning Districts Use Table

Table 3.02.03-1.

Principal Use Table for Transition, Rural, and Joint Land Management Area (JLMA) Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Transition						Rural		JLMA		
		TR-10	TR-3	TR-1	TSN	TCN	TCC	AR-1	AR-2	JLMA-1	JLMA-2	JLMA-3
Residential												
Household Living												
Dwelling, Accessory	4.02.01	P	P	P	P	P		P	P	P	P	P
Caretaker or Guard Residence		P										
Dwelling, Single-Family Attached	4.02.07					P						
Dwelling, Multifamily	4.02.08						P					
Dwelling, Single-Family Detached	4.02.07	P	P	P	P	P		P	P	P	P	P
Dwelling, Live/Work	4.02.03				P	P						
Manufactured Home	4.02.04	P	P	P	P	P		P	P	P	P	P
Dwelling, Tenant*	4.02.09	P	P	P				M	M	S	S	S
Group Living												
Rooming and Boarding	4.02.05							P/S	P/S			
Congregate Housing		S	S	S	S	S				S	S	S
Continuing Care Facility	4.02.02	S	S	S						S	S	S
Religious Housing	4.02.05	S	S	S	S	P	P	P/S	P/S			S
Dormitory, Seasonal Labor	4.02.06	S	S	S				M	M			
Lodging												
Bed and Breakfast Homestay	4.03.01	P	P	P				P	P	P	P	P
Bed and Breakfast Inn	4.03.01	P	P	M			P	P	P	M	M	M
Camp, Day and Boarding	4.03.02	P/S	P/S					P/S	P/S	S	S	S
Campground	4.03.03	P/S	P/S					P/M	P/M	S	S	S
Country Inn	4.03.01	M/S	M/S				P	P/M	P/M			M/S
Hotel/Motel	4.03.04											
Rural Resort	4.03.01	S						M	M			S
Recreational Vehicle Park												
Short-Term Rental, Commercial Whole House	4.03.05	P	P	M	S	S		P	P	M	M	M
Commercial												
Animal Services												
Animal Care Business		P	P	P	P			P	P	P	P	P

Table 3.02.03-1.

Principal Use Table for Transition, Rural, and Joint Land Management Area (JLMA) Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Transition						Rural		JLMA		
		TR-10	TR-3	TR-1	TSN	TCN	TCC	AR-1	AR-2	JLMA-1	JLMA-2	JLMA-3
Animal Hospital	4.04.01	S	S				S	P	P			S
Companion Animal/Pet Grooming		P	P			S	P	M	M			P
Kennel	4.04.16	P	S					S	S			S
Kennel, Indoor	4.04.16	P	P			S	P	M	M			P
Veterinary Service		P	P	P	S			P	P			P
Day Care												
Adult Day Care		S	S	S	P	P	P	S	S	S	S	S
Child Day Center	4.04.08	S	S	S	S	S	P	S	S	S	S	S
Child Day Home	4.04.08	P	P	P	P	P		P	P	P	P	P
Financial Services												
Bank or Financial Institution	4.04.12				S	S	P					
Food and Beverage Sales/Service												
Banquet/Event Facility	4.04.05	M	M					M	M			S
Craft Beverage Manufacturing	4.04.11											
Farmers Market*	4.04.14	P	P	P	P	P	P	P	P	P/S	P/S	P/S
Farmers Market (off-site production)	4.04.14				S	S	S					
Food Preparation						S	S	P	P			
Restaurant	4.04.10					P	P				S	S
Restaurant, Rural	4.04.18							P/M	P/M			
Office, Business, & Professional												
Office, Professional	4.04.17				S	S	P					
Small Business, Agricultural and Rural	4.04.19	P/S	P/S	P/S				P/M	P/M	P/S	P/S	P/S
Personal/Business Services												
Business Support Services	4.04.07						P					
Dry Cleaning Plant												
Farm Machinery Sales and Service	4.04.13	S						P	P	P/S	P/S	P/S
Maintenance and Repair Services												
Personal Services						S	P					
Postal Services							P					
Retail												

Table 3.02.03-1.

Principal Use Table for Transition, Rural, and Joint Land Management Area (JLMA) Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Transition						Rural		JLMA		
		TR-10	TR-3	TR-1	TSN	TCN	TCC	AR-1	AR-2	JLMA-1	JLMA-2	JLMA-3
Antiques, Art, and Crafts	4.04.02	S				S	P	P	P			
Auction	4.04.03							S	S			
Convenience Store							P					
Convenience Store (with Gasoline Sales)							S					
Feed and Farm Supply Center	4.04.15	S						P	P	S	S	S
Machinery and Equipment Sales and Services												
Nursery, Commercial	4.04.09	S	S					S	S	S	S	S
Retail, General	4.04.12	S				S	P					
Automotive												
Car Share	4.04.04											
Car Wash							S					
Vehicle Repair, Heavy	4.04.20											
Vehicle Repair, Light	4.04.21											
Vehicle Sales	4.04.23											
Vehicle Service Station							S					
Vehicle Wholesale Auction	4.04.22											
Public/Civic/Institutional												
Assembly												
Civic, Social, and Fraternal Meeting Place		S	S	S				S	S			S
Community Center	4.05.14	P	P	P	P/S	P/S	P			P/S	P/S	P/S
Convention or Exhibition Facility												
Religious Assembly	4.05.04	P/S	P/S	P/S	S	S	P	P/S	P/S	P/S	P/S	P/S
Death Care Services												
Cemetery	4.05.08	S	S	S	S	S	S	S	S	S	S	S
Crematorium		S	S	S			S	S	S	S	S	S
Funeral Home	4.05.08					S	S					
Government												
Government (General) (not otherwise listed)		S	S	S	S	S	S	S	S	S	S	S
Public Safety	4.05.15	S	S	S	S	S	S	P	P	S	S	S
School, Public	4.05.18	P	P	P	P	P		S	S	P	P	P

Table 3.02.03-1.

Principal Use Table for Transition, Rural, and Joint Land Management Area (JLMA) Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Transition						Rural		JLMA		
		TR-10	TR-3	TR-1	TSN	TCN	TCC	AR-1	AR-2	JLMA-1	JLMA-2	JLMA-3
Education												
Agricultural Education or Research*	4.05.03	S	S	S	S		S	P/M	P/M			
School, Trade			S	S			P	S	S			
College or University	4.05.20	S	S	S								
Library						S	P			S	S	S
Personal Instructional Services						S	P					
Rural Retreat	4.05.17	S						P	P			S
School, Private	4.05.19	P/M	P/M	P/M	P/M	P/M	S	S	S	P/M	P/M	P/M
Conference and Training Facility	4.05.06	S						P/M	M			
Medical												
Hospital	4.05.13											S
Medical Care Facility							S					
Medical Office	4.04.17						P					S
Arts, Entertainment, and Recreation												
Agricultural Cultural Center*							P	S	S			
Amphitheater	4.05.01				S	S	P					
Art Studio	4.04.02	P/S			S	P	P	P	P	S	S	S
Cultural Facility	4.05.05	P	P		S	S	P	P	P			S
Cultural Tourism	4.05.10	P	P	P	S			P	P	P	P	P
Dinner Theater							P					
Dog Park		M	M	M	M	M		M	M	M	M	M
Entertainment Facility							S					
Health and Fitness Center	4.05.12						S					
Open Space												
Park, Community		S	S	S	S	S	S	S	S	S	S	S
Park, Passive		P	P	P	P	P	P	P	P	P	P	P
Park, Regional		S	S	S	S	S	S	S	S	S	S	S
Recreation, Indoor	4.05.16						S					
Recreation, Outdoor or Major	4.05.16	S	S	S	S	S	S	S	S	S	S	S
Shooting Range, Indoor												
Theater												
Urban Deck												

Table 3.02.03-1.

Principal Use Table for Transition, Rural, and Joint Land Management Area (JLMA) Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Transition						Rural		JLMA		
		TR-10	TR-3	TR-1	TSN	TCN	TCC	AR-1	AR-2	JLMA-1	JLMA-2	JLMA-3
Zoo												
Industrial/Production												
Manufacturing and Employment												
Contractor	4.06.01						P					
Data Center	4.06.02											
Extractive Industries	4.06.03											
Flex Building	4.06.04											
Manufacturing, General	4.06.05											
Manufacturing, Intensive	4.06.11											
Research and Development	4.06.08											
Sawmill	4.06.09							S	S			
Slaughterhouse								S	S			
Wood, Metal and Stone Crafts												
Warehousing, Storage, and Distribution												
Building and Landscaping Materials Supplier	4.06.07											
Freight												
Industrial Storage	4.06.07											
Mini-Warehouse	4.06.06											
Outdoor Storage	4.06.07											
Outdoor Storage, Vehicles	4.06.07											
Vehicle Storage and Impoundment	4.06.07											
Wholesale Distribution, Warehousing and Storage	4.06.10											
Infrastructure												
Transportation/Parking												
Airport/Landing Strip	4.07.01	S						S	S			
Ground Passenger Transportation (e.g. Taxi, Charter Bus)												
Heliport or Helistop												
Marina												
Parking Facility	4.07.03	P	P	P	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S
Transit Facility	4.07.10						S					

Table 3.02.03-1.

Principal Use Table for Transition, Rural, and Joint Land Management Area (JLMA) Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Transition						Rural		JLMA		
		TR-10	TR-3	TR-1	TSN	TCN	TCC	AR-1	AR-2	JLMA-1	JLMA-2	JLMA-3
Utilities												
Energy Storage, Utility Scale	4.07.02	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S
Electric Generating Plant and Transmission Facility/Utility Generating Plant or Transmission Facility												
Public Service Center, with Outdoor Storage	4.06.07	S	S	S						S	S	S
Public Service Center, without Outdoor Storage		P	P	P	S		S					
Solar Facility, Utility Scale	4.07.06											
Utility, Minor*		P	P	P	S	S	S	P	P	P	P	P
Utility, Major	4.07.04	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S
Communications Facilities												
Recording Studio												
Telecommunications Facility*	4.07.08	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S
Waste-Related												
Composting Facility		S	S					S	S			
Junkyard	4.07.05											
Recycling Collection Center	4.07.05	P	P	P		P	P	P	P	P	P	P
Material Recovery Facility (MRF)	4.07.05											
Solid Waste Facility	4.07.05											
Stockpiling		S						S	S			
Vegetative Waste Management Facility	4.07.05	S	S					M	S			
Agriculture												
Agricultural Processing*	4.08.12	S	S					P/S	P/S	P	P	P
Agriculture	4.08.02	P	P	P	P			P	P	P	P	P
Agritainment	4.08.03							P	P			
Animal Husbandry*	4.08.02	P	P	P	P			P	P	P	P	P
Auction Facility, Livestock	4.08.11							S	S			
Brewery, Limited	4.08.05							P	P			
Community Garden*		P	P	P	P	P	P	P	P			

Table 3.02.03-1.

Principal Use Table for Transition, Rural, and Joint Land Management Area (JLMA) Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Transition						Rural		JLMA		
		TR-10	TR-3	TR-1	TSN	TCN	TCC	AR-1	AR-2	JLMA-1	JLMA-2	JLMA-3
Equestrian Event Facility	4.08.10	P						P	P			
Farm Co-ops*	4.08.03	P	P	P	P	P	P	P	P	P	P	P
Farm Distribution Hub	4.08.04	S	S	S	S			P	P			
Feedlot	4.08.03							P	P			
Horticulture*	4.08.02	P	P	P	P			P	P	P	P	P
Mill, Feed and Grain												
Nursery, Production*		P	P	P	P			P	P	P	P	P
Pet Farm*	4.08.09	P	P	P				P	P	P	P	P
Stable, Livery*	4.08.06	P	P	P	P			P	P	P	P	P
Stable, Private*		P	P	P	P			P	P	P	P	P
Wayside Stand*	4.08.07	P	P	P	P			P	P	P	P	P
Winery, Commercial	4.08.08							P/S	P/S			
Winery, Virginia Farm		P	P					P	P	P	P	P
Miscellaneous												
Temporary Uses	3.04	P	P	P	P	P	P	P	P	P	P	P
Adaptive Reuse	4.09	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S

TABLE NOTES:

See Section 2.03 for Transitional Residential-10, -3, -1 (TR-10 TR-3, TR-1), Transition Small Lot Neighborhood (TSN), Transition Compact Neighborhood (TCN), Transition Community Center (TCC) Zoning District regulations.

See Section 2.04 for Agricultural Rural-1 (AR-1) and Agricultural Rural-2 (AR-2) Zoning District regulations.

See Section 2.05 for Joint Land Management Area-1, -2, -3 (JLMA-1, JLMA-2, JLMA-3) Zoning District regulations.

*Use permitted in required Open Space in the TR and AR Zoning Districts, except Utility, Minor permitted only in AR open space.

3.02.04 Legacy Transition, Rural, and JLMA Zoning Districts Use Table

Table 3.02.04-1.

Principal Use Table for Legacy Transition, Rural, and JLMA Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Transition	Rural										JLMA
		TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD-RV Con ¹	PD-RV Res ²	PD-RV Work ³	JLMA-20
Residential													
Household Living													
Dwelling, Accessory	4.02.01	P	P	P	P	P	P	P	P	P	P		P

Table 3.02.04-1.

Principal Use Table for Legacy Transition, Rural, and JLMA Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Transition	Rural										JLMA
		TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD-RV Con ¹	PD-RV Res ²	PD-RV Work ³	JLMA-20
Caretaker or Guard Residence													P
Dwelling, Single-Family Attached	4.02.07								P		P		
Dwelling, Multifamily	4.02.08								P				
Dwelling, Single-Family Detached	4.02.07	P	P	P	P	P	P	P	P	P	P		P
Dwelling, Live/Work	4.02.03												
Manufactured Home	4.02.04	P	P	P						P			P
Dwelling, Tenant*	4.02.09	P	P	P	P	P				P			P
Group Living													
Rooming and Boarding	4.02.05												
Congregate Housing		S	S	S	S	S	S	S					
Continuing Care Facility	4.02.02	S		S	S	S					S	P/S	
Religious Housing	4.02.05	S	S	S						P	S	P	
Dormitory, Seasonal Labor	4.02.06	S	S	S	S	S							S
Lodging													
Bed and Breakfast Homestay	4.03.01	P	P	P	P	P			P	P	P		P
Bed and Breakfast Inn	4.03.01	M	P	P	S	S	S		P		P	P	P
Camp, Day and Boarding	4.03.02		S	S	S								P/S
Campground	4.03.03		S	S	S								S
Country Inn	4.03.01		M/S	S	M/S	M/S	M/S	M/S	P			P	M/S
Hotel/Motel	4.03.04								P		S	S	
Rural Resort	4.03.01		S	S	S					S		S	S
Recreational Vehicle Park													
Short-Term Rental, Commercial Whole House	4.03.05	M	P	P	M	M	M	M	P	P	P		P
Commercial													
Animal Services													
Animal Care Business		P											P
Animal Hospital	4.04.01		S	S	S				P			S	S

Table 3.02.04-1.

Principal Use Table for Legacy Transition, Rural, and JLMA Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Transition	Rural										JLMA
		TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD-RV Con ¹	PD-RV Res ²	PD-RV Work ³	JLMA-20
Companion Animal/Pet Grooming			S	S	S								S
Kennel	4.04.16		S	S	S								S
Kennel, Indoor	4.04.16		S	S	S								S
Veterinary Service		P		S	S				P	P		P	P
Day Care													
Adult Day Care		S	S	S	S	S	S	S	S	P/S	P/S	P	
Child Day Center	4.04.08	S	S	S	S	S	S	S	S	P/S	P/S	P	
Child Day Home	4.04.08	P	P	P	P	P	P	P	P				
Financial Services													
Bank or Financial Institution	4.04.12								P			P	
Food and Beverage Sales/Service													
Banquet/Event Facility	4.04.05		M	M	S	S	S	S	P			S	M
Craft Beverage Manufacturing	4.04.11								P/M				
Farmers Market*	4.04.14	P	S	S					P			P	P
Farmers Market (off-site production)	4.04.14												
Food Preparation									P				
Restaurant	4.04.10								P			P	S
Restaurant, Rural	4.04.18												
Office, Business, and Professional													
Office, Professional	4.04.17								P		S	P/S	
Small Business, Agricultural and Rural	4.04.19	P/S	P/S	P/S						P/S			P/S
Personal/Business Services													
Business Support Services	4.04.07								P		S	P	
Dry Cleaning Plant													
Farm Machinery Sales and Service	4.04.13		P	P					P	P		S	P
Maintenance and Repair Services													
Personal Services									P		S	P	
Postal Services**									P		S	P	

Table 3.02.04-1.

Principal Use Table for Legacy Transition, Rural, and JLMA Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Transition	Rural										JLMA
		TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD-RV Con ¹	PD-RV Res ²	PD-RV Work ³	JLMA-20
Retail													
Antiques, Art, and Crafts	4.04.02								P		S	S	
Auction	4.04.03			S					S				
Convenience Store									P			P	
Convenience Store (with Gasoline Sales)									S			S	
Feed and Farm Supply Center	4.04.15		P	P					P	P			
Machinery and Equipment Sales and Services													
Nursery, Commercial	4.04.09			S					P			S	P
Retail, General	4.04.12								P		S	P/S ⁴	
Automotive													
Car Share	4.04.04												
Car Wash												S	
Vehicle Repair, Heavy	4.04.20												
Vehicle Repair, Light	4.04.21								S				
Vehicle Sales	4.04.23								S				
Vehicle Service Station									S			S	
Vehicle Wholesale Auction	4.04.22												
Public/Civic/Institutional													
Assembly													
Civic, Social, and Fraternal Meeting Place		S	S	S	S	S	S	S	S			S	
Community Center	4.05.14	P	S	S	S	S	S	S	P		S	P	
Convention or Exhibition Facility													
Religious Assembly**	4.05.04	P/S	S	S	S	S	S	S	P		S	P	P/S
Death Care Services													
Cemetery	4.05.08	S	S	S	S	S	S	S		S			S
Crematorium			S	S	S				S				S
Funeral Home	4.05.08								S				
Government													

Table 3.02.04-1.

Principal Use Table for Legacy Transition, Rural, and JLMA Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Transition	Rural										JLMA
		TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD-RV Con ¹	PD-RV Res ²	PD-RV Work ³	JLMA-20
Government (General) (not otherwise listed)**		S	S	S	S	S	S	S			S	P	S
Public Safety	4.04.15	S	S	S	S	S	S	S	S			P	S
School, Public**	4.05.18	P		P	P	P	P	P	M	M	M	M	P
Education													
Agricultural Education or Research	4.05.03												P
School, Trade		S											S
College or University	4.05.20	S	S	S									
Library**					S	S	S	S	P		S	P	
Personal Instructional Services									P				
Rural Retreat	4.05.17		P/S	P/S						S		S	S
School, Private	4.05.19	P/M		P/M	P/M	P/M	P/M	P/M	M	M	M	M	P/M
Conference and Training Facility	4.05.06								S				S
Medical													
Hospital	4.05.13			S									
Medical Care Facility													
Medical Office	4.04.17								P			P	
Arts, Entertainment, and Recreation													
Agricultural Cultural Center													
Amphitheater	4.05.01												
Art Studio	4.04.02								P		P	P	
Cultural Facility**	4.05.05		P	P	P	P	P	P		P	S	P	P
Cultural Tourism	4.05.10	P											P
Dinner Theater													
Dog Park		M	M	M	M	M	M	M			M		M
Entertainment Facility													
Health and Fitness Center	4.05.12												
Open Space**									P	*p	*p	*p	
Park, Community		S	S	S	S	S	S	S	P				S
Park, Passive		P	P	P	P	P	P	P	P	P	P	P	P
Park, Regional		S	S	S	S	S	S	S		S			S

Table 3.02.04-1.

Principal Use Table for Legacy Transition, Rural, and JLMA Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Transition	Rural										JLMA
		TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD-RV Con ¹	PD-RV Res ²	PD-RV Work ³	JLMA-20
Recreation, Indoor	4.05.16			S					S				
Recreation, Outdoor or Major	4.05.16	S	S	S	S	S	S	S	S	S			P/S
Shooting Range, Indoor													
Theater**									P		S	P	
Urban Deck													
Zoo													
Industrial/Production													
Manufacturing and Employment													
Contractor	4.06.01								P			P	
Data Center	4.06.02												
Extractive Industries	4.06.03												
Flex Building	4.06.04												
Manufacturing, General	4.06.05											S	
Manufacturing, Intensive	4.06.11												
Research and Development	4.06.08												
Sawmill	4.06.09		S	S									S
Slaughterhouse			S	S									
Wood, Metal and Stone Crafts												S	
Warehousing, Storage, and Distribution													
Building and Landscaping Materials Supplier	4.06.07												
Freight													
Industrial Storage	4.06.07												
Mini-Warehouse	4.06.06											S	
Outdoor Storage	4.06.07											S	
Outdoor Storage, Vehicles	4.06.07											S	
Vehicle Storage and Impoundment	4.06.07												
Wholesale Distribution, Warehousing and Storage	4.06.10											S	
Infrastructure													

Table 3.02.04-1.

Principal Use Table for Legacy Transition, Rural, and JLMA Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Transition	Rural										JLMA
		TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD-RV Con ¹	PD-RV Res ²	PD-RV Work ³	JLMA-20
Transportation/Parking													
Airport/Landing Strip	4.07.01		S	S									S
Ground Passenger Transportation (e.g. Taxi, Charter Bus)													
Heliport or Helistop													
Marina				S									
Parking Facility	4.07.03	P	P/S	P/S	P/S	P/S	P/S	P/S	P	P			
Transit Facility	4.07.10								S				
Utilities													
Energy Storage, Utility Scale	4.07.02	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S			P/S
Electric Generating Plant and Transmission Facility/Utility Generating Plant or Transmission Facility													
Public Service Center, with Outdoor Storage	4.06.07	S		P	S								S
Public Service Center, without Outdoor Storage		P							P				
Solar Facility, Utility Scale	4.07.06												
Utility, Minor		P	P	P	P	P	P			P		S	P
Utility, Major	4.07.04	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S			P/S
Communications Facilities													
Recording Studio													
Telecommunications Facility	4.07.08	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P	P/S	P
Waste-Related													
Composting Facility			S	S									
Junkyard	4.07.05												
Recycling Collection Center	4.07.05	P	P	P	P	P	P	P	P	P			P
Material Recovery Facility (MRF)	4.07.05												
Solid Waste Facility	4.07.05												
Stockpiling													

Table 3.02.04-1.

Principal Use Table for Legacy Transition, Rural, and JLMA Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Transition	Rural										JLMA
		TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD-RV Con ¹	PD-RV Res ²	PD-RV Work ³	JLMA-20
Vegetative Waste Management Facility	4.07.05		S	S									
Agriculture													
Agricultural Processing	4.08.12								P				P
Agriculture*	4.08.02	P	P	P	P	P	P	P	P	P			P
Agritainment	4.08.03												P
Animal Husbandry*	4.08.02	P											P
Auction Facility, Livestock	4.08.11								S				
Brewery, Limited	4.08.05		P	P									
Community Garden*													
Equestrian Event Facility	4.08.10												P
Farm Co-ops*	4.08.03	P											P
Farm Distribution Hub	4.08.04												
Feedlot	4.08.03												P
Horticulture*	4.08.02	P	P	P	P	P	P	P	P	P			P
Mill, Feed and Grain			S	S					P				
Nursery, Production*			P	P	P					P			
Pet Farm*	4.08.09	P	P	P	P	P	P	P					P
Stable, Livery*	4.08.06	P	P	P	P					P			P
Stable, Private*		P	P	P	P					P			P
Wayside Stand*	4.08.07	P	P	P	P				P	P			P
Winery, Commercial	4.08.08												S
Winery, Virginia Farm			P	P									P
Miscellaneous													
Temporary Uses	3.04	P	P	P	P	P	P	P	P	P	P	P	P
Adaptive Reuse	4.09	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S

Table 3.02.04-1.

Principal Use Table for Legacy Transition, Rural, and JLMA Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Transition	Rural										JLMA
		TR-2	A-10	A-3	CR-1	CR-2	CR-3	CR-4	RC	PD-RV Con ¹	PD-RV Res ²	PD-RV Work ³	JLMA-20

TABLE NOTES:

See Section 2.03.05 for Transitional Residential-2 (TR-2) Legacy Zoning District regulations.

See Section 2.04.03 for Agricultural-10 (A-10), Agricultural/Residential-3 (A-3), Countryside Residential-1, -2, -3, -4 (CR-1, -2, -3, -4), Rural Commercial (RC), and Planned Development-Rural Village (PD-RV) Legacy Zoning Districts regulations.

See Section 2.05.02 for Joint Land Management Area-20 (JLMA-20) Legacy Zoning District regulations.

¹PD-RV Village Conservancy and Satellite Conservancy Subdistricts

²PD-RV Village Center - Residential Area

³PD-RV Village Center - Commercial and Workplace Areas

⁴PD-RV Village Center - Commercial and Workplace Areas refer to Section 2.04.03.05.B.

*Use permitted in required Open Space in the TR-2 Zoning District.

**Use permitted on a Civic Lot in the Village Center of a PD-RV Zoning District.

3.02.05 Office and Industrial Zoning Districts Use Table

Table 3.02.05-1.

Principal Use Table for Office and Industrial Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Countywide			
		OP	IP	GI	MR-HI
Residential					
Household Living					
Dwelling, Accessory	4.02.01				
Caretaker or Guard Residence			P		P
Dwelling, Single-Family Attached	4.02.07				
Dwelling, Multifamily	4.02.08				
Dwelling, Single-Family Detached	4.02.07				
Dwelling, Live/Work	4.02.03				
Manufactured Home	4.02.04				
Dwelling, Tenant	4.02.09				
Group Living					
Rooming and Boarding	4.02.05				
Congregate Housing					
Continuing Care Facility	4.02.02				
Religious Housing	4.02.05				
Dormitory, Seasonal Labor	4.02.06				
Lodging					
Bed and Breakfast Homestay	4.03.01				
Bed and Breakfast Inn	4.03.01				
Camp, Day and Boarding	4.03.02		S		

Table 3.02.05-1.

Principal Use Table for Office and Industrial Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Countywide			
		OP	IP	GI	MR-HI
Campground	4.03.03		S		
Country Inn	4.03.01				
Hotel/Motel	4.03.04	P/S	P/S		
Rural Resort	4.03.01				
Recreational Vehicle Park					
Short-Term Rental, Commercial Whole House	4.03.05				
Commercial					
Animal Services					
Animal Care Business			P		
Animal Hospital	4.04.01		P	P	P
Companion Animal/Pet Grooming		S	P	P	P
Kennel	4.04.16			P	P
Kennel, Indoor	4.04.16	S	S	P	P
Veterinary Service			S	P	P
Day Care					
Adult Day Care		P	P		
Child Day Center	4.04.08	P	P		
Child Day Home	4.04.08				
Financial Services					
Bank or Financial Institution*	4.04.12	P	P	M	
Food and Beverage Sales/Service					
Banquet/Event Facility	4.04.05		P/S		
Craft Beverage Manufacturing	4.04.11	S	P/S	M	
Farmers Market	4.04.14				
Farmers Market (off-site production)	4.04.14				
Food Preparation			P	P	P
Restaurant*	4.04.10	M	P/M	P/M	
Restaurant, Rural	4.04.18				
Office, Business, and Professional					
Office, Professional	4.04.17	P	P		
Small Business, Agricultural and Rural	4.04.19				
Personal/Business Services					
Business Support Services	4.04.07	P	P	P	P
Dry Cleaning Plant			S	P	S
Farm Machinery Sales and Service	4.04.13				
Maintenance and Repair Services			P	P	
Personal Services*		M	M	M	
Postal Services		P	P	P	
Retail					
Antiques, Art and Crafts	4.04.02				

Table 3.02.05-1.

Principal Use Table for Office and Industrial Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Countywide			
		OP	IP	GI	MR-HI
Auction	4.04.03		P	P	
Convenience Store*		M	M	M	S
Convenience Store (with Gasoline Sales)		S	S	S	S
Feed and Farm Supply Center	4.04.15			P	
Machinery and Equipment Sales and Services			S	P	P
Nursery, Commercial	4.04.09				P
Retail, General*	4.04.12				
Automotive					
Car Share	4.04.04				
Car Wash		S	S		
Vehicle Repair, Heavy	4.04.21		S	P	P
Vehicle Repair, Light	4.04.20		P	P	P
Vehicle Sales	4.04.23		S	S	
Vehicle Service Station		S	S	S	S
Vehicle Wholesale Auction	4.04.22			P	
Public/Civic/Institutional					
Assembly					
Civic, Social, and Fraternal Meeting Place			P	S	
Community Center	4.05.14				
Convention or Exhibition Facility					
Religious Assembly	4.05.04	P	P	S	
Death Care Services					
Cemetery	4.05.08				S
Crematorium				S	S
Funeral Home	4.05.08		P		
Government					
Government (General) (not otherwise listed)		S	S	S	S
Public Safety	4.05.15	S	S	S	S
School, Public	4.05.18	M	M	S	
Education					
Agricultural Education or Research	4.05.03	P	P	P	
School, Trade			P	P	P
College or University	4.05.20	P	P		
Library		P			
Personal Instructional Services		P	P		
Rural Retreat	4.05.17				
School, Private	4.05.19	M	M	S	
Conference and Training Facility	4.05.06	P	P	P	
Medical					
Hospital	4.05.13	S	S		

Table 3.02.05-1.

Principal Use Table for Office and Industrial Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Countywide			
		OP	IP	GI	MR-HI
Medical Care Facility		P	P		
Medical Office	4.04.17	P	P		
Arts, Entertainment, and Recreation					
Agricultural Cultural Center					
Amphitheater	4.05.01				
Art Studio	4.04.02				
Cultural Facility	4.05.05		P		
Cultural Tourism	4.05.10				
Dinner Theater					
Dog Park		M	M		
Entertainment Facility					
Health and Fitness Center	4.05.12	P	P	P/S	
Open Space		P	P	P	P
Park, Community		P	P	P	P
Park, Passive		P	P	P	P
Park, Regional					
Recreation, Indoor			P	P	
Recreation, Outdoor or Major	4.05.16	S	P/S	S	P/S
Shooting Range, Indoor			S	P	P
Theater					
Urban Deck					
Zoo					
Industrial/Production					
Manufacturing and Employment					
Contractor	4.06.01		P/S	P	P
Data Center	4.06.02	P	P	P	P
Extractive Industries	4.06.03			S	P/S
Flex Building	4.06.04		P	P	
Manufacturing, General	4.06.05		P	P	P
Manufacturing, Intensive	4.06.11		S	S	P
Research and Development	4.06.08	P	P	P	
Sawmill	4.06.09			S	P
Slaughterhouse				S	
Wood, Metal and Stone Crafts			P		
Warehousing, Storage, and Distribution					
Building and Landscaping Materials Supplier	4.06.07		P/S	S	P
Freight			S	P	
Industrial Storage	4.06.07		P/S	P/S	P/S
Mini-Warehouse	4.06.06		P/S	P	S
Outdoor Storage	4.06.07				
Outdoor Storage, Vehicles	4.06.07		P/S	S	P

Table 3.02.05-1.

Principal Use Table for Office and Industrial Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Countywide			
		OP	IP	GI	MR-HI
Vehicle Storage and Impoundment	4.06.07				P
Wholesale Distribution, Warehousing and Storage	4.06.10		P	P	P
Infrastructure					
Transportation/Parking					
Airport/Landing Strip	4.07.01				
Ground Passenger Transportation (e.g. taxi, charter bus)				S	
Heliport or Helistop		S	S		
Marina					
Parking Facility	4.07.03	P/S	P/S	P/S	P/S
Transit Facility	4.07.10	S	S	S	S
Utilities					
Energy Storage, Utility Scale	4.07.02	M	P	P	P
Electric Generating Plant and Transmission Facility/Utility Generating Plant or Transmission Facility				S	S
Public Service Center, with Outdoor Storage	4.06.07		S	P	
Public Service Center, without Outdoor Storage		P	S	P	
Solar Facility, Utility Scale	4.07.06			P/S	S
Utility, Minor		P	P	P	P
Utility, Major	4.07.04	P/S	P/S	P/S	P/S
Communications Facilities					
Recording Studio		P	P	P	
Telecommunications Facility	4.07.08	P/S	P/S	P	P
Waste-Related					
Composting Facility					
Junkyard	4.07.05			S	S
Recycling Collection Center	4.07.05	P	P	P	
Material Recovery Facility (MRF)	4.07.05		P/S	S	S
Solid Waste Facility	4.07.05			S	S
Stockpiling			S		
Vegetative Waste Management Facility	4.07.05			S	S
Agriculture					
Agricultural Processing	4.08.12				
Agriculture	4.08.02	P	P	P	P
Agritainment	4.08.03				
Animal Husbandry	4.08.02				
Auction Facility, Livestock	4.08.11			S	
Brewery, Limited	4.08.05				
Community Garden					

Table 3.02.05-1.

Principal Use Table for Office and Industrial Zoning Districts

Note: P = Permitted | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Use-Specific Standard	Countywide			
		OP	IP	GI	MR-HI
Equestrian Event Facility	4.08.10				
Farm Co-ops	4.08.03				
Farm Distribution Hub	4.08.04				
Feedlot	4.08.03				
Horticulture	4.08.02	P	P	P	P
Mill, Feed and Grain					
Nursery, Production					
Pet Farm	4.08.09				
Stable, Livery	4.08.06				
Stable, Private					
Wayside Stand	4.08.07				
Winery, Commercial	4.08.08				
Winery, Virginia Farm					
Miscellaneous					
Temporary Uses	3.04	P	P	P	P
Adaptive Reuse	4.09	P/S	P/S	P/S	P/S
TABLE NOTES: See Section 2.06 for Office Park (OP), Industrial Park (IP), General Industry (GI), and Mineral Resource-Heavy Industrial (MR-HI) Zoning District regulations. * See Section 3.03.D.					

3.03 Accessory Uses

A. Applicability.

- Section 3.03 applies to uses and structures that are accessory to the principal use of the lot or parcel.
- A use or structure is “accessory” when it is associated with and incidental to the principal use or building.
- This Section lists general standards for accessory uses. Accessory uses are also subject to Use-Specific Standards listed in Chapter 4. To the extent that a Use-Specific Standard in Chapter 4 conflicts with a more general standard in this section, the Use-Specific Standard in Chapter 4 controls.
- Unless qualified by another provision of this Zoning Ordinance, accessory uses and structures are permitted in the same manner as, and in connection with, the principal use in any Zoning District subject to the standards in this Section.

- B. Specific Uses.** Permitted accessory uses and structures are limited to those identified in Table 3.03-1 and any additional uses and structures the Zoning Administrator finds are similar to those listed in scope, size, and impact, in accordance with Section 3.01.G., and are otherwise in compliance with this Zoning Ordinance.

Table 3.03-1. Permitted Accessory Uses and Structures

Accessory Use/Structure	Principal Use Classification
Above ground deck	All
Accessory dwelling	Residential, pursuant to Section 4.02.01

Table 3.03-1. Permitted Accessory Uses and Structures

Accessory Use/Structure	Principal Use Classification
Caretaker or guard residence	Agriculture, Commercial, Lodging, Industrial, Public/Civic (allowed only if accessory to a non-residential principal use)
Bus shelter or bus stand	All
Dog houses and pens	Agriculture, Commercial, Residential
Donation Drop-Off Boxes	Agriculture, Commercial, Public/Civic/Institutional, Lodging, Industrial, Infrastructure, pursuant to 3.03.F
Dumpster, dumpster pads, & Compactors	All, pursuant to Section 7.04.05
Energy Storage, site-specific, & electrical transformers, switch gear, and similar	All, pursuant to Section 4.07.02
Emergency power generators	All
Fence or wall	All
Freestanding air conditioning machinery	All
Freestanding freezers/refrigerators and above-grade tanks.	Commercial, Industrial
Home occupation	Residential, pursuant to Section 3.03.E.
Mobile Vendor	All, pursuant to Section 3.03.H.
Office, professional	Agriculture, Commercial, Public/Civic/Institutional. Lodging, Industrial, Infrastructure
Outdoor Sales, Accessory	Commercial, pursuant to Section 3.03.I.
Outdoor storage	Industrial, pursuant to Section 4.06.07
Parking Facility	All, pursuant to Section 4.07.03
Patio, porch, gazebo	All
Play equipment and playhouses	Public/Civic/Institutional, Lodging, Residential, Commercial, Industrial
Private greenhouse	Agriculture, Lodging, Public/Civic/Institutional, Residential
Private swimming pool	Lodging, Public/Civic/Institutional, Residential
Private tennis or outdoor recreational court	Lodging, Public/Civic/Institutional, Residential
Propane Tanks, Home/Personal utility use only	Residential
Public utility or communication tower, setback a minimum of 1 foot for each 1 foot in height	Commercial, Industrial, Infrastructure, Public/Civic/Institutional
Radio or satellite/TV antennas, free standing or on roof, setback from required yards a minimum of 1 foot for each 1 foot in height	All, except in Historic Districts designated by the County
Recreational and athletic fields	Public/Civic/Institutional
Recycling facilities	Agriculture, Commercial, Industrial, Infrastructure, Public/Civic/Institutional
Religious housing	Public/Civic
Retail sales	Commercial, Lodging, Industrial, Infrastructure, Public/Civic/Institutional pursuant to Section 3.03.D.1.
Short-Term Rental, Residential Accessory	Residential Classification, Household Living, limited to the following uses: Dwelling, Accessory; Dwelling, Single-Family Attached; Dwelling, Multifamily, and Dwelling, Single-Family Detached
Solar facility, site-specific	All, pursuant to Section 4.07.06
Stormwater management improvements	All
Studios and workshops without outdoor display for personal use	Residential
Training facility	Agriculture, Commercial, Industrial, Public/Civic/Institutional
Warehousing, indoor storage, and distribution, excluding bulk storage of gasoline, petroleum products, natural gas, and chemicals	Agriculture, Commercial. Industrial, Infrastructure, Public/Civic/Institutional
Vehicle service	Agriculture, Commercial, Industrial, Public/Civic/Institutional, pursuant to Section 3.03.G.

C. **General.** The following limitations apply to accessory uses or structures:

1. Accessory uses or structures must be located on the same lot as the principal structure or use. Stormwater management improvements may be located on a separate lot, including open space, in accordance with the Facilities Standards Manual (FSM);
 2. Accessory structures must be included in the calculation required by this Zoning Ordinance for the purpose of complying with height, bulk, and coverage regulations;
 3. Except as permitted in Section 7.01, no accessory use or structure is permitted to be located in a required yard;
 4. No accessory use or structure is permitted to create a nuisance or hazard;
 5. No accessory structure is permitted to be used as a dwelling or for lodging, except as explicitly provided (e.g., Accessory dwelling);
 6. Except in the case of home occupations conducted within a tenant house, and uses in Section 3.03.D.2.- D.6., Section 3.03.F., and Section 3.03.H., an accessory use or structure must be operated and maintained under the same ownership as the principal use;
 7. No accessory use is permitted to be established until the principal use is established; and
 8. Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with a permitted use, and other vehicles, trailers, and equipment used daily in the course of the permitted use is permitted. Long-term storage of said items is no allowed unless otherwise permitted in the zoning ordinance.
- D. **Accessory Uses in Specific Districts.** The following apply to accessory uses in the OP, IP, GI, CLI, MR-HI, and PD-RDP Zoning Districts, as indicated below.
1. **Retail Sales Accessory to principal uses in the Industrial/Production Category:**
 - a. No additional sign area is permitted for the retail use;
 - b. In lieu of Section 7.06 (Parking Standards), the retail use requires 1 parking space per 500 gross square feet (sf);
 - c. All business, service, storage, and display of goods must be conducted within the principal building and be completely enclosed;
 - d. Retail sales accessory to Industrial Principal Category uses must not exceed 25% of the gross floor area of the use; and
 - e. Retail goods must be manufactured and/or warehoused as part of the principal use or otherwise be directly related to the principal use.
 2. **Accessory Uses in OP.** The following accessory uses are permitted in a building in the OP Zoning District provided they do not occupy in aggregate more than 25% of the gross floor area of such building:
 - a. Convenience store without gasoline sales;
 - b. Personal services;
 - c. Restaurant; and
 - d. Retail, General.
 3. **Accessory Uses in CLI.** The following accessory uses are permitted in a building in the CLI Zoning District provided they do not occupy in aggregate more than 25% of the gross floor area of such building:
 - a. Personal services;
 - b. Retail, General; and
 - c. Restaurant.
 4. **Accessory Use in PD-RDP.** Accessory uses are permitted in a building in the PD-RDP Zoning District provided they do not occupy in aggregate more than 20% of the gross floor area of such building.

5. **Accessory Uses in IP.** The following accessory uses are permitted in a building in the IP Zoning District provided they do not occupy in aggregate more than 49% of the gross floor area of such building:

- a. Personal services;
 - b. Restaurant; and
 - c. Convenience store without gasoline sales.
6. **Accessory Uses in GI.** The following accessory uses are permitted in a building in the GI Zoning District provided they do not occupy in aggregate more than 10% of the gross floor area of such building:
 - a. Personal services;
 - b. Restaurant;
 - c. Banks; and
 - d. Convenience stores without gasoline sales.
- E. **Home Occupations.** Home occupations are permitted within any dwelling unit, accessory building associated with a dwelling unit, or tenant dwellings permitted pursuant to Section 3.02.
 1. **Zoning Permit.** A Zoning Permit is required in accordance with Section 10.04.
 2. **Nature of Use.** The use of the dwelling unit for the home occupation must be clearly incidental and subordinate to the use of the dwelling unit for residential purposes by the home occupation operator.
 3. **Employees.**
 - a. Members of the home occupation operator's family residing on the premises may be engaged in the home occupation.
 - b. One employee (1 full-time equivalent), other than members of the home occupation operator's family residing on premises, may be permitted to work on site.
 4. **Parking.** An employee permitted to work on-site pursuant to Section 3.03.E.3. above requires 1 off-street parking space in addition to the minimum off-street parking requirements for the dwelling unit under Section 7.06.02 of this Zoning Ordinance. Any other need for parking generated by a home occupation must be met solely by off-street parking. Off-street parking required by this subsection must not be located in a required front yard, unless located within an existing driveway.
 5. **Visibility.** No visible evidence of the conduct of the home occupation is be permitted other than signs permitted pursuant to Section 8.01 of this Zoning Ordinance.
 6. **Retail Sales.** No retail sales on the premises, other than items handcrafted on the premises, are permitted in connection with a home occupation. Office use to support retail sales off-premises are permitted. Up to 25% of the gross floor area of the dwelling unit, or 25% of that gross floor area if conducted in an accessory building, may be used to store merchandise for retail sales off-premises.
 7. **Trip Generation.** The home occupation must not generate more than 10 additional vehicle trips (5 round trips) per day, including deliveries.
 8. **Impacts.** Equipment or processes used in the home occupation must not create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. No explosive, toxic,
- F. **Donation Drop-Off Boxes.** Donation drop-off boxes are permitted as an accessory use to such principal uses as shopping centers, convenience stores and offices. Donation drop-off boxes are subject to the following standards:
 1. **Property Owner's consent.** Written consent must be provided by the property owner or authorized agent or representative of the property on which the donation drop-off box is located. Such written consent must be submitted with the required Zoning Permit.
 2. **Location.** Donation drop-off boxes are not permitted in the following areas:
 - a. Any property zoned for a residential use or containing a residential structure;
 - b. Public rights-of-way;

- c. Within a required front or side yard or within 20 feet of the public right-of-way, whichever is greater;
 - d. Any required off-street parking space, loading space, or proffered parking space;
 - e. Within a required landscape area, open space area, buffer, or easement;
 - f. Any pedestrian path, private street, vehicular access or inter-parcel connection;
 - g. Within any area that obstructs visibility at intersections and entrances as determined by Section 7.07.04 of this Zoning Ordinance and in accordance with Virginia Department of Transportation standards;
 - h. Any area that would restrict vehicular, bicycle or pedestrian circulation within the property; and
 - i. Within any area restricted by the USBC and Fire Code regulations.
3. **Number.** No more than 2 donation drop-off boxes are permitted on any lot. Additional boxes may be permitted, subject to review and approval of a Special Exception or as allowed by Section 3.03.G.7.
4. **Enclosure.**
- a. Donation drop-off boxes must be placed upon a solid concrete or asphalt surface.
 - b. Donation drop-off boxes must be located within an enclosure of no more than 120 sf.
 - c. The enclosure must have 4 sides, one of which must include an access opening or gate.
 - d. The enclosure must be constructed of materials similar to that of the principal structure or that of existing enclosures and of a similar architectural design.
 - e. The enclosure must be constructed to a height of no greater than 7 feet, 6 feet in width and 6 feet in length.
5. **Maintenance.**
- a. Donation boxes must be well maintained and in good condition.
 - b. All donated items must be located completely within the enclosure.
 - c. All donated items must be collected on a regular basis or within 48 hours of a request by the property owner or authorized agent. Items and materials including trash may not be located outside the donation drop-off box for more than 24 hours and must be removed by the property owner, operator of the donation drop-off box, or their authorized agent.
6. **Signage.** A separate Zoning Permit is required for signage. The donation box enclosure must include no more than 3 signs that:
- a. Are constructed of durable materials; and
 - b. Are no larger than 9 sf.
7. **Exceptions.** Associated Principal Use. When associated with a nonprofit charitable organization operating as a principal use, the number of donation drop-off boxes may exceed 2 with the following requirements:
- a. Boxes are located as shown on a Site Plan as reviewed and approved by the County;
 - b. Boxes comply with all other location and maintenance standards within this section;
 - c. Boxes are screened from any adjacent residential use or property located in a residential zoned district; and
 - d. Boxes are located in the rear of the property.
8. **Zoning Permit.** Donation drop-off boxes must submit and receive approval of a Zoning Permit prior to installation.
9. **Enforcement/Revocation.** The Zoning Administrator may modify these standards due to unique physical conditions on the subject property or impose reasonable conditions of approval to ensure compliance. The Zoning Permit may be revoked for violation of this subsection, conditions of the permit, and any applicable County codes, regulations, or ordinances. Notice of such revocation must be provided in writing by certified

mail, setting forth the reasons for the revocation, the date upon which the revocation is effective, and the appeals procedure.

- G. **Vehicle Service.** Principal uses that inherently involve parking or storage of vehicles onsite may provide accessory service and minor repair to only those vehicles that are parked or stored onsite.
- H. **Mobile Vendor.** This section does not apply to mobile vendors operating within the public right-of-way.
1. Mobile vendors must operate within the normal business hours of the principal use or temporary special event. Mobile vendors are permitted on a construction site during hours of on-going construction activity.
 2. A maximum of 3 mobile vendors are permitted at any 1 location at the same time or as approved by a temporary special event permit (Section 3.04.D.); except there is no limit to the number of mobile vendors allowed in conjunction with the following principal uses or events: farmer's market (temporary), convention or exhibition facility, amphitheater, and recreation, outdoor or major.
 3. Mobile vendors when located on private property must obtain the written consent of the property owner or authorized agent.
 4. Mobile vendors, including any associated outdoor seating, must be removed daily from the site of operation. If any mobile vendor or associated component is not removed, it will be considered a principal use and is subject to all regulations applying to principal uses.
 5. Mobile vendors must receive approval of a County issued transit business license and approval by the Health Department prior to operation.
6. **Location and Site Standards.**
- a. **Placement in Required Parking.** Mobile vendors and any associated outdoor seating must not occupy parking spaces required to fulfill the minimum requirements of the principal use.
 - b. **Placement Surface.** Mobile vendors must be located on a level, paved, or gravel surface with safe pedestrian access.
 - c. **Clearance.** Mobile vendors must not be located in any fire lane, travel lane, entrance, or exit.
 - d. **Noise.** No audio amplification is allowed as part of the mobile vendor operation.
 - e. **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.
- I. **Outdoor Sales.**
1. Accessory outdoor sales area must be shown on the Site Plan or Zoning Permit exhibit.
 2. Accessory outdoor sales must not occupy parking spaces required to fulfill the minimum requirements of the principal use.
 3. Accessory outdoor sales area must be included in the parking calculation for the use, as if the accessory outdoor sales area consisted of gross floor area.
 4. Accessory outdoor sales area must not block fire lanes, travel lanes, entrances, exits, or windows.
- J. **Accessory Buildings.** The maximum size of an accessory building is based on the size of the lot on which it is located as follows:
1. Up to 5 acres: 2,500 sf;
 2. More than 5 acres up to 10 acres: 5,000 sf;
 3. More than 10 acres up to 20 acres: 7,500 sf; and
 4. More than 20 acres: 10,000 sf.

3.04 Temporary Uses

- A. **Applicability.** Section 3.04 applies to the temporary uses described in Sections 3.04.B-F. below. These uses are permitted in all Zoning Districts, subject to Section 10.04 and the following.
- B. **Construction Related Temporary Uses.**
1. **Construction and Sales Trailers.**
 - a. Erection of temporary buildings or structures, including but not limited to, construction and sales trailers and storage of materials are permitted in conjunction with the construction of buildings and infrastructure or other land development, when limited to the duration of the construction.
 - b. Temporary buildings or structures may be erected after preliminary subdivision plat or site plan approval so long as zoning requirements are met for the lot on which the temporary buildings or structures are placed, and appropriate building permits have been obtained.
 - c. Temporary buildings or structures must be removed as a condition of final bond release.
 2. **Stockpiling, Temporary.** Temporary stockpiling is permitted in conjunction with approved land disturbance activities.
 3. **Temporary Dwelling Unit in Conjunction with Construction of a Dwelling.** A temporary dwelling unit is permitted during the construction of a permanent dwelling, subject to obtaining a Zoning Permit issued concurrently with or after the issuance of the building permit for the permanent dwelling. Such temporary dwelling unit:
 - a. Must be located on the same lot as the permanent dwelling unit;
 - b. May be erected and occupied for up to 12 months. The Zoning Administrator, at his discretion, may extend in 6-month increments; and
 - c. Must be removed within 1 month of the completion of construction of the permanent dwelling.
 4. **Sales and leasing.** Residential and nonresidential sales and leasing are permitted as a temporary use in a dwelling, a model home, or temporary building located in the same subdivision or development where the dwellings or nonresidential buildings are to be located and offered for sale or lease. The sales use is permitted until the issuance of the last Certificate of Occupancy within the subdivision or development.
 5. **Model Homes.**
 - a. Single family detached model homes are permitted in all Zoning Districts where Residential uses are allowed, subject to the following:
 1. Single family detached model homes may be constructed prior to record plat approval, provided zoning requirements are met for the lot on which the home is constructed, and appropriate building permits have been obtained; and
 2. If a model home has been constructed prior to record plat approval, it must be depicted on the record plat.
 - b. Single family attached model homes and multifamily model units are permitted in all Zoning Districts where such Residential uses are allowed, subject to first obtaining record plat or site plan approval.
 - c. If any model home incorporates features that are atypical to the ultimate Residential use of the home, such as, but not limited to, utilization of the garage for a sales office without the provision of adequate on-site parking, or provision of a centralized parking area for a model court, then:
 1. The use is also subject to review and approval through a site plan amendment process; or
 2. The model home may be incorporated in the construction plans and profiles of the applicable development subdivision or site plan; and

3. The County may require a bond as appropriate to ensure that the atypical features including temporary parking lots will be removed or brought into conformance prior to conversion of the unit for Residential occupancy; and
 4. Nothing herein must be construed as requiring a garage in a model home to be utilized for parking, if the unit or lot otherwise meets the parking requirements of this Zoning Ordinance; and
- d. Any model home must obtain a Certificate of Occupancy prior to Residential occupancy.

C. Temporary Sales.

1. Temporary sales of produce, Christmas trees, fireworks, and other seasonal goods, may be permitted on application for a temporary Zoning Permit to the Zoning Administrator. Such permit may impose conditions necessary to alleviate any adverse impacts such as provisions for adequate parking, traffic safety, fire safety, hours of operation, provision for sewage disposal, and other health and safety concerns the Zoning Administrator may deem necessary.
2. A temporary Zoning Permit for temporary sales is valid for a period not to exceed 45 days, unless extended by the Zoning Administrator, and all structures and materials must be removed within such time period. At a minimum:
 - a. Structures for temporary sales must not exceed 400 square feet in floor area nor be closer than 35 feet to a right-of-way or prescriptive easement of a road;
 - b. Entrances and exits to roads must be clearly delineated; and
 - c. Entrances and exits must be located to provide safe ingress and egress from roads and must be channeled to prevent unrestricted access to and from the premises.

D. **Farmers Market (Temporary.)** A Farmers Market (Temporary) may be permitted on application for a temporary Zoning Permit to the Zoning Administrator, subject to Section 10.04.C.3.

E. **Special Events.** Special events may be permitted in all Zoning Districts on application for a temporary Zoning Permit to the Zoning Administrator, subject to the following standards and requirements.

1. Exemptions.

a. Special Events Approved as Part of a Special Exception Use.

1. Special events that are expressly approved as part of a Special Exception use are exempt from this section's requirements for a temporary Zoning Permit.
2. If specific facilities or areas will be constructed or used to host the proposed special events, they must be shown on the site plan required for the Special Exception use.
3. Such special events must comply with any applicable conditions stated in the Special Exception approval, and all other applicable provisions in the Zoning Ordinance, and other County ordinances.

b. **Special Events in Required Publicly Accessible Gathering Space in TRC, TC and PD-MUB.** Any special event held in the required publicly accessible gathering space provided pursuant to Section 2.01.01.G.1., Table 2.02.03-3, or Section 2.02.05.11.F. is not required to obtain a temporary Zoning Permit unless the special event requires construction of a stage or other structure.

2. **Residential Locations.** Special events on Residential property must contain a total gross acreage of at least 2 acres.

3. **Alterations.** Permanent alterations to the site are prohibited unless the Zoning Administrator specifically approves the alteration so that the permit applicant can comply with this section.

4. Signs.

- a. Permanent signs associated with a temporary special event use are prohibited.

- b. Temporary signs associated with a temporary special event use are permitted only for the duration of the temporary special event, subject to an approved sign permit and compliance with Section 8.10.
- 5. **Duration of Special Event.** A temporary Zoning Permit for a special event authorized pursuant to this section is limited to a maximum duration of 14 consecutive days, unless otherwise specifically authorized or extended by the Zoning Administrator.
 - a. A permittee may request an extension as provided in Section 10.04.G.4.f.
 - b. All structures and materials related to the special event must be removed within the approval time period or as such period may be extended.
- 6. **Maximum Number of Non-exempt Special Events.** Within any single calendar year, the same lot or Parcel may host no more than 10 special events pursuant to this subsection.
 - a. The temporary use permits for these special events may be reviewed and approved concurrently.
 - b. A minimum of 14 days must lapse between special events on any one lot or Parcel, or the subsequent special event must be a minimum of 2,000 feet from the location of the previous event.

F. Temporary Fire and/or Rescue Station.

1. Emergency Event.

- a. The erection of a new structure and/or occupancy of a legally existing structure for a temporary Fire and/or Rescue Station is permitted under the following Emergency events:
 - 1. Instances of catastrophic natural disasters and/or accidents;
 - 2. An existing Fire and/or Rescue Station is destroyed or is so damaged that it is rendered uninhabitable and/or unusable; and
 - 3. An incident affecting the public safety; and
- b. The temporary Fire and/or Rescue Station must be removed within 90 days of cessation of the Emergency event; and
- c. All new structures associated with the Temporary Fire and/or Rescue Station must be set back a minimum of 15 feet from any lot line, or the minimum yard or setback of the underlying Zoning District, whichever is less restrictive.
- 2. **During Construction of a Permanent Station.** The erection of a new structure and/or occupancy of a legally existing structure for temporary Fire and/or Rescue Station is permitted during the period of construction of a Fire and/or Rescue Station within the same Fire, Rescue and Emergency Management service area, subject to the following:
 - a. The Zoning Permit for such temporary Fire and/or Rescue Station may be approved after the approval of a Zoning Permit for the associated permanent Fire and/or Rescue Station;
 - b. A plan is required at the time of Zoning Permit, depicting all new structures set back a minimum of 15 feet from any lot line, or the minimum yard or setback of the underlying Zoning District, whichever is less restrictive; and
 - c. The temporary Fire and/or Rescue Station must be removed within 90 days of completion of construction of the permanent Fire and/or Rescue Station.

G. Other Temporary Uses. Other temporary activities for compensation not otherwise specifically addressed in this Section 3.04 may be permitted upon application for a temporary Zoning Permit to the Zoning Administrator.

- 1. The temporary Zoning Permit may include conditions imposed by the Zoning Administrator regarding hours of operation, volume of amplified music, type and intensity of outdoor lighting, and similar matters affecting the health, safety, and public welfare, provided the Zoning Administrator determines such conditions are necessary to alleviate any adverse impact of the activity upon neighboring roads and properties.

2. Other temporary activities permitted by temporary Zoning Permits under Section [3.04](#) must be clearly incidental and subordinate to the permitted principal use of the property.

Draft 7/6/23

From: [Galindo, Daniel](#)
To: [Birkitt, Judi](#)
Cc: [Wegener, Brian](#); [McConnell, Kate](#); [Miller, Teresa](#); [Torrible, Christina](#)
Subject: FW: Chapter 2 Chamber Motions and Feedback
Date: Thursday, September 7, 2023 4:59:17 PM
Attachments: [image001.png](#)
[Chapter 2 Consolidated Motions.pdf](#)
[LOUDOUN CHAMBER CHAPTER 2 REDLINE MOTIONS.pdf](#)
[LOUDOUN CHAMBER CHAPTER 2 REDLINE MOTIONS.docx](#)

From: Kroboth, Joe <Joe.Kroboth@loudoun.gov>
Sent: Thursday, September 7, 2023 2:52 PM
To: Galindo, Daniel <Daniel.Galindo@loudoun.gov>
Subject: FW: Chapter 2 Chamber Motions and Feedback

From: Theofilos Stamatis <tstamatis@loudouchamber.org>
Sent: Wednesday, September 6, 2023 12:53 PM
To: Kroboth, Joe <Joe.Kroboth@loudoun.gov>
Cc: Leslie, Matthew <mleslie@thelandlawyers.com>; Ron Meyer <ron@ronmeyer.com>
Subject: [EXTERNAL] Chapter 2 Chamber Motions and Feedback

Joe,

Please find attached consolidated motions for Chapter 2 Zoning Districts for this Thursday's work session. In addition, I have included redline documents for Chapter 2 as well.
Looking forward to hearing from you soon.

Best,
Theo



Theo Stamatis

Government Relations Manager
Loudoun Chamber of Commerce



@LoudounChamber

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PURPOSE FOR AMENDMENT

To adopt the full recommendations for the Loudoun Chamber, NVBIA, and NAIOP for Chapter 2. Overall, the goal of these changes are to ensure these Zoning Districts are feasible and follow goals of the 2019 Comprehensive Plan.

A Redline of Chapter 2 is attached, with numbered Recommended Changes. The motion template below can be utilized to turn these changes into motions.

MOTION TEMPLATE

“I MOVE TO ADOPT RECOMMENDED CHANGE #__ FROM THE ATTACHMENT PROVIDED BY THE LOUDOUN COUNTY CHAMBER OF COMMERCE.”

JUSTIFICATIONS

Recommended Change #1:

- Allows for a single-story standalone retail building (under 5,000 square feet) in a Metro-oriented town center.
 - This is often used for placemaking retail such as coffee shops or even Apple stores. An excellent local example is Mosaic in Fairfax County.
 - Not allowing any single-story retail prevents tenants and stores who require them.

Recommended Change #2:

- Eliminates proscriptive use mix requirements in a metro-oriented town center.
 - Metro development has not moved quickly in Loudoun; adding rigid regulations will further delay it.
 - Due to market conditions, different uses develop faster than others. Use mix guidelines are in the 2019 Comprehensive Plan, and turning those guidelines into requirements is rigid to the point of threatening the viability of these projects.

- A significant issue that must be discussed is how any requirements like this would be enforced over the life of a development that is built over multiple years.
- Town centers are already tough to finance to build. Adding prescriptive requirements could be crippling.

Recommended Change #3:

- Eliminates proscriptive vertical mix requirements in a metro-oriented town center.
 - Requirements are arbitrary and not based on economic viability in Loudoun County. Requiring 70% in the Core will further delay any projects in these zones.
 - Uses can be mixed and integrated within a development without vertical integration.

Recommended Change #4:

- In Suburban Neighborhoods, allows end units of townhouses to be 19 feet rather than 24 feet.
 - Wider townhouses are more expensive for homebuyers, and some more affordable developments need the flexibility to be less wide.

Recommended Change #5:

- In Suburban Neighborhoods, reduces side yard minimums to allow for more innovative single-family detached homes.

Recommended Change #6:

- In Suburban Neighborhoods, reduces rear yard minimums to allow for more innovative single-family detached homes.

Recommended Change #7:

- In Suburban Neighborhoods, changes maximum building height to match current ordinance requirements.
 - Eliminating currently used home types in Loudoun restricts tools to create housing affordability.

Recommended Change #8:

- Increases maximum percentage allowed for MFS unit Type in SN-4 and SN-6.
 - This allows for more efficient and flexible land use that can create more open space and green space.

Recommended Change #9:

- Expands definition of properties that can be considered for infill development for Suburban Compact Neighborhoods.
 - The current draft definition is too restrictive and hard to prove. If we want redevelopment, it needs to be easy to achieve.

Recommended Change #10:

- Decreases required Front Yard in Suburban Compact Neighborhoods to align with innovative design and market conditions.

Recommended Change #11:

- Decreases required Side Yard in Suburban Compact Neighborhoods to align with innovative design and market conditions.

Recommended Change #12:

- Decreases required Rear Yard in Suburban Compact Neighborhoods to align with innovative design and market conditions.

Recommended Change #13:

- Increases Lot Coverage Maximums in Suburban Compact Neighborhoods to align with innovative design and market conditions.
 - Public open spaces in denser developments can be better than small yards.

Recommended Change #14 & #15:

- Changes Suburban Compact Neighborhood maximum building height to match current ordinance requirements.
 - Eliminating currently used home types in Loudoun restricts tools to create housing affordability.

Recommended Change #16:

- Changes unit type mix to align with 2019 General Plan goals for unit type diversity.
 - Current draft is too prescriptive and may render some projects not feasible.

Recommended Change #17:

- Removes requirement that parking lot cannot be within 15 feet of a road within a town center.
 - A parking lot is often adjacent to a roadway. Also, the increased parking requirements will require additional spaces.

Recommended Change #18:

- Removes building height minimums in town centers.
 - Similar to Metro-oriented town centers, standalone single-story retail is often used for high-profile tenants and for placemaking.

Recommended Change #19:

- In town centers, changes allowable use range for MFA to 100%.
 - It appears impossible or very difficult to add up to 100% with the current draft formula for use mix.
 - The Board may want to allow some projects to be 100% MFA; without this, that would be prohibited.

Recommended Change #20:

- Removes additional town green requirements for Open Space in a town center.
 - Prohibits innovative design and is too prescriptive. These requirements are captured in other open space requirements.
 - May limit viability of development near transit if left in.

Recommended Change #21:

- Removes language regarding vertical mix of uses in a town center.
 - Language is unclear and could limit innovative design.

Recommended Change #22:

- Removes requirement that 50% of all block frontages in a town center must contain ground-floor non-residential uses.

- Arbitrary and rigid, and could easily kill mixed-use projects.
- Mix of uses determined elsewhere and by market conditions.
- Kept design requirements for Commercial and Public/Civic/Institutional uses.

Recommended Change #23:

- Reduces rear yard requirements in Transition Small Lot Neighborhood to allow for smaller lots in line with the 2019 General Plan.

Recommended Change #24:

- Removes additional open space and building lot requirements in Transition Small Lot Neighborhoods.
 - These requirements are addressed in Chapter 7 and restrict innovative design.

Recommended Change #25:

- Removes deduction of open space from use mix percentages in Transition Compact Neighborhoods.
 - No reason open space should not be considered as part of a project.

Recommended Change #26:

- Removes additional open space and building lot requirements in Transition Compact Neighborhoods.
 - These requirements are addressed in Chapter 7 and restrict innovative design.

Recommended Change #27:

- In Office Parks, changes setback adjacent to roads to 25 feet, to match current ordinance.
 - Many sites could become non-comforming with this setback change.

Recommended Change #28:

- In Office Parks, allows for parking, refuse collection, and loading between buildings and residential or agriculture zoned land, if it is properly screened.
 - This seems to be the intent of the language, but not clear.

Recommended Change #29:

- In Industrial Parks, changes setback adjacent to roads to 25 feet, to match current ordinance.
 - Many sites could become non-comforming with this setback change.

Recommended Change #30:

- In GI districts, changes setback adjacent to roads to 25 feet, to match current ordinance.
 - Many sites could become non-comforming with this setback change.

Recommended Change #31:

- In GI areas, allows for parking, outdoor storage, refuse collection, and loading between buildings and residential or agriculture zoned land, if it is properly screened.
 - This seems to be the intent of the language, but not clear.

Recommended Change #32:

- Adds flexibility to PUD Zoning District.
 - The Planned Unit Development Zoning District needs to be the safety valve for innovation and for addressing the housing affordability crisis.
 - Future reimagining of planning through Small Area Plans should allow PUDs to be adaptable in meeting the policy goals of Board-adopted future Small Area Plans.

CHAPTER 2: ZONING DISTRICTS

Contents:

- 2.01 Urban Zoning Districts
- 2.02 Suburban Zoning Districts
- 2.03 Transition Zoning Districts
- 2.04 Rural Zoning Districts
- 2.05 Joint Land Management Area Zoning Districts
- 2.06 Office and Industrial Zoning Districts
- 2.07 Planned Unit Development (PUD) Zoning District

2.01 Urban Zoning Districts

Contents:

- 2.01.01 Transit Related Center - TRC
- 2.01.02 Urban Employment – UE

2.01.01 Transit Related Center - TRC

Purpose. The purpose of the Transit Related Center (TRC) Zoning District is to:

- Implement the Urban Transit Center and Urban Mixed Use Place Types of the General Plan;
- Take advantage of proximity to Metrorail stations to provide for high intensity, compact, pedestrian- oriented, urban development with vertically mixed-use buildings in a compatible mixture of Lodging; Commercial; Public, Civic, and Institutional, Governmental; and high-density Residential uses;
- Provide opportunities for a variety of housing types, including accessory dwellings, that meet the housing needs for all ages, abilities, and socioeconomic groups as distance from the Metrorail station increases;
- Integrate Metrorail and bus facilities into the urban mixed-use development;
- Establish dense urban developments that serves as major destinations, as well as gateways to the County, and include a host of economic, entertainment, and community activities; and
- Specific objectives of the TRC Zoning District include:
 - Provide a pedestrian-scale development containing residential, commercial, public, and employment uses;
 - Provide the opportunity for an urban center at an intensity of development that supports multimodal transportation and other services;
 - Provide for pedestrian and bicycle facilities that connect land uses and link with bicycle and pedestrian systems within and adjacent to the TRC Zoning District;
 - Provide for the use of mass transit to reduce the number of peak hour vehicle trips;
 - Establish a walkable, grid street pattern around Metrorail stations;
 - Ensure high-quality design; and
 - Encourage the development of well-configured plazas, squares, greens, landscaped streets, and parks woven into the pattern of the transit-oriented development and dedicated to collective social activity, recreation, and visual enjoyment.

A. Applicability, Size, and Location. The following applies to the TRC Zoning District:

1. **Location.** The TRC Zoning District must be located within the boundaries of the Urban Transit Center and Urban Mixed Use Place Types pursuant to Section 2.01.01 A.1., Zoning District Subarea. The TRC Zoning District is composed of 3 subareas.
 - a. **Inner Core Subarea.** The Inner Core must:
 1. Include the primary focal point of the development;
 2. Provide a mix of Commercial, Public/Civic/Institutional, and Multifamily Attached (MFA) uses, with a vertical mix of uses, public gathering spaces, and predominance of Pedestrian-Oriented Uses;
 3. Locate the highest intensity development close to the Metrorail station;
 4. Include the land area located approximately within a 1/4-mile radius from the outer edge of the Metrorail station, including associated public parking areas; and
 5. Be located within the Urban Transit Center Place Type as shown on the Urban Policy Area Place Types Map in the General Plan.
 - b. **Outer Core Subarea.** The Outer Core must:
 1. Be located within the Urban Transit Center Place Type as shown on the Urban Policy Area Place Types Map in the General Plan;
 2. Include the land area located roughly outside a 1/4-mile radius of the Metrorail station, including associated public parking areas, and/or outside the Inner Core subarea;
 3. Provide a mix of Commercial, Public/Civic/Institutional, and MFA uses, with a vertical mix of uses, public gathering spaces, and predominance of Pedestrian-Oriented Uses; and
 4. Include high intensity development that decreases with an increase in distance from the Metrorail station.
 - c. **Transit-Designed Supportive Area (TDSA).** The TDSA must:
 1. Be located within the Urban Mixed Use Place Type as shown on the Urban Policy Area Place Types Map in the General Plan;
 2. Provide a transition between the high-intensity development of the Inner and Outer Core Subareas and the surrounding lower intensity development pattern; and
 3. Provide a mix of Commercial and Public/Civic/Institutional uses and a mix of dwelling unit types.
2. **Minimum Zoning District Size.** The initial TRC Zoning District size must be a minimum of 20 acres.
3. **Incremental Additions.** The Board of Supervisors may approve a Zoning Map Amendment for incremental additions to an existing TRC Zoning District if the Board finds that such incremental additions are:
 - a. Abutting or across a road with no more than 4 lanes from an existing TRC Zoning District; and
 - b. Connected to the existing TRC Zoning District through road and pedestrian and bicycle networks.
4. **Additional Requirements.** Each Zoning Map Amendment or Zoning Concept Plan Amendment application for the TRC Zoning District must address the requirements of Section 10.10, including Section 10.10.06.
- B. **Uses.** Refer to Table 3.02.01 for uses allowed in the TRC Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.01.01-1 for required dimensional standards.

Table 2.01.01-1. TRC Zoning District Dimensional Standards

Standard	Inner Core	Outer Core	TDSA
Density Requirements			
1 FAR (max.) ¹	No max.	No max.	1.5 2.0 pursuant to Section 2.01.01 D.
2 FAR (min.) ²	2.0	1.4	No min.

Table 2.01.01-1. TRC Zoning District Dimensional Standards

Standard	Inner Core	Outer Core	TDSA
		1.0 if adjacent to existing single-family residential development	
3 SFD, SFA, MFS Dwelling Unit Density (max.)	N/A	N/A	Maximum number of SFD, SFA, and MFS dwelling units must be provided on an approved CDP
Lot Requirements			
4 Lot Size (min.)	No min.	No min.	No min.
5 Lot Width (min.)	No min.	No min.	No min.
6 Lot Depth (min.)	No min.	No min.	No min.
Setback Requirements²			
7 Setback Adjacent to Roads (min.)	No setback required except for arterial roads where the following applies: Structure Setback: 100 ft (Exception: Urban Deck) Parking Setback: 50 ft		
8 Front Yard (max.)	10 ft or 25 ft if fronting on a plaza or courtyard open to the public or to accommodate outdoor seating related to Food or Beverage Sales/Service uses		
9 Front Yard (min.)	No min.	No min.	No min.
10 Side Yard (min.)	No min.	No min.	No min.
11 Rear Yard (min.)	No min.	No min.	No min.
Building Requirements			
12 Lot Coverage (max.)	No max.	No max.	No max.
13 Building Height (max.) ⁴	No max.	No max.	MFS, MFA, Nonresidential: 95 ft SFD, SFA Dwelling Unit: 50 ft
14 Building Height (min.) ^{2,4,5,6}	95 ft	70 ft 50 ft if adjacent to existing single-family residential development	MFS, MFA, and Nonresidential Uses: 50 ft SFA Dwelling Units: 25 ft SFD: no min.

TABLE KEY:

ft = feet
sf = square feet
min. = minimum
max. = maximum
SFD = single-family detached
SFA = single-family attached
MFS = multifamily stacked
MFA = multifamily attached

TABLE NOTES:

¹Maximum FAR and floor area for Inner Core and Outer Core must be provided on approved Concept Development Plan (CDP).

²Applies to Zoning Map Amendments approved after [Zoning Ordinance adoption date].

³Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.

⁴Unless a lower height restriction is recommended by the Metropolitan Washington Airports Authorities.

⁵To meet the minimum height requirement, a minimum of 50% of the building's total roof surface area must be 95 feet in height and the story below must be occupiable space.

⁶Up to 5,000 square feet within Inner Core, Outer Core, and TDSA may be within a one-story retail building.

Commented [LMI]: Recommended Change #1

Innovative Design.

- D. **TDSA Adjusted Base Floor Area Ratio (FAR):** A project subject to an application for a Zoning Map Amendment, Zoning Concept Plan Amendment, or Special Exception approval in the TDSA is eligible for an increase from 1.5 FAR to 2.0 FAR by applying a combination of the Incentive Elements in Table 2.01.01-2 provided that:

1. Total FAR increase does not exceed 0.5; and

2. Incentive Elements must be provided in the TDSA.

Table 2.01.01-2. TDSA Adjusted Base Floor Area Ratio

Incentive Elements		FAR Bonus
Attainable Housing		
1	Affordable Dwelling Units (ADU) are provided in accordance with Section 9.01.	Refer to Section 9.01 for density increase.
2	At least 15% of the application's total number of single-family or MFS dwelling units are for purchase unmet housing needs unit (UHNUs) affordable to households with incomes that are 70% to 100% of the area median income (AMI). and/or At least 15% of the application's total number of MFA dwelling units are for rent UHNUs affordable to households with incomes that are 0% to 30% of the AMI. UHNUs must be provided pursuant to Section 9.02.	0.3
3	At least 10% of the application's total number of dwelling units are for rent UHNUs affordable to households with incomes that are 0% to 30% of the AMI. UHNUs must be provided pursuant to Section 9.02.	0.3
4	At least 15% of the application's total number of dwelling units are provided with universal design features for fully accessible dwelling units in addition to the minimum number of dwelling units required by the applicable building code to provide universal design features for accessibility.	0.2
Building Techniques that Exceed Energy Efficiency Standards		
5	Building(s) achieves energy efficiency standards as defined in Code of Virginia § 58.1-3221.2: "An energy-efficient building is any building that exceeds the energy efficiency standards prescribed in the Virginia Uniform Statewide Building Code by 30%."	0.2
Additional Community Amenities and Pedestrian Connections		
6	Provision of a plaza, square, or green of 5,000 sf or more that is in addition to the required open space and provided in accordance with Section 7.02, and in addition to the requirements of Section 2.01.01.G.	0.1
7	Provision of one additional community amenity listed in 2.01.01.K. in the TDSA (may be applied more than once up to 0.5 FAR).	0.1
8	Provision of public or civic use that exceeds the Public/Civic requirement in Table 2.01.01-3 by 1% (may be applied more than once up to 0.5 FAR).	0.1
9	Provision of a trail identified by the county for non-motorized circulation. Does not include either sidewalks or shared use paths that are required along road rights-of-way.	0.05 per 1/2 mile of trail, minimum of 1 mile required unless subject property cannot achieve 1 mile
Beneficial Revitalization/Redevelopment in Priority Areas		
10	Revitalization or redevelopment located in Priority Areas identified on the Priority Commercial Redevelopment Areas map in the General Plan	0.05 for properties less than 1 acre 0.2 for properties 1 to 5 acres 0.3 for properties greater than 5 acres

E. **Mix of Uses.** The Mix of Uses in the TRC Zoning District must be provided pursuant to Table 2.01.01-3, and as follows:

1. Each Site Plan or Subdivision application subsequent to Zoning Map Amendment or Zoning Concept Plan Amendment approval must include a tabulation of the Permitted Mix of Uses Range by land Use Category in percent and floor area. The tabulation must include:
 - a. Total gross floor area for the TRC Zoning District and floor area per subarea and land bay approved with the Zoning Map Amendment or Zoning Concept Plan Amendment;
 - b. Total floor area and proposed floor area per subarea and land bay for the area subject to the Site Plan or Subdivision application; and
 - c. Remaining total floor area permitted in the TRC Zoning District and the subject subarea and land bay.
2. To exceed the minimum percentage in any Land Use Category in Table 2.01.01-3, the minimum percentage in all Land Use Categories must be achieved as evidenced by an approved Site Plan or Subdivision Plat. After

the minimum percentages have been achieved, in addition to the requirements of Section 10.04, a Zoning Permit application for a change in use must include a tabulation indicating that the minimum percentages continue to be met; and

3. When an incremental addition pursuant to Section 2.01.01.A.3. is made to an existing TRC Zoning District, the Permitted Mix of Uses Range required in Table 2.01.01-3 must be maintained upon incorporation of the incremental addition.
 - a. **Tabulation.** In addition to the requirements of Section 10.10.06.B., the Concept Development Plan for the incremental addition must provide a tabulation of the proposed land uses and show how such uses will maintain the Permitted Mix of Uses Range required in Table 2.01.01-3.
 - b. **Exception.** Meeting the Permitted Mix of Uses Range in Table 2.01.01-3 is not required for an incremental addition to the TRC Zoning District when:
 1. The incremental addition is less than 5 acres;
 2. The lot(s) subject to the incremental addition existed on [Zoning Ordinance adoption date]; and
 3. The uses in the TRC Zoning District meeting Sections 2.01.01.E.3.b.1. and E 3.b.2. when combined with the uses in the TRC Zoning District subarea where the TRC Zoning District meeting Sections 2.01.01.E.3.b.1. and 2.01.01.E.3.b.2. is located continues to meet the Permitted Mix of Uses for such subarea in Table 2.01.01-3.

Table 2.01.01-3: Permitted Mix of Uses Range for TRC Zoning District

Land Use Category	Permitted Minimum Uses Range	Permitted Maximum Uses Range	Notes
Residential (max. unless range allowed)	40% to 60%	50% to 90%	70% to 90% SFA and MFS: 50% of TDSA net land area ^{1,2} SFD: 5% of TDSA net land area ^{1,2}
Nonresidential (max. unless range allowed)	40% to 60%	20% to 40%	10% to 30%
Public/Civic/Institutional (min.)	5%	5%	5%

TABLE KEY

sf—square feet

SFD—single family detached

SFA—single family attached

MFA—Multifamily Attached

MFS—multifamily stacked

min—minimum

max—maximum

TABLE NOTES:

¹Percent of approved floor area for each subarea unless otherwise noted. Total percentage of floor area in each subarea must equal 100%.

²Except when the criteria of Section 2.01.01.E.3.b. are met.

³MFA dwelling units are included in approved floor area.

⁴Residential uses must be MFA dwellings.

⁵SFA or SFD dwelling units are subject to Section 4.02.07.A. and B.

⁶MFS dwelling units are subject to Section 4.02.08.A. and B.

⁷Net land area is the area of land after subtracting open space provided pursuant to Section 7.02.

⁸May be provided as Community Open Space. Land area provided as Community Open Space must be a percentage based on the gross land area of the site and provided in addition to the land provided to meet the Open Space requirement in Section 7.02.

Commented [LM2]: Recommended Change #2

These requirements are covered by 2019 General Plan policy. This mix should be covered on a case by case basis. Need to be concerned about what is market supportable.

Commented [LM3]: Recommended Change #3

Not needed. Mix of uses determined elsewhere and by market conditions. Kept design requirements for Commercial and Public/Civic/Institutional uses.

4. **Vertical Mix.** Buildings in the TRC Zoning District ~~must~~ may include a vertical mix of uses, such as Sit-Down Restaurants, Office, or General Retail uses at ground level with upper story MFA Dwelling Units or Offices; ~~as~~

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~~4.6.F. specified in Table 2.01.01-4. Buildings with a vertical mix of uses must have Commercial or Public/Civic/Institutional uses on the ground floor.~~

~~Table 2.01.01-4 Required Minimum of Buildings with a Vertical Mix of Uses~~

Subarea	Minimum Percent of Buildings Required to Have a Vertical Mix of Uses
Inner Core	70% of all buildings
Outer Core	50% of all buildings
TDSA	20% of all buildings

~~TABLE NOTES:~~

~~Applies to Zoning Map Amendments approved after [Zoning Ordinance adoption date].~~

~~MSFD, SEA, and MFS dwelling units in the TDSA are not included in calculating required percentages of vertical mix buildings.~~

~~4.6.G. Open Space.~~ In addition to the Open Space requirements in Section 7.02, Community Open Space in the Inner and Outer Core Subareas must be provided as follows:

1. Community Open Space in the form of a plaza, green, or amphitheater must be provided to satisfy the Inner Core focal point requirement in Section 2.01.01.A.1.a, and may be used to meet the Open Space requirements of Section 7.02; and
2. Community Open Space, which may be used to meet the Open Space requirements of Section 7.02, must be provided as follows:
 - a. In the form of plazas, greens, miniparks, pocket parks, amphitheaters, public gardens, or native plant gardens;
 - b. Distributed throughout the Inner Core Subarea, Outer Core Subarea, and TDSA so that uses are within 1/4 mile of Community Open Space, as measured along the pedestrian network; and
 - c. So that uses within each incremental addition to the TRC Zoning District are within 1/4 mile of Community Open Space, as measured along the pedestrian network.

~~4.6.H. Road Network.~~ In addition to the Road Network requirements in Section 7.07.02, the TRC Zoning District must:

1. Provide multiple and direct connections to the Metrorail station; and
 2. Have bus stops located throughout the TRC Zoning District, as determined by the County, the Washington Metro Area Transit Authority (WMATA), or similar authority.
- ~~I. Building Orientation, Placement, and Uses.~~ Buildings and uses in the TRC Zoning District must be provided as follows:
1. Primary building facades and principal entrances must be oriented toward adjacent public or private roads or adjacent Community Open Space provided pursuant to Section 2.01.01.G.;
 2. Principal entrances to all buildings must be accessible from a sidewalk along a public or private road or an adjacent Community Open Space provided pursuant to Section 2.01.01.G. Other additional entrances or prominent entrances that accommodate drop-off lanes for automobile traffic are also permitted; and
 3. The frontage of any lot must include a building wall, which may be part of a principal building or an accessory building, that is provided as follows:
 - a. Within the Inner Core Subarea, a minimum of 70% of any lot width adjacent to a public or private road or plaza must be occupied by a building wall built between the maximum permitted front yard and the front lot line;
 - b. Within the Outer Core Subarea, a minimum of 50% of any lot width adjacent to a public or private street or plaza must be occupied by a building wall built between the maximum permitted front yard and the front lot line; and

- c. The remaining lot frontage in the Inner Core Subarea and Outer Core Subarea must be occupied by any combination of the following:
 1. Building wall within the maximum front yard up to the front lot line;
 2. Solid wall or evergreen hedge with a maximum height of 4 feet. Walls constructed of exposed concrete block are not permitted; and
 3. Wall or fence that allows visibility through it, such as a wrought iron fence, with a maximum height of 6 feet:
 - a. Walls constructed of exposed concrete block are not permitted; and
 - b. Wire fences are not permitted;
 4. Entryway signs with landscaping and/or hardscaping;
 5. Pedestrian amenities, such as a plaza or park; and
 6. Breaks for necessary pedestrian or vehicle access ways.
4. Buildings on any lot must also be provided as follows:
 - a. Within the Inner Core Subarea, at least 70% of the ground floor building frontage of the building wall as required in Section 2.01.01.I.3.a. must contain Commercial or Public/Civic/Institutional Uses;
 - b. Within the Outer Core Subarea at least 30% of the ground floor building frontage of the building wall as required in Section 2.01.01.I.3.b. must contain Commercial, or Public/Civic/Institutional Uses;
 - c. In the Inner Core Subarea and Outer Core Subareas, minimum percentages in Sections 2.01.01.I.4.a. and I.4.b. may be accomplished in buildings containing only multifamily attached dwelling units with accessory uses, such as lobbies, mailboxes, meeting rooms, and indoor recreational uses located on the ground floor; and
 - d. The minimum percentage of ground floor building frontage required in Sections 2.01.01.I.4.a. and I.4.b. must:
 1. Include between 65% and 90% glazing and building entrances;
 2. Include a minimum 12 foot clear height for Commercial or Public/Civic/Institutional uses and 10 foot clear height for Residential and Office uses that is maintained for a minimum depth of 20 feet from the front façade; and
 3. Be differentiated from the stories above by providing a minimum of 2 of the following features on the ground floor building façade:
 - a. Awning, frieze, or cornice;
 - b. Arcade;
 - c. Marquee; or
 - d. One or more of the following building materials provided it is different from the building materials in the stories above:
 - A. Brick;
 - B. Precast concrete;
 - C. Metal or metal panels;
 - D. Glass, clear or architectural panels;
 - E. Stone or synthetic stone equivalent; or
 - F. Tile or terracotta.
5. Eaves are permitted to cantilever over a pedestrian walkway no more than 3 feet. Awnings, canopies, marquees, and trellises may overhang a sidewalk.

- J. **Pedestrian and Bicycle Network.** In addition to the Pedestrian and Bicycle Network requirements in Section 7.07.03, the TRC Zoning District must meet the following:
1. Sidewalks or shared-use paths must:
 - a. Provide access to the primary entrance or entrances to each principal building from required sidewalks;
 - b. Provide multiple pedestrian and bicycle connections to the transit station;
 - c. Make connections between residential and nonresidential uses, open space, and parking within or adjacent to a proposed development and via the shortest and most direct route possible so that pedestrians do not have to walk across grass or landscaped areas; and
 - d. Have crosswalks when crossing a parking area, driveway, or road.
 1. **Inner Core and Outer Core Subareas.** If permitted by VDOT, crosswalks in the Inner Core and Outer Core Subareas must be clearly marked through use of change in paving materials, height, or distinctive colors.
 2. **TDSA.** In the TDSA, painted crosswalks may be used.
 2. Shared use paths must be provided throughout the TRC Zoning District in all 3 subareas.
- K. **On-Site Amenities.** In the Inner and Outer Core Subareas, all buildings containing 50,000 or more square feet of gross floor area must incorporate at least 2 of the on-site amenities listed below and such amenities must be accessible to all uses within the building. On-site amenities listed in 1, 2, 4, 5, and 7 may be used to satisfy the minimum 10% open space requirement in Section 7.02.
1. Patio or plaza with seating areas and a minimum depth and width of 10 feet and a minimum total area of 300 square feet.
 2. Landscaped mini-parks, squares, greens, or native plant gardens, including rooftop areas or green roofs with seating areas and a minimum depth and width of 30 feet and a minimum total area of 1,000 square feet.
 3. On-site transportation amenities, including bus stops or customer pick-up/drop-off stations.
 4. Protected customer walkways, arcades, or easily identifiable building pass-throughs containing window displays and intended for public access.
 5. Lake, pond, or fountain provided it is easily accessed by pedestrians and includes seating areas.
 6. Ground-level public restrooms directly accessible from building pass-throughs, public plazas or other public open spaces, or enclosed plazas/atriums.
 7. Swimming pools (indoor or outdoor, including rooftop).
 8. Athletic facilities such as lockers, showers, and changing rooms.
 9. On-site amenity that provides space for recreation, gathering, or other similar purposes and as shown on an approved Concept Development Plan.
- L. **Tree Canopy.** Tree canopy requirements of Section 7.03 do not apply to the Inner Core Subarea.

2.01.02 Urban Employment – UE

Purpose. The purpose of the Urban Employment (UE) Zoning District is to:

- Implement the Urban Employment Place Type of the General Plan;
- Take advantage of proximity to the Metrorail station to provide opportunities for a broad array of high intensity, separate and mixed employment uses integrated in a walkable environment that provides gathering spaces and opportunities for synergies among businesses;
- Offer prime locations for office and flex uses, as well as startups and established businesses, provided they do not generate excessive noise or air pollutants or require outdoor storage;

- *Integrate Metrorail and bus facilities into the urban mixed-use development;*
 - *Create transitions between the UE Zoning District and other developments, particularly adjacent residential neighborhoods; and*
 - *Specific objectives of the UE Zoning District include:*
 - *Encourage development that is compatible within the Airport Impact Overlay District (AIOD), especially within the 65 Ldn or higher aircraft noise contours of the Dulles International Airport;*
 - *Provide for pedestrian, bicycle, and vehicle facilities that connect land uses and link with bicycle and pedestrian systems within and adjacent to the UE Zoning District;*
 - *Ensure high-quality design;*
 - *Establish an urban development pattern of urban scale blocks arranged in a rectilinear grid;*
 - *Provide for the use of mass transit to reduce the number of peak hour vehicle trips;*
 - *Provide for limited first floor commercial retail and service uses that support predominate uses;*
 - *Encourage a development design that relates to the Broad Run floodplain and prioritizes its protection and connections within and outside of the UE Zoning District by creation of a linear park; and*
 - *Encourage the development of well-configured plazas, squares, greens, landscaped streets, and parks woven into a pattern of transit-oriented and pedestrian-oriented development and dedicated to collective social activity, recreation, and visual enjoyment.*
- A. **Applicability, Size, and Location.** The following applies to the UE Zoning District:
1. **Location.** The UE Zoning District must be located within the boundaries of the Urban Employment Place Type as shown on the Urban Policy Area Place Types Map in the General Plan;
 2. **Minimum Zoning District Size.** The initial UE Zoning District size must be 20 acres or more;
 3. **Incremental Additions.** The Board of Supervisors may approve a Zoning Map Amendment with incremental additions to an existing UE Zoning District if the Board finds that such incremental additions are:
 - a. Abutting or across a road with no more than two lanes from an existing UE Zoning District; and
 - b. Connected to the existing UE Zoning District through roadway, pedestrian, and bicycle networks; and
 4. **Additional Requirements.** Each Zoning Map Amendment or Zoning Concept Plan Amendment application for the UE Zoning District must address the requirements of Section 10.10, including 10.10.06.
- B. **Uses.** Refer to Table 3.02.01 for uses allowed in the UE Zoning District.
- C. **Lot and Building Standards.** Refer to Table 2.01.02-1 for required dimensional standards.

Table 2.01.02-1. UE Zoning District Dimensional Standards

Standard	Requirement
Density Requirements	
1 FAR (max.) ¹	No max.
2 FAR (min.)	1.0
Lot Requirements	
3 Lot Size (min.)	No min.
4 Lot Width (min.)	No min.
5 Lot Depth (min.)	No min.
Setback Requirements²	
6 Setback Adjacent to Roads (min.)	No setback required, except for arterial roads where the following applies: Structure Setback - 100 ft (Exception: Urban Deck) Parking Setback - 50 ft
7 Front Yard (max.)	10 ft or 25 ft if a plaza or courtyard open to the public is provided between the building and the road
8 Front Yard (min.)	No min.
9 Side Yard (min.)	No min.
10 Rear Yard (min.)	No min.
Building Requirements	
11 Lot Coverage (min.)	No min.
12 Building Height (max.) ³	100 ft
13 Building Height (min.) ⁴	30 ft or 25 ft if building is constructed between a parking structure and a road and effectively screens the parking structure from public view
TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum TABLE NOTES: ¹ Maximum FAR must be provided on an approved Concept Development Plan. ² Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C. ³ Unless a lower height restriction is required based on Federal Aviation Regulations Part 77 – Imaginary Surfaces. ⁴ Unoccupied space such as rooftop mechanical structures and parapets are not permitted to be measured in determining minimum height.	

- D. **Open Space.** In addition to the Open Space requirements in Section 7.02, the Broad Run floodplain should serve as a primary component of the open space by using the Broad Run floodplain as an opportunity to provide passive recreation, tree conservation area, and/or wildlife habitat, with a linear park and trail that provides pedestrian connections within and outside of the UE Zoning District and to the Metrorail Station.
- E. **Road Network.** Within the UE Zoning District, the road network must be provided pursuant to Section 7.07.02 and as follows:
1. The road network must provide multiple and direct vehicular connections to the Loudoun Gateway Metrorail Station; and
 2. Bus stops must be located throughout the UE Zoning District, as determined by the County in consultation with the Washington Metro Area Transit Authority (WMATA), or similar authority.

- F. **Building Orientation, Placement, and Uses.** Buildings and uses in the UE Zoning District must be located as follows:
1. Organized to provide views, pedestrian and bicycle connections, and access to open space provided in the Broad Run floodplain;
 2. With primary facades and principal entrances oriented toward adjacent local or collector roads or adjacent Community Open Space;
 3. With principal entrances to all buildings accessible from a sidewalk along a local or collector road or an adjacent Community Open Space;
 4. The building wall on any lot must be provided as follows:
 - a. A minimum of 50% of any lot width that is adjacent to a public or private street or plaza must be occupied by a building wall, that is part of a principal building or accessory building and built between the maximum permitted front yard and front lot line; and
 - b. The remaining lot frontage may be occupied by any combination of the following:
 1. Building wall (within the maximum permitted front yard up to the front lot line);
 2. Solid screening wall or evergreen hedge no higher than 4 feet. Walls constructed of exposed concrete block are not permitted;
 3. Wall or fence that allows visibility through it, such as a wrought iron fence, no higher than 6 feet:
 - a. Walls constructed of exposed concrete block are not permitted; and
 - b. Wire fences are not permitted; and
 4. Entryway signs with landscaping and/or hardscaping;
 5. Pedestrian amenities, such as a public plaza or park; and
 6. Breaks for necessary pedestrian or vehicle access ways.
 5. The buildings of any lot must be provided to at least 30% of the ground floor building frontage of the building wall required in Section 2.01.02.F.4 a. contains Commercial or Public, Civic, or Institutional Pedestrian-Oriented Uses on the ground floor;
 6. Eaves are permitted to cantilever over the pedestrian walkway no more than 3 feet; and
 7. Awnings, canopies, or trellises may overhang a sidewalk.
- G. **Pedestrian and Bicycle Network.** In addition to the Pedestrian and Bicycle Network requirements in Section 7.07.03, the UE Zoning District must meet the following:
1. Sidewalks and shared-use paths must:
 - a. Provide access to the primary entrance or entrances to each principal building from required sidewalks; and
 - b. Make connections between nonresidential uses, open space, and parking within or adjacent to the proposed development via the shortest and most direct route possible so that pedestrians do not have to walk across grass or landscaped areas; and
 2. Shared use paths must be provided throughout the UE Zoning District.
- H. **On-Site Amenities.** All buildings in the UE Zoning District containing 50,000 or more square feet of gross floor area must incorporate at least 2 of the following on-site amenities or features that must be accessible to all uses within the building. On-site amenities listed in 1, 2, 3, 5, 6, 9, and 10 may be used to satisfy the minimum 10% open space requirement in Section 7.02.
1. Patio or plaza with seating areas and a minimum depth and width of 10 feet and a minimum total area of 300 square feet.

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2. Landscaped mini-parks, squares, greens, or native plant gardens, including rooftop areas and green roofs, with seating areas and a minimum depth and width of 30 feet and a minimum total area of 1,000 square feet.
3. Sculpture provided outside and a minimum in 10 feet in height, width, or depth.
4. On-site transportation amenities, including bus stops and customer pick-up/drop-off stations.
5. Protected customer walkways, arcades, or easily identifiable building pass-throughs containing window displays and intended for public access.
6. Lake, pond, or fountain provided it is easily accessed by pedestrians and includes seating areas.
7. Athletic facilities such as lockers, showers, and changing rooms.
8. Ground-level public restrooms directly accessible from building pass-throughs, public plazas or other public open spaces, or enclosed plazas/atriums.
9. Swimming pools (indoor or outdoor, including rooftops).
10. On-site amenity that provides space for recreation, gathering, or other similar purposes and as shown on an approved Concept Development Plan.

2.02 Suburban Zoning Districts

Contents:

2.02.01 Suburban Neighborhood – SN

2.02.02 Suburban Compact Neighborhood – SCN

2.02.03 Town Center – TC

2.02.04 Commercial Center – CC

2.02.05 Legacy Suburban Zoning Districts

2.02.01 Suburban Neighborhood – SN

Purpose. The purpose of the Suburban Neighborhood (SN) Zoning District is to:

- Implement the Suburban Neighborhood Place Type of the General Plan;
- Provide for moderate to medium density primarily single-family detached and single-family attached residences with limited multifamily residences in areas served by public water and sewer service; and
- Establish residential densities compatible to and integrated with the surrounding development pattern with the SN-4 Zoning District and allow for moderate density infill development with the SN-6 Zoning District.

A. Applicability and Location.

1. **Location.** The SN-4 and SN-6 Zoning Districts must be located within the boundaries of the Suburban Neighborhood Place Type as shown on the Suburban Policy Area Place Types Map in the General Plan.
2. The SN-4 Zoning District standards apply unless a project meets the requirements of Section 2.02.01.G. Infill Development.
3. When a project meets the requirements of Section 2.02.01.G. Infill Development, the SN-6 Zoning District is allowed to apply.

B. **Use Regulations.** Refer to Table 3.02.01 for uses allowed in the SN Zoning Districts.

C. **Dimensional Standards.** Refer to Table 2.02.01-1 for required dimensional standards.

Table 2.02.01-1. SN Zoning District Dimensional Standards

Standard	SN-4	SN-6 ¹
Density Requirements		
1 Residential Density (max.)	4 dwelling units per acre 4.8 dwelling units per acre with ADUs ²	6 dwelling units per acre 7.2 dwelling units per acre with ADUs ²
2 Nonresidential FAR (max.)	1.0	1.0
Lot Requirements		
3 Residential and Nonresidential Lot Size (min.)	No min.	No min.
4 Residential Lot Size (max.)	SFD: 9,000 sf SFA Townhouse or Duplex, Triplex, or Quadruplex: No max. MF: No max.	SFD: 6,000 sf SFA Townhouse or Duplex, Triplex, or Quadruplex: No max. MF: No max.
5 Nonresidential Lot Size	No max.	No max.
6 Residential Lot Width (min.)	SFD: 40 ft SFA Duplex, Triplex, Quadruplex: 20 ft SFA Townhouse: Interior Unit: 14 ft End Unit: 19 24 ft	SFD: 40 ft SFA Duplex, Triplex, Quadruplex: 20 ft SFA Townhouse: Interior Unit: 14 ft End Unit: 19 24 ft
7 Nonresidential Lot Width (min.)	No min.	No min.
Setback Requirements^{3,4}		
8 Residential and Nonresidential Front Yard (min.)	15 ft	15 ft
9 Residential Side Yard (min.)	SFD, SFA: 5 ft (10+6 ft min. between units) Common walls: 0 ft MFS: 10 ft; 20 ft on corner lots	SFD, SFA: 5 ft (10+6 ft min. between units) Common walls: 0 ft MFS: 10 ft; 20 ft on corner lots
10 Nonresidential Side Yard (min.)	25 ft Common walls: 0 ft	25 ft Common walls: 0 ft
11 Residential Rear Yard (min.)	SFD: 25-15 ft SFA and MFS: 15 ft Common walls: 0 ft	SFD: 25-15 ft SFA and MFS: 15 ft Common walls: 0 ft
12 Nonresidential Rear Yard (min.)	50 ft Common walls: 0 ft	50 ft Common walls: 0 ft
Building Requirements		
13 Residential Lot Coverage (max.)	SFD: 40% SFA: 50% MFS: 60%	SFD: 40% SFA: 50% MFS: 60%
14 Nonresidential Lot Coverage (max.)	60%	60%
15 Residential Building Height (max.)	SFD: 40 ft SFD-SFA and MFS: 60-50 ft⁵	SFD: 40 ft SFD-SFA and MFS: 60-50 ft⁵
16 Nonresidential Building Height (max.)	50 ft	50 ft

Commented [LM4]: Recommended Change #4

Reduced End Unit Minimum

Commented [LM5]: Recommended Change #5

Reduced SFD/SFA Side Yard Minimum

Commented [LM6]: Recommended Change #6

Reduced SFD Rear Yard Minimum

Commented [LM7]: Recommended Change #7

Changed maximum building height to match current ordinance requirements.

TABLE KEY:

ft = feet
sf = square feet
min. = minimum
max. = maximum
SFD = single-family detached
SFA = single-family attached
MFS = multifamily stacked

TABLE NOTES:

- *Must meet the standards for infill designation pursuant to Section 2.02.01.G.
 ‡ADUs must be provided pursuant to Section 9.01.
 †Except where a greater setback is required by Section 7.04.02.
 ‡Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.
 *Maximum height of 45 feet is permitted if the building is setback from the required yard 1 foot for each 1 foot of height that exceeds 45 feet.

- D. **Mix of Uses.** The land use mix in the SN Zoning District must be provided within the percentages of gross land area of the Zoning District provided in Table 2.02.01-2. **Exception.** Meeting the Permitted Mix of Uses Range in Table 2.02.01-2 is not required when:
1. Such SN Zoning District is the subject of an application for a Zoning Map Amendment or a Zoning Concept Plan Amendment and is less than 20 acres;
 2. The lot(s) subject to the Zoning Map Amendment or Zoning Concept Plan Amendment for the SN Zoning District existed on [Zoning Ordinance adoption date]; and
 3. The uses in a SN Zoning District meeting Sections 2.02.01.D.1. and D.2. when combined with the uses in the SN Zoning District within 1/2 mile of the boundary of the SN Zoning District meeting Sections 2.02.01.D.1. and D.2. continues to meet the Permitted Mix of Uses in Table 2.02.01-2. The uses within 1/2 mile of the SN Zoning District boundary is determined as follows:
 - a. The primary buildings, structures, or components of the use(s) used to meet the Mix of Uses Exception must be within the 1/2 mile of such SN Zoning District boundary. Parcels or uses within 1/2 mile of the SN Zoning District boundary that are separated by a limited-access road, a road that is 6- lanes or wider, a river or live stream, major or minor floodplain, unsubdivided acreage, or any other barrier to establishing or maintaining pedestrian facilities are not permitted to be included in such area; and
 - b. To demonstrate conformance with the Mix of Uses Exception, a map showing the location of each use and a tabulation of each use within 1/2 mile of the SN Zoning District meeting Sections 2.02.01.D.1. and D.2. must be provided with the application for the Zoning Map Amendment or Zoning Concept Plan Amendment.

Table 2.02.01-2. Permitted Mix of Uses

Land Use Category	Permitted Mix of Uses Range ^{1, 2, 3}
Residential	75% to 90%
Nonresidential	0% to 15%
Public/Civic/Institutional ⁴	10% or more

TABLE NOTES:

- ¹Percent of net land area after subtracting open space provided pursuant to Section 7.02.
²Total percentage of land use categories must equal 100%.
³Except when the criteria of Section 2.02.01.D.1. are met.
⁴May be provided as Community Open Space. Land area provided as Community Open Space is based on the net land area after subtracting open space and must be in addition to the land provided to meet the Open Space requirement in Section 7.02.

- E. **Dwelling Unit Type Mix.** The mix of residential unit types must not exceed the percentages in Table 2.02.01-3. **Exception.** Meeting the Dwelling Unit Type Mix in Table 2.02.01-3 is not required when:
1. The SN Zoning District is the subject of a Zoning Map Amendment or Zoning Concept Plan Amendment and is less than 10 acres;
 2. The lot(s) subject to the Zoning Map Amendment or Zoning Concept Plan Amendment for the SN Zoning District existed on [Zoning Ordinance adoption date], and
 3. When an applicant for an SN Zoning District Zoning Map Amendment or Zoning Concept Plan Amendment meets Sections 2.02.01.E.1. and E.2. and elects to apply the exception, dwelling unit types are permitted as follows:
 - a. In the SN-6 Zoning District, only single-family detached or single-family attached dwelling units are permitted; and
 - b. In the SN-4 Zoning District, only single-family detached dwelling units are permitted.

Table 2.02.01-3. Dwelling Unit Type Mix		
Dwelling Unit Type	Permitted Percent of Total Dwelling Units (max.)	
	SN-4	SN-6
SFD	85%	40%
SFA Duplex, Triplex, Quadruplex	50%	75%
SFA Townhouse	25%	50%
MFS	5% 25%	0% 50%

TABLE KEY:
SFD = single-family detached
SFA = single-family attached
MFS = multifamily stacked

Commented [LM8]: Recommended Change #8

Increase maximum percentage allowed for MFS unit Type in SN-4 and SN-6

- F. **Lot Access.** Individual lots in the SN Zoning District must be accessed pursuant to Section 7.07.01. Notwithstanding the access requirements of Section 7.07.01, when the architectural front of a single-family detached, single-family attached, or multifamily stacked dwelling unit is oriented to open space and not to a road, access to such dwelling units may be provided by an alley to the rear of the lot. The alley will be required to meet FSM requirements for access.
- G. **Infill Development.** To be categorized as infill development and develop pursuant to the SN-6 Zoning District, a property subject to a request for a Zoning Map Amendment application pursuant to Section 10.10.01 must also meet the following requirements:
1. The property subject to the application must not exceed 20 acres;
 2. The property subject to the application is undeveloped, underperforming or underutilized. An underutilized property as used in this section means property that has not achieved the maximum development potential identified in the associated Place Type in the General Plan;
 3. The property subject to the application is located in an area of established development where:
 - a. Existing transportation, police and fire protection, schools and other public facilities, and public utilities, including water and sewer, are adequate for the uses proposed; or
 - b. Transportation, police and fire protection, schools and other public facilities are planned for the area in the County's Capital Needs Assessment and will be adequate for the uses proposed; and
 4. The Zoning Map Amendment request must include documentation demonstrating the property subject to the application meets the Infill Development requirements of Section 2.02.01.G.

Commented [LM9]: Recommended Change #9

Expand definition of properties that can be considered for infill development.

2.02.02 Suburban Compact Neighborhood – SCN

Purpose. The purpose of the Suburban Compact Neighborhood (SCN) Zoning District is to:

- Implement the Suburban Compact Neighborhood Place Type of the General Plan;
 - Be applied in the Suburban Neighborhood and Suburban Mixed Use Place Types of the General Plan where appropriate;
 - Provide opportunities to develop compact neighborhoods that can take advantage of small infill parcels near traditional suburban neighborhoods or high-density walkable urban neighborhoods, depending on the context of their location, and in areas served by public water and sewer;
 - Establish a range of residential densities and design increasing in density from SCN-8, SCN-16, and SCN-24 Zoning Districts that is compatible to and integrated with the surrounding development; and
 - Provide opportunities for a variety of dwelling unit types, including accessory dwellings, in one Zoning District.
- A. **Applicability and Location.** The SCN Zoning District must be located within the boundaries of:
1. The Suburban Compact Neighborhood Place Type as shown on the Suburban Policy Area Place Types Map in the General Plan; or
 2. The SCN Zoning District may be applied in areas designated as the Suburban Neighborhood and Suburban Mixed Use Place Types on the Suburban Policy Area Place Types Map in the General Plan.
- B. **Use Regulations.** Refer to Table 3.02.01 for uses allowed in the SCN Zoning Districts.
- C. **Dimensional Standards.** Refer to Table 2.02.02-1 for required dimensional standards.

Table 2.02.02-1. SCN Zoning District Dimensional Standards				
Standard		SCN-8	SCN-16	SCN-24
Density Requirements				
1	SFD, SFA, and MFS Residential Density (max.)	8 dwelling units per acre 9.6 dwelling units per acre with ADUs ¹	16 dwelling units per acre 19.2 dwelling units per acre with ADUs ¹	24 dwelling units per acre 28.8 dwelling units per acre with ADUs ¹
2	Nonresidential and MFA FAR (max.)	1.0	1.0	1.0
Lot Requirements				
3	Residential Lot and Nonresidential Lot Size (min.)	No min.	No min.	No min.
4	Residential Lot Size (max.)	SFD: 6,000 sf	SFD: 3,000 sf	SFA Townhouse: No max. MFS and MFA: No max.
		SFA Townhouse or Duplex, Triplex, or Quadruplex: No max.	SFA Townhouse or Duplex, Triplex, or Quadruplex: No max.	
		MFS: No max.	MFS and MFA: No max.	
5	Residential Lot Width (min.)	SFD: 40 ft	SFD: 30 ft	SFA Townhouse Interior Unit: 14 ft
		SFA Duplex, Triplex, Quadruplex: 20 ft	SFA Duplex, Triplex, Quadruplex: 20 ft	SFA Townhouse End Unit: 22 ft
		SFA Townhouse Interior Unit: 14 ft	SFA Townhouse Interior Unit: 14 ft	MFS and MFA: 60 ft
		SFA Townhouse End Unit: 22 ft	SFA Townhouse End Unit: 22 ft	
		MFS: 60 ft	MFS and MFA: 60 ft	
6	Residential Lot Depth to Width Ratio (max.)	5:1	7:1	6:1
7	Nonresidential Lot Width	No min.	No min.	No min.

Table 2.02.02-1: SCN Zoning District Dimensional Standards

Standard	SCN-8	SCN-16	SCN-24
Setback Requirements^{2,3}			
8 Residential Front Yard (min.)	SFD, SFA, MFS: 15 ft	SFD, SFA, MFS: 15 5 ft MFA: 25 5 ft	SFA, MFS: 15 5 ft MFA: 25 5 ft
9 Nonresidential Front Yard (min.)	15 ft	15 ft	15 ft
10 Residential Side Yard (min.)	SFD, SFA: 8 ft Common walls: 0 ft MFS: 10 ft	SFD, SFA: 8 5 ft Common walls: 0 ft MFS and MFA: 5 10 ft MFA: 25 10 ft on corner lots	SFA: 8 5 ft Common walls: 0 ft MFS and MFA: 10 5 ft MFA: 25 10 ft on corner lots
11 Nonresidential Side Yard (min.)	25 ft* Common walls: 0 ft	25 ft* Common walls: 0 ft	25 ft* Common walls: 0 ft
12 Residential Rear Yard (min.)	SFD: 25 ft SFA: 15 ft Common walls: 0 ft MFS: 25 ft	SFD: 15 ft SFA and MFS: 10 15 ft Common walls: 0 ft MFA: 10 15 ft	SFA and MFS: 10 15 ft Common walls: 0 ft MFA: 25 ft
13 Nonresidential Rear Yard (min.)	50 ft Common walls: 0 ft	50 ft Common walls: 0 ft	50 ft Common walls: 0 ft
Building Requirements			
14 Residential Lot Coverage (max.)	SFD: 75 60% SFA and MFS: 85 59%	SFD: 75 40% SFA and MFS: 85 45% MFA: 85 60%	SFA and MFS: 85 45% MFA: 85 60%
15 Nonresidential Lot Coverage (max.)	Nonresidential: 75%	Nonresidential: 80%	Nonresidential: 80%
16 Residential and Nonresidential Building Height (max.)	SFD: 40 45 ft SFA: 45 ft SFD, SFA and MFS: 60 50 ft* Nonresidential 50 ft*	SFD: 40 45 ft SFA: 45 ft SFD, SFA, MFS and MFA: 60 50 ft** Nonresidential 50 ft*	SFD: 40 45 ft SFA: 45 ft SFD, SFA, MFS and MFA: 60 50 ft** Nonresidential 50 ft*
17 SFA Townhouse and MFS Building Length (max.)	200 ft	200 ft	200 ft
TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum SFD = single-family detached SFA = single-family attached MFS = multifamily stacked MFA = multifamily attached TABLE NOTES: *ADUs must be provided pursuant to Section 9.01. **Except where a greater setback is required by Section 7.04.02. †Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C. ‡Maximum height of 50 feet is permitted if the building is set back from the required yard 1 foot for each 1 foot of height that exceeds 45 feet. §Maximum height of 60 feet may be increased to 60 feet by modification in accordance with Section 10.10.04.C. The building must be set back from the required yard 1 foot for each 1 foot in height that exceeds 45 feet.			

Commented [LM10]: Recommended Change #10

Decrease required Front Yard

Commented [LM11]: Recommended Change #11

Decrease required Side Yard

Commented [LM12]: Recommended Change #12

Decrease required Rear Yard

Commented [LM13]: Recommended Change #13

Increase Lot Coverage Maximums

Commented [LM14]: Recommended Change #14

Changed maximum building height to match current ordinance requirements.

Commented [LM15]: Recommended Change #15

Changed modification of maximum building height to match current ordinance requirements.

D. Residential Unit Type Mix. The mix of residential unit types must not exceed the percentages in Table 2.02.02-2.

Exception. Meeting the Dwelling Unit Type Mix in Table [2.02.02-2](#) is not required when:

1. The SCN Zoning District is the subject of a Zoning Map Amendment or Zoning Concept Plan Amendment and such SCN Zoning District size is as follows:
 - a. The SCN-8 Zoning District is less than 10 acres;
 - b. The SCN-16 Zoning District is less than 7 acres; and
 - c. The SCN-24 Zoning District is less than 5 acres;
2. The lot(s) subject to the Zoning Map Amendment or Zoning Concept Plan Amendment for the SCN Zoning District existed on Zoning Ordinance adoption date; and
3. When an applicant for an SCN Zoning District Zoning Map Amendment or Zoning Concept Plan Amendment meets Sections 2.02.02.D.1. and D.2. and elects to apply the exception, dwelling unit types are permitted as follows:
 - a. In the SCN-24 Zoning District, only multifamily attached dwelling units are permitted;
 - b. In the SCN-16 Zoning District, only single-family attached townhouses and multifamily stacked dwelling units are permitted; and
 - c. In the SCN-8 Zoning District, only single-family attached and multifamily stacked dwelling units are permitted.

Table 2.02.02-2. Dwelling Unit Type Mix

Dwelling Unit Type	Permitted Percent of Total Dwelling Units (max.)		
1 SFD	20 0%	30 10%	0%
2 SFA Duplex, Triplex, Quadruplex	60%	30%	0%
3 SFA Townhouse	75%	75 40%	40 75%
4 MFS	20 50%	60 75%	75%
5 MFA	0%	75%	100%

TABLE KEY:

SFD = single-family detached

SFA = single-family attached

MFS = multifamily stacked

MFA = multifamily attached

TABLE NOTES:

*Sites 10 acres or less shall be permitted to have up to 100% of any unit type permitted within the Zoning District.

Commented [LM16]: Recommended Change #16

Changed unit type mix to align with 2019 General Plan goals for unit type diversity.

- E. **Lot Access.** Individual lots in the SCN Zoning District must be accessed pursuant to Section 7.07.01. Notwithstanding the access requirements of Section 7.07.01, when the architectural front of a single-family detached, single-family attached, or multifamily stacked dwelling unit is oriented to open space and not to a road, access to such dwelling unit may be provided by an alley to the rear of the lot. The alley will be required to meet FSM requirements for access.

2.02.03 Town Center - TC

Purpose. The purpose of the Town Center (TC) Zoning District is to:

- Establish compact, pedestrian-oriented environments with opportunities for a mix of Residential; Lodging; Commercial; and Public, Civic, and Institutional uses that will serve as mixed use centers in the Suburban Mixed Use

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Place Type of the General Plan;

- *Support pedestrian-oriented development by emphasizing appropriate building scale and design, block sizes, uses, and streetscapes, as well as pedestrian linkages, trails, and greenways that connect the businesses, residences, and open space;*
- *Serve as logical locations for transit stops; and*

- *Specific objectives of the TC Zoning District include:*
 - *A Town Center Core with vertically and horizontally integrated mixed use buildings, multistory single-use buildings, and pedestrian-oriented design located proximate to each other to generate and support pedestrian activity;*
 - *A Town Center Fringe, if provided, to provide a transition between the Town Center Core and surrounding development and with pedestrian-oriented businesses and activity balanced with Residential and other uses more dependent on vehicular access;*
 - *Patterns of roads and blocks arranged in a network of public and/or private roads designed for pedestrians, bicycles, public transit, and automotive vehicles and that provide for multimodal connections between different land uses within the TC Zoning District and to nearby development;*
 - *Well configured squares, greens, landscaped roads, parks, and native plant gardens woven into the pattern of the TC Zoning District and dedicated to collective social activity, recreation, and visual enjoyment;*
 - *Civic and community buildings or spaces for public assembly that act as landmarks, symbols, or focal points for community identity;*
 - *On-street parking and centralized parking facilities to collectively support uses in the TC Zoning District.*
 - *A mix of supporting commercial retail and service uses to serve the daily or routine shopping and service needs of employees, visitors, and residents;*
 - *High-quality design and construction;*
 - *The assemblage of parcels to form a unified development concept; and*
 - *Housing choices and opportunities that are compatible within the TC Zoning District.*
- A. **Applicability, Size, and Location.** The following applies to the TC Zoning District:
 1. **Location.** The TC Zoning District must be located within the boundaries of the Suburban Mixed Use Place Type as shown on the Suburban Policy Area Place Types Map in the General Plan;
 2. **Zoning District Size and Location.** The TC Zoning District must meet the following size and location requirements:
 - a. **Minimum Zoning District Size.** The initial TC Zoning District size must be a minimum of 30 acres;
 - b. **Maximum Zoning District Size.** The TC Zoning District size is not permitted to exceed 125 acres; and
 - c. **Zoning District Subareas.** The TC Zoning District may be divided into of 2 subareas, the Town Center Core and the Town Center Fringe, but must always include a Town Center Core;
 1. **Town Center Core.** The Town Center Core must be provided as follows:
 - a. Minimum Size: 10 acres;
 - b. Maximum Size:
 - A. TC Zoning District less than 60 acres: 30 acres; or
 - B. TC Zoning District greater than 60 acres: 50% of the TC Zoning District land area;
 - c. No Town Center Core is permitted to be located within 10,000 feet of another Town Center Core. Except that a Town Center Core may be located within 10,000 feet of another Town Center Core where a physical constraint exists sufficient enough to alter access and travel patterns between the Town Center Cores, such as water bodies and roads with a minimum of 6 lanes; and
 - d. As the focal point and predominant activity center of the TC Zoning District.
 2. **Town Center Fringe.** A Town Center Fringe must be provided as follows:
 - a. In any TC Zoning District greater than 30 acres; and
 - b. Located outside of and adjacent to the Town Center Core.

3. **Incremental Additions.** The Board of Supervisors may approve a Zoning Map Amendment with incremental additions to increase the size of the TC Zoning District to no greater than 125 acres if the Board finds that such incremental additions are:
 - a. Abutting or across a road with no more than 4 lanes from an existing TC Zoning District; and
 - b. Connected to the existing TC Zoning District through road and pedestrian and bicycle networks.
- B. **Uses.** Refer to Table 3.02.01 for uses allowed in the TC Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.02.03-1 for required dimensional standards.

Draft 7/6/23

Table 2.02.03-1. TC Zoning District Dimensional Standards

	Standard	Town Center Core Requirements	Town Center Fringe Requirements
Density Requirements			
1	FAR (max.) ^{1,2}	No max.	No max.
2	Single-Family and Multifamily Stacked Density (max.)	Maximum number of SFD, SFA, and MFS dwelling units must be provided on an approved CDP	Maximum number of SFD, SFA, and MFS dwelling units must be provided on an approved CDP
Lot Requirements			
3	Lot Size (min.)	No min.	No min.
4	Lot Size (max.) ³	No max., except SFA: 1,600 sf ⁴ SFD: 2,500 sf ⁴	No max., except SFA: 1,600 sf ⁴ SFD: 2,500 sf ⁴
5	Lot Width (min.)	No min., except SFA Townhouse ⁴ Interior Unit: 14 ft End Unit: 18 ft SFA Duplex, Triplex, Quadruplex: 16 ft ⁴ SFD: 25 ft ⁴	No min., except SFA Townhouse ⁴ Interior Unit: 14 ft End Unit: 18 ft SFA Duplex, Triplex, Quadruplex: 16 ft ⁴ SFD: 25 ft ⁴
6	Lot Width (max.)	No max., except SFD: 35 ft ⁴	No max.
7	Lot Depth (min.)	No min.	No min.
8	Lot Depth (max.)	No max., except SFA and SFD: 70 ft ⁴	No max., except SFA and SFD: 80 ft ⁴
Setback Requirements^{5,6}			
9	Front Yard (max.) ⁷	Structures and Structured Parking: 25 ft	Structures and Structured Parking: 35 ft
10	Front Yard (min.) ⁸	Structures and Structured Parking: No min. Parking: Pursuant to Section 7.06.10.D.	Structures and Structured Parking: 5 ft Parking: No off-street surface parking is permitted closer than 15 ft from a road
11	Side Yard (min.)	No min., except 5 ft when a nonresidential use is abutting a lot allowing and SF dwelling units	No min., except 10 ft when a nonresidential use is abutting a lot allowing a SF dwelling unit
12	Rear Yard (min.) ⁸	No min., except 15 ft when a nonresidential use is abutting a lot allowing and SF dwelling units	No min., except 15 ft when a nonresidential use is abutting a lot allowing a SF dwelling unit
13	Setback Adjacent to Other Zoning Districts ⁹	Structures and Parking: 20 ft Loading Area: 35 ft	Structures and Parking: 20 ft Outdoor Storage and Loading Areas: 35 ft
Building Requirements			
14	Lot Coverage (max.)	No max.	80%
15	Building Height (max.) ⁸	60 ft	60 ft
16	Building Height (min.)	Buildings 2,000 sf or less: 15 ft¹⁰ Buildings greater than 2,000 sf: 24 ft	No min.

Commented [LM17]: Recommended Change #17

Removed text. A parking lot is often adjacent to a roadway. Also, the increased parking rates will require additional spaces for parking.

Commented [LM18]: Recommended Change #18

Removed text. Prohibits innovative design.

TABLE KEY:

ft = feet
sf = square feet
min = minimum
max = maximum
SF = single family
SFD = single-family detached
SFA = single-family attached
MFA = multifamily attached
MFS = multifamily stacked

TABLE NOTES:

- ¹MFA Dwelling Units are included in floor area.
²Maximum permitted floor area must be provided on a Concept Development Plan.
³Exclusive of major floodplain. When individual lots are provided for each SFA dwelling unit.
⁴SFD, SFA, and MFS dwelling units are only permitted in the Town Center Core if no Town Center Fringe is provided as part of the development.
⁵Except where a greater setback is required by Section 7.04.02.
⁶Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.
⁷Areas for refuse collection are not permitted in the area between structures and roads, including setbacks required by Section 7.04.02.
⁸Minimum yard does not apply when nonresidential use is abutting a building containing dwelling units above nonresidential uses.
⁹Applies to TC Zoning Districts approved after [Zoning Ordinance adoption date].
¹⁰Location of buildings must be shown on a Concept Development Plan.

D. Mix of Uses. In the Town Center Core and Town Center Fringe Subareas, the Mix of Uses must be provided within the percentages provided in Table 2.02.03-2 and as follows:

1. In addition to the requirements of Sections 10.10.04 and 10.10.07.B, an approved Concept Development Plan must include a tabulation demonstrating conformance with Table 2.02.03-2;
2. Each Site Plan or Subdivision application subsequent to Zoning Map Amendment or Zoning Concept Plan Amendment approval must include a tabulation of the Permitted Mix of Uses Range by Land Use Category in percent and floor area. The tabulation must include:
 - a. Total gross floor area for the TC Zoning District and floor area per subarea and land bay approved with the Zoning Map Amendment or Zoning Concept Plan Amendment;
 - b. Total floor area and floor area per subarea and land bay for the area subject to the Site Plan or Subdivision application; and
 - c. Remaining total floor area permitted in the TC Zoning District and the subject subarea and land bay; and
3. When an incremental addition pursuant to Section 2.02.03.A.3. is made to an existing TC Zoning District, the Permitted Mix of Uses Range required in Table 2.02.03-2 must be maintained upon incorporation of the incremental addition.
 - a. In addition to the requirements of Sections 10.10.04 and 10.10.07.B., the Concept Development Plan for the incremental addition must provide a tabulation of the proposed land uses and show how such uses will maintain the Permitted Mix of Uses Range required in Table 2.02.03-2.
 - b. **Exception.** Meeting the Permitted Mix of Uses Range in Table 2.02.01-2 is not required for an incremental addition to the TRC Zoning District when:
 1. The incremental addition is less than 5 acres;
 2. The lot(s) subject to the incremental addition existed on [Zoning Ordinance adoption date]; and
 3. The uses in a TC Zoning District meeting Sections 2.02.03.D.3.b.1. and D.3.b.2. when combined with the uses in the TC Zoning District within 1/2 mile of the boundary of the TC Zoning District meeting Sections 2.02.03.D.3.b.1. and D.3.b.2. continues to meet the Permitted Mix of Uses in Table 2.02.03-2.

Table 2.02.03-2. Permitted Mix of Uses

Land Use Category	Permitted Mix of Uses Range Town Center Core ^{1,2}	Permitted Mix of Uses Range Town Center Fringe ^{1,2}
Residential (max.)	MFA dwelling units: 100% ³ SFA dwelling units: 10% of net land area ^{4,5,6} MFS dwelling units: 10% of net land area ^{4,5,7}	MFA dwelling units: 100% ³ SFD and SFA dwelling units: 10% of net land area ^{4,5,6} MFS dwelling units: 10% of net land area ^{4,5,7}
Nonresidential (max.)	95%	
Public/Civic/Institutional (min.)	5% of approved floor area or 3% of approved floor area and 2% of gross land area provided as Community Open Space in addition to the Open Space requirement in Section 7.02 ⁸	

TABLE KEY:
min. = minimum
max. = maximum
SF = square feet
SFD = single-family detached
SFA = single-family attached
MFA = multifamily attached
MFS = multifamily stacked

TABLE NOTES:
¹Percent of approved floor area, except when noted otherwise. Total percentage of floor area must equal 100%.
²Except when the criteria of 2.02.03.D.3.b. are met.
³MFA dwelling units are included in approved floor area.
⁴SFD, SFA, and MFS dwelling units are only permitted in the Town Center Core if no Town Center Fringe is provided as part of the development.
⁵Net land area is the area of land after subtracting open space provided pursuant to Section 7.02.
⁶SFA and SFD dwelling units must be provided pursuant to Section 4.02.07.A. and C.
⁷MFS dwelling units must be provided pursuant to Section 4.02.08.A. and C.
⁸The minimum 3% of Public/Civic/Institutional Use required to be in a building must be located and arranged to generate pedestrian activity.

Commented [LM19]: Recommended Change #19

Percentages need to add up to 100% 100% MFA is in line with 2019 General Plan.

E. **Open Space.** In addition to the Open Space requirements of Section 7.02, Community Open Space in the TC Zoning District must be provided in accordance with Table 2.02.03-3 and as follows:

1. Community Open Space provided pursuant to Section 2.02.03.E. may be used to meet the Open Space requirements of Section 7.02; and
2. Uses within each incremental addition to the TC Zoning District must be within 1/4 mile of Community Open Space, as measured along the pedestrian network. Such Community Open Space must be provided in the form of greens, miniparks, pocket parks, or native plant gardens.

Table 2.02.03-3. Minimum Size Requirements for Community Open Space

Category/TC Zoning District	Minimum Size Requirement/Community Open Space Requirement
1. TC Zoning District with Town Center Core only	1 Town Green in Town Center Core: 40,000 sf min.
2. Town Center Core between 40 and 50 acres	1 Town Green in Town Center Core: 40,000 sf min. and No Town Center Fringe requirement
Alternative 1: 3. Town Center Core between 30 and 50 acres	1 Town Green in Town Center Core: 40,000 sf min. and 1 or more Plazas or Greens in Town Center Fringe totaling 40,000 sf min. including the Town Green
Alternative 2: 4. Town Center Core between 30 and 50 acres	1 Plaza in Town Center Core: 10,000 sf min. and 1 Town Green in Town Center Fringe and adjacent to Town Center Core: 40,000 sf min.
5. Additional Requirement: TC Zoning District	10% of TC Zoning District land area above the base 50 acres must be provided as 1 or more Greens, Plazas, or Pocket Parks ⁹

Commented [LM20]: Recommended Change #20

Removed text. Prohibits innovative design. Too prescriptive. These requirements are captured in other areas. May limit viability of development near Metro if left in.

Minimum Lot Size	
Minimum Lot Size	Minimum Commercial Open Space Requirements
greater than 60 acres	50% min. of the 10% of land area must in the Town Center Fringe

TABLE KEY:
sf—square feet
min.—minimum
max.—maximum

TABLE NOTES:
*Exclusive of major floodplain
*May be separate from the 1 glass or town green required in the Town Center Core

~~F. Vertical Mix: When buildings in the TC Zoning District include a vertical mix of uses, the following applies:~~

~~G. Commercial or Public/Civic/Institutional uses must be provided on the ground floor; and~~

~~4.3. In addition to the requirements of Section 4.04.12, any drive through for a use allowed in the Town Center Core must be incorporated into a vertically mixed use building.~~

~~H. Building Orientation, Placement, and Uses. Buildings and uses in the TC Core must be provided as follows:~~

1. Primary building facades and principal entrances must be oriented toward adjacent public or private roads or adjacent Community Open space provided pursuant to Section 2.02.03.E.;
2. Principal entrances to all buildings must be accessible from a sidewalk along a public or private road or an adjacent Community Open Space provided pursuant to Section 2.02.03.E. Other additional entrances or prominent entrances that accommodate drop-off lanes for automobile traffic are also permitted; and
3. ~~At least 50% of the total of all~~ block frontages within the Town Center Core ~~that must~~ contain Commercial or Public/Civic/Institutional uses in the ground floor ~~shall be~~ as follows:

- a. The Commercial or Public/Civic/Institutional use in the ground floor in Section 2.02.03.G.3. must:
 1. Include between 65% and 90% glazing and building entrances;
 2. Include a minimum 12 foot clear height for Commercial or Public/Civic/Institutional uses that is maintained for a minimum depth of 20 feet from the front façade; and
 3. Providing a minimum of 1 of the following features on the ground floor building façade:
 - a. Awning;
 - b. Frieze;
 - c. Cornice; or
 - d. Marquee; and
 - e. In a building that is 2 or more stories, 1 or more of the following building materials that is different from the building materials in the stories above:
 - A. Brick;
 - B. Precast concrete;
 - C. Metal or metal panels;
 - D. Glass, clear or architectural panels;
 - E. Stone or synthetic stone equivalent; or
 - F. Tile or terracotta.

b. Exceptions:

1. This requirement does not apply to frontages along alleys; and

Commented [LM21]: Recommended Change #21

Not needed.

Commented [LM22]: Recommended Change #22

Mix of uses determined elsewhere and by market conditions. Kept design requirements for Commercial and Public/Civic/Institutional uses.

2. This requirement does not apply to the portion of a block frontage that contains the following uses:
 - a. Full-block town green, green, or plaza; or
 - b. Town green, green, or plaza that meets the following requirements:
 - A. Open to the public;
 - B. Minimum depth and width of 10 feet and minimum total area of 300 square feet, excluding adjacent to sidewalks and through-block pedestrian linkages;
 - C. Located adjacent to or between building entrances; and
 - D. Includes landscaped and/or hardscaped areas and seating areas and a mix of amenities, such public entertainment, active recreation, raised planters, fountains, public art, and/or such other amenities determined to be acceptable by the Zoning Administrator.

2.02.04 Commercial Center - CC

Purpose. The purpose of the Commercial Center-Neighborhood Center (CC-NC), Commercial Center-Community Center (CC-CC), and Commercial Center-Small Regional Center (CC-SC) Zoning Districts is to:

- Implement the Suburban Commercial Place Type of the General Plan where the Zoning District will:
 - Provide opportunities for larger format retail and commercial establishments that serve the larger Loudoun community and are located along major roads. Such larger format retail uses and pad sites are integrated into the design of the site through the use of similar architectural elements, varying block sizes, parking, and landscaping; and
 - Provide opportunities for smaller, community-serving retail and commercial establishments within a “main street” style environment that are adjacent to existing residential neighborhoods;
 - Implement a neighborhood or community commercial component of the Suburban Neighborhood and Suburban Compact Neighborhood Place Types where the Zoning District will:
 - Integrate small-scale office, retail, and service uses that serve the routine shopping needs of the immediate neighborhood at significant intersections and along major roads in areas of primarily residential uses;
 - Ensure commercial areas are compatible in size, architectural and site design, and lot coverage with surrounding residential uses;
 - Create a pedestrian-friendly streetscape with building and landscaping strategically placed so that parking is not the predominant feature; and
 - Ensure access to adjacent neighborhoods by locating next to and connecting with existing residential neighborhoods through pedestrian and bicycle networks and roads networks; and
 - Ensure compatibility of buildings in Commercial Centers with surrounding residential and nonresidential development and a transition between the two.
- A. **Applicability, Size, and Location.** The following applies to the CC-NC, CC-CC, and CC-SC Zoning Districts:
1. The CC Zoning District comprises 3 individual districts:
 - a. **Neighborhood Center (NC).** The CC-NC Zoning District must serve the Commercial shopping needs of residential neighborhoods immediately adjacent to or within walking distance (1/4 mile) of the CC-NC Zoning District;
 - b. **Community Center (CC).** The CC-CC Zoning District must serve the Commercial shopping needs of the community located within a 10-minute drive to the CC-CC Zoning District; and

- c. **Small Regional Center (SC).** The CC-SC Zoning District must serve the Commercial shopping needs beyond the local community located more than a 10-minute drive to the CC-SC Zoning District.
- 2. **Location.** The CC Zoning Districts must be located as follows:
 - a. Within the boundaries of the Suburban Commercial Place Type as shown on the Suburban Policy Area Place Types Map in the General Plan; and
 - b. The CC-NC and CC-CC Zoning Districts are also permitted to be located within the boundaries of the Suburban Neighborhood and Suburban Compact Neighborhood Place Types as shown on the Suburban Policy Area Place Types Map in the General Plan where the Commercial uses serve an adjacent residential development and provide vehicular and pedestrian and bicycle connections to such development; and
- 3. **Zoning District Size.** The minimum and maximum size for each individual Zoning District is as follows:
 - a. CC-NC: 1.5 acres minimum; 6 acres maximum;
 - b. CC-CC: 6 acres minimum; 20 acres maximum; and
 - c. CC-SC: 20 acres minimum; 60 acres maximum; and
- 4. **Incremental Additions.** The Board of Supervisors may approve a Zoning Map Amendment with incremental additions to increase the size of the Zoning District up to the maximum Zoning District size in Section 2.02.04.A.3. if the Board finds that such incremental additions are:
 - a. Abutting or across a roadway with no more than 4 lanes from an existing CC-NC, CC-CC, or CC-SC Zoning District; and
 - b. Connected to the existing CC-NC, CC-CC, or CC-SC Zoning District through road and pedestrian and bicycle networks.
- B. **Use Regulations.** Refer to Table 3.02.01 for uses allowed in the CC-NC, CC-CC, and CC-SC Zoning Districts.
- C. **Dimensional Standards.** Refer to Table 2.02.04-1 for required dimensional standards.

Table 2.02.04-1. CC-NC, CC-CC, and CC-SC Zoning District Dimensional Standards

Standard		CC-NC	CC-CC	CC-SC
Density Requirements				
1	FAR (max.)	0.4	0.4 0.6 if parking structure provided	0.6 1.0 if parking structure provided
Lot Requirements				
2	Lot Size (min.)	No min.	No min.	No min.
3	Lot Width (min.)	No min.	No min.	No min.
Setback Requirements⁴⁻⁵				
4	Setback Adjacent to Roads (min.) ⁴	25 ft 13 ft. if no areas for parking, outdoor storage, or refuse collection are located between a building's front entrance and the adjacent road and the entrance is oriented toward the adjacent road	35 ft	35 ft
5	Setback Adjacent to Residential Zoning Districts, Residential Uses, or Land Bays Allowing Residential Uses (min.) ⁴	50 ft	50 ft	100 ft
6	Setback Adjacent to Other	35 ft	35 ft	35 ft

Table 2.02.04-1. CC-NC, CC-CC, and CC-SC Zoning District Dimensional Standards

	Standard ¹	CC-NC	CC-CC	CC-SC
	Nonresidential Zoning Districts (min.)			
7	Setback Adjacent to CC or PD-CC Zoning District (min.)	0 ft	0 ft	0 ft
Building Requirements				
8	Lot Coverage (max.)	No max.	No max.	No max.
9	Building Height (max.)	45 ft	45 ft 60 ft by SPEX	50 ft 60 ft by SPEX
10	Individual Use (max.)	5,000 sf Greater than 5,000 sf by SPEX Greater than 50% of gross floor area of Neighborhood Center by SPEX	No max.	No max.

TABLE KEY:

ft = feet

sf = square feet

min. = minimum

max. = maximum

TABLE NOTES:

¹Except where a greater setback is required by Section 7.04.02.

²Setback requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.

³No areas for parking, outdoor storage, refuse collection, and loading are permitted between structures and roads where such uses are visible from any road.

⁴No areas for parking, outdoor storage, refuse collection, and loading are permitted between structures and roads where such uses are visible from such residential areas.

D. Land Use Arrangement. Uses in the CC-NC, CC-CC, and CC-SC Zoning Districts must be arranged so that:

1. Areas where services are to be provided for automobiles are located and arranged to minimize interference with pedestrians;
2. Facilities and access routes for Commercial Center deliveries, service, and maintenance are separated from customer access routes and parking areas, as reasonably practicable; and
3. Buildings are grouped in relation to parking areas so that after customers arriving by automobile enter the Commercial Center, establishments can be visited with minimal internal automotive movement.

E. Road Access. Access to the CC Zoning District must be provided pursuant to Section 7.07.01. and as follows:

1. Notwithstanding Section 7.07.01.D., primary vehicular access must be from:
 - a. CC-NC: Local roads or 2 lane minor collector roads;
 - b. CC-CC: Collector roads; or
 - c. CC-SC: Major collector roads. Access to the Small Regional Center must be controlled; and
2. Service drives, turn-out lanes, traffic separation devices, and merging lanes may be required at primary vehicular access points based on the anticipated traffic flow. Such service drives, turn-out lanes, traffic separation devices, and merging lanes are allowed as part of the required front yard adjacent to a collector or arterial road.

F. Pedestrian and Bicycle Network. Within the CC Zoning District, a pedestrian and bicycle network must be provided in accordance with Section 7.07.03 and as follows:

1. Channels pedestrians to delineated locations to cross parking area drive aisles;

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2. Provides connections between the Commercial Center and adjacent residential and nonresidential development; and
3. The CC-SC Zoning District must also provide delineated pedestrian walkways, crosswalks, and traffic control devices that create convenient pedestrian paths from all parking areas to shopping areas.

2.02.05 Legacy Suburban Zoning Districts

2.02.05.01 Single-Family Residential – R-1, R-2, R-3 (Legacy District)

Purpose. The purpose of the Single-Family Residential (R-1, R-2, and R-3) Zoning Districts is as follows:

- The R-1 Zoning District retains existing areas established to provide for existing low density single-family detached residences on lots of 40,000 square feet or more and should be limited to areas planned for and served by public water and sewer;
 - The R-2 Zoning District retains existing areas established to provide for existing low-to-moderate density single-family detached and attached residences on lots of 20,000 square feet or more in locations served by public water and sewer but unsuitable for higher densities; and
 - The R-3 Zoning District retains existing areas established to provide for existing moderate density single-family detached and attached residences on lots of 15,000 square feet or more in areas served by public water and sewer service.
- A. **Applicability.** The R-1, R-2, and R-3 Zoning Districts permit the continued existence of established R-1, R-2, and R-3 Zoning Districts. Expansion of the R-1, R-2, and R-3 Zoning Districts is not permitted after the adoption date of this Zoning Ordinance.
- B. **Use Regulations.** Refer to Table 3.02.02 for uses allowed in the R-1, R-2, and R-3 Zoning Districts.
- C. **Dimensional Standards.** Refer to Table 2.02.05.01-1 for required dimensional standards.

Table 2.02.05.01-1. R-1, R-2, and R-3 Zoning District Dimensional Standards											
Standard	R-1 Requirements			R-2 Requirements				R-3 Requirements			
	Suburban Design Option	Cluster ¹	Compact Cluster ¹	Suburban Design Option	Traditional Design Option ²	Cluster ¹	Compact Cluster ¹	Suburban Design Option	Traditional Design Option ²	Cluster ¹	Compact Cluster ¹
Density Requirements											
1 Residential Density (max.)	1 dwelling unit per 40,000 sf	1.2 dwelling units per 40,000 sf if ADUs provided ³		1 dwelling unit per 20,000 sf	1.2 dwelling unit per 20,000 sf if ADUs provided ³			1 dwelling unit per 15,000 sf	1.2 dwelling unit per 15,000 sf if ADUs provided ³		
Lot Requirements											
2 Lot Size (min.)	40,000 sf	32,000 sf	20,000 sf	No min.	No min.	No min.	No min.	No min.	No min.	No min.	No min.
3 Lot Width (min.) ⁴	175 ft	140 ft	100 ft	60 ft	45 ft	50 ft	50 ft	50 ft	40 ft	40 ft	40 ft
				SFA duplex, triplex or quadruplex Interior Units: 18 ft End Units: 30 ft				SFA duplex, triplex or quadruplex Interior Units: 18 ft End Units: 30 ft			

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4	Length/Width Ratio	5:1			5:1				5:1			
Setback Requirements ^{1,2}												
5	Front Yard (min.) ³	35 ft.	30 ft.	25 ft.	25 ft.	15 ft.	25 ft.	25 ft.	25 ft.	15 ft.	25 ft.	25 ft.
					SFA duplex, triplex or quadruplex: 15 ft.				SFA duplex, triplex or quadruplex: 15 ft.			
6	Side Yard (min.) ³	12 ft. on 1 side 9 ft. on other side			Suburban: 12 ft. on 1 side, 9 ft. on other side	9 ft.	9 ft.	9 ft.	12 ft. on 1 side, 9 ft. on other side	9 ft.	9 ft.	9 ft.
					SFA duplex, triplex or quadruplex Interior Units: 0 ft. End Units: 9 ft.				SFA duplex, triplex or quadruplex Interior Units: 0 ft. End Units: 9 ft.			
7	Rear Yard (min.) ³	35 ft.	30 ft.	25 ft.	25 ft.				25 ft.			
					SFA duplex, triplex or quadruplex: 25 ft.				SFA duplex, triplex or quadruplex: 25 ft.			
Building Requirements												
8	Lot Coverage (max.)	25%	30%	30%	40%				40%			
9	Building Height (max.)	40 ft.			40 ft.				40 ft.			
TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum SFD = single-family detached SFA = single-family attached TABLE NOTES: ¹ Compact Cluster must also be developed pursuant to 2.02.05.01.D. ² Traditional Design Option must also be developed pursuant to 2.02.05.01.E. ³ ADUs must be provided pursuant to Section 9.01. ⁴ Single-family detached dwelling units unless otherwise noted. ⁵ Except where a greater setback is required by Section 7.04.02. ⁶ Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.												

- D. Compact Cluster Design Option.** When applying the Compact Cluster Option, the following additional requirements apply:
1. Must only be applied to residential uses;
 2. Must consist of at least 10 dwelling units except that cluster developments that are an extension of an existing or approved compact cluster development may contain fewer dwelling units;
 3. The compact cluster lots and open space must be designed to relate to surrounding properties; and
 4. All land not included within lots or required for public or private streets must be maintained as common open space meeting the requirements of Section 7.02 and as follows. If Sections 7.02 and 2.02.05.01.D.4. conflict, Section 2.02.05.01.D.4. applies.
 - a. Common open space must generally be designed to constitute a contiguous and cohesive unit of land, which may be used for active or passive recreation by residents and must be reasonably accessible to all permitted uses and all residential units within the development. Open space intended for a recreation or public use must be accessible to pedestrians.
 - b. Individual lots, buildings, streets, and parking areas must be designed and situated to maximize open space, minimize alteration of natural site features, and reduce the construction of roads and other impervious surfaces.

- c. Open space must include and retain, to the extent feasible, natural features located on the tract such as, stream beds, significant stands of trees, and individual trees of a significant size.
 - d. All common open space must be permanently reserved, managed, and maintained as open space by a means acceptable to the Board of Supervisors.
 - 1. Open space or common areas within cluster residential developments may be offered for dedication to the public at the time of application. The Board of Supervisors or other appropriate public body acceptable to the Board of Supervisors may accept such dedication upon a finding that the size, location, type of development or cost of development or maintenance of such open space or common area or the availability of public open space would make public use desirable or necessary.
 - 2. Common open space not dedicated to public use must be protected by legal arrangements satisfactory to the Board of Supervisors sufficient to assure its maintenance and preservation for its intended purpose. Covenants or other legal arrangements must specify ownership of the common open space; method of maintenance; responsibility for maintenance, taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Board of Supervisors; and any other specifications deemed necessary by the Board of Supervisors.
 - e. Major floodplain is not permitted to be included in calculating the amount of common open space.
- E. Traditional Design Option.** When applying the Traditional Design Option, the following additional requirements apply:
- 1. Garages must be set back at least 20 feet behind the front line of buildings; and
 - 2. In addition to the requirements in Section 7.07.02, blocks must generally be in a grid pattern with interconnecting streets and alleys.
- F. R-2 and R-3 Additional Requirements.**
- 1. **SFA Dwelling Units.** Single-family attached duplex, triplex, and quadruplex units must not exceed 35% of the total number of dwelling units in a development.
 - 2. **SFA Lot Location.** Single-family attached duplex, triplex, and quadruplex dwelling units must be located to minimize their impact on adjacent single-family detached dwelling unit developments.
- G. Lot Access.** In addition to Section 7.07.01, access to individual single-family attached units may be provided by an alley or private driveway.

2.02.05.02 Single Family Residential - R-4 (Legacy District)

Purpose. The purpose of the Single-Family Residential (R-4) Zoning District is to retain existing areas established to provide for moderate to medium density single family detached residences on lots of 10,000 square feet or more in areas served by public water and sewer service and designated in locations consistent with the General Plan.

- A. Applicability.** The R-4 Zoning District permits the continued existence of established R-4 Zoning Districts. Expansion of the R-4 Zoning District is not permitted after the adoption date of this Zoning Ordinance.
- B. Use Regulations.** Refer to Table 3.02.02 for uses allowed in the R-4 Zoning District.
- C. Dimensional Standards.** Refer to Table 2.02.05.02-1 for required dimensional standards.

Table 2.02.05.02-1. R-4 Zoning District Dimensional Standards

Standard	Suburban Design Option Requirements	Traditional Design Option ¹ Requirements	Cluster Requirements	Compact Cluster ² Requirements	
Density Requirements					
1	Residential Density (max.)	1 dwelling unit per 10,000 sf 4.8 dwelling units per acre if ADUs are provided ³			
Lot Requirements					
2	Lot Size (min.)	No min.			
3	Lot Width (min.)	50 ft	40 ft	40 ft	
		SFA duplex, triplex or quadruplex Interior Units: 18 ft End Units: 30 ft	SFA duplex, triplex or quadruplex Interior Units: 18 ft End Units: 30 ft	SFA duplex, triplex or quadruplex Interior Units: 18 ft End Units: 30 ft	SFA duplex, triplex or quadruplex Interior Units: 18 ft End Units: 30 ft
		SFA Townhouse Interior Units: 14 ft End Units: 24 ft	SFA Townhouse Interior Units: 14 ft End Units: 24 ft	SFA Townhouse Interior Units: 14 ft End Units: 24 ft	SFA Townhouse Interior Units: 14 ft End Units: 24 ft
4	Length/Width Ratio	5:1			
Setback Requirements ^{4,5}					
5	Front Yard (min.)	25 ft	25 ft	25 ft	
		SFA duplex, triplex, quadruplex, or townhouse: 15 ft	SFA duplex, triplex, quadruplex, or townhouse: 15 ft	SFA duplex, triplex, quadruplex, or townhouse: 15 ft	SFA duplex, triplex, quadruplex, or townhouse: 15 ft
6	Side Yard (min.)	9 ft	9 ft	9 ft	
		SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft End Units: 8 ft	SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft End Units: 8 ft	SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft End Units: 8 ft	SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft End Units: 8 ft
7	Rear Yard (min.)	25 ft	25 ft	25 ft	
		SFA duplex, triplex, quadruplex, or townhouse: 25 ft	SFA duplex, triplex, quadruplex, or townhouse: 25 ft	SFA duplex, triplex, quadruplex, or townhouse: 25 ft	SFA duplex, triplex, quadruplex, or townhouse: 25 ft
Building Requirements					
8	Lot Coverage (max.)	SFD: 35%			
		SFA duplex, triplex, quadruplex, or townhouse: 50%			
9	Building Height (max.)	40 ft			
TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum SFD = single-family detached SFA = single-family attached					
TABLE NOTES: ¹ Traditional Design Option must also be developed pursuant to Section 2.02.05.02.E. ² Compact Cluster must also be developed pursuant to Section 2.02.05.02.D. ³ ADUs must be provided pursuant to Section 9.01. ⁴ Except where a greater setback is required by Section 7.04.02. ⁵ Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.					

- D. **Compact Cluster Design Option.** When applying the Compact Cluster Option, the following additional requirements apply:
1. Must only be applied to residential uses;
 2. Must consist of at least 10 dwelling units except that cluster developments that are an extension of an existing or approved compact cluster development may contain fewer dwelling units;
 3. The compact cluster lots and open space must be designed to relate to surrounding properties; and
 4. All land not included within lots or required for public or private streets must be maintained as common open space meeting the requirements of Section 7.02 and as follows. If Sections 7.02 and 2.02.05.02.D.4. conflict, Section 2.02.05.02.D.4. applies.
 - a. Common open space must generally be designed to constitute a contiguous and cohesive unit of land, which may be used for active or passive recreation by residents and must be reasonably accessible to all permitted uses and all residential units within the development. Open space intended for a recreation or public use must be accessible to pedestrians.
 - b. Individual lots, buildings, streets, and parking areas must be designed and situated to maximize open space, minimize alteration of natural site features, and reduce the construction of roads and other impervious surfaces.
 - c. Open space must include and retain, to the extent feasible, natural features located on the tract such as, stream beds, significant stands of trees, and individual trees of a significant size.
 - d. All common open space must be permanently reserved, managed, and maintained as open space by a means acceptable to the Board of Supervisors.
 1. Open space or common areas within cluster residential developments may be offered for dedication to the public at the time of application. The Board of Supervisors or other appropriate public body acceptable to the Board of Supervisors may accept such dedication upon a finding that the size, location, type of development or cost of development or maintenance of such open space or common area or the availability of public open space would make public use desirable or necessary.
 2. Common open space not dedicated to public use must be protected by legal arrangements satisfactory to the Board of Supervisors sufficient to assure its maintenance and preservation for its intended purpose. Covenants or other legal arrangements must specify ownership of the common open space; method of maintenance; responsibility for maintenance, taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Board of Supervisors; and any other specifications deemed necessary by the Board of Supervisors.
 - e. Major floodplain is not permitted to be included in calculating the amount of common open space.
- E. **Traditional Design Option.** When applying the Traditional Design Option, the following additional requirements apply:
1. Garages must be set back at least 20 feet behind the front line of buildings; and
 2. In addition to the requirements in Section 7.07.02, blocks must generally be in a grid pattern with interconnecting streets and alleys.
- F. **R-4 Additional Requirements.**
1. **SFA Dwelling Units.** Single-family attached duplex, triplex, quadruplex, and townhouse dwelling units must not exceed 35% of the total number of dwelling units in a development.
 2. **SFA Lot Location.** Single-family attached duplex, triplex, quadruplex, and townhouse dwelling units must be located to minimize their impact on adjacent single-family detached dwelling unit developments.

- G. **Lot Access.** In addition to Section 7.07.01, access to individual single-family attached units may be provided by an alley or private driveway.

2.02.05.03 Single Family Residential - R-8 (Legacy District)

Purpose. The purpose of the R-8 Single Family Residential Zoning District is to retain existing areas established to provide for manufactured housing, single-family detached, duplex, townhouse, and single-family attached dwelling units, as well as limited multifamily dwelling units when Affordable Dwelling Units are provided, at gross residential parcel densities not to exceed 8 dwelling units per acre in areas served by public water and sewer service and designated primarily for infill development or in other locations consistent with the General Plan.

- A. **Applicability.** The R-8 Zoning District permits the continued existence of established R-8 Zoning Districts. Expansion of the R-8 Zoning District is not permitted after the adoption date of this Zoning Ordinance.
- B. **Use Regulations.** Refer to Table 3.02.02 for uses allowed in the R-8 Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.02.05.03-1 for required dimensional standards.

Table 2.02.05.03-1. R-8 Zoning District Dimensional Standards			
	Standard	Suburban Design Option Requirements	Traditional Design Option Requirements
Density Requirements			
1	Residential Density (max.)	8 dwelling units per acre 9.6 dwelling units per acre if ADUs are provided ¹	
Lot Requirements			
2	Lot Size (min.)	No min.	
3	Lot Width (min.)	40 ft	40 ft
		SFA duplex, triplex or quadruplex Interior Units: 14 ft End Units: 24 ft	SFA duplex, triplex or quadruplex Interior Units: 14 ft End Units: 24 ft
		SFA Townhouse Interior Units: 14 ft End Units: 22 ft	SFA Townhouse Interior Units: 14 ft End Units: 22 ft
		MFS and MFA: 60 ft	MFS and MFA: 60 ft
4	Length/Width Ratio	6:1	5:1
Setback Requirements ^{2,4}			
5	Front Yard (min.)	SFD: 15 ft	SFD: 15 ft
		SFA duplex, triplex, quadruplex, or townhouse: 15 ft	SFA duplex, triplex, quadruplex, or townhouse: 15 ft
		MFS and MFA: 20 ft	MF: 20 ft
6	Side Yard (min.)	SFD: 8 ft	SFD: 8 ft
		SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft End Units: 8 ft	SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft End Units: 8 ft
		MFS and MFA: 10 ft	MFS and MFA: 10 ft
		MFS and MFA Corner Lot: 20 ft	MFS and MFA Corner Lot: 20 ft
7	Rear Yard (min.)	SFD: 25 ft	SFD: 25 ft
		SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft End Units: 25 ft	SFA duplex, triplex, quadruplex, or townhouse: Interior Units: 0 ft End Units: 25 ft
		MFS and MFA: 25 ft	MFS and MFA: 25 ft

Building Requirements

8	Lot Coverage (max.)	SFD: 50%
		SFA duplex, triplex, quadruplex, and townhouse: 75%
		MFS and MFA: 60%
9	Building Height (max.)	40 ft
		SFA duplex, triplex, quadruplex, and townhouse: 45 ft
		MFS and MFA: 45 ft
		Up to 55 ft if the structure is set back from streets or lot lines 1 ft for each 1 ft. that exceeds 45 ft in addition to each required minimum yard

TABLE KEY:

ft = feet
sf = square feet
min. = minimum
max. = maximum
SFD = single-family detached
SFA = single-family attached
MFS = multifamily stacked
MFA = Multifamily Attached

TABLE NOTES:

¹Traditional Design Option must also be developed pursuant to 2.02.05.03.D.
²ADUs must be provided pursuant to Section 9.01.
³Except where a greater setback is required by Section 7.04.02.
⁴Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.

D. Traditional Design Option. When applying the Traditional Design Option, the following additional requirements apply:

1. Garages must be set back at least 20 feet behind the front line of buildings; and
2. In addition to the requirements in 7.07.02, blocks must generally be in a grid pattern with interconnecting streets and alleys.

E. R-8 Additional Requirements.

1. **Multifamily Dwelling Units.** Multifamily dwelling units must not exceed 50% of the total number of dwelling units in a development.
2. **Multifamily Lot Location.** Multifamily dwelling units must be located to minimize their impact on adjacent single-family detached dwelling unit developments.
3. **Multifamily Parking Screening.** In addition to the requirements of Section 7.04, off street parking areas for multifamily dwelling units is not permitted in areas between buildings and roads, unless such parking areas are screened with a berm and landscaping so that the parking areas are not visible from the road.

2.02.05.04 Townhouse/Multifamily Residential – R-16 (Legacy District)

Purpose. The purpose of the R-16 Townhouse/Multifamily Zoning District is to retain existing areas established to provide for manufactured housing, townhouse, and multifamily dwelling units at gross residential parcel densities not to exceed 16 dwelling units per acre in areas served by public water and sewer service and designated primarily for infill development or in other locations consistent with the General Plan.

- A. Applicability.** The R-16 Zoning District permits the continued existence of established R-16 Zoning Districts. Expansion of the R-16 Zoning District is not permitted after the adoption date of this Zoning Ordinance.
- B. Use Regulations.** Refer to Table 3.02.02 for uses allowed in the R-16 Zoning District.
- C. Dimensional Standards.** Refer to Table 2.02.05.04-1 for required dimensional standards.

Table 2.02.05.04-1. R-16 Zoning District Dimensional Standards

Standard		Requirements
Density Requirements		
1	Residential Density (max.)	16 dwelling units per acre 19.2 dwelling units per acre if ADUs are provided ¹
Lot Requirements		
2	Lot Size (min.)	SFD manufactured housing: 5,000 sf SFA duplex, triplex, quadruplex, or townhouse: No min. MFS and MFA: No min.
3	Lot Width (min.)	SFD manufactured housing: 50 ft SFA duplex: 35 ft SFA triplex Interior Units: 18 ft End Units: 30 ft SFA quadruplex Interior Units: 14 ft End Units: 28 ft SFA Townhouse Interior Units: 14 ft End Units: 22 ft MFS and MFA: 60 ft
4	Length/Width Ratio	7:1
Setback Requirements^{2,3}		
5	Front Yard (min.)	SFD manufactured housing: 25 ft SFA: 15 ft MF: 25 ft
6	Side Yard (min.)	SFD manufactured housing: 8 ft. if 2 side yards are provided 16 ft. if 1 side yard is provided ⁴ SFA Interior Units: 0 ft End Units: 8 ft MFS and MFA: 10 ft MFS and MFA Corner Lot: 25 ft
7	Rear Yard (min.)	SFD manufactured housing: 25 ft SFA Interior Units: 0 ft End Units: 15 ft MFS and MFA: 25 ft
Building Requirements		
8	Lot Coverage (max.)	SFD: 60% SFA: 75% MFS and MFA: 60%
9	Building Height (max.)	SFD manufactured housing: 40 ft SFA duplex, triplex, quadruplex, or townhouse: 45 ft MFS and MFA: 45 ft Up to 55 ft if the structure is set back from streets or lot lines 1 ft for each 1 ft that exceeds 45 ft in addition to each required minimum yard

TABLE KEY:

ft = feet
sf = square feet
min. = minimum
max. = maximum
SFD = single-family detached
SFA = single-family attached
MFS = multifamily stacked
MFA = multifamily attached

TABLE NOTES:

¹ADUs must be provided pursuant to Section 9.01.
²Except where a greater setback is required by Section 7.04.02.
³Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.
⁴The distance between dwellings is not permitted to be less than 16 ft.

- D. **R-16 Additional Requirements. Multifamily Parking Screening.** In addition to the requirements of Section 7.04, off street parking areas for multifamily dwelling units is not permitted in areas between buildings and roads, unless such parking areas are screened with a berm and landscaping so that the parking areas are not visible from the road.

2.02.05.05 Multifamily Residential - R-24 (Legacy District)

Purpose. The purpose of the R-24 Multifamily Residential Zoning District is to retain existing areas established to provide primarily for multifamily dwelling units at gross residential parcel densities not to exceed 24 dwelling units per acre in areas served by public water and sewer service, with access to collector or arterial roads not dependent upon roads within planned or developed low density (R-1 or lower) residential neighborhoods, and designated primarily for infill development or in other locations consistent with the General Plan.

- A. **Applicability.** The R-24 Zoning District permits the continued existence of established R-24 Zoning Districts. Expansion of the R-24 Zoning District is not permitted after the adoption date of this Zoning Ordinance.
B. **Use Regulations.** Refer to Table 3.02.02 for uses allowed in the R-24 Zoning District.
C. **Dimensional Standards.** Refer to Table 2.02.05.05-1 for required dimensional standards.

Table 2.02.05.05-1. R-24 Zoning District Dimensional Standards

Standard		Requirements
Density Requirements		
1	Residential Density (max.)	24 dwelling units per acre; 28.8 dwelling units per acre if ADUs are provided ¹
Lot Requirements		
2	Lot Size (min.)	No min.
3	Lot Width (min.)	60 ft

4	Length/Width Ratio	6:1
Setback Requirements^{2,3}		
5	Front Yard (min.)	25 ft
6	Side Yard (min.)	10 ft Corner Lot: 25 ft
7	Rear Yard (min.)	25 ft
Building Requirements		
8	Lot Coverage (max.)	70%
9	Building Height (max.)	45 ft Up to 60 ft if the structure is set back from streets or lot lines 1 ft for each 1 ft that exceeds 45 ft in addition to each required minimum yard
TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum TABLE NOTES: ¹ ADUs must be provided pursuant to Section 9.01. ² Except where a greater setback is required by Section 7.04.02. ³ Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.		

D. R-24 Additional Requirements. Multifamily Parking Screening. In addition to the requirements of Section 7.04, off street parking areas for multifamily dwelling units is not permitted in areas between buildings and roads, unless such parking areas are screened with a berm and landscaping so that the parking areas are not visible from the road.

2.02.05.06 Planned Development - Housing (Legacy District)

Purpose. The Planned Development-Housing (PD-H) Zoning District is to retain existing areas established to:

- Provide for a variety of single and multifamily housing types in neighborhood settings plus supporting nonresidential uses in a planned environment fostering a strong sense of community;
- Implement PD-H3 Zoning Districts that are a minimum of 50 acres and PD-H4 and PD-H6 Zoning Districts that are a minimum of 25 acres; and
- Meet the general housing demand in the County while considering the existing and potential housing supply under approved development plans, the general pattern and organization of residential communities, and the relationship to existing and planned employment opportunities, supporting businesses, and other services.

- A. **Applicability, Size, and Location.** The PD-H Zoning District permits the continued existence of established PD-H Zoning Districts. Expansion of the PD-H Zoning District is not permitted after the adoption date of this Zoning Ordinance.
- B. **Zoning Regulations Generally.** It is the intent of these regulations that there be 3 PD-H Zoning District options PD-H3, PD-H4, and PD-H6 to be distinguished on the basis of the maximum net residential density of the proposed Zoning District. PD-H Zoning Districts must be developed according to the regulations of the following Zoning Districts: R-3, R-4, R-8, R-16, and R-24 in Section 2.02.05 of this Zoning Ordinance, identified for individual land bays within the development at the time of preliminary subdivision official acceptance with the following:
1. **Maximum Net Residential Density.** The maximum net residential density approved for a PD-H Zoning District must be consistent with the General Plan and the design criteria defined therein for various types of communities and as follows. Increases in density above the maximums noted may be granted pursuant to Section 9.01.
 - a. PD-H3: 3 dwelling units per acre.
 - b. PD-H4: 4 dwelling units per acre.
 - c. PD-H6: 6 dwelling units per acre.
 2. **Uses.** Single-family detached, single-family attached, duplex, triplex, quadruplex, townhouse, and multifamily uses are allowed in each of the PD-H Zoning Districts.
 - a. The Permitted and Special Exception uses of the PD-H Zoning District are those of the R Zoning District identified on the Concept Development Plan (CDP) for the development, except that the following uses will be permitted by-right provided that the number, size and locations of these uses are identified on the CDP:
 1. Religious Assembly, pursuant to Section 4.05.04;
 2. Public school (elementary, middle or high), pursuant to Section 4.05.18;
 3. Community parks (not public);
 4. Libraries;
 5. Community Centers;
 6. Public safety; and
 7. Child day center, pursuant to Section 4.04.08; and
 - b. Retail and service uses, offices, and industrial parks may be permitted, subject to Section 2.02.05.06.D. through G. In all cases, the regulations for PD-H developments in this Section and Section 10.10.01 of this Zoning Ordinance will apply.
 3. **Development Requirements (including lot, building, utility, open space buffer, setback, and access requirements).**
 - a. The approved CDP for a PD-H Zoning District must designate which individual land bays of the proposed district must be developed for residential uses pursuant to Low Density (R-1, R-2, and R-3), Medium Density (R-4 and R-8), or High Density (R-16 and R-24) Zoning District regulations, the maximum size of the land bay and number of units per land bay to be developed. Residential uses in the PD-H Zoning Districts must follow those requirements set forth in the R-1, R-2, R-3, R-4, R-8, R-16, or R-24 Zoning Districts respectively as designated on the preliminary subdivision plan.
 - b. The approved CDP for a PD-H Zoning District must designate which individual land bays of the proposed Zoning District will be developed for office, commercial and industrial uses, the maximum size of the land bay and floor area per land bay, to be developed. Office, commercial and industrial uses must follow those requirements set forth in the CC, OP, or IP Zoning Districts respectively as designated on the preliminary subdivision plan.

- c. Requirements of these Zoning Districts may be modified in connection with a PD-H rezoning, or as a separate application thereafter, provided that the proposal meets the criteria of Section 10.10.04.C.
- 4. **Floor Area Ratio.** Not applicable to residential uses; maximum 0.40 FAR for any retail or service use, offices, or industrial parks.
- 5. **Planning and Design Guidelines.** The Board, by resolution after a public hearing on such guidelines, may adopt and utilize separate planning and design guidelines to supplement the Zoning Ordinance in the review of applicant proposals for PD-H Zoning Districts.
- C. **Retail and Service Uses.** These uses are intended to serve primarily the convenience needs of the PD-H Zoning District. Total land area devoted to such uses, including uses allowed under 2.02.05.06.E. and F., must not exceed 3% of the total land area of the PD-H Zoning District.
- D. **Commercial Centers.** These uses are permissible as provided in Section 2.02.04 (Neighborhood Centers and Community Centers) and as follows:
 - 1. First floor location uses are restricted to commercial, personal service, and finance establishments;
 - 2. The commercial center must be in a location that provides convenient access to major or minor collector streets without creating through traffic in residential neighborhoods, causing traffic hazards or congestion, or impeding free traffic flow;
 - 3. Layout of building, parking, service areas, access, berms, landscaping, yards, courts, walls, signs, lighting, and control of noise must protect the residential character of the PD-H Zoning District and any other residential Zoning Districts in the vicinity;
 - 4. The maximum Floor Area Ratio for such uses must not exceed 0.40;
 - 5. Non-vehicular open space in an amount equal to at least 30% of the net area of the site exclusive of adjoining streets must be provided. Such space must be landscaped and located to provide buffering and convenient pedestrian circulation;
 - 6. Where appropriate accessways may be so located as to serve other uses in the Zoning District subject to the limitations of Section 2.02.05.06.E.2; and
 - 7. Dwelling units may be permitted on levels above street level at densities not to exceed 1 dwelling unit per 2,000 square feet of gross floor area devoted to commercial purposes.
- E. **Convenience Establishments.**
 - 1. **Uses permitted.** For purposes of these regulations, convenience establishments are defined as small establishments designed and intended to serve the daily or frequent trade or service needs of the immediately surrounding population.
 - a. Such convenience establishments, as permitted in PD-H Zoning Districts, include: groceries, variety stores, pharmacies pursuant to Section 4.04.12, coin-operated laundry and dry cleaning agencies, tailoring and dressmaking shops, beauty shops, barber shops, professional offices, carry-out restaurants, and similar small scale uses.
 - b. Specifically excluded are automobile service stations, repair garages, drive-in eating and drinking establishments.
 - 2. **Location grouping.** Convenience establishments must be located only in portions of PD-H Zoning Districts:
 - a. Not served by similar facilities within walking distance;
 - b. Near dwelling unit densities of at least 6 dwelling units per acre, as to provide substantial walk-in trade; and
 - c. Where more than 1 convenience establishment of this nature is proposed, they must be grouped, arranged, and designed for maximum pedestrian convenience. Vehicular access and parking areas must be combined where such combination will result in improvement in public convenience and vehicular circulation.

3. **Control of potential adverse effects.** Convenience establishments must not have substantial adverse effects on residential uses within the Zoning District or adjoining residential Zoning District by reason of their location, design, construction, manner or timing of operation, signs, lighting, parking, or access arrangements. Landscaping and open space must be utilized to protect the residential character of the PD-H and surrounding Zoning District.
 4. **Maximum size of establishments.** No individual convenience establishment established under the provisions of this section is permitted to have a gross floor area in excess of 5,000 square feet, and no combination of such establishments in any 1 location is permitted to have a total gross floor area of more than 10,000 square feet.
 5. **Lot Area, Width, and Coverage.** No minimum lot area or width requirements are set for convenience establishments, but lot coverage by all buildings must not exceed 30% of the net area of the lot or building site.
 6. **Yards: Building Spacing.** Yards must have the same or greater depth as required for adjoining uses. Where space is left between buildings on the lot or building site, it must be at least 25 feet in width.
 7. **Open Space.** Notwithstanding Section 7.02, non-vehicular open space in an amount equal to at least 15% of the net area of the site, exclusive of adjoining streets, must be provided. Such space must be landscaped or otherwise appropriately improved for general amenity to provide convenient pedestrian circulation, play areas for children, passive recreation areas and the like.
 8. **Off-street parking and multiple use of access.** Off-street parking spaces must comprise two-thirds of that required for the PD-CC. Where appropriate to the general design of the Zoning District and timing of operations of the uses involved, accessways may be so located as to serve other uses in the Zoning District if such multiple use will not lead to congestion or hazards to pedestrian or vehicular traffic.
- F. **OP and IP Uses.** Location of these uses within a PD-H Zoning District must be consistent with the General Plan. These uses must comply with the following additional regulations and requirements:
1. Total land area devoted to such uses must not exceed 15% of the total land area of the planned development, and no single area devoted to such uses is permitted to have less than 10 acres. Modification of this section may be permitted pursuant to Section 10.10.04.C.;
 2. Total office floor space must not exceed 200 square feet per allowed dwelling unit. Total industrial floor space must not exceed 200 square feet per allowed dwelling unit. Modification of this section may be permitted pursuant to Section 10.10.04.C.;
 3. Accessory retail and service uses may be provided within office and industrial buildings in an amount not to exceed 5% of total office or industrial floor space;
 4. Permitted and Special Exception uses are governed by OP and IP uses in Table 3.02.05;
 5. Minimum area requirements for individual lots and minimum yard requirements are governed by the provisions of Sections 2.06.01 or 2.06.02; and
 6. Minimum open space is governed by Section 7.02.
- G. **Site Planning - External Relationships.** Site planning within the PD-H Zoning District must provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development. In particular and without limitation, the proposed development must demonstrate the following features:
1. Planned shopping centers and convenience establishments adjacent to single-family or agricultural residential Zoning Districts or land bays allowing residential uses must provide a permanent open space buffer at least 75 feet in width with a Buffer Yard Type B. Other nonresidential uses in such perimeter areas must provide the yards required by Table 2.06.01-1 or Table 2.06.02-1; and

2. **Height limitations at edges of PD-H Zoning Districts.** Except along boundaries where adjoining Zoning Districts permit greater heights within similar areas, height limitations are limited to an imaginary plane leaning inward from Zoning District boundaries at an angle representing an increase in height of 1 foot for every 1 foot of horizontal distance perpendicular to the Zoning District boundary. No portion of any building in such Zoning District is permitted to project through said imaginary plane.
- H. **Site Planning - Internal Relationships.** The PD-H Zoning District must provide the following:
 1. **Maximum Height Restrictions.** The height restrictions of the applicable Zoning District applies; and
 2. Streets, drives, parking, and service areas must provide immediate, safe, and convenient access and circulation for dwelling units and project facilities and for service and emergency vehicles including fire-fighting equipment, furniture moving vans, fuel trucks, garbage collection, deliveries, and snow removal. Streets must not be laid out to encourage outside or through traffic to traverse the development on minor streets; and
 3. **Vehicular access to public streets from off-street parking and service areas.** Vehicular access from off street parking and service areas must be provided as follows:
 - a. Serving less than 80 dwelling units may be directly to the street via a single point of access;
 - b. Serving 80 or more dwelling units must provide 2 or more points of access; and
 - c. Determination of number of the actual dwelling units served is based on normal routing of traffic anticipated in the development; and
 4. Vehicular access from off-street parking and service areas must be designed to minimize the number of curb cuts and to promote safe traffic flow.
 5. **Ways for pedestrians and cyclists; use by emergency or service vehicles.** Ways must be provided to all dwelling units, project facilities, and principal off-site destinations and meet the following requirements:
 - a. Accessways to be used by children as routes to school or other destinations must be located and safeguarded to minimize contacts with automotive traffic;
 - b. Street crossings must be held to a minimum on such walkways; and
 - c. Pedestrian ways may be combined with other easements and used only by emergency or service vehicles; and
 6. Planned shopping centers and convenience establishments adjacent to single-family residential and agricultural-residential Zoning Districts must provide a permanent open space buffer at least 75 feet in width with a Buffer Yard Type B. Other nonresidential uses in such perimeter areas must provide the yards required by Table 2.06.01-1 or Table 2.06.02-1.
- I. **Open Space.** Notwithstanding Section 7.02, land comprising major floodplain, steep slopes, active recreation open space, common open space, and dedicated open space will be counted toward satisfying this minimum open space requirement. The general location and character of the required open space must be depicted on the CDP.

2.02.05.07 Planned Development - Commercial Center (Regional Center) - PD-CC(RC) (Legacy District)

Purpose. The purpose of the Planned Development-Commercial Center (Regional Center) (PD-CC(RC)) Zoning District is to retain existing areas established to:

- Permit the development of large-scale commercial centers that are greater than 60 acres and provide a wide range of retail, office, and service uses, with one or more anchor stores, to the regional market, are located with controlled access to arterial roads, and provide carefully planned transportation facilities, public services, and site design to ensure regional centers promote and reinforce the identity of the community and commercial facilities in the surrounding area; and

- *Ensure PD-CC(RC) Zoning Districts are provided with carefully organized buildings, service areas, parking areas, and landscaped open space; with design features that reduce traffic; and with design, landscaping, and buffers that protect property values in surrounding neighborhoods.*
- A. **Applicability.** The PD-CC(RC) Zoning District permits the continued existence of established PD-CC(RC) Zoning Districts. Expansion of the PD-CC(RC) Zoning District is not permitted after the adoption date of this Zoning Ordinance.
- B. **Use Regulations.** Refer to Table 3.02.02 for uses allowed in the PD-CC(RC) Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.02.05.07-1.

Table 2.02.05.07-1. PD-CC(RC) Zoning District Dimensional Standards	
Standard	PD-CC(RC)
Density Requirements	
1 FAR (max.)	0.4 0.6 if parking structure provided 2.0 on individual lots
Lot Requirements	
2 Lot Size (min.)	No min.
3 Lot Width (min.)	No min.
Setback Requirements^{4,5}	
4 Setback Adjacent to Roads (min.) ⁴	50 ft
5 Setback Adjacent to Agricultural and Residential Zoning Districts, Land Bays Allowing Residential Uses, or Existing Residential Uses (min.) ⁵	100 ft
6 Setback Adjacent to Other Nonresidential Zoning Districts (min.)	35 ft
7 Setback Adjacent PD-CC or CC Zoning Districts (min.)	0 ft
Building Requirements	
8 Lot Coverage (max.)	No max.
9 Building Height (max.)	45 ft 100 ft if required yard is increased 1 ft for every 1 ft in height exceeding 45 ft
TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum TABLE NOTES: ⁴ Provided the PD-CC(RC) Zoning District is developed in accordance with a proffered Concept Development Plan which limits the maximum overall FAR of the center to no more than the FAR permitted in the Zoning District. ⁵ Setback requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C. ⁶ Except where a greater setback is required by Section 7.04.02. ⁷ No areas for parking, outdoor storage, refuse collection, and loading are permitted in areas between buildings and roads where such uses are visible from any road. ⁸ No areas for parking, outdoor storage, refuse collection, or loading is permitted in areas between buildings and agricultural or residential Zoning Districts or existing or planned residential uses where such uses are visible from said Zoning Districts or uses.	

- D. **Road Access.** Access to the PD-CC(RC) Zoning District must be provided pursuant to Section 7.07.01. and as follows:
 1. Notwithstanding Section 7.07.01.D., each commercial center must provide convenient and coordinated primary vehicular access only through controlled access onto arterial roads; and

2. Each commercial center must provide a vehicular circulation plan that minimizes direct vehicular access to parking stalls from major drive aisles and provides other on and off-site improvements to enhance pedestrian and vehicular circulation.
- E. **Pedestrian Circulation Plan.** Each commercial center must provide a pedestrian circulation plan identifying improvements that accomplish the following:
 1. Minimizes conflict between pedestrians and moving motor vehicles;
 2. Channelizes pedestrian flows to crossing areas and delineates paths across major cartways, such as striping and signage;
 3. Connects internal pedestrian walkways to existing walkways and/or makes provision for connecting to future site walkways; and
 4. Includes walkways, crosswalks, and traffic control devices that create safe and convenient pedestrian paths from all parking areas to shopping areas.
- F. **Site Planning - External Relationships.** The PD-CC(RC) Zoning District must relate to adjacent development by meeting the following site planning requirements:
 1. Retail and service uses and commercial centers and their parking areas must be oriented as follows:
 - a. Toward existing and planned major arterials, minor arterials, or collector roads; and
 - b. Away from adjacent existing and planned minor roads in residential neighborhoods; or
 - c. Away from existing and planned adjacent residential neighborhoods not separated from the Zoning District by roads; and
 2. At principal vehicular access points, service drives, and turn-out lanes, traffic separation devices and merging lanes may be required based on the anticipated flow of traffic.
 - a. Such service drives or turn-out and merging lanes may be allowed as part of the required yard adjacent to a collector or arterial road.
 - b. Service drives or lanes, and vehicular entrances or exits will not be counted as part of any required landscaped area.
- G. **Site Planning - Internal Relationships.** The PD-CC(RC) Zoning District must relate to internal development by meeting the following site planning requirements:
 1. Buildings must be grouped in relation to parking areas so that after customers arriving by automobile enter the center, establishments can be visited with minimal internal automotive movement;
 2. Facilities and access routes for shopping center deliveries, servicing, and maintenance must be separated from customer access routes and parking areas, as reasonably practicable; and
 3. Areas where deliveries to customers in automobiles are to be made or where services are to be provided for automobiles must be located and arranged to minimize interference with pedestrians.

2.02.05.08 Planned Development - Research and Development Park - PD-RDP (Legacy District)

Purpose. The purpose of the Planned Development-Research and Development Park (PD-RDP) Zoning District is to retain existing areas established to:

- Provide a planned mixed employment park that is a minimum of 20 acres in size, located within the Route 28 Taxing District, and with a comprehensive development plan that is designed to ensure compatibility between the land-use activities therein and the existing activities and character of the community in which the facility is located;
- Provide an opportunity for mixed employment development character, which allows the mixing of research and development firms, office complexes, certain types of manufacturing, and inter-related land uses; and
- Encourage linked industries to cluster in a section of the employment center.

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- A. **Applicability.** The PD-RDP Zoning District permits the continued development of established PD-RDP Zoning Districts. Expansion of the PD-RDP Zoning District is not permitted after the adoption date of this Zoning Ordinance.
- B. **Uses.** Refer to Table [3.02.02](#) for uses allowed in the PD-RDP Zoning District.
- C. **Dimensional Standards.** Refer to Table [2.02.05.08-1](#) for required dimensional standards.

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Table 2.02.05.08-1. PD-RDP Zoning District Dimensional Standards

Standard		Requirement
Density Requirements		
1	FAR (max.)	0.60 2.0 by SPEX
Lot Requirements		
2	Lot Size (min.)	2 acre, exclusive of major floodplain
Setback Requirements^{1,2}		
3	Setback Adjacent to Roads (min.)	Structures and areas for outdoor storage, refuse collection, and loading: 35 ft Parking: 25 ft
4	Setback Adjacent to Agricultural and Residential Zoning Districts, Land Bays Allowing Residential Uses, or Existing Residential Uses (min.) ^{3,4}	Structures and areas for outdoor storage, refuse collection, and loading: 100 ft Parking: 50 ft
5	Setback Adjacent to Other Nonresidential Zoning Districts (min.) ^{5,6}	15 ft
6	Adjacent to PD-RDP Zoning District (min.) ⁶	0 ft
7	Setback Between Buildings on Individual Lots or Building Sites (min.) ⁷	30 ft
8	Setback Between more than 1 Buildings on an Individual Lot or Building Site (min.) ⁷	Driveways, parking, and covered entrances: 5 ft from lot lines 25 ft or greater if required for fire protection
Building Requirements		
9	Lot Coverage (max.)	0.55 45 ft
10	Building Height (max.)	100 ft if the building is set back from streets or from lot lines that do not constitute boundaries of Zoning Districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of 1 ft for each 1 ft of height that it exceeds the 45 ft limit.
<p>TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum SPEX = Special Exception</p> <p>TABLE NOTES: ¹Except when the setback required by Section 7.04.02 is greater. ²Setback requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C. ³No areas for parking, outdoor storage, refuse collection, and loading are permitted between buildings and such agricultural Zoning Districts, existing or planned residential uses or Zoning Districts, or land bays allowing residential uses where such uses are visible from said Zoning Districts, land bays, or uses. ⁴When a PD-RDP lot, parcel, and/or land bay is developed adjacent to an agricultural Zoning District, an existing or zoned residential Zoning District, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to June 16, 1993, and subsequent to zoning of the subject property as PD-RDP, the setback required in reference line 5 applies. ⁵Unless the buffer required by Section 7.04.03 is greater. ⁶In the event that a single parcel is zoned for more than one non-residential Zoning District, the applicable yard requirement will be applied only at the property line and not at the Zoning District line. ⁷Covered walkways connecting structures or connecting structures with parking areas are permitted in yards and may traverse the space when structures are on the same lot or building site.</p>		

- D. **Minimum Floor Space Mix.** At build-out, a minimum of 20% of total floor space in the park must be committed to Research and Development, College or University, or School uses.

2.02.05.09 Planned Development - Special Activity - PD-SA (Legacy District)

Purpose. The Planned Development-Special Activities (PD-SA) Zoning District is to retain existing areas established to:

- Accommodate those uses which by their nature require sizable land area, often operating and designed in a campus like atmosphere by establishing a district that is a minimum of 100 acres in size; and
 - Accommodate those uses which may require functional separation from normal residential, commercial, or industrial development.
- A. **Applicability.** The PD-SA Zoning District permits the continued development of established PD-SA Zoning District. Expansion of the PD-SA Zoning District is not permitted after the adoption date of this Zoning Ordinance.
- B. **Uses.** Refer to Table 3.02.02 for uses allowed in the PD-SA Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.02.05.09-1 for required dimensional standards.

Table 2.02.05.09-1. PD-SA Zoning District Dimensional Standards	
Standard	Requirement
Density Requirements	
1 FAR (max.)	0.40
Lot Requirements	
2 Lot Size (min.)	10 acres, exclusive of major floodplain
Setback Requirements^{1,2}	
3 Setback Adjacent to Roads (min.)	Structures and areas for outdoor storage, refuse collection, and loading: 35 ft Parking: 25 ft
4 Setback Adjacent to Agricultural and Residential Districts, Land Bays Allowing Residential Uses, or Existing Residential Uses (min.) ³	100 ft
5 Setback Adjacent to Other Nonresidential Districts (min.)	35 ft
6 Setback Adjacent to PD-SA District (min.) ⁴	0 ft
7 Setback Between Buildings on Individual Lots or Building Sites (min.) ⁵	25 ft Driveways, parking, and covered entrances: 5 ft from lot lines
8 Setback Between more than 1 Building on an Individual Lot or Building Site (min.) ⁶	25 ft or greater if required for fire protection
Building Requirements	
9 Building Height (max.) ⁶	45 ft
TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum SPEX = Special Exception TABLE NOTES: ¹ Except when the setback required by Section 7.04.02 is greater. ² Setback requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C. ³ No areas for parking, outdoor storage, refuse collection, and loading are permitted between buildings and such agricultural districts, existing or planned residential uses or districts, or land bays allowing residential uses where such uses are visible from said districts, land bays, or uses. ⁴ Unless the buffer required by Section 7.04.03 is greater. ⁵ Covered walkways connecting structures or connecting structures with parking areas are permitted in yards and may traverse the space when structures are on the same lot or building site. ⁶ A SPEX for an increase above 45 feet may be granted provided that the increase must not be detrimental to the existing and planned character of adjacent lands.	

2.02.05.10 Planned Development - Active Adult/Age Restricted - PD-AAAR (Legacy District)

Purpose. *The purpose and intent of the Planned Development-Active Adult/Age Restricted (PD-AAAR) Zoning District is to retain existing areas established to:*

- *Provide for the establishment of planned adult residential communities that provide important housing opportunities for a population 55 years of age or older, in accord with Code of Virginia § 36-96.7, as amended;*
- *Locate in urban and suburban areas of the County where high density residential uses would otherwise be consistent with the General Plan;*
- *Provide a safe and convenient environment, which compliments the surrounding uses and other amenities for the residents of the district; and*
- *Provide adequate open space within the development and have minimum impact on the surrounding land by providing open space adjacent to the exterior boundaries.*

A. Applicability, Size, and Location. The PD-AAAR Zoning District permits the continued existence of established PD-AAAR Zoning Districts.

1. Expansion of the PD-AAAR Zoning District is not permitted after the adoption date of this Zoning Ordinance.
2. Revisions to an approved PD-AAAR Zoning District Concept Development Plan (CDP) to increase the number of approved dwelling units or floor area ratio (FAR) is not permitted after the adoption date of the Zoning Ordinance.

B. Use Regulations. Refer to Table 3.02.02 for uses allowed in the PD-AAAR Zoning District. In addition, the following uses are required in the PD-AAAR Zoning District, subject to the requirements and limitations of these regulations:

1. Active Adult/Age Restricted Community, which must consist of:
 - a. Dwelling units, (multifamily, single-family detached, and single-family attached);
 - b. Clubhouse, solely for the residents, employees, and their guests, including meeting rooms, auditorium, theater, business office, and recreational facilities and other uses related to adult community living;
 - c. General retail uses only for the development, such as grocery/convenience food store, pharmacy, medical services, barber shop, beauty shop, personal care facilities, eating and drinking establishments, library, bank and financial institutions, business services, laundry, cleaners, and other similar retail uses;
 - d. The floor area for retail and community service uses is not permitted to exceed 10% of the gross residential floor area of the buildings;
 - e. Swimming pool;
 - f. Health or fitness center;
 - g. Recreation space, active; and
 - h. Bus stops/shelters with bus service; and
2. No more than 100 acres is permitted to be developed with residential use.

C. Dimensional Standards. Refer to Table 2.02.05.10-1 for required dimensional standards.

Table 2.02.05.10-1. PD-AAAR Zoning District Dimensional Standards

Standard		Requirements
Density Requirements		
1	Residential Density (max.) ¹	30 dwelling units per acre 36 dwelling units per acre if ADUs are provided ²
Lot Requirements		
2	Lot Size (min.)	SFD: 6,000 sf
		SFA duplex: 3,000 sf
		SFA triplex end units or quadruplex: 2,200 sf
		SFA triplex interior units: 1,800 sf
		SFA townhouse: 1,600 sf
3	Lot Width (min.)	MF: 8,000 sf
		SFD: 50 ft
		SFA duplex: 40 ft
		SFA triplex: Interior Units: 18 ft End Units: 30 ft
		SFA quadruplex: 35 ft
		SFA Townhouse: Interior Units: 16 ft End Units: 26 ft
		MF: 80 ft
4	Length/Width Ratio	6:1
Setback Requirements ^{3,4}		
5	Setback Adjacent to agricultural and residential Zoning Districts and land bays allowing residential uses ⁵	Structures and areas for outdoor storage, refuse collection, and loading: 100 ft Parking: 50 ft
6	Front Yard (min.)	SFD: 25 ft
		SFA: 15 ft
7	Side Yard (min.)	SFD: 8 ft. if 2 side yards are provided 16 ft. if 1 side yard if provided ⁶
		SFA: Interior Units/Common Walls: 0 ft End Units: 8 ft
8	Rear Yard (min.)	SFD: 25 ft
		SFA: Interior Units/Common Walls: 0 ft End Units: 15 ft
9	MF Yard (min.)	Along an adjoining residential, commercial, institutional, or industrial Zoning District: 100 ft
		Along an office Zoning District: 50 ft
		Along an internal private road, not including service entrances: 40 ft
		Between buildings: 60 ft
Building Requirements		
10	Lot Coverage (max.)	SFD: 50%
		SFA: 50%
		MF: 30%

11 Building Height (max.)	<p>SFD: 40 ft</p> <p>SFA duplex, triplex, quadruplex, or townhouse: 45 ft</p> <p>Adjacent to nonresidential Zoning Districts: 100 ft</p> <p>Adjacent to all other Zoning Districts: 60 ft</p> <p>Up to 100 ft if the building is set back from streets or lot lines that do not constitute boundaries of Zoning Districts with lower maximum height restrictions 1 ft for each 1 ft that exceeds 60 ft in addition to each required minimum yard.</p>
<p>TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum SFD = single-family detached SFA = single-family attached MF = multifamily</p> <p>TABLE NOTES: ¹Based on the developable area as set out in Section 2.02.05.10.B.2. ²ADUs must be provided pursuant to Section 9.01. ³Except where a greater setback is required by Section 7.04.02. ⁴Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C. ⁵No areas for parking, outdoor storage, refuse collection, and loading are permitted in areas between buildings and such agricultural Zoning Districts, existing or planned residential Zoning Districts, or land bays allowing residential uses where such uses are visible from said agricultural and residential areas. ⁶The distance between dwellings is not permitted to be less than 16 ft.</p>	

- D. **Development Criteria.** 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. 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.
 - 1. Golf course (minimum 18 holes).
 - 2. Chapel.
 - 3. Medical care facility, outpatient only.
 - 4. Recreation space, passive.
- E. **Age of Residents.** The development of an active adult/age restricted community must include homeowners documentation reviewed by the County that specifies the age restricted nature of the proposed use. A development designated for an active adult/age-restricted development community must be in accord with Code of Virginia § 36-96.7, as amended, and must include in the homeowners association documentation policies and procedures which:
 - 1. Ensure that at least 80% of the units are occupied by at least one person 55 years of age or older per unit; and
 - 2. Demonstrate an intent by the owner or manager to providing housing for persons 55 years of age or older.
- F. **Site Planning - External Relationships.** Site planning within the PD-AAAR Zoning District must provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development.
- G. **Site Planning - Internal Relationships.** The PD-AAAR Zoning District must provide the following:
 - 1. Streets, drives, parking, and service areas must provide immediate, safe, and convenient access and circulation for dwelling units and project facilities and for service and emergency vehicles including fire fighting equipment, furniture moving vans, fuel trucks, garbage collection, deliveries, and snow removal;

2. Vehicular access from off-street parking and service areas must be designed to minimize the number of curb cuts and to promote safe traffic flow; and
3. **Ways for pedestrians and cyclists; use by emergency or service vehicles.** Ways must be provided to all dwelling units, project facilities and principal off-site destinations. Street crossings must be held to a minimum on such walkways. Pedestrian ways may be combined with other easements and used only by emergency or service vehicles.

2.02.05.11 Planned Development - Mixed Use Business (PD-MUB) (Legacy District)

Purpose. *The purpose of this of the Planned Development-Mixed Use Business (PD-MUB) Zoning District is to retain existing areas established to:*

- *Provide for mixed use business developments that are a minimum of 25 acres, or 5 acres if the PD-MUB Zoning District is integrated, visually and functionally, within an existing nonresidential development that is under unified control with the PD-MUB Zoning District or subject to a Concept Development Plan (CDP) that was amended to include the PD-MUB Zoning District, and served by 1 or more arterial or major collector roadways;*
- *Encourage a compact pedestrian-oriented mix of uses, such as, but not limited to office, flex-industrial, retail, service, civic, public amenities and/or residential, located in proximity to each other to create an attractive environment in which to live, work, and play;*
- *Include a mix of uses to create a sense of place and that are organized in a manner to unify the overall development;*
- *Building scale and design, block sizes, pedestrian-oriented uses, and pedestrian-friendly streetscapes should emphasize the pedestrian-oriented nature of the Zoning District;*
- *Link the major land uses by pedestrian linkages, trails, and greenways that connect the businesses, residences, and open space;*
- *Preserve environmental features and integrate them into the plan of development to the greatest extent feasible; and*
- *Specific objectives of the PD-MUB Zoning District include:*
 - *Provide the opportunity for a high intensity development and vertical mix of uses that is supportive of and served by an adequate transportation network;*
 - *Provide a design and layout that efficiently utilizes the land, is arranged in a generally rectilinear grid-street pattern, and that provides for multi-modal connections between different land uses within the Zoning District and from development in the Zoning District to nearby development;*
 - *Provide for a mix of supporting commercial retail and service uses to serve the shopping and service needs of Zoning District employees, visitors, and residents;*
 - *Encourage the development of well-configured and well utilized open space, such as plazas, squares, greens, landscaped streets, and parks, that promotes the collective social activity, recreation, and visual attractiveness of the Zoning District to visitors, employees, and residents;*
 - *Ensure high-quality design and construction;*
 - *Promote the assemblage of parcels to form a unified development concept;*
 - *Provide housing choices and opportunities compatible within the Zoning District; and*
 - *Encourage centralized parking facilities with complimentary on-street parking to collectively support principle uses within the Zoning District.*

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- A. **Applicability.** The PD-MUB Zoning District permits the continued existence of established PD-MUB Zoning Districts. Expansion of the PD-MUB Zoning District is not permitted after the adoption date of this Zoning Ordinance.
- B. **Use Regulations.** Refer to Table [3.02.02](#) for uses allowed in the PD-MUB Zoning District.
- C. **Dimensional Standards.** Refer to Table [2.02.05.11-1](#) for required dimensional standards.

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Table 2.02.05.11-1, PD-MUB Zoning District Dimensional Standards

Standard		Requirement
Density Requirements		
1	FAR (max.) ^{1,2}	1.2, except as permitted to increase pursuant to Table 9.01-2
2	Residential Density (min.)	8 dwelling units per acre
3	Residential Density (max.) ^{3,4}	Prior to Establishment of Bus Service: 20 dwelling units per acre If ADUs are provided: Pursuant to Table 9.01-2 After to Establishment of Bus Service: 30 dwelling units per acre If ADUs are provided: Pursuant to Table 9.01-2 If UHNUs are provided: Pursuant to Table 9.02-2
Lot Requirements		
4	Lot Size (min.) ^{5,6}	No min., except SFD: 2,500 sf SFA: 1,600 sf
5	Lot Size (max.) ^{5,6}	No max., except SFD: 5,000 sf
6	Lot Width (min.)	No min.
7	Lot Width (max.)	No max.
8	Lot Depth (min.)	No min.
9	Lot Depth (max.)	No max.
Setback Requirements^{7,8}		
10	Front Yard (max.)	Buildings and Structured Parking: 30 ft May be expanded to 50 ft, if a minimum 300 sf courtyard, plaza, terrace or other common gathering space is provide adjacent to the front property line
11	Front Yard (min.)	No min.
12	Side Yard (min.)	No min., except 15 ft when abutting a lot allowing a single-family dwelling units
13	Rear Yard (min.)	No min., except 15 ft when abutting a lot allowing an single-family dwelling units
14	Setback Adjacent to Agricultural Zoning District	Parking: 50 ft Loading and Refuse Collection Areas: 100 ft
15	Setback Adjacent to Residential Zoning District	Parking: 30 ft Loading and Refuse Collection Areas: 50 ft
Building Requirements		
16	Lot Coverage (max.)	No max.
17	Building Height (max.)	100 ft

TABLE KEY:

ft = feet
sf = square feet
min. = minimum
max. = maximum
SFD = single-family detached
SFA = single-family attached
MF = multifamily

TABLE NOTES:

¹Individual lots may exceed the maximum FAR of the Zoning District, provided that the maximum overall FAR of the entire Zoning District as shown on an approved CDP is not exceeded.
²MF Dwelling Units are included in FAR. When calculating FAR, land area for single-family dwelling units is excluded.
³In no event must the maximum density of a PD-MUB Zoning District, including any density bonuses received pursuant to Sections 9.01 or 9.02, exceed 54 dwelling units per acre.
⁴For the purpose of this section, bus service to the Zoning District is established when facilities for the riders of such bus service, whether located internal to buildings, attached to the exterior of buildings or externally located on a property as a bus shelter, have been constructed within 1/4 mile of the boundary of the Zoning District and the scheduled bus service is operational.
⁵Exclusive of major floodplain.
⁶SFA and SFD dwelling units must be provided pursuant to Section 4.02.07.A. and D.
⁷Except where a greater setback for arterial or collector roads is required by Section 7.04.02.
⁸Setback and yard requirements may be modified in accordance with the provisions of Section 10.08 or Section 10.10.04.C.

D. Minimum Use Percentages.

1. A PD-MUB Zoning District must provide the minimum use percentages in Table 2.02.05.11-2 based on the total floor area or land area, as appropriate, of the Zoning District.
2. The total floor area of the Zoning District does not include the floor area of Single-Family Attached Dwellings and Single-Family Detached Dwellings.

Table 2.02.05.11-2. Minimum Use Percentages

Land Use Category	Requirement ^{1,2}
Nonresidential (min.) ³	50% of total floor area must be composed of the minimum percentages provided below: Employment Use ⁴ - Prior to Establishment of Bus Service: 15%; Employment Use ⁴ - After to Establishment of Bus Service: 20%; Commercial ⁵ and Lodging Uses: 5%; and Public/Civic/Institutional ^{6,7} Use subcategory: 2%
Multifamily Residential (min.) ⁸	10% MFA must have the largest percentage of residential floor area
Open Space (min.) ⁹	Prior to Establishment of Bus Service: 10% of land area of the Zoning District After Establishment of Bus Service: 15% of land area of the Zoning District

TABLE KEY:

min. = minimum

max. = maximum

MFA = multifamily attached

TABLE NOTES:

¹Percent of approved floor area approved for the Zoning District, except where noted otherwise.

²Total percentage of nonresidential and multifamily residential; land use categories must equal 100%.

³For the purpose of this section, bus service to the Zoning District is established when facilities for the riders of such bus service, whether located internal to buildings, attached to the exterior of buildings or externally located on a property as a bus shelter, have been constructed within 1/4 mile of the boundary of the Zoning District and scheduled bus service is operational.

⁴Employment Uses include the following Uses as listed in Table 3.02.02: Commercial Uses listed under the following subcategories: Day Care; Financial Services; and Office, Business, and Professional; Public/Civic/Institutional uses listed under the following subcategories: Government (Government (General) only); Education (Conference and Training Facility only); and Medical; Industrial/Production uses listed under the following subcategories: Manufacturing and Employment; and Infrastructure uses listed under the following subcategories: Transportation/Parking (not including Parking Facility); Utilities, Minor; Utilities, Major; Communications Facilities; and Waste-Related.

⁵Commercial Uses include the following uses as listed in Table 3.02.02: Commercial Uses listed under the following subcategories: Animal Services; Food and Beverage Sales/Service; Personal/Business Services; Retail; and Automotive; Public/Civic/Institutional Uses listed under the following subcategories: Assembly (Convention or Exhibition Facility only); Death Care Services; Education (Personal Instructional Services only); Arts, Entertainment, and Recreation (Art Studio, Dinner Theater, Health and Fitness Center, Recreation, Indoor, and Recreation, Outdoor or Major only); Industrial/Production uses listed under the following subcategories: Warehousing, Storage, and Distribution; and Infrastructure uses listed under the Transportation/Parking subcategory (Parking Facility only).

⁶Public/Civic/Institutional Uses include the following uses as listed in Table 3.02.02: Public/Civic/Institutional Uses with the exception of those categorized as Employment or Commercial Uses above and Community Garden.

⁷The floor area devoted to the Public/Civic/Institutional classification may also count towards the minimum floor area required for Employment uses, at the Applicant's request.

⁸MF Attached and MF Stacked dwelling units are included in FAR.

⁹Land area of indoor plazas that are open and accessible to the public may count towards the minimum land area required for Parks and Open Space, at the Applicant's request.

E. Vertical Mix.

1. At least 50% of the buildings within the Zoning District must contain a vertical mix of at least 2 different use classifications.
2. Buildings that are single family dwelling units are excluded from the total number of buildings used in this calculation.

F. Public Plaza. Each PD-MUB Zoning District must provide a minimum of 1 plaza in accordance with Table 2.02.05.11-3 and meet the following requirements:

1. At least 1 side of the public plaza must adjoin a road;
2. The public plaza must include public amenities, such as ponds, fountains, public art, plant beds, benches, drinking fountains, clock pedestals, and the like;

3. Buildings that adjoin the public plaza must be a minimum of 2 stories and must contain a vertical mixture of uses; and
4. Design Guidelines governing the areas surrounding the public plaza are required at the time of rezoning. Such Design Guidelines must include:
 - a. Design criteria to emphasize the prominence of the public plaza as a focal point for the development;
 - b. Design criteria that demonstrate the public plaza's function as public gathering place for both formal and informal events;
 - c. Sidewalks that provide a minimum unobstructed walkway width of 5 feet and accommodate any additional space needed for outdoor dining areas and planting and furniture areas; and
 - d. A Planting and furniture area that is a minimum of 4 feet in width surrounding the perimeter of the public plaza. Such planting and furniture area must be located between the curb and sidewalk when adjacent to a street. The planting and furniture area must provide pedestrian amenities, such as benches, transit shelters, kiosks, lamp posts, public art, and the like.

Table 2.02.05.11-3. PD-MUB Public Plaza Requirements

Size of PD-MUB Zoning District (acres)	Minimum Area of Required Public Plaza
No more than 25 acres	5,000 square feet
Greater than 25 acres but no more than 50 acres	10,000 square feet
Greater than 50 acres but no more than 75 acres	15,000 square feet
Greater than 75 acres but no more than 100 acres	20,000 square feet
Greater than 100 acres	1% of total land area of the PD-MUB Zoning District, excluding major floodplain

- G. **On-Street Parking.** In addition to the parking requirements of Section 7.06, on-street parking may be counted towards meeting the required parking in Section 7.06, provided such parking is located within 400 feet of the subject principal use.
- H. **Building Entrances.** The principal entrance of buildings must be oriented towards the street or adjacent plazas, greens, parks, squares, or pedestrian passageways in a manner to primarily accommodate pedestrians. Other additional entrances or prominent entrances that accommodate drop-off lanes for automobile traffic are also permitted.
- I. **Unmet Housing Needs Units (UHNUs).** PD-MUB Zoning Districts with densities greater than 30 dwelling units per acre must provide UHNUs pursuant to Section 9.02. This requirement will not apply if the maximum proposed density exceeds 30 dwelling units per acre solely due to the application's compliance with Section 9.01.

2.02.05.12 General Business - GB (Legacy District)

Purpose. The purpose of the General Business (GB) Zoning District is to retain existing areas established to provide for general destination business uses which serve the needs of residences and businesses in the vicinity.

- A. **Applicability.** The GB Zoning District permits the continued development of established GB Zoning Districts. Expansion of the GB Zoning District is not permitted after the adoption date of this Zoning Ordinance.
- B. **Uses.** Refer to Table 3.02.02 for uses allowed in the GB Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.02.05.12-1 for required dimensional standards.

Table 2.02.05.12-1: GB Zoning District Dimensional Standards

Standard		Requirements
Density Requirements		
1	FAR (max.)	0.40
Lot Requirements		
2	Lot Size (min.)	20,000 sf. exclusive of major floodplain
3	Lot Width (min.)	100 ft
Setback Requirements^{1,2}		
4	Front Yard (min.)	50 ft
5	Side Yard adjacent to existing or planned residential use (min.)	100 ft
6	Side Yard adjacent to GB Zoning District (min.) ¹	20 ft
7	Rear Yard adjacent to existing or planned residential use (min.)	100 ft
8	Rear Yard (min.)	50 ft
9	Setback Between more than 1 Building on an Individual Lot or Building Site (min.)	25 ft. or greater if required for fire protection
Building Requirements		
10	Lot Coverage (max.)	35%
11	Building Height (max.)	45 ft
TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum FAR = floor area ratio TABLE NOTES: ¹ Except when the setback required by Section 7.04.02 is greater. ² Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C. ³ Unless the buffer required by Section 7.04.03 is greater.		

D. Road Access. In addition to Section 7.07.01, the following applies:

1. Road access is not allowed through residential areas; and
2. Individual lot created after June 16, 1993, are not permitted to have direct access to arterial or major collector roads.

E. Buffering and Screening. In addition to Section 7.04, yards, berms, vegetative screening, fences, or walls must be provided to buffer residential Zoning Districts and public roads from uses allowed in the GB Zoning District. In particular, outdoor storage, off-street parking areas, service areas for loading and unloading and for storage and collection of materials, supplies, refuse and garbage must be screened so that such areas are not visible from the road.

2.02.05.13 Commercial Light Industry - CLI (Legacy District)

Purpose. The purpose of the Commercial Light Industry (CLI) Zoning District is to retain existing areas established to:

- Accommodate a mix of similar and compatible office and industrial uses, and related supportive commercial retail and service uses along the Route 50 corridor;
- Limit traffic and aesthetic impacts on surrounding properties and supporting public facilities and utilities;
- Generate development through the use of creative design that will enhance the character of the surrounding area and contribute to the development of a distinctive gateway along the Route 50 corridor;

- *Allow tourist supportive uses to serve visitors and maximize on opportunities afforded by its proximity to the Air and Space Museum; and*
 - *Achieve a design whereby buildings are located, oriented, and designed to respect the natural landscape, principles of energy conservation, relationships to surrounding properties and buildings, views from major arterials, site access and circulation needs, and the desired overall character of the Zoning District as a principal gateway into Loudoun County.*
- A. **Applicability.** The CLI Zoning District permits the continued development of established CLI Zoning Districts. Expansion of the CLI Zoning District is not permitted after the adoption date of this Zoning Ordinance.
- B. **Uses.** Refer to Table 3.02.02 for uses allowed in the CLI Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.02.05.13-1 for required dimensional standards.

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Table 2.02.05.13-1. CLI Zoning District Dimensional Standards

Standard		Requirement
Density Requirements		
1	FAR (max.)	0.40 0.6 pursuant to Section 2.02.05.13.D.
Lot Requirements		
2	Lot Size (min.)	1 acre Any lot less than 2 acres must have no direct access to route 50, regardless of whether Section 7.07.01.E. is met
3	Lot Width (min.)	200 ft
4	Lot Depth (min.)	200 ft
Setback Requirements^{1,2}		
5	Setback Adjacent to Roads (min.)	Structures: 35 ft Parking: 25 ft
6	Setback Adjacent to Residential Zoning Districts (min.) ³	25 ft
7	Setback Adjacent to Other Nonresidential Zoning Districts (min.) ⁴	Structure: 15 ft Parking and Areas for Outdoor Storage, Refuse Collection, and Loading: 10 ft ⁴
8	Setback Adjacent to CLI Zoning District (min.) ⁴	0 ft
Building Requirements		
9	Lot Coverage (max.)	0.45 0.60 by SPEX
10	Building Height (max.) ⁶	60 ft Up to 100 ft if the building is set back from roads or from lot lines that do not constitute boundaries of Zoning Districts with lower maximum height restrictions an increase of 1 ft in the required yard for each 1 ft increase in height over 60 ft
<p>TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum SPEX = Special Exception</p> <p>TABLE NOTES: ¹Except when the setback required by Section 7.04.02 is greater. ²Setback requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C. ³No buildings or areas for parking, outdoor storage, refuse collection, or loading are permitted in a required yard adjacent to a residential Zoning District. ⁴Unless the buffer required by Section 7.04.03 is greater. ⁵In the event that a single parcel is zoned for more than one non-residential Zoning District, the applicable yard requirement will be applied only at the property line and not at the Zoning District line. The Zoning Administrator may waive the parking yard requirement when necessary to permit shared parking and access arrangements between uses on individual parcels. ⁶Additional height limitations for areas or building sites or lots directly under an airport runway flight path may be imposed in accordance with applicable Federal Aviation Administration regulations.</p>		

D. Adjusted Base Floor Area Ratio (FAR).

1. The base floor area ratio in the CLI Zoning District may be increased on certain parcels, granted singly or cumulatively, by approval of the Zoning Administrator pursuant to Section 10.02.C.1., upon demonstration of 1 or more of the following:
 - a. A density increase of 0.1 FAR above the base floor area ratio will be granted to properties where any portion of such properties is located within 600 feet of the right-of-way of Route 50 if:
 1. Such properties are not located at an existing median break of such road;

2. The owner(s) of such properties permanently relinquish direct access to Route 50; and
3. The owner(s) of such properties form shared access agreements with the owner(s) of adjoining properties that must:
 - a. Enable controlled access to such road for multiple uses;
 - b. Remain in effect in perpetuity or until future public road improvements provide alternative access to the subject parcels that alleviates the need for the original shared access agreement; and
 - c. Be depicted on the Site Plan(s) for the subject parcels and include all infrastructure improvements necessary to enable the safe and efficient access of each parcel as determined by the Department of Transportation and Capital Infrastructure and VDOT.
- b. A density increase of 0.1 FAR above the base floor area ratio will be granted to properties where any portion of such properties are located within 600 feet of the right-of-way of Route 50 if the owner(s) of such properties file a unified plan for development with contiguous parcels of land which, when combined, total at least 20 acres.
 1. Single entity ownership is not required, but a single Owners Association must be formed as evidenced by a Declaration of Covenants that sets forth maintenance, design standards, etc.
 2. For the purposes of this section, a unified plan for development means:
 - a. Development involving multiple parcels that is approved with a single Site Plan application; and
 - b. All parcels subject to the unified plan for development must share no more than one point of access onto Route 50; and
 - c. A density increase of 0.1 FAR above the base floor area ratio will be granted to properties where any portion of such properties are located within 600 feet of the right-of-way of Route 50 if the owner(s) of such properties maintain a:
 1. Parking setback of 150 feet from the right-of-way of Route 50; and
 2. Building setback of 300 feet from the right-of-way of Route 50.
- E. **Additional Regulations in the CLI Zoning District. Transportation Design.** In addition to the requirements of Section 7.07, transportation elements must be designed to:
 1. Identify opportunities and methods for shared access and inter-parcel linkages to the maximum extent feasible.
 2. Avoid primary access and through vehicular traffic impacting residential neighborhoods; and
 3. Not connect minor streets with streets outside the Zoning District in such a way as to encourage the use of such minor streets by substantial amounts of through traffic;
 4. Include left-turn storage and right turn lanes and/or traffic dividers where existing or anticipated heavy flows indicate need;
 5. Encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic at intersections with traffic controls such as traffic lights, stop signs or traffic calming features;
- F. **Off-Street Parking and Loading Facilities.** In addition to the requirements of Section 7.06, the following requirements apply:
 1. All off-street parking spaces must be within 500 feet by safe and convenient pedestrian routes of entrances to the buildings the parking spaces are intended to serve; and
 2. Off-street parking areas must, to the maximum extent feasible, be located to the rear of the buildings.

- G. **Prohibited Uses.** The following manufacturing uses are not permitted:
1. Distillation of coal, wood or bones;
 2. Fertilizer manufacture;
 3. Fireworks;
 4. Garbage incineration other than in municipal plants;
 5. Mixing or batching plants for asphalt, concrete, brick or other paving and construction materials;
 6. Petroleum, alcohol or asphalt refining, mixing or manufacture or storage;
 7. Material recovery facility; and
 8. Any other use similar to the above excepted uses which is likely to be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other causes.
- H. **Compatibility.** Architectural treatment of buildings, to include materials, color, and style, must be compatible with buildings located within the same project.
1. For the purposes of this section, a project is defined as a development that is planned, developed, or managed as a unit.
 2. Compatibility may be achieved through the use of similar building massing, scale, materials, colors, and other architectural features.
- I. **Building Orientation.** The front façade and principal public entrance of all buildings must be oriented toward an adjacent public street.
- J. **Screening of Mechanical Equipment.** In addition to the requirements of Section 7.04.05, mechanical equipment, whether ground level or rooftop, must be designed to be perceived as an integral part of the principal building.
1. For the purposes of this section, mechanical equipment includes, but is not limited to, satellite dishes, exhaust fans, HVAC equipment, and roof access ladders.
 2. In cases where parapets are used to screen rooftop equipment, the maximum height of the parapet must be equal to the top of the highest mechanical unit but is not permitted to exceed the maximum height allowed in the Zoning District by more than 3 feet.

2.03 Transition Zoning Districts

Contents:

- 2.03.01 Transitional Residential – TR-10, TR-3, TR-1
- 2.03.02 Transition Small Lot Neighborhood – TSN
- 2.03.03 Transition Compact Neighborhood – TCN
- 2.03.04 Transition Community Center – TCC
- 2.03.05 Legacy Transition Zoning Districts

2.03.01 Transitional Residential – TR-10, TR-3, TR-1

Purpose. The purpose of the Transitional Residential (TR-10, TR-3, TR-1) Zoning Districts is to:

- Implement the Transition Large Lot Place Type of the General Plan;
- Provide for low density development with the TR-10, TR-3, and TR-1 Zoning Districts that creates a visual and spatial transition between the suburban and rural areas of the County;
- Provide for development in the Transition Policy Area in ways that encourage efficient development patterns and provides a variety of house and lot sizes and configurations;

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- Encourage new development designs that incorporate both suburban and rural features in the TR-3 and TR-1 Zoning Districts;
 - Achieve a balance between the built and natural environment, where development follows land contours and integrates and protects natural, environmental, and heritage resources;
 - Ensure contiguous open space areas sufficient in size and soil quality to accommodate and protect agricultural uses; and
 - Protect drinking water resources in the TR-10 Zoning District by facilitating the following:
 - The protection of a 300-foot buffer proposed along Bull Run; and
 - The protection of a 300-foot buffer along Goose Creek, the Goose Creek Reservoir, and the Beaverdam Reservoir; and
 - Implement requirements that open space be provided in conjunction with the standards of this Zoning Ordinance;
 - The TR-3UBF/LF (Transitional Residential-3 Upper Broad Run and Upper Foley/Lower Foley) and TR-1 Subdistricts establish a minimum of 50% open space to be more compatible with adjacent suburban development; and
 - The TR-10 and TR-3LBR (Transitional Residential-3 Lower Bull Run) Subdistricts establish a minimum of 70% open space to be more compatible with rural development patterns in adjacent jurisdictions and to protect the environment and areas surrounding Bull Run.
- A. **Applicability and Location.** The TR-10, TR-3, and TR-1 Zoning Districts must be located within the boundaries of the Transition Large Lot Neighborhood Place Type as shown on the Transition Policy Area Place Types Map in the General Plan.
- B. **Use Regulations.** Refer to Table 3.02.03 for uses allowed in the TR-10, TR-3, and TR-1 Zoning Districts.
- C. **Dimensional Standards.** Refer to Table 2.03.01-1 for required dimensional standards.

Table 2.03.01-1. TR Zoning District Dimensional Standards

Standard		TR-10	TR-3	TR-1
Density Requirements				
1	Residential Density (max.)	1 dwelling unit per 10 acres 1.2 dwelling units per 10 acres with ADUs ¹	1 dwelling unit per 3 acres 1.2 dwelling units per 3 acres with ADUs ¹	1 dwelling unit per 40,000 sf. 1.2 dwelling units per 40,000 sf. with ADUs ¹
2	Nonresidential FAR (max.)	0.1	0.1	0.1
Lot Requirements				
3	Lot Size (min.)	No min.	No min.	No min.
4	Lots in a Group ²	Min: 5 Max: No max.	Min: 5 Max: 25	Min: 5 Max: 25
Setback Requirements^{3,4,5}				
5	Setback Adjacent to Roads (min.)	Pursuant to Section 7.04.02	Pursuant to Section 7.04.02	Pursuant to Section 7.04.02
6	Front Yard (min.)	20 ft	12 ft	10 ft
7	Side Yard (min.)	7 ft	7 ft	5 ft
8	Rear Yard (min.)	25 ft	25 ft	25 ft
Building Requirements				
9	Lot Coverage (max.)	No max.	No max.	No max.
10	Building Height (max.)	40 ft	40 ft	40 ft
TABLE KEY: ft = feet sf = square feet				

Table 2.03.01-1. TR Zoning District Dimensional Standards

Standard	TR-10	TR-3	TR-1
min. = minimum max. = maximum TABLE NOTES: ¹ADUs must be provided pursuant to Section 9.01. ²Lots of less than 5 acres must be grouped in accordance with Section 2.03.01.E. ³Except when the Perimeter Setback required by Section 7.01.07.B. is greater. ⁴Except when the Road Corridor Setback required by Section 7.04.02 is greater. ⁵Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.			

D. Mix of Uses. The land use mix must be provided within the percentages provided in Table 2.03.01-2.

Table 2.03.01-2. Permitted Mix of Uses

Land Use Category	Permitted Mix of Uses Percentage¹,²
Residential	85% min. 95% max.
Nonresidential	0% min. 10% max.
Public/Civic/Institutional³	5% or more
TABLE KEY: min. = minimum max. = maximum TABLE NOTES: ¹Percent of net land area after subtracting open space provided pursuant to Section 7.02. ²Total percentage of land use categories must equal 100%. ³May be provided as Community Open Space. Land area provided as Community Open Space is based on the net land area after subtracting open space and must be in addition to the land provided to meet the Open Space requirement in Section 7.02.	

E. Lot Standards. In addition to the requirements of Table 2.03.01-1 and Section 7.01.03, all lots must meet the following requirements:

- Lot Yield.** The total number of lots on a site must not exceed the number permitted to accommodate the maximum residential density established by Table 2.03.01-1, regardless of whether the lot is used for a residential or nonresidential use; and
- Number of Lots in a Group.** Lots must be provided in groups as follows:
 - Lots less than 5 acres in size must be in a contiguous group with adjacent and fronting lots oriented toward each other, as on a road, park, green, or paved square; and
 - Pursuant to Table 2.03.01-1, except that a contiguous group may consist of fewer than 5 lots if:
 - There will be fewer than 5 lots on the entire site that is less than 5 acres in size; or
 - A group of fewer than 5 lots will result in greater amounts of contiguous open space or result in less degradation of natural, environmental, and heritage resources than residential group(s) of 5 lots or more.
- Number of Groups.** A single group must contain all the lots on a site that are less than 5 acres, where the total number of such lots is 25 or fewer, except that multiple groups may be allowed where:
 - Multiple groups will result in greater amounts of contiguous open space or result in less degradation of natural, environmental, or heritage resources; and
 - None of the groups contain fewer than 5 lots, unless allowed as provided in Section 2.03.01.E.

- F. **Siting of the Open Space and Building Lots.** In addition to the requirements of Section 7.02, open space and building lots must be sited as follows. When the requirements of Section 7.02 conflict or differ, 2.03.01.F. applies.
1. In accordance with Section 7.01.07.B. Perimeter Setback.
 2. Building lots must be located on the portion of the site that is outside the open space.
 3. **Exception.** When subdivision or development of a parcel creates 4 or fewer lots and the size of the parcel and permitted dwelling unit density only allows the creation of 4 or fewer lots, the open space required by Table 2.03.01-1 may be provided on lots in the subdivision provided the open space is protected by an easement acceptable to the Board of Supervisors.
- G. **Recognizing Protection by Right to Farm Act.** In the TR-10, TR-3, and TR-1 Zoning Districts, record plats and deeds authorized pursuant to this section must include a statement that agricultural operations enjoy the protection of the Right to Farm Act (Code of Virginia §§ 3.2-300, et seq.).
- H. **Exemptions.** The development of a lot existing on January 7, 2003, is exempted from the standards and requirements of Table 2.03.01-1 and Sections 2.03.01.C. through 2.03.01.F. The development of such lot will be subject to the development standards of Table 2.03.01-3.

Table 2.03.01-3, TR-10, TR-3, TR-1 Requirements for Existing Lots ^a	
Standard	Requirement
Yards (min.) ^{b, c}	25 ft from any property line or 35 ft from any other road right-of-way, private road, and any prescriptive easement.
FAR (max.)	0.05
Building Height (max.) ^d	40 ft
TABLE KEY: ft. = feet min. = minimum max. = maximum TABLE NOTES: ^a Existing lots are defined as lots in existence prior to January 7, 2003. ^b Except where a greater setback is required by Section 7.04.02. ^c Required yards for existing lots may be modified in accordance with the provisions of Section 10.03. ^d No restriction for buildings used exclusively for agriculture, horticulture, and animal husbandry.	

2.03.02 Transition Small Lot Neighborhood – TSN

Purpose. The purpose of the Transition Small Lot Neighborhood (TSN) Zoning District is to:

- Implement the Transition Small Lot Neighborhood Place Type of the General Plan;
- Create a visual and spatial transition between the suburban area and the rural area of the County;
- Provide for moderate density development in the Transition Policy Area in a way that encourages efficient development patterns and is served by public water and sewer;
- Establish residential neighborhoods arranged in a cluster arrangement that includes a focal point such as a civic use, park, or green;
- Create neighborhoods with predominately single-family detached housing arranged in assorted lot configurations, sizes, and shapes with substantial open space;
- Achieve a lot pattern in each community that aligns with the topography and key natural, environmental, and heritage resources to minimize the visibility of the buildings or structures; and

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- Establish open space and natural vegetation that includes public and private trails with internal and external connections, passive and active recreation, and significant perimeter and environmental buffers as the dominant visual features of the TSN Zoning District and maintain the rural appearance of surrounding roads.

A. Applicability, Size, and Location. The following applies to the TSN Zoning District:

- Location.** The TSN Zoning District must be located within the boundaries of the Transition Small Lot Neighborhood Place Type as shown on the Transition Policy Area Place Types Map in the General Plan;
- Minimum Zoning District Size.** The initial zoning district size must be a minimum of 20 acres; and
- Incremental Additions.** The Board of Supervisors may approve a Zoning Map Amendment with incremental additions to increase the size of the Zoning District if the Board finds that such incremental additions are:
 - A minimum of 2 acres in size;
 - Abutting or across a road with no more than 2 lanes from an existing TSN Zoning District; and
 - Connected to the existing TSN Zoning District through road and pedestrian and bicycle networks.

B. Use Regulations. Refer to Table 3.02.03 for uses allowed in the TSN Zoning District.

C. Dimensional Standards. Refer to Table 2.03.02-1 for required dimensional standards.

Table 2.03.02-1. TSN Zoning District Dimensional Standards	
Standard	Requirement
Density Requirements	
1 Residential Density (max.)	4 dwelling units per acre 4.8 dwelling units per acre with ADUs ¹
2 Nonresidential FAR (max.)	0.2
Lot Requirements	
3 Residential and Nonresidential Lot Size (min.)	No min.
4 Residential Lot Size (max.)	9,000 sf
5 Nonresidential Lot Size (max.)	No max.
6 Lot Width (min.)	No min.
Setback Requirements^{2,3,4}	
7 Setback Adjacent to Roads (min.)	Pursuant to Section 7.04.02
8 Residential Front Yard (min.)	10 ft
9 Nonresidential Front Yard (min.)	15 ft
10 Residential Side Yard (min.)	5 ft
11 Nonresidential Side Yard (min.)	25 ft
12 Residential Rear Yard (min.)	20 ft 20.25 ft
13 Nonresidential Rear Yard (min.)	50 ft
Building Requirements	
14 Lot Coverage (max.)	50%
15 Building Height (max.)	40 ft
TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum TABLE NOTES: ¹ ADUs must be provided pursuant to Section 9.01. ² Except when the Perimeter Setback required by Section 7.01.07.B. is greater. ³ Except when the Road Corridor Setback required by Section 7.04.02 is greater. ⁴ Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.	

Commented [LM23]: Recommended Change #23

Reduced rear yard requirements to allow for smaller lots in line with 2019 General Plan.

D. **Mix of Uses.** The land use mix must be provided within the percentages provided in Table 2.03.02-2.

Table 2.03.02-2. Permitted Mix of Uses	
Land Use Category	Permitted Mix of Uses Percentage ^{1,2}
Residential	85% min./95% max.
Nonresidential	0% min./10% max.
Public/Civic/Institutional ³	5% or more
TABLE KEY: min. = minimum max. = maximum TABLE NOTES: ¹ Percent of net land area after subtracting open space provided pursuant to Section 7.02. ² Total percentage of land use categories must equal 100%. ³ May be provided as Community Open Space. Land area provided as Community Open Space is based on the net land area after subtracting open space and must be in addition to the land provided to meet the Open Space requirement in Section 7.02.	

Commented [LM24]: Recommend Change #24

Removed additional open space and building lot requirements below. These requirements are addressed in Chapter 7.

E. **Lot Yield.** The total number of lots on a site must not exceed the number permitted to accommodate the maximum residential density established by Table 2.03.02-1, regardless of whether the lot is used for a residential or nonresidential use.

~~F. **Siting of the Open Space and Building Lots.** In addition to the requirements of Section 7.02, open space and building lots must be sited as follows. When the requirements of Section 7.02 conflict or differ, 2.03.02.F applies.~~

~~1. In accordance with Section 7.01.07.B, Perimeter Setback;~~

~~2. The required open space must include parks or greens that serve as the focal point for the development.~~

~~a. The minimum size of the park or green is 5,000 square feet plus 100 square feet for each dwelling unit associated with the park or green;~~

~~b. The focal point may also include civic uses.~~

~~G. **Recognizing Protection by Right to Farm Act.** In the TSN Zoning District, record plats and deeds authorized pursuant to this section must include a statement that agricultural operations enjoy the protection of the Right to Farm Act (Code of Virginia §§ 3.2-300, et seq.).~~

2.03.03 Transition Compact Neighborhood – TCN

Purpose: The purpose of the Transition Compact Neighborhood (TCN) Zoning District is to:

- Implement the Transition Compact Neighborhood Place Type of the General Plan;
- Create a visual and spatial transition between the suburban area and the rural area of the County;
- Provide for moderate density development in the Transition Policy Area in a way that encourages efficient development patterns and is served by public water and sewer;
- Establish residential neighborhoods arranged in an interconnected, walkable street pattern that includes a focal point such as a civic use, park, green, or small commercial center;
- Create blocks with a variety and interspersed of single-family detached and single-family attached duplex, triplex, quadruplex dwelling units and accessory dwellings on small lots in a variety of shapes and sizes surrounded by significant perimeter buffers;
- Achieve a lot pattern in each community that aligns with the topography and key natural, environmental, and heritage resources to minimize the visibility of the buildings or structures; and

- Establish open space and natural vegetation that includes public and private trails with internal and external connections, passive and active recreation, and extensive wooded perimeter buffers maintaining the rural appearance of surrounding roads.
- A. **Applicability, Size, and Location.** The following applies to the TCN Zoning District:
1. **Location.** The TCN Zoning District must be located within the boundaries of the Transition Compact Neighborhood Place Type as shown on the Transition Policy Area Place Types Map in the General Plan;
 2. **Minimum Zoning District Size.** The initial Zoning District size must be a minimum of 15 acres; and
 3. **Incremental Additions.** The Board of Supervisors may approve a Zoning Map Amendment with incremental additions to increase the size of the Zoning District if the Board finds that such incremental additions are:
 - a. Abutting or across a road with no more than 2 lanes to an existing TCN Zoning District; and
 - b. Connected to the existing TCN Zoning District through road and pedestrian and bicycle networks.
- B. **Use Regulations.** Refer to Table 3.02.03 for uses allowed in the TCN Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.03.03-1 for required dimensional standards.

Table 2.03.03-1. TCN Zoning District Dimensional Standards	
Standard	Requirement
Density Requirements	
1 Residential Density (max.)	5 dwelling units per acre 6 dwelling units per acre with ADUs ¹
2 Residential Density (min.)	3 dwelling units per acre 3.6 dwelling units per acre with ADUs ¹
3 Nonresidential FAR (max.)	0.2
Lot Requirements	
4 Residential and Nonresidential Lot Size (min.)	No min.
5 Residential Lot Size (max.)	SFD: 7,000 sf SFA Duplex, Triplex, or Quadruplex: No max.
6 Nonresidential Lot Size (max.)	No max.
7 Residential Lot Width (max.)	50 ft
8 Nonresidential Lot Width (max.)	110 ft
Setback Requirements^{2,3,4}	
9 Setback Adjacent to Roads (min.)	Pursuant to Section 7.04.02
10 Residential Front Yard (max.)	15 ft
11 Nonresidential Front Yard (max.)	15 ft
12 Residential Side Yard (max.)	5 ft Common Walls: 0 ft
13 Nonresidential Side Yard (min.)	25 ft Common Walls: 0 ft
14 Residential Rear Yard (max.)	SFD: 25 ft SFA Duplex, Triplex, or Quadruplex 15 ft Common Walls: 0 ft
15 Nonresidential Rear Yard (min.)	50 ft
Building Requirements	
16 Lot Coverage (max.)	SFD: 50% SFA Duplex, Triplex, or Quadruplex: 60%
17 Building Height (max.)	40 ft

Commented [LM25]: Removed yard maximums to align with innovative design options from 2019 General Plan.

Commented [LM26]:

Table 2.03.03-1. TCN Zoning District Dimensional Standards

Standard	Requirement
TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum TABLE NOTES: ¹ ADUs must be provided pursuant to Section 9.01. ² Except when the Perimeter Setback required by Section 7.01.07.B. is greater. ³ Except when the Road Corridor Setback required by Section 7.04.02 is greater. ⁴ Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.	

D. Mix of Uses. The land use mix must be provided within the percentages provided in Table 2.03.03-2.

Table 2.03.03-2. Permitted Mix of Uses

Land Use Category	Permitted Mix of Uses Percentage ^{1, 2}
Residential	80% min. 90% max.
Nonresidential	0% min. 10% max.
Public/Civic/Institutional ³	10% or more
TABLE KEY: min. = minimum max. = maximum TABLE NOTES: ¹ Percent of net land area after subtracting including open space provided pursuant to Section 7.02. ² Total percentage of land use categories must equal 100%. ³ May be provided as Community Open Space. Land area provided as Community Open Space is based on the net land area after subtracting open space and must be in addition to the land provided to meet the Open Space requirement in Section 7.02.	

Commented [LM27]: Recommended Change #25

Percentages should be based on acreage of the project as a whole.

E. Dwelling Unit Type Mix. The mix of residential unit types must not exceed the percentages in Table 2.03.03-3.

Table 2.03.03-3. Dwelling Unit Type Mix

Unit Type	Permitted Percent of Total Dwelling Units (max.)
SFD	70%
SFA Duplex, Triplex, Quadruplex	70%
TABLE KEY: SFD = single-family detached SFA = single-family attached	

F. Lot Yield. The total number of lots on a site must not exceed the number permitted to accommodate the maximum residential density established by Table 2.03.03-1., regardless of whether the lot is used for a residential or nonresidential use.

~~**G. Siting of the Open Space and Building Lots.** Open space and building lots within the TCN Zoning District must be sited as follows. When the requirements of Section 7.02 conflict or differ, 2.03.03.G. applies:~~

Commented [LM28]: Recommended Change #26

These requirements are covered in Chapter 7

~~1. In accordance with Section 7.01.07.D, Perimeter Setback;~~

~~2. The required open space must include at least one centrally located park or green that serves as a focal point for the development.~~

- ~~a. The minimum size for each park or green is 5,000 square feet plus 100 square feet for each dwelling unit associated with the park or green.~~
- ~~b. The focal point may also include civic uses.~~

3.1. When nonresidential uses are included in a development, such nonresidential uses must be situated adjacent to the centrally located park or green required pursuant to 2.03.03.G 3. **Exception.** The following uses are not required to meet 2.03.03.G.4.:

- a. Kennel, Indoor;
- b. Arts, Entertainment, and Recreation uses;
- c. Infrastructure uses; and
- d. Government uses.

4.6. **Lot Access.** Individual lots in the TCN Zoning District must be accessed pursuant to Section 7.07.01., and notwithstanding Section 7.07.01., when the architectural front of a single-family detached or single-family attached dwelling unit is oriented to open space and not to a road, access to such dwelling unit may be provided by an alley to the rear of the lot. The alley will be required to meet FSM requirements for access.

2.03.04 Transition Community Center – TCC

Purpose. The purpose of the Transition Community Center (TCC) Zoning District is to:

- Implement the Transition Community Center Place Type of the General Plan;
- Create a visual and spatial transition between the suburban area and the rural area of the County;
- Provide for small, pedestrian-focused, commercial development that provides Retail, Entertainment, and Public/Civic/Institutional functions in the Transition Policy Area in an interconnected, walkable street pattern that is served by public water and sewer;
- Ensure the commercial development provides convenient and safe pedestrian and vehicular connections to adjacent neighborhoods, extensive landscaping at the perimeter, and community space;
- Provide for a residential component as multifamily dwelling units over commercial uses or live/work dwelling units;
- Locate auto-oriented uses away from pedestrian areas or incorporate them into mixed-use buildings; and
- Establish transitions to adjacent residential neighborhoods and roads through substantial open space at the perimeter; variations in building orientation, height step down; and creative and extensive use of landscaping and natural features.

A. **Applicability, Size, and Location.** The following applies to the TCC Zoning District:

1. **Location.** The TCC Zoning District must be located within the boundaries of the Transition Community Center Place Type as shown on the Transition Policy Area Place Types Map in the General Plan;
2. **Minimum Zoning District Size.** The initial Zoning District size must be a minimum of 6 acres; and
3. **Incremental Additions.** The Board of Supervisors may approve a Zoning Map Amendment with incremental additions to increase the size of the Zoning District if the Board finds that such incremental additions are:
 - a. A minimum of 1 acre in size;
 - b. Abutting or across a road with no more than 2 lanes from an existing TCC Zoning District; and
 - c. Connected to the existing TCN Zoning District through road and pedestrian and bicycle networks.

B. **Use Regulations.** Refer to Table 3.02.03 for uses allowed in the TCC Zoning District.

C. **Dimensional Standards.** Refer to Table 2.03.04-1 for required dimensional standards.

Table 2.03.04-1. TCC Zoning District Dimensional Standards	
Standard	Requirement
Density Requirements	
1 FAR (max.)	0.3
Lot Requirements	
2 Lot Size (min.)	No min.
3 Lot Width (min.)	No min.
Setback Requirements^{1, 2, 3}	
4 Setback Adjacent to Roads (min.)	Pursuant to Section 7.04.02
5 Front Yard (max.)	15 ft
6 Side Yard (min.)	10 ft
7 Rear Yard (min.)	25 ft
Building Requirements	
8 Lot Coverage (max.)	No max.
9 Building Height (max.)	40 ft
TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum TABLE NOTES: ¹ Except when the Perimeter Setback required by Section 7.01.07.B. is greater. ² Except when the Road Corridor Setback required by Section 7.04.02 is greater. ³ Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.	

D. Mix of Uses. The Permitted Mix of Uses must be provided within the percentages provided in Table 2.03.04-2 and as follows:

- In addition to the requirements of Section 10.10.04, an approved Concept Development Plan must include a tabulation demonstrating conformance with Table 2.03.04-2;
- Each Site Plan or Subdivision application subsequent to Zoning Map Amendment or Zoning Concept Plan Amendment approval must include a tabulation of the Permitted Mix of Uses Range by Land Use Category in percent and square feet. The tabulation must include:
 - Total gross floor area for the TCC Zoning District and floor area per subarea and land bay approved with the Zoning Map Amendment or Zoning Concept Plan Amendment;
 - Total floor area and floor area per subarea and land bay for the area subject to the Site Plan or Subdivision application; and
 - Remaining total square footage permitted in the TCC Zoning District and the subject subarea and land bay; and
- When an incremental addition pursuant to Section 2.03.04.A.3, is made to an existing TCC Zoning District, the Permitted Mix of Uses Range required in Table 2.03.04-3 must be maintained upon incorporation of the incremental addition. In addition to the requirements of Section 10.10.04, the Concept Development Plan for the incremental addition must:
 - Provide a tabulation of the proposed land uses; and
 - Show how such uses will maintain the Permitted Mix of Uses Range required in Table 2.03.04-3

Table 2.03.04-2. Permitted Mix of Uses

Land Use Category	Permitted Mix of Uses Percentage ±
Multifamily ^a or Live/Work ^a Dwelling Unit	0% min. 25% max.
Nonresidential	70% min. 95% max.
Public/Civic/Institutional ^b	5% min.

TABLE KEY:
min. = minimum
max. = maximum

TABLE NOTES:
¹Percent of approved floor area.
²Total percentage of land use categories must equal 100%.
³Must be provided pursuant to Section 4.02.08.D.
⁴Must be provided pursuant to Section 4.02.03.
⁵May be provided as floor area or as land area. If provided as land area, the Public/Civic/Institutional use must be provided as Community Open Space and 5% of the gross land area in addition to the land provided to meet the Open Space requirement in Section 7.02.

E. District Vehicular Access.

1. Access to the TCC District must be provided pursuant to Section 7.07.01.D.
2. Vehicular access to adjacent residential projects must be provided but is not permitted as the primary vehicular access.

F. Transition Standards. Within the TCC Zoning District, the transition standards must be provided pursuant to Section 7.01.07.B. If the Perimeter Setback is not provided as active recreation space as permitted by 2.03.04.G.3., then the following apply:

1. Existing non-invasive vegetation and natural features must be maintained; and
2. Extensive landscape plantings must be provided; or
3. A combination such existing vegetation and natural features and extensive landscape planting must be provided to create a transition between the TCC Zoning District and the adjacent development.

G. Siting of the Open Space and Building Lots. Open space and building lots within the TCC Zoning District must be sited as follows. When the requirements of Section 7.02 conflict or differ, 2.03.04.G. applies.

1. In accordance with Section 7.01.07.B., Perimeter Setback.
2. Building lots must be located on the portion of the site outside the open space.
3. A majority of the required open space is permitted to be in the Perimeter Setback and may be provided as park or active recreation space when the TCC Zoning District is adjacent to the TR, TSN, TCN, SN, SCN, R, or PD-H Zoning Districts.

2.03.05 Legacy Transition Zoning Districts

2.03.05.01 Transitional Residential-2 -TR-2 (Legacy District)

Purpose. The purpose and intent of the Transitional Residential-2 (TR-2) Zoning District is to:

- Create and facilitate a visual/spatial transition between the suburban area and the rural area of the County;
- Provide for development in the Transition (TR) zoned areas of the County, in ways that encourage efficient development patterns;
- Achieve a blend of rural and suburban development;

- Encourage new development designs that incorporate both suburban and rural features;
 - Achieve a balance between the built and natural environment;
 - Protect and integrate open space and natural resources; and
 - Implement requirements that open space be provided in conjunction with the standards of the Zoning Ordinance.
- A. **Applicability.** The TR-2 Zoning District permits the continued existence of established TR-2 Zoning Districts. Expansion of the TR-2 Zoning District is not permitted after adoption of this Zoning Ordinance.
- B. **Use Regulations.** Refer to Table 3.02.04 for uses allowed in the TR-2 Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.03.05.01-1 for required dimensional standards.

Table 2.03.05.01-1. Dimensional Standards	
Standard	Requirement
Density Requirements	
1 Residential Density (max.)	1 du per 20,000 sf
Lot Requirements	
2 Lot Size (min.)	No min.
3 Lot Grouping	Min: 5 Max: 25
Setback Requirements¹	
4 Setback Adjacent to Roads (min.)	Pursuant to Section 7.04.02
5 Front Yard (min.) ²	10 ft
6 Side Yard (min.) ²	5 ft
7 Rear Yard (min.) ²	25 ft
Building Requirements	
8 Building Height (max.)	40 ft
TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum TABLE NOTES: ¹ Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C. ² Except where a greater setback is required by Section 7.04.02.	

- D. **Lot Standards.** In addition to the requirements of Table 2.03.05.01-1 and Section 7.01.03, all lots must meet the following requirements:
1. **Lot Yield.** The total number of lots on a site must not exceed the number permitted to accommodate the maximum residential density established by Table 2.03.05.01-1, regardless of whether the lot is used for a residential or nonresidential use;
 2. **Number of Lots in a Group.** Lot must be provided in groups as follows:
 - a. Lots less than 5 acres in size must be in a contiguous group with adjacent and fronting lots oriented toward each other, as on a road, park, green, or paved square; and
 - b. Pursuant to Table 2.03.05.01-1, except that a contiguous group may consist of fewer than 5 lots if:
 1. There will be fewer than 5 lots on the entire site less than 5 acres in size; or
 2. A group of fewer than 5 lots will result in greater amounts of contiguous open space or result in less degradation of natural, environmental, and heritage resources than residential group(s) of 5 lots or more; and

3. **Number of Groups.** A single group must contain all the lots on a site that are less than 5 acres, where the total number of such lots is 25 or fewer, except that multiple groups may be allowed where:
 - a. Multiple groups will result in greater amounts of contiguous open space or result in less degradation of natural, environmental, or heritage resources; and
 - b. None of the groups contain fewer than 5 lots, unless allowed as provided in Section 2.03.05.01.D.
- E. **Siting of the Open Space and Building Lots.** In addition to the requirements of Section 7.02, open space and building lots must be sited as follows. When the requirements of Section 7.02 conflict or differ, 2.03.05.01.E. applies.
 1. In accordance with Section 7.01.07.B.
 2. Building lots must be located on the portion of the site that is outside the open space.
 3. **Exception.** When subdivision or development of a parcel creates 4 or fewer lots and the size of the parcel and permitted dwelling unit density only allows the creation of 4 or fewer lots, the open space required by Table 2.03.05.01-1 may be provided on lots in the subdivision provided the open space is protected by an easement acceptable to the Board of Supervisors.
- F. **Recognizing Protection by Right to Farm Act.** In the TR-2 Zoning District, record plats and deeds authorized pursuant to this section must include a statement that agricultural operations enjoy the protection of the Right to Farm Act (Code of Virginia §§ 3.2-300, et seq.).
- G. **Exemptions.** The development of a lot existing prior to January 7, 2003, is exempted from the standards and requirements of Table 2.03.05.01-1 and Sections 2.03.05.01.C, through 2.03.05.01.E. The development of such lot is subject to the development standards of Table 2.03.05.01-2.

Table 2.03.05.01-2. TR-2 Building Requirements for Existing Lots¹

	Standard	Requirement
1	Required Yards (min.) ^{2,3}	Building: 25 ft from any property line or Building: 35 ft from any other road right-of-way, private road access easement, or prescriptive easement.
2	Floor Area Ratio (max.)	0.05
3	Building Height (max.) ⁴	40 ft

TABLE KEY:

ft = feet
min. = minimum
max. = maximum

TABLE NOTES:

¹Existing lots are defined as lots in existence prior to January 7, 2003.

²Except where a greater setback is required by Section 7.04.02.

³Required yards for existing lots may be modified in accordance with the provisions of Section 10.03.

⁴No restriction for buildings used exclusively for agriculture, horticulture and animal husbandry.

2.04 Rural Zoning Districts

Contents:

2.04.01 Agricultural Rural-1 – AR-1

2.04.02 Agricultural Rural-2 – AR-2

2.04.03 Rural Zoning Districts (Legacy)

2.04.01 Agricultural Rural-1 – AR-1

Note: Prime Agricultural Soil and Cluster Subdivision regulations are being amended separately from the Zoning Ordinance Rewrite in a stand-alone Zoning Ordinance Amendment, ZOAM-2020-0002. Contact Project Manager Jacob Hambrick at clustersubregs@loudoun.gov for information or to comment on that ZOAM.

Purpose. The purpose and intent of the Agricultural Rural-1 (AR-1) Zoning District is to:

- Implement the Rural North Place Type of the General Plan;
 - Support the use of land that protects, preserves, and enhances natural areas and open space, retains farmland, and the vitality of the rural economy, and fosters a high quality of life for residents;
 - Ensure complimentary rural economy uses, including traditional and new agricultural uses, agriculture support and basic services directly associated with on-going agricultural activities, and other uses can be developed in ways that are consistent with the rural character of and are compatible with existing residential development in the AR-1 Zoning District through mitigation or other standards;
 - Recognize the County's tourism industry is interconnected with the rural economy and rural economy uses in the AR-1 Zoning District by allowing for tourism uses related to agricultural uses, public, civic, and institutional uses; rural activity, and special event uses;
 - Limit residential development to densities that will protect the land resources for agricultural operations, common open space uses, and rural economy uses;
 - Promote consistency between residential development and rural economy uses through lower density residential development or the clustering of residential development; and
 - Ensure development incorporates natural, environmental, and heritage resources while preserving important viewsheds that contribute to the rural landscape.
- A. **Applicability and Location.** The AR-1 Zoning District must be located within the boundaries of the Rural North Place Type as shown on the Rural Policy Area Place Types Map in the General Plan. The AR-1 Zoning District is considered an agricultural district.
- B. **Use Regulations.** Refer to Table 3.02.03 for uses allowed in the AR-1 Zoning District.
- C. **Development Options.** Land within the AR-1 Zoning District must be subdivided under 1 of the 3 development options identified in Table 2.04.01-1 provided the subdivisions are in accordance with this section and the procedures in the Land Subdivision and Development Ordinance (LSDO) for such division. Nothing in this section precludes a property owner from filing for a Family Subdivision in accordance with the requirements of the LSDO.
- D. **Dimensional Standards.** Refer to Table 2.04.01-1 for required dimensional standards.

Table 2.04.01-1. AR-1 Zoning District Dimensional Standards								
Standard		Base Density Division Option	Principal/Subordinate Subdivision Option	Cluster Subdivision Option				
Density Requirements								
1	Lot Yield (max.)	1 lot per 20 acres	1 lot per 10 acres	1 lot per 5 acres				
Lot Requirements								
2	Originating Tract (min.)	N/A	20 acres prior to development	20 acres prior to development				
3	Lot Size (min.)	20 acres	80,000 SF exclusive of major floodplain; Min. one 15-acre Rural Economy Lot per Principal/ Subordinate Subdivision	<table><tr><th>Residential Cluster Lot</th><th>Rural Economy Lot</th></tr><tr><td>On-site Water and Wastewater: 40,000 sf, exclusive of major floodplain Off-site Wastewater and On-site Water: 20,000 sf,</td><td>Min. one 15-acre Rural Economy Lot per Cluster Subdivision</td></tr></table>	Residential Cluster Lot	Rural Economy Lot	On-site Water and Wastewater: 40,000 sf, exclusive of major floodplain Off-site Wastewater and On-site Water: 20,000 sf,	Min. one 15-acre Rural Economy Lot per Cluster Subdivision
Residential Cluster Lot	Rural Economy Lot							
On-site Water and Wastewater: 40,000 sf, exclusive of major floodplain Off-site Wastewater and On-site Water: 20,000 sf,	Min. one 15-acre Rural Economy Lot per Cluster Subdivision							

Table 2.04.01-1. AR-1 Zoning District Dimensional Standards

	Standard	Base Density Division Option	Principal/Subordinate Subdivision Option	Cluster Subdivision Option	
				exclusive of major floodplain Off-site Water and Off-Site Wastewater; No minimum lot size	
4	Lot Size (max.)	N/A	N/A	4 acres	N/A
5	Lot Width (min.)	175 ft	175 ft	N/A	175 ft
6	Depth/Width Ratio (max.)	N/A	3:1	N/A	3:1
Setback Requirements ^{1,2}					
7	Front Yard (min.) ³	25 ft from property line; 35 ft from road ROW; private road ; and/or prescriptive easement	25 ft. from property line; 35 ft. from road ROW; private road ; and/or prescriptive easement	35 ft ³	35 ft ⁴
8	Side Yard (min.) ³	25 ft	25 ft	15 ft ³	15 ft ⁴
9	Rear Yard (min.) ³	25 ft	25 ft	35 ft ³	35 ft ⁴
Building Requirements					
10	Lot Coverage (max.)	25%, but only 10% may be used for residential or non-residential structures excluding agricultural structures not open to the public	15%	Lots less than 40,000 sf: 8% Lots 40,000 sf. to 4 acres: 15%	8%
11	Building Height (max.) ³	35 ft	35 ft	35 ft	

TABLE KEY:
ft = feet
sf = square feet
min. = minimum; max. = maximum

TABLE NOTES:
¹Except where a greater setback is required by Section 7.04.02.
²Setback and yard requirements may be modified in accordance with the provisions of Section 10.03.
³All dwelling units within the Cluster Subdivision must be set back a minimum of 100 feet from any lot line adjoining parcels not located within the subdivision.

E. **Lot Access.** Individual lots in the 3 AR-1 development options must be accessed pursuant to Section 7.07.01. Notwithstanding Section 7.07.01.C., access to individual lots the 3 AR-1 development options may be provided by a private road in accordance with the LSDO that complies with the following:

1. The requirements of the Facilities Standards Manual (FSM);
2. A private road is permitted to provide access to the maximum number of lots per easement per intersection with a public road as listed below:
 - a. Cluster Subdivision: 25 lots maximum;
 - b. Principal/Subordinate Subdivision: 25 lots maximum; or
 - c. Base Density Division Option: 7 lots maximum;
3. A maximum of 1 private road per intersection with a public road is permitted;
4. Private roads are not permitted to be contiguous; and

5. The subdivision plat and deed must contain a note detailing the provisions for the maintenance of the private road.
- F. **Landscaping/Buffering.** Notwithstanding the requirements of Section 7.04.03., required buffers may be provided on either the Principal and/or Subordinate lot in a Principal/Subordinate Subdivision.
- G. **Recognizing Protection by Right to Farm Act.** Subdivision plats and deeds pursuant to this section must include a statement that agricultural operations enjoy the protection of the Right to Farm Act (Code of Virginia §§ 3.2- 300, et seq.).
- H. **Fire Protection.** Principal/Subordinate Subdivision Option and Cluster Subdivision Option developments must satisfy the fire protection standards set forth in the FSM.
- I. **Base Density Division Option.** A Base Density Division is permitted as follows:
 1. In accordance with the standards of the FSM and the LSDO; and
 2. **Public Road Frontage.** No Base Density Division Option is permitted to be created fronting on a public road unless the publicly dedicated width of the road along the entire frontage of the newly created lot, measured from the centerline of the road to the property line of the lot, satisfies the criteria of the Virginia Department of Transportation (VDOT).
- J. **Principal/Subordinate Subdivision Option.**
 1. The Principal/Subordinate Subdivision Option typically allows the landowner to achieve a greater lot yield than the base density of the Base Density Division Option, while providing for the establishment of rural economy uses as a primary use with single-family detached residential development as a secondary use.
 2. **Principal/Subordinate Subdivision Option Procedures.** A Principal/Subordinate Subdivision must follow the following procedures:
 - a. The lot yield of a Principal/Subordinate Subdivision is based on the permitted residential density and must be calculated using the Originating Tract in existence at the time the Principal/Subordinate Subdivision is created;
 - b. Once a Principal/Subordinate Subdivision is created, the lot yield assigned to the subdivision is not permitted to be altered;
 - c. The initial Principal/Subordinate Subdivision results in the creation of 1 Principal Lot, and 1 or more Subordinate Lots from an Originating Tract. The number of Subordinate Lots created with the initial subdivision is subtracted from the maximum lot yield. The resulting number establishes the remaining number of lots and is assigned to the Principal Lot;
 - d. The Principal Lot must be clearly labeled on each Principal/Subordinate Subdivision plat;
 - e. A subdivision of 1 or more lots may occur at 1 time or in a series of subdivisions up to the maximum lot yield calculated for the Originating Tract;
 - f. The Principal Lot may be further subdivided until the number of lots assigned to the Principal Lot is reduced to 1 and provided the minimum requirements of the Zoning Ordinance and LSDO are met. Once the Principal Lot is reduced to 1, it may no longer be subdivided;
 - g. Subordinate Lots are not permitted to be further subdivided. The record plat and initial deed of conveyance after establishment of a Subordinate Lot under the Principal/Subordinate Subdivision Option must contain a statement to this effect;
 - h. Each Principal/Subordinate Subdivision plat must contain a tabulation of residential density and lot yield calculated for the Originating Tract, the Principal Lot and number of Subordinate Lots created by the initial subdivision from the Originating Tract and each subsequent subdivision, the number of Subordinate Lots created by the current subdivision, the number of Subordinate Lots remaining, and all LSDO requirements; and
 - i. Each Principal/Subordinate Subdivision must contain at least 1 Rural Economy Lot.

- K. **Cluster Subdivision Option.** The Cluster Subdivision Option allows for the subdivision of an originating tract with a more compact residential design plus one or more large lots suitable for rural economy uses and/or common open space. Community water supply and wastewater systems may be used for such developments and may be located within the common open space.

1. Characteristics of Cluster Subdivision Option.

- a. Depending on the tract size, the cluster subdivision may include 1 or more Rural Cluster Lots and at least 1 Rural Economy Lot and may include Common Open Space.
- b. The lot yield of the cluster subdivision must be calculated from the gross acreage for the tract of land from which the subdivision is created.
- c. All lots within the cluster subdivision must be created at one time.
- d. The lots created by cluster subdivision are not permitted to be further subdivided.
- e. A Homeowners' Association is required for any subdivision with common elements as described in Section 7.09.
- f. Each subdivision plat for a cluster subdivision must contain a tabulation of lot yield for the cluster subdivision.
- g. The perimeter setback required in Table 2.04.01-1 must be indicated and clearly labeled on each subdivision plat.

2. Variety of Lot Sizes. In all new residential subdivisions containing 7 or more lots, a mixture of lot sizes and dimensions must be provided for a variety of housing opportunities and to avoid monotonous streetscapes. Variety is determined as follows:

- a. No more than 25% of all lots are permitted to be similar in total area; and
- b. For purposes of this subsection, "similar" lot areas is defined as within 1,500 square feet of each other.

3. Site Design and Layout Standards for Residential Cluster Lots. Development of the cluster option must comply with all of the following standards, in addition to the LSDO:

- a. The site layout of the proposed development must be depicted on the subdivision plat; and
- b. **Number of Lots in Cluster(s).** Rural Cluster Lots must be grouped in clusters consisting of a minimum of 5 lots and a maximum of 25 lots, except that a cluster may consist of fewer than 5 lots if any one of the following applies:
 1. There will be fewer than 5 lots in the entire subdivision;
 2. In the AR-1 Zoning District, the area of the site is less than 50 acres; and
 3. It is demonstrated that a cluster of fewer than 5 lots will result in less disturbance of land within the Mountainside Development Overlay District (MDOD), Floodplain Overlay District (FOD) lands, and/or land containing steep slopes and/or wetlands.

4. Number of Clusters. Rural Cluster Lots must be provided as follows:

- a. Multiple groupings of Rural Cluster Lots are required where the total number of lots on a site is greater than 25; and
- b. A single grouping of Rural Cluster Lots must contain all the lots where the total number of lots on a site is 25 or fewer, except that multiple clusters may be allowed where it is demonstrated that multiple clusters will result in less disturbance of land within the MDOD, FOD lands, and/or land containing steep slopes and/or wetlands.

5. Distance Between Clusters. If more than one grouping of Rural Cluster Lots is to be created from a parcel, a minimum of 500 feet must separate the lot lines of the outer boundaries of each grouping of Rural Cluster lots (exclusive of open space and lots 15 acres or greater).

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- L. **Common Open Space.** Common Open Space must be provided in accordance with Section 7.02 and meet the following requirements:
1. Land that is neither part of a building lot nor a road right-of-way must be placed in common open space and must be maintained by a Homeowner's Association as described in Section 7.09;
 2. Common Open Space must be designed to constitute a contiguous and cohesive unit of land, which may be used in accordance with common open space uses in Table 3.02.03;
 3. Common Open Space has no minimum or maximum lot size and no lot width regulations; and
 4. Common Open Space does not count against the lot yield allotted to the subdivision.
- M. **Existing Lots of Record.** Lots existing as of December 6, 2006, are permitted the uses for the AR-1 Zoning District identified in Table 3.02.03 and are administered in accordance with the requirements for the Base Density Division option under Section 2.04.01.
- N. **Hamlet Lots.** For lots recorded prior to December 6, 2006, and developed under a hamlet subdivision, in accordance with the Zoning Ordinance in effect at the time of subdivision, such lots must follow the Rural Hamlet requirements, including uses, as set forth in Section 7.10.

2.04.02 Agricultural Rural-2 – AR-2

Note: Prime Agricultural Soil and Cluster Subdivision regulations are being amended separately from the Zoning Ordinance Rewrite in a stand-alone Zoning Ordinance Amendment, ZOAM-2020-0002. Contact Project Manager Jacob Hambrick at clustersubregs@loudoun.gov for information or to comment on that ZOAM.

Purpose. The purpose of the Agricultural Rural-2 (AR-2) Zoning District is to:

- Implement the Rural South Place Type of the General Plan;
 - Support the use of land that protects, preserves, and enhances natural areas and for open space, retains farmland and the vitality of rural economy uses, consistent with the pattern of rural and agricultural land uses in the district, including sustaining and nurturing the economically significant equine industry, while fostering high quality of life for residents;
 - Ensure complementary rural economy uses, including traditional and new agricultural uses, agriculture support and basic services directly associated with on-going agricultural activities, and other uses can be developed in ways that are consistent with the rural character of and compatible with existing residential development in the AR-2 Zoning District through mitigation or other standards;
 - Recognize the County's tourism industry is interconnected with the rural economy and rural economy uses in the AR-2 Zoning District by allowing for tourism uses related to agricultural uses; public, civic, and institutional uses; and rural activity and special event uses for tourists;
 - Limit residential development to densities that will protect the land resources for agricultural operations, common open space uses, and rural economy uses, and consistent with the land use patterns in the AR-2 Zoning District, which are marked by low density and large parcels relative to the other portions of the County;
 - Promote consistency between residential development and rural economy uses through lower density residential development or the clustering of residential development; and
 - Ensure development incorporates natural, environmental, and heritage resources while preserving important viewsheds that contribute to the rural landscape.
- A. **Applicability and Location.** The AR-2 Zoning District must be located within the boundaries of the Rural South Place Type as shown on the Rural Policy Area Place Types Map in the General Plan. The AR-2 Zoning District is considered an agricultural district.
- B. **Use Regulations.** Refer to Table 3.02.03 for uses allowed in the AR-2 Zoning District.

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- C. **Development Options.** Land within the AR-2 Zoning District may be subdivided under 1 of the 3 development options identified in Table 2.04.02-1 provided the subdivisions are in accordance with this section and the procedures in the Land Subdivision and Development Ordinance (LSDO) for such division. Nothing in this section precludes a property owner from filing a Family Subdivision in accordance with the requirements of the LSDO.
- D. **Dimensional Standards.** Refer to Table 2.04.02-1 for required dimensional standards.

Table 2.04.02-1. AR-2 Zoning District Dimensional Standards					
Standard		Base Density Division Option	Principal/ Subordinate Subdivision Option	Cluster Subdivision Option	
Density Requirements					
1	Lot Yield (max.)	1 lot per 40 acres	1 lot per 20 acres	1 lot per 15 acres	
Lot Requirements					
2	Originating Tract (min.)	N/A	40 acres prior to development	40 acres prior to development	
3	Lot Size (min.)	40 acres	80,000 SF exclusive of major floodplain; Min. one 15-acre Rural Economy Lot per Principal/ Subordinate Subdivision	Residential Cluster Lot	Rural Economy Lot
				On-site Water and Wastewater: 40,000 sf exclusive of major floodplain Off-site Wastewater and On-site Water: 20,000 sf; exclusive of major floodplain Off-site Water and Off-Site Wastewater: No minimum lot size	Min. one 25-acre Rural Economy Lot per Cluster-Subdivision
4	Lot Size (max.)	N/A	N/A	4 acres	N/A
5	Lot Width (min.)	175 ft	175 ft	No min.	175 ft
6	Depth/Width Ratio (max.)	N/A	3:1	No max.	3:1
Setback Requirements ^{1,2}					
7	Front Yard (min.)	25 ft from property line; 35 ft from road ROW; private road; and/or prescriptive easement	25 ft. from property line; 35 ft. from road ROW; private road; and/or prescriptive easement	25 ft from property line; 35 ft from road ROW; private road; and/or prescriptive easement ³	25 ft from property line; 35 ft from road ROW; private road; and/or prescriptive easement ³
8	Side Yard (min.)	25 ft	25 ft	15 ft ⁴	15 ft ⁴
9	Rear Yard (min.)	25 ft	25 ft	35 ft ⁴	35 ft ⁴
Building Requirements					
10	Lot Coverage (max.)	25%, but only 10% may be used for residential or non-residential structures excluding agricultural structures not open to the public	15%	Lots less than 40,000 sf: 8% Lots 40,000 sf to 4 acres: 15%	8%
11	Building Height (max.) ⁵	35 ft	35 ft	35 ft	
TABLE KEY: ft = feet sf = square feet					

Table 2.04.02-1. AR-2 Zoning District Dimensional Standards

Standard	Base Density Division Option	Principal/ Subordinate Subdivision Option	Cluster Subdivision Option
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min. = minimum; max. = maximum

TABLE NOTES:

¹Except where a greater setback is required by Section 7.04.02.

²Setback and yard requirements may be modified in accordance with the provisions of Section 10.03.

³All dwelling units within the Cluster Subdivision must be set back a minimum of 100 feet from any lot line adjoining parcels not located within the subdivision.

- E. **Lot Access.** Individual lots in the 3 AR-2 development options must be accessed pursuant to Section 7.07.01. Notwithstanding Section 7.07.01.C., access to individual lots the 3 AR-2 development options may be provided by a private road in accordance with the LSDO that complies with the following:
1. The requirements of the Facilities Standards Manual (FSM);
 2. A private road is permitted to provide access to the maximum number of lots per easement per intersection with a public road as listed below:
 - a. Cluster Subdivision: 25 lots maximum;
 - b. Principal/Subordinate Subdivision: 25 lots maximum; or
 - c. Base Density Division Option: 7 lots maximum;
 3. A maximum of 1 private road per intersection with a public road is permitted;
 4. Private roads are not permitted to be contiguous; and
 5. The subdivision plat and deed must contain a note detailing the provisions for the maintenance of the private road.
- F. **Landscaping/Buffering.** Notwithstanding the requirements of Section 7.04.03, required buffers may be provided on either the Principal and/or Subordinate lot in a Principal/Subordinate Subdivision.
- G. **Recognizing Protection by Right to Farm Act.** Subdivision plats and deeds pursuant to this section must include a statement that agricultural operations enjoy the protection of the Right to Farm Act (Code of Virginia §§ 3.2- 300, et seq.).
- H. **Fire Protection.** Principal/Subordinate Subdivision Option and Cluster Subdivision Option developments must satisfy the fire protection standards set forth in the FSM.
- I. **Base Density Division Option.** A Base Density Division is permitted as follows:
1. In accordance with the standards in the FSM and the LSDO; and
 2. **Public Road Frontage.** No Base Density Division Option is permitted to be created fronting on a public road unless the publicly dedicated width of the road along the entire frontage of the newly created lot, measured from the centerline of the road to the property line of the lot, satisfies the criteria of the Virginia Department of Transportation (VDOT).
- J. **Principal/Subordinate Subdivision Option.**
1. The Principal/Subordinate Subdivision Option typically allows the landowner to achieve a greater lot yield than the base density of the Base Density Division Option, while providing for the establishment of rural economy uses as a primary use with single-family detached residential development as a secondary use.
 2. **Principal/Subordinate Subdivision Option Procedures.** A Principal/Subordinate Subdivision must follow the following procedures:
 - a. The lot yield of a Principal/Subordinate Subdivision is based on the permitted residential density and must be calculated using the Originating Tract in existence at the time the Principal/Subordinate Subdivision is created;

- b. Once a Principal/Subordinate Subdivision is created, the lot yield assigned to the subdivision is not permitted to be altered;
 - c. The initial Principal/Subordinate Subdivision results in the creation of 1 Principal Lot, and 1 or more Subordinate Lots from an Originating Tract. The number of Subordinate Lots created with the initial subdivision is subtracted from the maximum lot yield. The resulting number establishes the remaining number of lots and is assigned to the Principal Lot;
 - d. The Principal Lot must be clearly labeled on each Principal/Subordinate Subdivision plat;
 - e. A subdivision of 1 or more lots may occur at 1 time or in a series of subdivisions up to the maximum lot yield calculated for the Originating Tract;
 - f. The Principal Lot may be further subdivided until the number of lots assigned to the Principal Lot is reduced to 1 and provided the minimum requirements of the Zoning Ordinance and LSDO are met. Once the Principal Lot is reduced to 1, it may no longer be subdivided;
 - g. Subordinate Lots are not permitted to be further subdivided. The record plat and initial deed of conveyance after establishment of a Subordinate Lot under the Principal/ Subordinate Subdivision Option must contain a statement to this effect;
 - h. Each Principal/Subordinate Subdivision plat must contain a tabulation of residential density and lot yield calculated for the Originating Tract, the Principal Lot and number of Subordinate Lots created by the initial subdivision from the Originating Tract and each subsequent subdivision, the number of Subordinate Lots created by the current subdivision, the number of Subordinate Lots remaining, and all LSDO requirements; and
 - i. Each Principal/Subordinate Subdivision must contain at least 1 Rural Economy Lot.
- K. **Cluster Subdivision Option.** The Cluster Subdivision Option allows for the subdivision of an originating tract with a more compact residential design plus one or more large lots suitable for rural economy uses and/or common open space. Community water supply and wastewater systems may be used for such developments and may be located within the open space.
1. **Characteristics of Cluster Subdivision Option.**
- a. Depending on the tract size the cluster subdivision may include one or more Rural Cluster Lots and at least one Rural Economy Lot and may include Common Open Space.
 - b. The lot yield of the cluster subdivision must be calculated from the gross acreage for the tract of land from which the subdivision is created.
 - c. All lots within the cluster subdivision must be created at one time.
 - d. The lots created by cluster subdivision is not permitted to be further subdivided.
 - e. A Homeowners' Association is required for any subdivision with common elements as described in Section 7.09.
 - f. Each preliminary and record plat for a cluster subdivision must contain a tabulation of lot yield for the cluster subdivision.
 - g. The perimeter setback required in Table 2.04.02-1 must be indicated and clearly labeled on each preliminary and record plat.
2. **Variety of Lot Sizes.** In all new residential subdivisions containing 7 or more lots, a mixture of lot sizes and dimensions must be provided for a variety of housing opportunities and avoid monotonous streetscapes. Variety is determined as follows:
- a. No more than 25% of the lots must be similar in total area; and
 - b. "Similar" lot areas is defined as within 1,500 square feet of each other for the purposes of this subsection.

3. **Site Design and Layout Standards for Rural Cluster Lot(s).** Development of the cluster option must comply with the following standards in addition to the requirements of the LSDO:
 - a. The site layout of the proposed development must be demonstrated on the preliminary subdivision plat; and
 - b. **Number of Lots in Cluster(s).** Lots must be grouped in clusters consisting of a minimum of 5 lots and a maximum of 25 lots, except that a cluster may consist of fewer than 5 lots if any one of the following applies:
 1. In the AR-2 Zoning District, the area of the site is less than 100 acres;
 2. There will be fewer than 5 lots in the entire subdivision; and
 3. It is demonstrated that a cluster of fewer than 5 lots will result in less disturbance of land within the Mountainside Development Overlay District (MDOD), Floodplain Overlay District (FOD) lands, and/or land containing steep slopes and/or wetlands.
4. **Number of Clusters.** Rural Cluster Lots must be provided as follows:
 - a. Multiple groupings of Rural Cluster Lots are required where the total number of lots on a site is greater than 25; and
 - b. A single grouping of Rural Cluster Lots must contain all the lots where the total number of lots on a site is 25 or fewer, except that multiple clusters may be allowed where it is demonstrated that multiple clusters will result in less disturbance of land within the MDOD, FOD lands, and/or land containing steep slopes and/or wetlands.
5. **Distance Between Clusters.** If more than one grouping of Rural Cluster Lots is to be created from a parcel, a minimum of 500 feet must separate the lot lines of the outer boundaries of each grouping of Rural Cluster lots (exclusive of open space and lots 15 acres or greater).
- L. **Common Open Space.** Common open space must be provided in accordance with Section 7.02 and meet the following requirements:
 1. Land that is neither part of a building lot nor a road right-of-way must be placed in common open space and must be maintained by a Homeowner's Association as described in Section 4.09;
 2. Common open space must be designed to constitute a contiguous and cohesive unit of land, which may be used in accordance with common open space uses in Table 3.02.03;
 3. Common open space has no minimum or maximum lot size and no lot width regulations; and
 4. Common open space does not count against the lot yield allotted to the subdivision.
- M. **Existing Lots of Record.** Lots existing as of December 6, 2006, are permitted the uses for the AR-2 Zoning District identified in Table 3.02.03 and are administered in accordance with requirements for the Base Density Division option of Section 2.04.02.
- N. **Hamlet Lots.** For lots recorded prior to December 6, 2006, and developed under a hamlet subdivision, in accordance with the Zoning Ordinance in effect at the time of subdivision, such lots must follow the Rural Hamlet requirements, including uses, as set forth in Section 7.10.

2.04.03 Rural Zoning Districts (Legacy)

2.04.03.01 Agriculture-10 - A-10 (Legacy District)

Purpose. The purpose of the Agriculture-10 (A-10) Zoning District is to retain existing areas established to:

- Protect rural areas of the county in which agriculture, farm operations, and low density residential development on parcels in excess of 10 acres have become the established land use pattern;

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- Provide an environment which encourages residents to continue to live and practice agricultural operations without adverse impacts arising from new, higher density development;
 - Permit uses compatible with and supportive of agriculture, including agriculturally related and home-based businesses appropriate to a rural and farm setting; and
 - Permit direct marketing of farm products and services in conjunction with farm operations.
- A. **Applicability and Location.** The A-10 Zoning District permits the continued existence of established A-10 Zoning Districts. Expansion of the A-10 Zoning District is not permitted after the adoption date of this Zoning Ordinance.
- B. **Use Regulations.** Refer to Table 3.02.04 for uses allowed in the A-10 Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.04.03.04-1 for required dimensional standards.

Table 2.04.03.04-1. A-10 Zoning District Dimensional Standards

	Standard	Standard Development Requirements	Cluster Development Requirements
Lot Requirements			
1	Lot Size (min.)	10 acres	3 acres, exclusive of major floodplain
2	Lot Width (min.)	200 ft. for lots fronting on Public Roads 50 ft. for lots fronting on Private Roads	200 ft. for lots fronting on Public Roads 50 ft. for lots fronting on Private Roads
3	Length/Width Ratio (max.)	5:1	5:1
Setback Requirements¹			
3	Yards from any property line (min.)	25 ft.	25 ft.
4	Yards from any road right of way, private road and/or prescriptive easement (min.) ²	50 ft.	50 ft.
Building Requirements			
5	Lot Coverage (max.) ³	25%	25%
6	Building Height (max.) ⁴	35 ft.	35 ft.
TABLE KEY: ft = feet min. = minimum max. = maximum TABLE NOTES: ¹ Setback and yard requirements may be modified in accordance with the provisions of Section 10.03. ² Except where a greater setback is required by Section 7.04.02. ³ Only 10% may be used for residential or non-residential structures excluding agricultural and horticultural structures not open to the public. ⁴ Excluding agricultural and horticultural structures not open to the public.			

D. Principal Permitted Use Requirements. Principal permitted uses are allowed as follows:

1. Only 1 principal permitted use of the same type in Table 3.02.04 is permitted on a lot;
2. Each different principal permitted use must meet the minimum acreage requirement for each use when 1 or more of the uses has a minimum lot size specified in Chapter 4, Use-Specific Standards;
3. Notwithstanding Section 3.01.F., where 2 or more different principal uses are located on 1 parcel, the parcel size must be the larger of the 2 or more use requirements, and not the sum of all the minimum lot sizes; and
4. No non-agricultural use that because of its nature, location, or manner of operation, is dangerous or noxious because of noise, odor, fumes, gas, glare, light, vibration, smoke, emission of particulate matter or effluents, or for other similar reasons is permitted.

E. Rural Hamlet. A Rural Hamlet subdivision is permitted in accordance with Section 7.10.

2.04.03.02 Agricultural Residential-3 - A-3 (Legacy District)

Purpose. The purpose of the Agricultural Residential-3 (A-3) Zoning District is to retain existing areas established to:

- Provide for the continued practice of agriculture, farm operations, agriculturally related and home-based businesses and other uses in a predominantly rural environment;
- Provide for low density residential developments, preferably in a hamlet subdivision pattern; and
- Permit direct marketing of farm products and services.

- A. **Applicability and Location.** The A-3 Zoning District permits the continued existence of established A-3 Zoning Districts. Expansion of the A-3 Zoning District is not permitted after the adoption date of this Zoning Ordinance unless initiated by the Board of Supervisors.
- B. **Use Regulations.** Refer to Table 3.02.04 for uses allowed in the A-3 Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.04.03.02-1 for required dimensional standards.

Table 2.04.03.02-1. A-3 Zoning District Dimensional Standards	
Standard	Requirement
Lot Requirements	
1 Lot Size (min.)	3 acres
2 Lot Width (min.)	200 ft. for lots fronting on Public Roads 50 ft. for lots fronting on Private Roads
3 Length/Width Ratio (max.)	5:1
Setback Requirements¹	
4 Yards from any property line (min.)	25 ft
5 Yards from any road right of way, private road, and/or prescriptive easement (min.) ²	35 ft
Building Requirements	
6 Lot Coverage (max.) ³	25%
7 Building Height (max.) ⁴	35 ft
TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum TABLE NOTES: ¹ Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 ² Except where a greater setback is required by Section 7.04.02. ³ Only 10% may be used for residential or nonresidential structures excluding agricultural and horticultural structures not open to the public. ⁴ Excluding agricultural and horticultural structures not open to the public.	

- D. **Principal Permitted Use Requirements.** Principal permitted uses are allowed as follows:
1. Only 1 principal permitted use of the same type in Table 3.02.04 is permitted on a lot;
 2. Each different principal permitted use must meet the minimum acreage requirement for each use when 1 or more of the uses has a minimum lot size specified in Chapter 4, Use-Specific Standards;
 3. Notwithstanding Section 3.01.F., where 2 or more different principal uses are located on 1 parcel, the parcel size must be the larger of the 2 or more use requirements, and not the sum of all the minimum lot sizes; and
 4. No non-agricultural use that because of its nature, location, or manner of operation, is dangerous or noxious because of noise, odor, fumes, gas, glare, light, vibration, smoke, emission of particulate matter or effluents, or for other similar reasons is permitted.

E. **Rural Hamlet.** A Rural Hamlet subdivision is permitted in accordance with Section 7.10.

2.04.03.03 Countryside Residential – CR (Legacy District)

Purpose. The purpose of the Countryside Residential (CR-1, CR-2, CR-3, and CR-4) Zoning District is to retain existing areas established to:

- Implement the Rural Historic Village Place Type of the General Plan;
- Protect the small, compact, pedestrian-scale rural communities characterized by low-density residential development situated on smaller lots through the CR-1, CR-2, CR-3, and CR-4 Zoning Districts;
- Retain the compact development pattern of villages interspersed throughout the surrounding agricultural landscape;
- Ensure new construction is designed to complement surrounding properties and maintain the existing development pattern within a village; and
- While typically not served by community or municipal water supply and wastewater/sewer systems, encourage development served by public water and sewer facilities to achieve a traditional village development pattern and preserve open space.

A. **Applicability.** The CR-1, CR-2, CR-3, and CR-4 Zoning Districts permits the continued existence of established CR-1, CR-2, CR-3, and CR-4 Zoning Districts. Expansion of the CR-1, CR-2, CR-3, and CR-4 Zoning Districts is not permitted after the adoption date of this Zoning Ordinance unless initiated by the Board of Supervisors.

B. **Use Regulations.** See Table 3.02.04 for uses allowed in the CR-1, CR-2, CR-3, and CR-4 Zoning Districts.

C. **Dimensional Standards.** See Table 2.04.03.03-1 for required dimensional standards.

Table 2.04.03.03-1. CR Zoning District Dimensional Standards (CR-1, CR-2, CR-3, CR-4)													
	Standard	Base Density Option				Cluster Option				Compact Cluster Option			
		CR-1	CR-2	CR-3	CR-4	CR-1	CR-2	CR-3	CR-4	CR-1	CR-2	CR-3	CR-4
Density Requirement													
1	Residential Density (max.) ^{1,2}	1 lot per 40,000 sf				1 lot per 40,000 sf	1 lot per 20,000 sf	1 lot per 15,000 sf	1 lot per 15,000 sf	1 lot per 40,000 sf	1 lot per 20,000 sf	1 lot per 15,000 sf	1 lot per 10,000 sf
Utility Requirement													
2	Utility Requirements ³	On-site well and wastewater				Public water or public sewer				Public water and public sewer			
Lot Requirements													
3	Lot Size (min.)	40,000 sf	No min.	No min.	No min.	20,000 sf.	No min.	No min.	No min.	15,000 sf.	No min.	No min.	No min.
4	Lot Width (min.)	175 ft	50 ft	50 ft	50 ft	75 ft	50 ft	50 ft	50 ft	60 ft	50 ft	50 ft	50 ft
5	Depth/Width Ratio (max.)	5:1				5:1				5:1			
Setback Requirements ^{4,5}													
6	Front Yard (min.)	35 ft	25 ft	25 ft	25 ft	25 ft				15 ft			
7	Side Yard (min.)	12 ft. on one side 9 ft. on other side				9 ft				9 ft			
8	Rear Yard (min.)	50 ft				25 ft				25 ft			
Building Requirements													
9	Lot Coverage (max.)	15%	40%	40%	35%	25%	40%	40%	35%	25%	40%	40%	35%

Table 2.04.03.03-1. CR Zoning District Dimensional Standards (CR-1, CR-2, CR-3, CR-4)

	Standard	Base Density Option	Cluster Option	Compact Cluster Option
10	Building Height (max.)	35 ft	35 ft	35 ft
TABLE KEY: ft = feet sf = square feet min. = minimum; max. = maximum TABLE NOTES: ¹ Density increases by 20%, or 1.2 dwelling units per the permitted square feet, when ADUs are provided pursuant to Section 9.01. ² Calculated on overall parcel, exclusive of roads. ³ Nothing herein must be construed as requiring the extension of central or municipal utilities to any site or property. ⁴ Except where a greater setback is required by Section 7.04.02. ⁵ Setback and yard requirements may be modified in accordance with the provisions of Section 10.03.				

- D. **Compact Cluster Design Standards.** In Compact Cluster Developments garages must be set back at least 20 feet behind the front line of buildings.
- E. **Fire Protection.** Development in the CR-1, CR-2, CR-3, and CR-4 Zoning Districts must satisfy the fire protection standards set forth in the Facilities Standards Manual.
- F. **Road Network.** In addition to the requirements of Section 7.07.02, the Compact Cluster Development Option must be provided so that roads generally form a pattern that is consistent with the prevailing road network pattern for adjoining development. Adjoining development means:
1. The development pattern in a Village Conservation Overlay District (VCOD) if the Zoning Districts is located in a VCOD; or
 2. In a CR Zoning District when it is not located in a VCOD.

2.04.03.04 Rural Commercial - RC (Legacy District)

Purpose. The purpose and intent of the Rural Commercial (RC) Zoning District is to retain existing areas established to:

- Retain sporadically located, existing RC-zoned properties;
 - Ensure the locations where limited rural commercial and residential uses are permitted develop consistent with the general open and rural character of the Rural North and Rural South Place Types; and
 - Ensure that uses in the RC Zoning District are compatible with existing village and neighborhood scale and character and allow local, neighborhood related commercial uses to be developed.
- A. **Applicability.** The RC Zoning District permits the continued development of the established RC Zoning District. Expansion of the RC Zoning District is not permitted after the adoption date of this Zoning Ordinance unless initiated by the Board of Supervisors.
- B. **Use Regulations.** See Table 3.02.04 for uses allowed in the RC Zoning District.
- C. **Dimensional Standards.** See Table 2.04.03.04-1 for required dimensional standards.

Table 2.04.03.04-1. RC Zoning District Dimensional Standards

	Standard	Requirement
Density Requirements		
1	Residential Density (max.)	4 dwelling units per acre 4.8 dwelling units per acre with ADUs ¹
2	FAR (max.)	0.4
Lot Requirements		
3	Lot Size (min.)	10,000 sf

Table 2.04.03.04-1. RC Zoning District Dimensional Standards

	Standard	Requirement
4	Lot Width (min.)	50 ft
5	Length/Width Ratio (max.)	5:1
Setback Requirements^{1,2}		
6	Front Yard (min.)	No min.
7	Side Yard (min.)	No min. Exception: 15 ft for a nonresidential use abutting a lot used for residential purposes, or a lesser distance to continue the setback of an existing building.
8	Rear Yard (min.)	No minimum Exception: 30 ft for a nonresidential use abutting a lot used for residential purposes, or a lesser distance to continue the setback of an existing building.
Building Requirements		
9	Lot Coverage (max.)	70%
10	Building Height (max.)	35 ft
11	Individual Use (max.)	Any 1 permitted use in excess of 10,000 sf in gross floor area ⁴
TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum TABLE NOTES: ¹ ADUs must be provided pursuant to Section 9.01. ² Except where a greater setback is required by Section 7.04.02. ³ Setback and yard requirements may be modified in accordance with the provisions of Section 10.03. ⁴ Except agricultural uses, feed and grain mills, feed and farm supply centers, farm markets, and farm machinery uses are not subject to this limit.		

D. Additional Regulations. The following additional regulations apply:

1. Off-street parking and loading must be provided in accordance with Section 7.06 and as follows:
 - a. On the side and rear of the lot if feasible;
 - b. If off-street parking is provided in the front, then the parking area is not permitted to be wider than the area needed for one row of parking; and
 - c. Regardless of the number of parking spaces provided, where off-street parking is provided in the front, the parking must be screened, landscaped, and buffered pursuant to Section 7.04.06.8.2, so it is not visible from the roadway; and
2. Dwellings, shops, and workplaces must be generally located proximate to each other;
3. Buildings must be located so the predominant façade or elevation fronts on and is aligned with a road;
4. Roads and blocks must have a general rectilinear pattern if the RC Zoning District is located in a Village Conservation Overlay District (VCOD) and it is the predominate pattern of the VCOD in which the RC Zoning District is located;
5. The development must be a size and scale that accommodates and promotes pedestrian travel rather than motor vehicle use;
6. Separate vehicular site entrances for individual uses along roadways are prohibited; and
7. Commercial strip development is prohibited.

2.04.03.05 Planned Development-Rural Village - PD-RV (Legacy District)

Purpose. The purpose of the Planned Development-Rural Village (PD-RV) district is to implement existing PD-RV Zoning Districts.

- PD-RV Zoning Districts are established at a scale intended to continue Loudoun's traditional rural land use pattern and to promote its traditional concept of villages.
 - Each village will be serviced by its own public water and sewer facility.
 - Villages are permitted only in accordance with the policies and design criteria in the General Plan. The applicant must demonstrate that its planning, design, and development will achieve, but not necessarily be limited to, all of the following specific objectives:
 - The preservation of agricultural land, open space, scenic vistas and natural resources found within Loudoun and to minimize the potential for conflict between agricultural and other land uses;
 - The creation of a distinct physical settlement surrounded by a protected rural landscape of generally open land for agricultural, forestal, recreational, and environmental protection purposes;
 - Dwellings, shops, and workplaces generally located proximate to each other; the scale of which accommodates and promotes pedestrian travel for trips within the village;
 - Modestly sized buildings fronting on, and aligned with, streets in a disciplined manner, uninterrupted by parking areas;
 - A generally rectilinear pattern of streets, alleys, and blocks reflecting the street network in existing rural villages which provides for a balanced mix of pedestrians and automobiles;
 - Squares, greens, landscaped streets, and parks woven into street and block patterns to provide spaces for social activity, parks, and visual enjoyment;
 - Provision of civic buildings for assembly or other civic purposes;
 - A recognizable, functionally diverse, visually unified village center, focused on a village green or square; and
 - A development size and scale which accommodates and promotes pedestrian travel rather than vehicle trips within the village.
- A. **Applicability.** The PD-RV Zoning District permits the continued existence of established PD-RV Zoning Districts. Expansion of the PD-RV Zoning District is not permitted after the adoption date of this Zoning Ordinance.
- B. **Use Regulations.** Refer to Table 3.02.04 for uses allowed in the PD-RV Zoning District.
1. In addition to the uses allowed in Table 3.02.04, vehicle service stations are limited to 1 per block and 1 per street intersection.
 2. In addition to Table 3.02.04, the following restrictions apply to Permitted Uses:
 - a. Village Center - Residential Area:
 1. Professional office is permitted only as an accessory use and is limited to 1,200 square feet of floor area per lot; and
 2. General retail sales is permitted only as accessory to residential use and is limited to 600 square feet of floor area per lot.
 - b. In the Rural Village Center - Commercial and Workplace Areas:
 1. General retail uses are limited to 5,000 square feet of floor area per lot. Pharmacy is not a permitted use; and
 2. Professional office uses are limited to 10,000 square feet of floor area per lot.
 3. In addition to Table 3.02.04, the following uses require Special Exception approval:
 - a. Village Center - Residential Area:

1. General retail uses up to 3,000 square feet of floor area per lot; and
2. Professional office uses up to 6,000 square feet of floor area per lot.
- b. Rural Village Center - Commercial and Workplace Areas:
 1. General retail uses between 5,000 and 10,000 square feet of floor area per lot; and
 2. Professional office between 10,000 and 20,000 square feet of floor area per lot.
- C. **Dimensional Standards.** Refer to Table [2.04.03.05-1](#) for required dimensional standards.

Draft 7/6/23

Table 2.04.03.05-1. PD-RV Zoning District Dimensional Standards						
Standard	Village Conservancy and Satellite Conservancy Subdistrict Requirement	Village Center Residential Area				
		SFD	SFA	Commercial/ Workplace	Green, Park, Square	
Density Requirements						
1	Residential Density (max.) ¹	1 dwelling unit per 3 acres	1 dwelling unit per 3 acres	1 dwelling unit per 3 acres	n/a	n/a
Lot Requirements						
2	Lot Size (min.) ²	10 acres	5,000 sf	1,600 sf	1,600 sf	20,000 sf
3	Lot Size (average)	50 acres	n/a	n/a	n/a	n/a
4	Lot Width (min.)	300 ft	60 ft	16 ft	16 ft	Main village green: 96 ft Other greens, parks, or squares: 64 ft
5	Lot Width (max.)	no max.	no max.	48 ft	Attached buildings: 48 ft Detached buildings: 120 ft	n/a
6	Length/Width Ratio (max.)	9:1	5:1	Lots up to 32 ft wide: 9:1 Lots 32 ft wide or greater: 5:1	9:1	5:1
Setback Requirements ³						
7	Front Yard (min.)	16 ft	Lots up to 10,000 sf: 6 ft Lots 10,000 sf or greater: 25 ft ⁴	4 ft ⁵	16 ft	n/a
8	Front Yard (max.)	n/a	Lots up to 10,000 sf: 30 ft Lots 10,000 sf or greater: 60 ft ⁴	16 ft ⁵	Child day center: 50 ft All other uses: 16 ft ⁶	n/a
9	Side Yard (min.)	16 ft	8 ft	no min.	no min.	n/a
10	Side Yard (max.)	no max.	no max.	no max.	0 ft ⁷	
11	Rear Yard (min.)	16 ft	16 ft ⁸	no min.		n/a
Building Requirements						
12	Lot Coverage (max.)	Single Family Dwelling Unit: 8% All Other Uses: 25%	40%	70%	70%	n/a
13	Building Height (max.)	3 stories or 40 ft, whichever is less				n/a

TABLE KEY:

ft = feet
sf = square feet
min = minimum
max = maximum
SFD = single-family detached
SFA = single-family attached
MF = multifamily

TABLE NOTES:

- ¹See also Section 2.04.03.05.1.
²Exclusive of major floodplain and steep slopes.
³Setback and yard requirements may be modified in accordance with the provisions of Section 10.03.
⁴See Figure 2.04.03.05-6b.
⁵See Figure 2.04.03.05-6a.
⁶A minimum of 60% of buildings located on a single block must share a common setback. The principal entrance of a commercial building must be from the front.
⁷Storefront buildings fronting on the same street and located on the same block must be attached except where pedestrian ways are located between buildings.
⁸Detached garages located at the rear of a lot and attached to a similar garage on a contiguous lot may be located within the side yard and within 6 feet of the rear property line. No minimum rear yard is required for garages which are accessed from the front of a lot.

- D. **Design of the Concept Development Plan (CDP).** The CDP, submitted pursuant to Section 10.10.04, must demonstrate conformance with the design requirements noted below and in the General Plan. The CDP must include a plan of the Village Conservancy and Village Center subdistricts, areas, blocks, and streets. It may also include a plan for a Satellite Conservancy subdistrict, if proposed. Typical sections and drawings demonstrating satisfaction of other design requirements are allowed as support documentation. The Rural Village must have at least 2 types of subdistricts; a Village Conservancy and Village Center. A Satellite Conservancy subdistrict is optional. Within the Village Center subdistrict there are 3 designated land use areas (See Figure 2.04.03.05-1.):
1. Village Conservancy and/or Satellite Conservancy subdistricts; and
 2. Village Center subdistrict:
 - a. Designated residential area;
 - b. Designated commercial area; and
 - c. Designated workplace subarea.
- E. **Transportation Requirements.** In addition to meeting the requirements of Section 7.07.01, the CDP of a Village Center must demonstrate that the following transportation requirements are satisfied:
1. The Village Center must have at least 2 points of access onto paved 2 lane roadways designated in Table 2.04.03.05-2 below as part of the Significant Rural Transportation Route and Corridor Network. This requirement may be modified pursuant to Section 2.04.03.05.M 2 subject to County approval in cases where 1 access point to a paved road is found to be sufficient and a secondary means of access is provided for emergency vehicles;
 2. Additional points of access to Significant Rural Transportation Routes maintained through State Primary Funds are discouraged. County approval of all access points to such streets will be judged on the safety merits of the proposed road network design;
 3. Other significant transportation routes and corridors, found to be acceptable to the County, may be utilized provided that such roads are paved with a minimum 20 foot section or that the applicant has secured and improved, or has agreements with off-site property owners to secure and improve, the right-of-way necessary to develop a paved 20 foot section, which meets County standards, from the property to the nearest intersecting road listed in Table 2.04.03.05-2;
 4. Any secondary road improved to a minimum 20 foot paved section through the County Six Year Secondary Road Improvement Program after the adoption of the Zoning Ordinance, meeting all County standards for

horizontal and vertical geometry and design speed must be, upon completion of construction, considered to be included on Table 2.04.03.05-2;

5. Neighborhood streets serving a Village Center should not have direct access to any Significant Rural Transportation Route or corridor road;
6. Significant Rural Transportation Route and Corridor Network roads are not permitted to not serve as through roads or neighborhood streets within a Village Center unless a new bypass road of similar function is provided; and
7. Lots in the Village Conservancy may be served by private roads pursuant to Section 7.07.01.

Table 2.04.03.05-2. Significant Rural Transportation Route and Corridor Network

Roads maintained through State Primary Funds	Routes 7, 9, 15, 50, 287, 840
Roads and corridors maintained through State Secondary Funds	Routes and corridors 673/681, 621, 655, 671, 672, 704, 734719/743/623, 626/736, 733/745, 731/728/722, 690/673623/725, 662/665/668, 662/657/661, 626, 662, 663, 860658, 615, 659, 682, 705, 620, 710, 709

F. Purpose and Intent of Subdistricts and Areas. The purpose and intent of the Subdistricts and Areas are as follows (See Figure 2.04.03.05-2):

1. **Village Conservancy and Satellite Conservancy Subdistricts.** To surround the Village Center subdistrict with open land affording rural views, to provide significant buffering of neighboring properties, and to provide a land base for agricultural, forestal, and open space uses;
2. **Village Center Subdistrict - Residential Area.** To provide for a compact settlement of single-family homes in a residential neighborhood environment, complemented by compatible civic, business, and residential uses, parks, squares, and greens (See Figure 2.04.03.05-3);
3. **Village Center Subdistrict - Commercial Area.** To provide a variety of retail shops and services to support the needs of village and neighboring residents, complemented by other compatible civic, business, and residential uses, which would be housed in buildings with commercial uses on the ground floor consistent with a small downtown or central marketplace of a community; and
4. **Village Center Subdistrict - Workplace Area.** To provide employment opportunities for rural village and neighboring residents and to provide sites for compatible small, light industrial uses, which support the rural area without undue adverse impact on the village, surrounding lands, and neighboring residents.

G. Size and Location of Subdistricts.

1. **Village Conservancy Subdistrict.** The Village Center must be ringed by a buffer of land, described hereafter as the Village Conservancy, which will create a visual and physical distinction between the settlement, the surrounding countryside, and any neighboring hamlets, villages, and towns. The Village Conservancy subdistrict must be:
 - a. A contiguous and generally compact block of land;
 - b. A minimum of 80% of the Rural Village district, exclusive of any Satellite Conservancy subdistrict land area;
 - c. Subdivided into lots with an average size of 50 acres or more;
 - d. No less than 800 feet in depth at all points along the perimeter of the Village Center, except as modified pursuant to 2.04.03.05.M.2.; and
 - e. Placed under permanent open space conservation easement limiting uses to those listed in Section 3.02.04 and prohibiting further subdivision.
2. **Rural Village Satellite Conservancy Subdistrict.** A Rural Village district may include detached parcels constituting a Satellite Conservancy subdistrict. Transfer of development potential from a Satellite

Conservancy may increase the total development potential of the balance of the Rural Village District, provided that such development potential is not increased by more than 20%. Such Satellite Conservancy subdistricts must:

- a. Be located so that at least 1 boundary of the Satellite Conservancy is no further than 1.5 miles from the nearest point of the Conservancy subdistrict unless these provisions are specifically modified pursuant to 2.04.03.05.M.2.;
- b. Be at least 50 acres in size;
- c. If subdivided, be larger than 100 acres in size, and be subdivided into lots with an average size of no less than 50 acres; and
- d. Be placed under permanent open space conservation easement limiting uses to those listed in Section 3.02.04 and prohibiting further subdivision.

3. Village Center Subdistrict. The Village Center including residential, commercial, and workplace areas, must:

- a. Not exceed a maximum of 20% of the district;
- b. Be contiguous and generally compact in shape;
- c. Contain no more than 300 dwelling units, exclusive of conservancy lots units or accessory dwelling units, at a density of no less than 1.5 dwelling units per acre and no more than 5.0 dwelling units per acre of the village center;
- d. Identify the location of all required civic lots and greens;
- e. At a minimum, the location of the Village Center must conform to the following general criteria:
 1. It must be located at least 1 mile from the boundary of an existing town, and at least 1 mile from the boundary of an existing village, as defined in the General Plan, and at least 1 mile from the boundary of another approved Village Center;
 2. It must be located at least 3 miles from the boundary of the Waterford National Historic Landmark; and
 3. The minimum 1 mile and 3 mile Village Center distances may be modified pursuant to 2.04.03.05.M.2. Buffering and landscaping requirements of the Zoning Ordinance may be increased and additional requirements may be conditioned in order to ensure that the identity of the existing town or village and its setting are preserved; and
- f. If located in a Mountainside Overlay District (MOD), the Village must be designed to comply with performance standards and criteria in Section 5.04.

H. Land Use Mix. Village Conservancy, Satellite Conservancy, and Village Center subdistricts, residential, commercial, workplace areas, and civic lots must conform with the land allocation requirements in Table 2.04.03.05-3. (See Figures 2.04.03.05-4. and 2.04.03.05-5.)

Table 2.04.03.05-3. Rural Village - Land Allocation Requirements

	Subdistrict/Area	Percent of Rural Village District Land Area
1	Village Conservancy (VC) (min.)	80%
2	Satellite Conservancy (SC)	None required
3	Village Center (max.)	20%
4	Civic Lots (min.)	0.6%
5	Greens, Parks and Squares (min.)	1.0%
6	House Lots	No min. or max.
7	Commercial and workplace lots	min.: 3,000 sf max.: 5 acres

TABLE KEY:

Table 2.04.03.05-3. Rural Village - Land Allocation Requirements

Subdistrict/Area	Percent of Rural Village District Land Area
------------------	---

min. = minimum
max. = maximum
sf = square feet
TABLE NOTES:
¹Inclusive of any greens, parks, and squares.
²For purpose of applying the percentages in the above table, land designated for use as a private or public school for more than 9 children is excluded from these calculations as a civic use.

I. Development Potential in the Rural Village District.

1. Designated Residential Areas.

- a. The maximum residential development potential of the Rural Village district, must be calculated upon a base density of 1 dwelling unit per 3 acres, as adjusted by application of the following bonuses:
 1. The base number of proposed dwelling units in the village may be increased by 35% in all rural villages;
 2. The base number of proposed dwelling units in the village may be increased by an additional 15% if the proposed village includes a mix of both single-family detached and single-family attached dwelling units;
 3. The base number of proposed dwelling units in the village may be increased by 4 dwelling units for each 100 acres dedicated to serve as Village Conservancy lot(s); and
 4. In any case, the maximum number of dwelling units within the Village district must not exceed 300 dwelling units, exclusive of dwelling units developed on conservancy lots and accessory dwellings;
- b. The total number of dwelling units permitted in a village, as determined above, must not include those dwelling units established on lots which are created in the Village Conservancy and Satellite Conservancy subdistricts; and
- c. The maximum residential development potential of a Satellite Conservancy subdistrict, which may be transferred to the Village Center, is limited by the provisions of 2.04.03.05.G.2.

2. Designated Commercial and Workplace Areas.

- a. The County will permit non-residential uses in the Village Center subdistrict subject to Section 3.02.04, Table 2.04.03.05-3, and Table 2.04.03.05-1.
- b. Accessory dwellings associated with commercial and workplace uses are permitted, provided that all accessory dwellings on commercial and workplace lots are located above the first floor. Such accessory units are not included in calculating the maximum residential development potential provided for above in 2.04.03.05.I.1 a.

- J. **Utility Design and Financing Requirements.** In addition to the requirements of Section 7.08, the applicant must demonstrate to the satisfaction of the Board of Supervisors, the technical and financial ability to provide an appropriately sized water treatment and sewage collection system for both immediate and long-term needs. The location of the water and wastewater treatment facilities, or connections to public water and sewer mains, proposal must be shown in the CDP and must be accompanied with a financing plan designed to obtain sufficient revenue from the system users to pay all construction, operating, service and replacement costs incurred by the Loudoun Water. All proposals must meet State and Local Health Department requirements for water and wastewater treatment facilities.

1. Lots within the Village Center must be served by appropriately sized public water and wastewater collection facilities provided and constructed by the applicant and dedicated to Loudoun Water, the public body which will be ultimately responsible for utility operation, control, and maintenance.
2. Lots in the Village Conservancy and Satellite Conservancy subdistricts, which are not adjacent to the Village Center, may be served by private water supply and sewage disposal systems meeting all State and Local Health Department criteria.

K. Land Use Arrangement.

1. **Overall Form.** (See Figures 2.04.03.05-2 through 2.04.03.05-8)
 - a. The boundaries of Village Conservancy and Satellite Conservancy subdistrict lots should be designed to follow natural features whenever possible and such lots should seek to provide for an agricultural, forestal, or open space use of the land.
 - b. The Village Center must be distinguished from the Village Conservancy by a well-defined "hard edge" of closely spaced buildings in contrast with the open, largely unbuilt farm, forestal, and open space character of the conservancy.
 - c. The village should be sited so as to best preserve natural vistas and the existing rural topography.
 - d. The Village Center should be designed in a generally rectilinear pattern of blocks and interconnecting streets and alleys, defined by buildings, street furniture, landscaping, pedestrian ways, and sidewalks.
 - e. A hierarchy of parks and squares must be distributed strategically for maximum benefit and convenience throughout the Village Center and must include a central civic park, called the main village green.
2. **Spatial Relationship of Village Subdistricts and Areas.**
 - a. The Village Conservancy subdistrict must surround the Village Center subdistrict unless explicitly modified pursuant to Section 2.04.03.05.M.2. upon a finding that unique topographical or other natural features or pre-existing boundary constraints require an alternative arrangement.
 - b. Village Center commercial and workplace areas must be surrounded by the residential lots or, where applicable, by a combination of residential lots and civic areas.
 - c. Higher density residential lots should generally be located between the designated commercial area and lower density residential lots, providing a transition between the business and residential uses of each.
 - d. The designated workplace area should generally abut the designated commercial area, must be located in no more than 2 geographic places at the periphery of the Rural Village Center subdistrict and must be buffered to have the least impact on residences within the Rural Village District or on adjacent properties.
 - e. Every Village Center must be provided with a centrally located main village green. The main village green should abut the designated commercial and civic areas.
3. **Block Design.** Blocks in the PD-RV Zoning District must meet the following standards and are not subject to Section 7.07.02:
 - a. Blocks of a generally rectangular shape should be the main organizing feature of the Village Center subdistrict. While topography, existing vegetation, hydrology, and design intentions should influence block shape and size, the perimeter of such blocks should range between 1,100 and 1,800 feet in length as measured along lot frontage lines, between intersections of streets;
 - b. The blocks of the Village Center subdistrict may be subdivided into lots, having frontage on a street, whose generally rectangular shape should respond to environmental factors, the proposed use and design intentions. The Zoning Ordinance is best served by Village Center lot design which includes a variety of sizes;

- c. Village Center subdistrict lots should minimize both front and side yards, garage aprons and entrances and blank walls and should generally have as narrow a width as is practical in order to encourage pedestrian movement (Typical drawings permitted.); and
 - d. Townhouse lots of less than 32 feet in width are not permitted to be developed with garage doors on their principal façade.
- 4. **Road Network.** Roads in the PD-RV Zoning District must meet the following standards and are not subject to Section 7.07.02:
 - a. Road and alley layouts in the Village Center subdistrict must be designed in a hierarchical, rectilinear pattern with geometrical variation as required by traffic safety, environmental factors, and design intentions. Village Center roads and alleys should terminate on other roads;
 - b. Roads and alleys should be designed to:
 - 1. Parallel and preserve existing fence lines, tree lines, hedgerows, and stone walls;
 - 2. Minimize alteration of natural site features;
 - 3. Secure the view to prominent natural and manmade vistas;
 - 4. Minimize the area devoted to motor vehicle travel; and
 - 5. Promote pedestrian movement so that it is generally more convenient and safer to walk than to drive; and
 - c. Village roads should be designed as a set of parallel zones:
 - 1. A zone of moving vehicles;
 - 2. A buffer area of street trees, planting and parked cars;
 - 3. A sidewalk or pedestrian path zone; and
 - 4. A yard adjacent to residential buildings or an entrance adjacent to other buildings. (Typical drawings permitted.)
- 5. **Pedestrian Access.** Notwithstanding the requirements of Section 7.07.03, the pedestrian network in the PD-RV Zoning District must meet the following standards:
 - a. Single-family lots in the Village Center - Residential Area must provide sidewalks as follows:
 - 1. Minimum front sidewalk width: 6 feet, which may include a minimum 4-foot-wide sidewalk and planting strip of 2 feet at the curb; and
 - 2. On both sides of the street;
 - b. Commercial/Workplace lots in the Village Center must provide sidewalks as follows:
 - 1. Minimum front sidewalk width: 8 feet, which may include a minimum 6-foot-wide sidewalk and planting strip of 2 feet wide at the curb (See Figure 7A); and
 - 2. Open colonnades constructed over a sidewalk which adjoins storefront buildings may be permitted subject to an appropriate easement; and
 - c. Pedestrian Access:
 - 1. Temporary paths must be constructed, extending across undeveloped land designated for commercial development and linking other portions of the Village Center, by the developer at the same time as adjoining areas are developed. Such paths must be a minimum of 3 feet in width, constructed of gravel, sand, woodchips, or other similar type materials; and
 - 2. Paths linking land designated for commercial development with residential areas must be constructed concurrent with development of the individual commercial lots.
- 6. **Parking.** In addition to the requirements of Section 7.06, parking in the PD-RV Zoning District must meet the following standards:

- a. Parking for residential, civic, commercial, workplace, and recreational uses in Village Center should generally be located at the rear of lots and no off-street parking is permitted in front yards. Adjacent off-street parking lots must have off-street vehicular and pedestrian ways. Continuous parallel parking for additional cars and visitors should be provided on the streets (Typical drawings permitted.);
 1. Notwithstanding Section 2.04.03.05.K.6 a., off-street parking for single-family attached dwelling units of less than 32 feet frontage must be provided at the rear of the lot and must be accessed either from an alley or from a side street. This requirement may be modified pursuant to Section 2.04.03.05.M.2. if a block of parking is provided within 200 feet of the townhouse units served; and
 2. Notwithstanding Section 2.04.03.05.K.6.a., off-street parking for commercial and workplace lots is not permitted in the front of the lot; and
 - b. Access for off-street parking in Village Center subdistrict must generally be achieved by means of alleys, off-street vehicular connections between adjacent parking lots, and side streets;
 1. Off-street parking for storefront buildings on commercial and workplace lots provided at the rear of the lot may be accessed either from an alley or from a side street perpendicular to that on which townhouses enfront; and
 2. Driveway curb cuts on neighborhood streets serving residential lots may be allowed if spaced to allow parallel parking for at least 2 cars (a minimum of 36 feet) between successive driveways. (Typical drawings permitted.); and
 - c. Off-street parking areas, carports, and garages in a Village Center should be designed to have low visibility and consequently are not permitted to be located at the visual termination of roads and streets and not permitted to be the principal use of corner lots, and meet the following:
 1. Front load garages and carports should offset from direct view and should be located a minimum of 6 feet behind the principal building façade; and
 2. Any parking lot which abuts a street must be buffered by a landscaped strip no less than 10 feet wide and planted with a continuous row of shrubs no less than 3 1/2 feet high, and/or shielded by a wall no less than 3 1/2 feet and no more than 6 feet high.
7. **Landscaping.** In addition to the requirements of Section 7.04, landscaping, buffering, and screening must meet the following requirements:
- a. Between Village Workplace Areas and residential areas, a continuous buffer a minimum of 50 feet in width that meets the plant unit requirements for a Buffer Yard Type B under Section 7.04.03 must be provided;
 - b. Between Village Workplace Areas and public streets and open space areas, a continuous buffer a minimum of 30 feet in width that meets the plant unit requirement for a Buffer Yard Type B under Section 7.04.03 must be provided;
 - c. Workplace lots used for open storage must have either an additional 50-foot-wide planted buffer (for a total width of 100 feet if located on a workplace subdistrict boundary) or a masonry wall no less than 6 feet minimum in height;
 - d. The applicant must submit a conceptual Landscape Master Plan as part of the CDP which identifies design intentions, the general location and size of both existing vegetation to be retained and proposed new vegetation, typical landscape sections and drawings, typical planting materials, and the phasing of landscape installation and planting methods; and
 - e. Roads and streets in Village Center residential areas should generally be planted on both sides with street trees spaced, according to species, at regular intervals. The width of sidewalks required pursuant to Section 2.04.03.05.K.5. should account for such street trees. Streets in the storefront

areas of the Village Center must be planted on at least 1 side with street trees spaced, according to species, at regular intervals. (Typical drawings permitted.)

L. **Village Governance.** Every rural village must have an Owners Association established pursuant to Section 7.09.

M. Modification of Regulations.

1. **Precedence.** Where there are explicit differences between provisions of the PD-RV Zoning District regulations and general zoning, subdivision, or other County regulations, the provisions of the PD-RV Zoning District will apply.
2. **Locational Requirements.** The Board of Supervisors may grant modifications permitted pursuant to Section 10.10.04.C.

Figure 2.04.03.05-1. Hierarchy of Village Zones

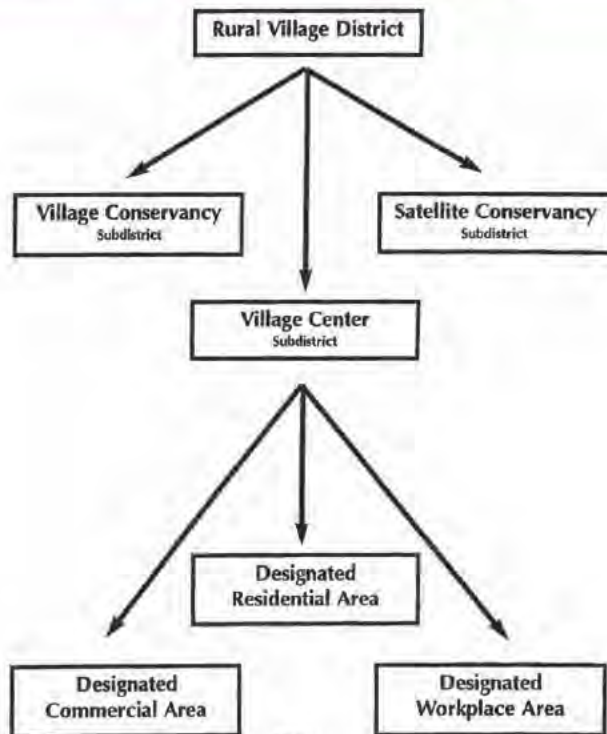


Figure 1

Hierarchy of Village Zones

Figure 2.04.03.05-2. Major Village Zones

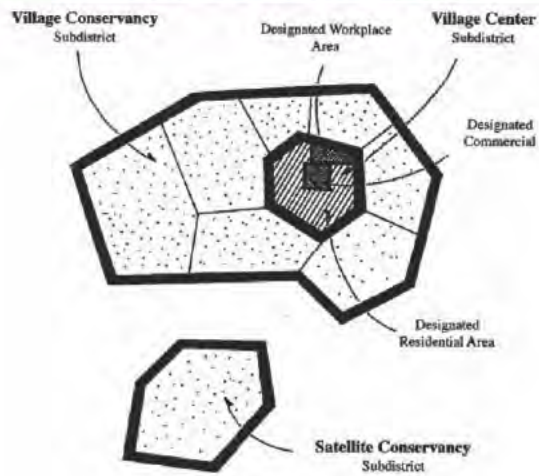


Figure 2

Major Village Zones

Figure 2.04.03.05-3. Detail of Village Center

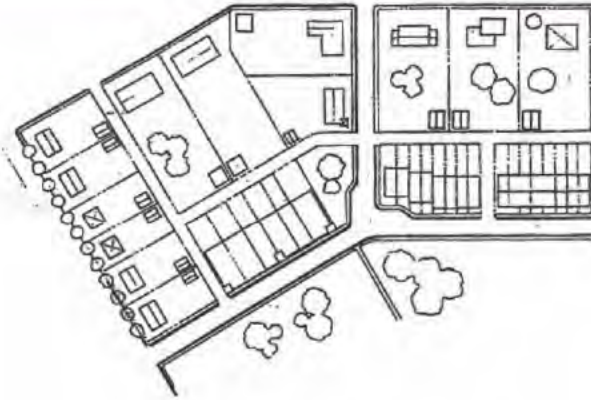


Figure 3

Detail of Village Center

Draft

Figure 2.04.03.05-4. Village Center Uses (minimum area)



Figure 4

Village Center Uses (minimum area)

Figure 2.04.03.05-5. Village Center Uses (maximum area)



Figure 5

Village Center Uses (maximum area)

Figure 2.04.03.05-6a. Single-Family Attached Street Cross Section



Figure 6A

Single Family Attached Street Cross Section

Minimum and Maximum Front Yards

(1:20 Scale)

Figure 2.04.03.05-6b. Single-Family Detached Street Cross Section

(1:20 Scale)



Figure 6B

Single Family Detached Street Cross Section

Minimum and Maximum Front Yards

Figure 2.04.03.05-7a. Commercial Workplace Street Cross Section



Figure 7A

Commercial Workplace Street Cross Section

(1:20 Scale)

Figure 2.04.03.05-7b. Commercial Workplace Street Plan View

(1:20 Scale)

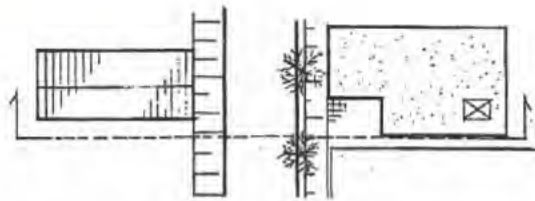


Figure 7B

Commercial Workplace Street Plan View

Figure 2.04.03.05-8. Village Blocks Detail



Figure 8

Village Blocks Detail

2.05 Joint Land Management Area Zoning Districts

Contents:

2.05.01 Joint Land Management Area – JLMA-1, JLMA-2, JLMA-3

2.05.02 Legacy Joint Land Management Area Zoning Districts

2.05.01 Joint Land Management Area – JLMA-1, JLMA-2, JLMA-3

Purpose. The purpose of the Joint Land Management Area-1, -2, -3 (JLMA-1, JLMA-2, JLMA-3) Zoning Districts is to accommodate and foster the development of land within the JLMAs outside the incorporated towns in Loudoun County to:

- Implement the Western JLMA Neighborhood, Purcellville JLMA Rural Neighborhood, and Leesburg JLMA Residential Neighborhood Place Types of the General Plan;
- Reinforce existing development patterns in the adjacent towns to the maximum extent feasible;
- Ensure the type and scale of development is consistent with the JLMA that is serving as a gateway to the towns;
- Encourage an appropriate mix of residential and nonresidential land uses;

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- In the JLMA-1 and JLMA-2 Zoning Districts, provide a variety of dwelling unit and lot sizes;
 - In the JLMA-3 Zoning District, provide for a combination low density rural residential uses and limited agricultural and related businesses in a rural setting that is easily distinguishable from the adjacent town;
 - Reduce the need for automobile trips; minimize the need for additional road improvements; and encourage walking to employment, shopping, and public facilities; and
 - Implement jointly adopted area plans, where applicable.
- A. **Applicability.** The JLMA Zoning Districts are located within the Western JLMA Neighborhood, Purcellville JLMA Rural Neighborhood, and Leesburg JLMA Residential Neighborhood Place Types as shown on the JLMA Place Types Map in the General Plan. Expansion of the JLMA-1, JLMA-2, and JLMA-3 Zoning Districts beyond the existing JLMA boundaries is not permitted after the adoption date of this Zoning Ordinance.
- B. **Uses Regulations.** Refer to Table 3.02.03 for uses allowed in the JLMA-1, JLMA-2, and JLMA-3 Zoning Districts.
- C. **Dimensional Standards.** Refer to Table 2.05.01-1 for required dimensional standards.

Table 2.05.01-1. JLMA-1, JLMA-2, and JLMA-3 Zoning District Dimensional Standards

Standard	JLMA-1	JLMA-2	JLMA-3
Density Requirements			
1 Residential Density (max.)	1 dwelling unit per 40,000 sf 1.2 dwelling units per 40,000 sf. with ADUs ¹	1 dwelling unit per 20,000 sf 1.2 dwelling unit per 20,000 sf. with ADUs ¹	1 dwelling unit per 3 acres 1.2 dwelling unit per 3 acres with ADUs ¹
Lot Requirements			
2 Lot Size (min.)	20,000 sf	10,000 sf	20,000 sf
3 Lot Width (min.)	50 ft	50 ft	60 ft
Setback Requirements^{2,3}			
4 Front Yard (min.)	35 ft	15 ft	On arterial road: 35 ft On collector road: 25 ft On other roads: 15 ft
5 Side Yard (min.)	9 ft	8 ft	10 ft
6 Rear Yard (min.)	25 ft	25 ft	25 ft
Building Requirements			
7 Lot Coverage (max.)	25%	40%	25%, but only 10% may be used for residential or non-residential structures excluding agricultural and horticultural structures not open to the public
8 Building Height (max.)	40 ft	40 ft	40 ft ⁴

TABLE KEY:

ft = feet

sf = square feet

min. = minimum

max. = maximum

TABLE NOTES:

¹ADUs must be provided pursuant to Section 9.01.

²Except where a greater setback is required by Section 7.04.02.

³Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C.

⁴No height restriction for structures used exclusively for agriculture.

- D. **Compatibility Standards.** Within the JLMA-1, JLMA-2, and JLMA-3 Zoning Districts, development transitions must be provided as follows:

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1. Within JLMA-1, a minimum buffer width of 25 feet with a Buffer Yard Type A must provide between existing agricultural uses and residential development sites;
 2. Within JLMA-2, a minimum buffer width of 25 feet with a Buffer Yard Type B must provide between existing agricultural uses and residential development sites; and
 3. Areas for loading, delivery, and collection of refuse for nonresidential uses are not permitted to be located between the nonresidential use and an adjacent residential use.
- E. **Open Space.** In addition to the requirements of Section 7.02, a portion of the required open space must be provided as follows:
1. In the JLMA-1 and JLMA-2 Zoning Districts, open space must include Community Open Space in the form of a green or a park that is centrally located within a residential development; and
 2. In the JLMA-3 Zoning District, open space must include Passive Recreation Open Space.
- F. **Road Network.** Within the JLMA-1, JLMA-2, and JLMA-3 Zoning Districts, the road network must be provided pursuant to Section 7.07.02 and as follows:
1. The distance between intersections may vary between 1/2 mile to 5 miles;
 2. Road connections required by Section 7.07.02.B., are only required when adjacent to developable or re-developable parcels within the JLMA-1, JLMA-2, and JLMA-3 Zoning Districts or the adjacent town.
- G. **Pedestrian and Bicycle Network.** Within the JLMA-1, JLMA-2, and JLMA-3 Zoning Districts, the pedestrian and bicycle network must be provided pursuant to Section 7.07.03 except that sidewalks must be provided, at a minimum, on one side of the road.
- H. **Garage Standard.** Garages must be set back at least 4 feet behind the plane of the front door of the principal building. Garages must have vehicular access only from the side or rear of the lot.

2.05.02 Legacy Joint Land Management Area Zoning Districts

2.05.02.01 Joint Land Management Area-20 - JLMA-20 (Legacy District)

Purpose. The purpose and intent of the Joint Land Management Area-20 (JLMA-20) Zoning District is to retain existing areas established to:

- Provide for uses that are compatible with the Leesburg Executive Airport and allow for future expansion of the airport and/or existing agricultural use;
- Provide for the continued practice of agriculture, farm operations, agriculturally related and home-based businesses;
- Encourage an appropriate mix of land uses; and
- Implement jointly adopted area plans, where applicable.

- A. **Application.** The JLMA-20 Zoning District is located in the Leesburg JLMA. Expansion of the JLMA-20 Zoning District is not permitted after the date of adoption of this Zoning Ordinance.
- B. **Use Regulations.** Refer to Table 3.02.04 for uses allowed in the JLMA-20 Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.05.02.01-1 for required dimensional standards.

Table 2.05.02.01-1. JLMA-20 Zoning District Dimensional Standards

Standard	Requirement
Lot Requirements	
1. Lot Size (min.)	20 acres
2. Lot Width (min.)	200 ft on paved roads

Table 2.05.02.01-1. JLMA-20 Zoning District Dimensional Standards	
Standard	Requirement
	50 ft on unpaved roads
3 Lot Access	If access to individual lot is provided by a private road, it must be provided in accordance with Section 7.07.01.C.
Setback Requirements^a	
4 Yards (min.)	25 ft from any property line 35 ft from any road right-of-way, private road, and/or prescriptive easement ^b
Building Requirements	
5 Lot Coverage (max.)	25%, but only 10% may be used for residential structures ^c
6 Building Height (max.)	40 ft ^d
TABLE KEY: ft = feet min. = minimum max. = maximum TABLE NOTES: ^a Setback and yard requirements may be modified in accordance with the provisions of Section 10.03. ^b Except where a greater setback is required by Section 7.04.02. ^c Excludes structures use for agricultural, horticultural, and animal husbandry not open to the public. ^d No restriction for buildings or structures used exclusively for agriculture, horticulture, and animal husbandry, or for Government (General) use.	

2.06 Office and Industrial Zoning Districts

Contents:

2.06.01 Office Park - OP

2.06.04 Mineral Resource – Heavy Industry - MR-HI

2.06.01 Office Park - OP

Purpose. The purpose of the Office Park (OP) Zoning District is to:

- Implement the Suburban Employment, Transition Light Industrial, and Leesburg JLMA Employment Place Types of the General Plan;
- Provide opportunities for a broad array of employment uses and opportunities for synergies among businesses;
- Offer prime locations for administrative, business, and professional offices, research and development, and supporting commercial and institutional uses and facilities including startups and established businesses, where uses do not generate excessive noise or air pollutants or require outdoor storage;
- Support limited first floor retail that serves predominant uses;
- Establish a development pattern where buildings are the predominant feature when viewed from roadways and adjacent properties and parking is screened from roads and adjacent properties; and
- Create transitions between OP uses and other developments, particularly adjacent residential neighborhoods.

A. Applicability. The following applies to the OP Zoning District:

1. Location. The OP Zoning District must be located within the boundaries of:

- a. The Suburban Employment Place Type as shown on the Suburban Policy Areas Place Types Map in the General Plan;
- b. The Transition Light Industrial Place Type as shown on the Transition Policy Areas Place Types Map in the General Plan; or

- c. The Leesburg JLMA Employment Place Type as shown on the JLMA Place Types Map of the General Plan.
- 2. **Minimum Zoning District Size.** The initial Zoning District size must be a minimum of 5 acres.
- 3. **Incremental Additions.** The Board of Supervisors may approve a Zoning Map Amendment with incremental additions if the Board finds that such incremental additions are:
 - a. Abutting or across a road with no more than 4 through lanes from an existing OP Zoning District; and
 - b. Connected to the existing OP Zoning District through road and pedestrian and bicycle networks.
- B. **Uses.** Refer to Table 3.02.05 for uses allowed in the OP Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.06.01-1 for required dimensional standards.

Draft 7/6/23

Table 2.06.01-1. OP Zoning District Dimensional Standards

Standard		Requirement
Density Requirements		
1	FAR (max.)	0.60 2.0 by SPEX
Lot Requirements		
2	Lot Size (min.)	1 acre, exclusive of major floodplain
Setback Requirements¹		
3	Setback Adjacent to Roads (min.) ^{2,3}	25-25 ft
4	Setback Adjacent to Agricultural and Residential Zoning Districts or Existing or Planned Residential Uses (min.) ^{2,3,4,5}	Structures and areas for refuse collection and loading: 50 ft. Parking: 35 ft
5	Setback Adjacent to Other Nonresidential Zoning Districts (min.) ^{2,3,6}	15 ft
6	Setback Adjacent to OP Zoning District (min.) ^{2,3,6}	0 ft
7	Setback Between Structures on Individual Lots (min.) ⁷	30 ft
8	Setback Between more than 1 Structure on the Same Lot (min.) ⁸	Driveways, parking, and covered entrances: 5 ft from lot lines 25 ft
Building Requirements		
9	Lot Coverage (max.)	0.40 0.60 by SPEX
10	Building Height (max.)	100 ft pursuant to Section 7.01.07.A.
TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum SPEX = Special Exception TABLE NOTES: ¹ Setback requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C. ² Except when the required Perimeter Setback required by Section 7.04.07.B. is greater. ³ Except when the setback required by Section 7.04.02 is greater. ⁴ No areas for parking, refuse collection, and loading are permitted between structures and such agricultural or residential Zoning Districts or existing or planned residential uses where such uses are visible from said zoning districts or uses unless properly screened . ⁵ When an OP lot and/or land bay is developed adjacent to an agricultural Zoning District or a residential Zoning District, which was zoned for agricultural or residential uses subsequent to June 16, 1993, and subsequent to zoning of the subject property as OP, the setback required in reference line 5 applies. ⁶ Except when the buffer required by Section 7.09.03 is greater. ⁷ In the event that a single parcel is zoned for more than one non-residential Zoning District, the applicable yard requirement will be applied only at the property line and not at the Zoning District line. ⁸ Covered walkways connecting structures or connecting structures with parking areas are permitted in yards and may traverse the space when structures are on the same lot.		

Commented [LM29]: Recommended Change #27

Current requirement allows parking to only be 25'. Many existing sites would be nonconforming.

Commented [LM30]: Recommended Change #28

Should be permitted if properly screened.

2.06.02 Industrial Park - IP

Purpose. The purpose of the Industrial Park (IP) Zoning District is to:

- Implement the Suburban Employment, Suburban Industrial/Mineral Extraction, Transition Light Industrial, Transition Industrial/Mineral Extraction, Leesburg JLMA Employment, and Joint Land Management Area (JLMA) - Leesburg Industrial/Mineral Extraction Place Types of the General Plan;
- Provide opportunities for a broad array of employment uses and opportunities for synergies among businesses;

- *Offer prime locations for office, light production, flex space, and warehousing uses, including startups and established businesses, where uses do not generate excessive noise or air pollutants and ensure all outdoor storage is sited and screened to reduce visibility from roadways or adjacent properties;*
- *Support limited first floor retail or other accessory uses that serve predominant uses;*
- *Establish a development pattern where buildings are the predominant feature when viewed from roadways and adjacent properties and parking is screened from roads and adjacent properties; and*
- *Create transitions between IP Zoning District uses and other developments, particularly adjacent residential neighborhoods.*

A. Applicability.

1. **Location.** The IP Zoning District must be located within the boundaries of:
 - a. The Suburban Employment or Suburban Industrial/Mineral Extraction Place Types as shown on the Suburban Policy Areas Place Types Map in the General Plan;
 - b. The Transition Light Industrial or Transition Industrial/ Mineral Extraction Place Types as shown on the Transition Policy Areas Place Types Map in the General Plan; or
 - c. The Leesburg JLMA Employment, or Leesburg JLMA Industrial/Mineral Extraction Place Types as shown on the JLMA Place Types Map of the General Plan.
2. **Minimum Zoning District Size.** The initial zoning district size must be a minimum of 10 acres.
3. **Incremental Additions.** The Board of Supervisors may approve a Zoning Map Amendment with incremental additions with a minimum size of 1 acre if the Board finds that such incremental additions are:
 - a. Abutting or across a road with no more than 4 lanes from an existing IP Zoning District; and
 - b. Connected to the existing IP Zoning District through road and pedestrian and bicycle networks.

B. **Uses.** Refer to Table 3.02.05 for uses allowed in the IP Zoning District.

C. **Dimensional Standards.** Refer to Table 2.06.02-1 for required dimensional standards.

Table 2.06.02-1. IP Zoning District Dimensional Standards

Standard		Requirement
Density Requirements		
1	FAR (max.)	0.60 1.0 by SPEX
Lot Requirements		
2	Lot Size (min.)	1 acre, exclusive of major floodplain
Setback Requirements¹		
3	Setback Adjacent to Roads (min.) ^{2,3}	25 ft
4	Setback Adjacent to Agricultural and Residential Zoning Districts or Existing or Planned Residential Uses (min.) ^{2,3,4,5}	Structures and areas for outdoor storage, refuse collection, and loading: 75 ft Parking: 35 ft
5	Setback Adjacent to Other Nonresidential Zoning Districts (min.) ^{2,3,6}	15 ft
6	Setback Adjacent to IP Zoning District (min.) ^{3,4,6}	0 ft
7	Setback Between Structures on Individual Lots (min.) ⁷	30 ft
8	Setback Between more than 1 Structure on the Same Lot (min.) ⁸	Driveways, parking, and covered entrances: 5 ft from lot line 25 ft
Building Requirements		
9	Lot Coverage (max.)	0.45 0.60 by SPEX
10	Building Height (max.)	100 ft, pursuant to Section 7.01.07.A.
TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum SPEX = Special Exception TABLE NOTES: ¹ Setback requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C. ² Except when the required Perimeter Setback required by Section 7.01.07.B. is greater. ³ Except when the setback required by Section 7.04.02 is greater. ⁴ No areas for parking, outdoor storage, refuse collection, and loading are permitted between structures and such agricultural or residential Zoning Districts or existing or planned residential uses where such uses are visible from said Zoning Districts or uses. ⁵ When an IP lot and/or land bay is developed adjacent to an agricultural Zoning District or a residential Zoning District, which was zoned for agricultural or residential uses subsequent to June 15, 1993, and subsequent to zoning of the subject property as IP, the setback required in reference line 5 applies. ⁶ Except when the buffer required by Section 7.04.03 is greater. ⁷ In the event that a single parcel is zoned for more than one non-residential Zoning District, the applicable yard requirement will be applied only at the property line and not at the Zoning District line. ⁸ Covered walkways connecting structures or connecting structures with parking areas are permitted in yards and may traverse the space when structures are on the same lot.		

Commented [LM31]: Recommended Change #29

Current requirement allows parking to only be 25'. Many existing sites would be nonconforming.

2.06.03 General Industry - GI

Purpose. The purpose of the General Industry (GI) Zoning District is to:

- Implement the Suburban Industrial/Mineral Extraction, Transition Industrial/Mineral Extraction, and Joint Land Management Area (JLMA) - Leesburg Industrial/Mineral Extraction Place Types of the General Plan;
- Provide a location for industrial uses that are incompatible with residential uses due to the prevalence of outdoor storage and emissions of noise, odor, and vibrations to operate;
- Ensure compatibility and long term, economic viability of industrial uses and accessory uses through the use of screening and setbacks from road and adjacent residential uses;

- *Provide for development with limited traffic and aesthetic impacts on surrounding properties and on public facilities and utilities; and*
- *Permit residential and other uses only to the extent that they may be compatible with general and intensive industrial uses.*

A. **Applicability, Size, and Location.** The following applies to the GI Zoning District:

1. **Location.** The GI Zoning District must be located within the boundaries of:

- a. The Suburban Industrial/Mineral Extraction Place Type as shown on the Suburban Policy Areas Place Types Map in the General Plan;
- b. The Transition Industrial/Mineral Extraction Place Type as shown on the Transition Policy Areas Place Types Map in the General Plan; or
- c. The Leesburg JLMA Industrial/Mineral Extraction Place Types as shown on the JLMA Place Types Map of the General Plan.

2. **Minimum Zoning District Size.** The initial district size must be a minimum of 5 acres.

3. **Incremental Additions.** The Board of Supervisors may approve a Zoning Map Amendment with incremental additions if the Board finds that such incremental additions are:

- a. Abutting or across a road with no more than 4 lanes from an existing GI Zoning District; and
- b. Connected to the existing GI Zoning District through road and pedestrian and bicycle networks.

B. **Uses.** Refer to Table 3.02.05 for uses allowed in the GI Zoning District.

C. **Dimensional Standards.** Refer to Table 2.06.03-1 for required dimensional standards.

Table 2.06.03-1. GI Zoning District Dimensional Standards

Standard		Requirement
Density Requirements		
1	FAR (max.)	0.40 0.60 by SPEX
Lot Requirements		
2	Lot Size (min.)	1 acre, exclusive of major floodplain
Setback Requirements^a		
3	Setback Adjacent to Roads (min.) ^{a,3}	25 ft
4	Setback Adjacent to Agricultural and Residential Zoning Districts or Existing or Planned Residential Uses (min.) ^{a,3,4,5}	Structures and areas for outdoor storage, refuse collection, and loading: 100 ft Parking: 50 ft
5	Setback Adjacent to Other Nonresidential Zoning Districts (min.) ^{a,3,4,6}	15 ft
6	Setback Adjacent to GI Zoning District ^{a,6}	0 ft
7	Setback Between Structures on Individual Lots (min.) ⁷	30 ft
8	Setback Between more than 1 Structure on the Same Lot (min.) ⁷	Driveways, parking, and covered entrances: 5 ft from lot lines 25 ft
Building Requirements		
9	Lot Coverage (max.)	0.45
10	Building Height (max)	100 ft pursuant to Section 7.01.07.A
TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum SPEX = Special Exception TABLE NOTES: ¹ Setback requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C. ² Except when the required Perimeter Setback required by Section 7.01.07.B. is greater. ³ Except when the setback required by Section 7.04.02 is greater. ⁴ No areas for parking, outdoor storage, refuse collection, and loading are permitted between structures and such agricultural or residential Zoning Districts or existing or planned residential uses where such uses are visible from said zoning districts or uses, <u>unless properly screened</u> . ⁵ When a GI lot and/or land bay is developed adjacent to an agricultural Zoning District or a residential Zoning District, which was zoned for agricultural or residential uses subsequent to June 16, 1993, and subsequent to zoning of the subject property as GI, the setback required in reference line 5 applies. ⁶ Except when the buffer required by Section 7.04.03 is greater. ⁷ In the event that a single parcel is zoned for more than one non-residential Zoning District, the applicable yard requirement will be applied only at the property line and not at the Zoning District line. ⁸ Covered walkways connecting structures or connecting structures with parking areas are permitted in yards and may traverse the space when structures are on the same lot.		

Commented [LM32]: Recommended Change #30

Current requirement allows parking to only be 25'. Many existing sites would be nonconforming.

Commented [LM33]: Recommended Change #31

Should be permitted if properly screened.

2.06.04 Mineral Resource – Heavy Industry - MR-HI

Purpose. The purpose of the Mineral Resource – Heavy Industry (MR-HI) Zoning District is to:

- Implement the Suburban Industrial/Mineral Extraction, Transition Industrial/Mineral Extraction, and Joint Land Management Area (JLMA) - Leesburg Industrial/Mineral Extraction Place Types of the General Plan;
- Serve as an interim, long term Zoning District recognizing that areas devoted to resource extraction may and should ultimately be converted to other compatible and beneficial uses consistent with the General Plan;
- Protect the mineral resources, primarily diabase rock, of the County;

- *For possible future economic development;*

- *To provide for diabase resource extraction operations at appropriate locations and under controlled conditions; and*
 - *To co-locate quarries and compatible heavy industrial uses;*
 - *Provide a location for mineral extraction and intensive industrial uses that are incompatible with residential uses due to the prevalence of emissions of noise, odor, and vibrations to operate;*
 - *Ensure compatibility and long term, commercial viability of mineral extraction and intensive industrial uses and accessory uses through the use of screening and setbacks from road and adjacent residential uses;*
 - *Provide for development with limited traffic and aesthetic impacts on surrounding properties and public facilities and utilities; and*
 - *Permit residential and other uses only to the extent that they may be compatible with mineral extraction and associated intensive industrial uses.*
- A. **Applicability, Size, and Location.** The following applies to the MR-HI Zoning District:
1. **Location.** The MR-HI Zoning District must be located in areas:
 - a. That are within the boundaries of:
 1. The Suburban Industrial/Mineral Extraction Place Type as shown on the Suburban Policy Areas Place Types Map in the General Plan;
 2. The Transition Industrial/Mineral Extraction Place Type as shown on the Transition Policy Areas Place Types Map in the General Plan; or
 3. The Leesburg JLMA Industrial/Mineral Extraction Place Type as shown on the JLMA Place Types Map of the General Plan; and
 - b. Where necessary to allow the extraction of existing mineral resources or the expansion of an existing or associated mineral extraction uses.
 2. **Minimum Zoning District Size.** The initial Zoning District size must be a minimum of 600 acres.
 3. **Incremental Additions.** The Board of Supervisors may approve a Zoning Map Amendment with incremental additions if the Board finds that such incremental additions are:
 - a. A minimum of 10 acres in size;
 - b. Abutting or across a road with no more than 4 lanes from an existing MR-HI Zoning District;
 - c. Connected to the existing MR-HI Zoning District through road and pedestrian and bicycle networks; and
 - d. In conformance with Section 2.06.04.A.1.b.
- B. **Uses.** Refer to Table 3.02.05 for uses allowed in the MR-HI Zoning District. *Prohibited Uses.* Uranium mining is not permitted in the MR-HI Zoning District.
- C. **Dimensional Standards.** Refer to Table 2.06.04-1 for dimensional standards.

Table 2.06.04-1. MR-HI District Dimensional Standards

Standard	Requirement
Density Requirements	
1 FAR (max.)	0.75
Lot Requirements	
2 Lot Size (min.) ¹	1 acre, exclusive of major floodplain
3 Lot Width (min.) ¹	100 ft
4 Lot Depth (min.) ¹	No min.
5 Lot Depth to Width Ratio (max.)	3.5 times lot width
Setback Requirements²	
6 Front Yard (min.) ^{3,4}	30 ft
7 Side and Rear Yard Adjacent to Residential and Agricultural Zoning Districts or Residential Uses (min.) ^{3,4}	100 ft
8 Side and Rear Yard Adjacent to Other Nonresidential Zoning Districts (min.) ⁴	50 ft
9 Side Yard Adjacent to MR-HI Zoning Districts (min.) ^{4,5}	15 ft
10 Rear Yard Adjacent to MR-HI (min.) ⁴	25 ft
Building Requirements	
11 Lot Coverage (max.)	0.50
12 Building Height (max.) ⁶	45 ft
TABLE KEY: ft = feet sf = square feet min. = minimum max. = maximum TABLE NOTES: ¹ Except when greater in Section 4.06.03 Use Specific Standards for Extractive Industries. ² Setback and yard requirements may be modified in accordance with the provisions of Section 10.03 or Section 10.10.04.C. ³ Except when the required Perimeter Setback required by Section 7.01.07.B. is greater. ⁴ Except when the setback required by Section 7.04.02 is greater. ⁵ Except when the buffer required by Section 7.04.03 is greater. ⁶ Non-habitable structures associated with a quarry operation are permitted to 120 feet in height provided they are set back from property lines and Zoning District boundaries an additional setback of 2 feet for each 1 foot in height above 45 feet. Such structures require Special Exception approval for heights exceeding 120 feet. All heights subject to a lower height restriction as recommended by the Metropolitan Washington Airports Authority.	

- D. Stone Quarrying Special Exception Requirement.** The establishment of any new stone quarrying operations or the expansion of any existing stone quarrying operations beyond previously granted approvals in the MR-HI requires Special Exception approval pursuant to Section 10.11.01 and the Stone Quarrying Special Exception application procedures in Section 10.11.06.

2.07 Planned Unit Development (PUD) Zoning District

Purpose. The purpose of the Planned Unit Development (PUD) Zoning District is to:

- Promote a flexible customized land use approach that will achieve development projects that provide greater benefits than could be provided through the strict application of a non-PUD Zoning District;
- Allow various combinations of land uses in the Urban, Suburban, Transition, and Joint Land Management Policy Areas;

- Ensure compatibility between residential and mixed-use or nonresidential areas and minimize potential impacts between various uses; and
 - Facilitate protection of natural, environmental, and heritage resources.
- A. **Applicability, Size, and Location.** The PUD Zoning District is a customized Zoning District. ~~The requirements in Section 2.07, Chapter 1, Chapter 5, Chapter 6, Chapter 9, Chapter 10, Chapter 11, and Chapter 12 are not customizable and apply to all PUD Zoning Districts.~~
1. **Location.** The PUD Zoning District must be located entirely within the boundaries of a Place Type or Small Area Plan as follows:
 - a. In the Urban Policy Area, a PUD is permitted entirely within the boundaries of any Place Type;
 - b. In the Suburban Policy Area, a PUD is permitted entirely within the boundaries of any Place Type or Small Area Plan;
 - c. In the Transition Policy Area, a PUD is only permitted entirely within the boundaries of the Transition Small Lot Neighborhood, Transition Compact Neighborhood, ~~and~~ Transition Community Center Place Types or Small Area Plan; and
 - d. In the Joint Land Management Area, a PUD is only permitted entirely within the Leesburg JLMA Residential Neighborhood, Leesburg JLMA Employment, Leesburg JLMA Light Industrial, and Leesburg JLMA Industrial/Mineral Extraction Place Types.
 2. **Minimum Zoning District Size.** The minimum size of any PUD must be 20 acres. The minimum PUD size may be modified in accordance with the provisions of Section 10.10.04.C.
 3. **Incremental Additions.** The Board of Supervisors may approve a Zoning Map Amendment for incremental additions to an existing PUD Zoning District provided such incremental additions are adjacent to or across no more than 4 lanes of a public road from an existing PUD Zoning District.
 4. **Additional Requirements.** The PUD Zoning District must:
 - a. Be established through a Zoning Map Amendment ~~application in accordance with Sections 10.10.01 and 10.10.09; and~~
 - b. Meet all applicable provisions of the Zoning Ordinance, except as customized through PUD approval.
- B. **PUD Master Plan.** The PUD Zoning District will be subject to the regulations included in the approved PUD Master Plan Document.
- C. **Uses.**
1. Each PUD may include any use permitted in the proposed PUD Zoning District's underlying Place Type, as designated ~~on the Policy Area Place Types Map~~ in the General Plan.
 2. Each Site Plan or Subdivision application for the PUD must include the following tabulations unless otherwise determined through PUD approval:
 - a. Approved, proposed, and remaining uses by structures and land areas; and
 - b. Approved, proposed, and remaining dwelling units by number and type.
- D. **Designation on Zoning Map.** The County will designate PUD Zoning Districts on the Official Zoning Map by "PUD-" followed by a sequential number based on the date of original Board of Supervisors approval (e.g., PUD-1).

Commented [LM34]: Recommended Change #32

The Planned Unit Development Zoning District needs to be the safety valve for innovation and for addressing the housing affordability crisis. Future reimagining of planning through Small Area Plans should allow PUDs to be adaptable in meeting the policy goals of Board adopted future Small Area Plans.



Loudoun County Equine Alliance

Serving The Loudoun County Equine Community

Loudoun County Equine Alliance Concerns/Recommendations for Stable Livery

LCEA recommends that Stable Livery is removed from agricultural support and becomes its own use standard. Below is the possible flow of such a standard with questions for review based on the July 6 draft text for support use.

- A. Applicability. Section 4.08.06 applies to **livery stable** uses.
- B. Accessory Uses. Include offices, storage areas, tenant dwelling, educating and training students in equitation, and caring for, breeding, or training horses associated with the livery stable use.
- C. Intensity/Character.
 - 1. Site Size. The minimum lot area for Stable, Livery is 15 acres.
 - 2. Visitors/Customers/Parking Spaces. The number of vehicles allowed at any one time depends on the size of the lot area.

Table 4.08.03-2. Intensity/Character by Scale

Use	Scope of Use/Event	Lot Area (Minimum)
Level I—small scale	No more than 100 vehicles on site at any one time.	5 to 25 acres Section 4.08.03.B.2.
Level II—medium scale	No more than 200 vehicles on site at any one time.	>25 acres, up to 50 acres
Level III—large scale	No more than 300 vehicles on site at any one time. Exception: 2 additional vehicles allowed per acre in excess of 100 acres.	>50 acres, up to 100 acres

DISCUSSION/REVIEW – Wait for ZOAM

- 3. Hours of Operation. Hours of operation for a Stable, Livery are limited to the hours of 4:00 a.m. to 9:00 p.m.
- 4. Owner. The Stable, Livery must be operated or maintained by the owner or ~~occupant~~ **lessee** of the land upon which the primary associated agriculture, horticulture, or animal husbandry use is conducted.

D. Size of Use.

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

Table 4.08.03-3. Structure

Reference	Use	Lot Area	Size of Structures (Maximum)
1	Level I—small scale	5 to 25 acres	30,000 square feet
2	Level II—medium scale	>25 acres, up to 50 acres	30,000 square feet

3	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
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DISCUSSION/REVIEW – What is the justification for this table if applied to a Stable, Livery separate Use-Specific Standard? If not required, can it be removed? Most support uses are additive to a primary agricultural activity on a parcel. That primary agriculture has its own structures and outbuildings without sf limitation, so that the sf limitations of the support use are not likely to be restrictive. However, a stable livery is usually the ONLY agriculture taking place on the parcel. That means the stables, run in sheds, equipment sheds, indoor arenas etc taken together need to total less than 30,000sf. What is the problem we are trying to solve by placing these restrictions on equine livery?

2. Storage Areas. The total area of all storage areas used in the Stable, Livery use is limited to the following size. See Table .

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

Table 4.08.03-4. Storage Areas			
Reference	Use	Lot Area	Size of Storage Areas (Maximum)
1	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.			

DISCUSSION/REVIEW – What is the justification for this table if applied to a Stable, Livery separate Use-Specific Standard? If not required, can it be removed? Storage on a livery can be more than one building, one to house equipment and one or more for bedding/hay/feed.

E. Location on Site/Dimensional Standards. The minimum setback for structures or storage areas of a Stable, Livery from lot lines.

Location on Site/Dimensional Standards. The minimum setback for structures or storage areas of an agricultural support use (direct association) from lot lines. See Table 4.08.03-5.

Table 4.08.03-5. Site/Dimensional Standards			
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

DISCUSSION/REVIEW – What is the justification for this table if applied to a Stable, Livery separate Use-Specific Standard? If not required, can it be changed to a 60 feet setback in alignment with other agricultural uses? The problem is that most indoor arenas total built area are 100 x 200 feet (20,000sf). What setback will be required for a parcel of 15-24 acres? If greater than 60 feet, many parcels will not be suitable for an equine livery. (Note, Limited Brewery is suggested to have a 50-foot setback with no consideration of building size. Rural businesses need to have conformity unless a specific need can be justified.)

- F. Landscaping/Buffering/Screening.
- 1. Buffer. Refer to Section 7.04.03.A.6.

DISCUSSION/REVIEW – What is the justification for Landscaping/Buffering/Screening if applied to a Stable, Livery separate Use-Specific Standard? This section needs clarification.

- G. Road/Access. DISCUSSION/REVIEW – Is this necessary for stable, livery? If not, can it be removed?
- 1. Road Access. Uses are subject to the road access standards of Section 7.07.01.F.
- 2. Vehicles/Equipment. Any Stable, Livery that involves the use of or services heavy equipment must have direct access to a public road. Direct access by a private easement is not allowed.
- H. Hazardous Chemicals, Pesticide Use. The use and application of herbicides, pesticides, and potentially hazardous chemicals and substances such as paints and solvents are prohibited within the required buffer.
DISCUSSION/REVIEW – Is this necessary for stable, livery? If not, can it be removed? How would a painted fence line be maintained?
- I. Exterior Lighting. Exterior lighting is subject to Section 7.05.02.C.2.

Loudoun County Equine Alliance Concerns/Recommendations for Stable Event

Note that the same total sf and storage sf concerns apply to Stable Event direct use and stand-alone. LCEA would like these addressed during ZOR. Remaining concerns can be addressed during a ZOAM, including a stand-alone use for stable event rather than inclusion in agriculture support.

A. **Applicability.** Section 4.08.10 applies to

- 1. An **Equestrian Event Facility** that includes the keeping and breeding of horses in direct association with on-site agricultural activity.
- 2. An **Equestrian Event Facility** that does not include the keeping and breeding of horses as a standalone agricultural support use.

B. **Intensity/Character.**

- i.
 - 1. **Site Size.** The minimum lot area for any Equestrian Event Facility is 25 acres.
 - 2. **Visitors/Customers/Parking Spaces.** The number of vehicles allowed at any one time depends on the size of the lot area. See Table...

3. Hours of Operation. a. Hours of operation for an Equestrian Event Facility use are limited to 6:00 a.m. to 10:00 p.m.
4. **Owner.** The Equestrian Event Facility 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. **APPLICABLE?**

C. Size of Use.

1. Structure

- a. The size of structures used in the Equestrian Event Facility (direct association) is limited to the following gross floor area (total all structures) see current tables 4.08.03-3 4.08.04-3

DISCUSSION/REVIEW – What is the justification for this table if applied to an Equestrian Event Facility Separate Use-Specific Standard? If not required, can it be adjusted/removed?

2. Storage Areas

- a. The total area of all storage areas used in the Equestrian Event Facility use (direct association) is limited to the following size. See current tables 4.08.03-4 and for 4.08.04 **Storage Areas**. The total area of storage areas must not exceed 10% of the total area of the principal structure.

DISCUSSION/REVIEW – What is the justification for either of these requirements if applied to an Equestrian Event Facility separate Use-Specific Standard? If not required, can it be adjusted/removed?

D. Location on Site/Dimensional Standards. The minimum setback for structures or storage areas of an agricultural support use for lot lines. 12,000sf, 60 feet
24,000 sf, 120 feet
36,000sf, 175 feet

(See current Tables 4.08.03-5 and 4.08.04-4)

DISCUSSION/REVIEW – What is the justification for this table if applied to an Equestrian Event Facility separate Use-Specific Standard? If not required, can it be adjusted/removed?

E. Landscaping/Buffering/Screening

1. Buffer. Refer to section 7.04.03.A.6 **Is this correct and why?**

DISCUSSION/REVIEW – What are the justifications for Landscaping/Buffering/Screening if applied to an Equestrian Event Facility separate Use-Specific Standard? The 7.04 requirements may be too restrictive.

F. Road/Access

1. **Road Access.** Uses are subject to the road access standards of Section 7.07.01.F.

2. **Vehicles/Equipment.** Any Equestrian Event Facility that involves the use of or services heavy equipment must have direct access to a public road. Direct access by a private easement is not allowed.

3. **Number of Access Points.** Only 2 points of access are permitted from the use to a public road. This requirement does not preclude an additional access for emergency vehicles only. **DISCUSSION/REVIEW –Is this necessary for Equestrian Event and if not, can it be removed?**

Hazardous Chemicals, Pesticide use. The use and application of herbicides, pesticides, and potentially hazardous chemicals and substances such as paints and solvents are prohibited within the required buffer. **DISCUSSION/REVIEW – Is this necessary for Equestrian Event and if not, can it be removed?**

- H. **Exterior Lighting.** Exterior lighting is subject to section 7.05.02.c.2



August 31, 2023

The Honorable Phyllis J. Randall
Chair, Loudoun County Board of Supervisors
Members, Loudoun County Board of Supervisors

RE: NVBIA Draft Ordinance Review, Chapters 1 and 2

Dear Chair Randall and Members of the Board of Supervisors:

Please accept this letter and associated attachments expressing NVBIA's concerns and suggestions regarding Chapters 1 and 2 of the Zoning Ordinance Rewrite. We appreciate the communication with staff to date, but continue to have reservations on some of the details contained within these chapters.

As you are aware, Chapter 4 of the 2019 General Plan outlines three policies and fourteen strategies to allow for the County to provide "a full continuum of housing solutions to support the community." It is our belief that the homebuilding industry can most directly impact and is most directly impacted by Housing Policy 1, which contains seven strategies. Of those seven strategies, five of them contain language which encourage incentives to meet the strategy. While NVBIA has been vocal about the 2019 General Plan being a guide, we believe some of the code contained within the current Zoning Ordinance not only fails to incentivize some of the policy goals of Chapter 4, but will actually limit the homebuilding industry's ability to assist the County in meeting its goals to provide more diverse and attainable housing.

Chapter 1, Section 1.02G mentions potential grandfathering regulations as established by the Board of Supervisors. Attached is some grandfathering language that has been circulating amongst the different development and business groups that NVBIA also supports.

Also attached to this letter is a spreadsheet detailing our concerns in Chapter 2. In general, the comments we believe highlight the conflicts between the current zoning text and the goals of the 2019 General Plan. The provided comments speak directly to zoning regulations that INCREASE cost, REDUCE density, LIMIT innovation, and provide NO incentive to increase housing supply. Many of the comments addressing open space, setbacks, parking speak to current draft Ordinance language which individually and collectively reduce the available area for development. This reduction and the draft regulations behind it, if not addressed, will result in the County failing to meet the density envisioned by the 2019 General Plan. Additionally, by in effect reducing the area of a project available for development, the cost of development is increased and a lower cost of housing is not achieved. Additionally, in direct conflict with the 2019 General Plan Chapter 4 Housing Policy 1 Strategy 1.1 – Action C, which calls for multi-family



development to be regulated by FAR, the draft ordinance continues to regulate the density of multi-family development in units per acre.

While we recognize the 2019 General Plan is a guide, it is NVBIA's position that some of the regulations in Chapter 2 are in direct conflict with the goals and intent of providing an increase in the amount and diversity of housing that will be attainable at all income levels. We respectfully request your consideration of our comments and concerns and are open to further discussions should you find that helpful.

Respectfully,

Deborah Rosenstein

Chief Executive Officer the Northern Virginia Building Industry Association (NVBIA)

Matthew Lawrence

President, Loudoun Chapter of the Northern Virginia Building Industry Association (NVBIA)

Cc: Judi McIntyre Birkitt, AICP, CZA, Deputy Director, Department of Planning and Zoning
Joe Kroboth, III, PE, Assistant County Administrator, County Administration

Chapter/District	ZO Section	ZO Text	Comment
Chapter 2/Zoning Districts - SN	Table 2.02.01-1 SN Dimensional Standards	Min. Lot Width SFA Interior Unit: 14 ft, end unit 24ft	Suggest reducing the end unit width from 24' to 19'; Applying a 5' side yard would allow a min. 19' house width; Reducing to 19' would be consistent with the interior house width of 14'
		SFD Rear yard setback = 25'	Very large setback prohibiting the ability to achieve a 4-6 unit/acre density.
		SFA Side yard setback - 8'	Suggest 5' to allow 10' between buildings, similar to many current projects and other sections in this draft ZOR
		Residential Lot Coverage: SFD: 35%, SFA: 50%, MFS: 60%	Significantly limits unit depth with current setbacks. Suggest increasing lot coverages to more closely align with other districts.
		Building Height	With new building height definitions, flat roof concepts will be affected by maximum heights. See building height comment below. For example a MFS (2 over 2) could be over 50' when implementing average grade out front , 4 story unit, 3' parapet wall, and pop up stair tower (suggest exempting stair towers) >50'. Suggest retaining current height definition
	2.02.1.E. & Table 2.02.013- Dwelling Unit Type mix		Seems overly prescriptive with no consideration to size of site; It may not be feasible on a small site for a builder to build so many product types; Based on the table, A small project could be forced with 3+ product types (leads to higher cost for the project to design 3 product types for a limited number of units); For example, a 50 unit project - 25 SFA Duplex, 12 SFA townhouse, 12 SFD; MS percentage of 5% and 10% is also extremely low; For example, for 100 units, you could have 5 2 over 2's, not practical
	2.02.1.G. Infill Development	The property subject to the application is undeveloped or underutilized	Couldn't a currently utilized, but underperforming center, be repurposed? Suggest including other types of areas for consideration.
Chapter 2/Zoning Districts/SCN	Table 2.02.02-1 SCN District Dimensional Standards	SCN Yard Requirements	Setbacks are large for an urban style layout, specifically for rear-loaded product where setbacks should be reduced for enhanced streetscape, less impervious driveways in the rear of the units, etc. See revised Town Center setbacks which are much more appropriate, making a more cohesive development. Suggest making setback criteria more consistent with TC district.
		Density and FAR	These FAR ratios are not achievable with the current requirements listed for setbacks, parking, open space, etc.; hence, leading to reduced density and associated reduction in attainable housing for the County.
		Residential Lot Coverage 50-75%	Many of the percentages are low if the goal is to promote housing in a compact setting. Revisit with any changes to setbacks. Suggest consistency with TC district for no max coverage.
		Building Height	Flexibility in building height should be considered unless building height definition is to be changed. Some heights are measured from curb level when less than 10' from street. With new building height definitions, flat roof concepts will be affected by maximum heights. See building height comment below. Suggest retaining current height definition or increasing building heights.
	2.02.02.D. and Table 2.02.02	Dwelling Unit Type Mix and Allowed Exceptions	Exceptions are very specific with multiple criteria. For instance, Is SCN-24 viable on a 5 acre site with all other criteria for setbacks, buffers, lot coverage, access, parking, open space, etc.? Unit Mix table needs to consider size of site; It may be cost prohibitive for a small site to have multiple product types. A large site may need adjustments to these percentages to hit other requirements like FAR, building heights, setbacks, etc.
Chapter 2/Zoning Districts/TC	Table 2.02.03-1 TC Zoning District Dim Standards	Front Yard min.	Consider removing requirement that no off-street surface parking is permitted closer than 15' from a road. A parking lot is often adjacent to a roadway. Also, the increased parking rates will require additional spaces for parking
		Building Heights	Why is a 2,000 SF building need to be a minimum of 24 feet? Large restaurants, retail shops, etc. are typically not 2 story.
	Table 2.02.03-2	Residential Mix of Uses	Very high percentage of MFA units in both TC core and fringe. May not be appropriate in every TC area in comp plan. Land area calculation is also very confusing for SFA and MFS but does not mention land area for MFA product. A case study or example computation would be helpful to clarify these requirements.
	2.02.03.E. and Table 2.02.03-3	Open Space	Overly prescriptive requirements for open space, in addition to Section 7, making it more complicated to compute and administer.
	2.02.03.F.1.	Town Center Vertical Mix	Are these revisions making vertically mixed use optional? Please clarify. Vertically mixed use is expensive and not always appropriate in every area of the County.
	2.02.03.F.2.	Town Center Vertical Mix	A drive thru requiring a vertically mixed use building seems very impractical. Do residents want a drive thru below their bedroom window?
	2.02.03.G.2.	Building Orientation, Placement, and Uses	"Accessible from a sidewalk along a public or private road or adjacent community open space" needs clarification. A lead walk from these areas to the entrance is acceptable?
	2.02.03.G.3.	At least 50% of each block frontage with the Core must contain commercial or public, civic and institutional pedestrian-oriented uses in the ground floor	This requirement for EVERY block to have 50% ground floor uses is not practical when various uses are allowed in the Core. Additionally, Section 2.02.03.E. revision provides vertically mixed use as an option, but this paragraph makes it required for 50% of each block. Please clarify.
	2.02.03.G.3.a.3.	Architectural elements and features in Core buildings	These requirements add significant cost to the buildings and trends may change over time. If attainable housing is wanted in these areas, suggest reducing and/or eliminating these requirements.'
Chapter 2/Zoning Districts/TSN	Table 2.03.02-1 TSN Dimensional Standards	Rear Yard - 25'	For the significant amount of open space and civic/public space required in this district, the rear yards significantly impact obtaining allowable density. While the lots may then have a smaller rear yard, the homes are planned around attractive community amenities and a central area of natural open space. In addition, smaller residential lots have other benefits to residents, including being less expensive to develop, allowing cost savings to be passed to purchasers, and reduced yard maintenance requirements/costs. Furthermore, it has been suggested that smaller lots can spawn tighter communities, with more neighbor-to-neighbor interaction and encouraged use of community amenity spaces, which are important to fostering healthy communities. Suggest reducing to 20' rear yard.

Chapter/District	ZO Section	ZO Text	Comment
	2.03.02.F.	Siting of open space and Building lots	Yet more requirements for open space, in addition to Section 7 making it more complicated to compute and administer.
Chapter 2/Zoning Districts/TCN	Table 2.03.03-1 Dimensional Standards	Setback Requirements	Are these maximums or minimums? Table says max for residential setbacks.
		15' Front Yard	Suggest reducing to 10' for consistency with TSN. Also assists with density, rear load project not needing a large front yard, etc.
		25' Residential Rear yard	See explanation above. Suggest reducing to 20' rear yard.
	2.03.03.G.	Siting of open space and Building lots	Overly restrictive requirements for open space, in addition to Section 7, making it more complicated to compute and administer.
Chapter 2/Zoning Districts/TSN	Table 2.03.02-2 Permitted Mix of Uses	5% Minimum Public/Civic Use may be Community Open Space if it exceeds the required minimum open space	Community Open Space should count towards the required open space (which is already quite significant). Adding this use as an extra open space requirement reduces flexibility in the layout and lot yield.
	Table 2.03.03-1 Dimensional Standards	Max. Front, Side and Rear Yards; Max. lot coverage	These requirements are overly prescriptive and only serve to complicate the designs, plans and plats with no added benefits. Having the Min. Density and Max. Lot Coverage suffices.
Chapter 2/Zoning Districts/TCN	Table 2.03.03-2 Permitted Mix of Uses	10% Minimum Public/Civic Use may be Community Open Space if it exceeds the required minimum open space	Community Open Space should count towards the required open space (which is already quite significant). Adding this use as an extra open space requirement reduces flexibility in the layout and lot yield. The Open Space must also include a central park or green which would likely contain the Public/Civic Use, These types of open space will often overlap. Under the Siting of Open Space note 2b even states the Focal Point may include civic uses. These stipulations all need to work together.
Chapter 2/Zoning Districts	Where applicable	Multifamily Residential Density is measured by units/acre	Multifamily density should be measured in FAR. See 2019 General Plan - Chapter 4 Strategy 1.1.C "Regulate multi-family development by floor area ration (FAR) instead of by dwelling units per acre.
Chapter 2/Zoning Districts/SCN	Table 2.02.02-2 Dwelling Unit Type Mix	Unit Type Mix Percentages for SCN-8, SCN-16 and SCN-24.	<p>Unit mix should allow up to 100% MFS in SCN-24. Multifamily stacked units are not just 2over2s. See: •SPA Policy 1. Strategy 1.1 “Create new Community Plans and other appropriate plans that address the particular needs and guide the remaining build-out, reinvestment, and/or redevelopment of specific areas within the Suburban Policy Area, particularly federally designated Opportunity Zones. [Missing middle housing is a need and MFS is missing middle housing]</p> <p>•Housing Policy 1. Strategy 1.6. Action A. “Provide incentives to encourage zoning map amendments or zoning concept plan amendments on previously entitled properties that increase the provision of a mix of smaller housing types and affordably priced housing.”</p> <p>•Capping MFS at 75% in SCN-24 (whose mostly closely related predecessor is R-24) means that projects would have to provide a minimum of 15% MFA in order to develop under SCN-24 densities. This will severely limit the ability of industry to deliver projects that align with the 2019 General Plans goals for housing by hampering otherwise good projects with cost prohibitive MFA requirements. Where MFA makes sense and can be done industry is already providing such projects, but we should still allow for the provision of 100% MFS, especially in infill/redevelopment projects. MFS does not just mean 2over2s, it can be 2over1s and potentially other innovative layouts we have yet to learn about. We should be encouraging this provision of this attainable sorely needed unit type in Loudoun.</p>

Grandfathering (Authored by Matt Leslie)

1. Any and all legislative and administrative applications that: (i) have been accepted for processing by the County and are diligently processing as of the effective date of the new Loudoun County Zoning Ordinance, or (ii) are the subject of a pre-application or pre-submission conference held within the six (6) months preceding the effective date of the new Loudoun County Zoning Ordinance and that are later filed within six (6) months of the effective date of the new Loudoun County Zoning Ordinance may continue to be processed under the provisions of the Revised 1993 Loudoun County Zoning Ordinance, providing that the applicant exercises reasonable diligence in the processing of these applications to eventual approval; and
2. For any property subject to an approved preliminary subdivision plat, the County will review and act on record subdivision plats in conformance with the approved preliminary plat pursuant to the provisions of Va. Code § 15.2-2260(F), including the time limitations and diligent pursuit requirements of that statute; and
3. Any property subject to a legislative or administrative approval that is benefitted to the “Extension of Approvals” statutes codified at Va. Code §§ 15.2-2209.1, 15.2-2209.1:1, or 15.2-2209.1:2 may continue to be processed under the provisions of the Revised 1993 Loudoun County Zoning Ordinance, providing that the applicant exercises reasonable diligence in the processing of these applications to eventual approval; and
4. These transitional rules shall apply to any legislative and administrative applications notwithstanding Section 1.02.G of the new Loudoun County Zoning Ordinance.”

From: [Birkitt, Judi](#)
To: [Torrible, Christina](#)
Subject: FW: feedback from EDAC
Date: Friday, September 1, 2023 12:59:23 PM

From: Kroboth, Joe <Joe.Kroboth@loudoun.gov>
Sent: Friday, September 1, 2023 12:58 PM
To: Birkitt, Judi <Judi.Birkitt@loudoun.gov>; Wegener, Brian <Brian.Wegener@loudoun.gov>
Cc: Galindo, Daniel <Daniel.Galindo@loudoun.gov>
Subject: FW: feedback from EDAC

Judi, Brian

Please see the comments below.

Thanks,

Joe

Joe Kroboth, III, PE, Assistant County Administrator | County Administration | Loudoun County, VA
County Administration Building | 1 Harrison Street, SE, Leesburg, VA 20177-7500
Joe.Kroboth@Loudoun.Gov | Office 703.771.5107 | Mobile 571.206.2214

From: Diaz, Dave <Dave.Diaz@loudoun.gov>
Sent: Friday, September 1, 2023 12:06 PM
To: Kroboth, Joe <Joe.Kroboth@loudoun.gov>
Cc: Chauvon McFadden <cmcfadden@crimsonwealth.com>; dhamerschlag@jellyvision.com; Rizer, Buddy <Buddy.Rizer@loudoun.gov>; Galindo, Daniel <Daniel.Galindo@loudoun.gov>
Subject: feedback from EDAC

Hello Joe,

As staff liaison to EDAC, I am sending this email on their behalf. EDAC requests that this letter be routed to the appropriate board channels and staff involved in preparing the packets and facilitating the September 7th board work session. EDAC has worked collaboratively with DED staff in developing their recommendations. As always, the views of advisory groups do not necessarily reflect the views of the staff.

Thanks!

Dave

Dear Loudoun County Board of Supervisors:

EDAC's mission is to promote the long-term economic growth and development of Loudoun County in a way that is economically sustainable and results in the expansion of its

commercial and industrial tax base. Our focus is to provide helpful input to the Zoning Ordinance Rewrite with that in mind. EDAC's Zoning Ordinance Adhoc committee appointed by the Board has been meeting for several years and continues to stay engaged in this process. We think it is important to highlight three specific topics for your attention in the upcoming working session in September.

Nonconformity

Issue: The proposed language for nonconformity as most recently drafted will create substantial obstacles to financing, refinancing, and insuring all the existing commercial buildings in Loudoun. For example, if an existing building and additional structures are damaged or destroyed, and the new parking setback requirements are greater now, the parking required to make it functional cannot be restored, and financing may be unattainable. This proposed change makes Loudoun uncompetitive with nearby jurisdictions.

Recommendation: **Restore the previous nonconformity language as provided in Revised 1993 Zoning Ordinance.** It would be better for the Board to methodically introduce change to this important provision rather than make a change quickly that has such a broad, sweeping impact on financing and takes Loudoun out of step with neighboring jurisdictions.

Grandfathering

Issue: For investors, business owners or developers who have been working in good faith with the County and spending considerable monies to seek legislative and/or administrative approvals, what happens once the new zoning ordinance is enacted? This uncertainty could create a chilling effect in the market and negatively impact the economic development in the County for an extended period of time.

Recommendation: Eliminate the uncertainty around when the new zoning ordinance takes effect. "Grandfather" all land use applications to the previous, then current Zoning Ordinance **at the point at which those applications were "accepted" by the County.** The new Ordinance should take effect **90 days after Board action** to also allow a rapid but reasonable time period for those projects currently in design to be accepted under the current Ordinance.

Post-approval administrative ability to make minor changes

Issue: The ZOR is a brand new 600-page body of law that will set the course for the County for decades to come. While every effort is being made for the adopted Zoning Ordinance to be executed flawlessly, that is unlikely. It is inevitable that portions of the ZOR may have minor administrative issues, Scrivener's errors, or omissions. The established process for making any updates to the Zoning Ordinance is slow. The consequence could be a lengthy stall or freeze on development, simply because of a set of small, administrative errors in the code that are taking a long time to work their way through the standard approval process.

Recommendation: The Board should create a process to make rapid updates to the Zoning Ordinance specifically for small administrative errors or omissions. Whether it be through certain narrow and limited additional powers to the Zoning Administrator, expedited processing by a Board Committee, or expedited recommendations from the County Attorney, **it is important that there is a practical, speedy process for addressing these small administrative errors** so development is not stalled unnecessarily for long periods of time. The goal is for small fixes to be completed in days or weeks not months or years.

Loudoun is an incredible place. We want the Zoning Ordinance Rewrite to support the

continued development of the County in alignment with the 2019 Comprehensive Plan making more great places in Loudoun. We appreciate your consideration and would be happy to engage in any follow-up dialogue that would be helpful.

Sincerely,

Chauvon McFadden, Chair EDAC, Co-Chair ZOR adhoc committee

Dana Hamerschlag, Vice Chair EDAC, Co-Chair ZOR adhoc committee

Cc:

Mr. Buddy Rizer, Executive Director, Department of Economic Development

Mr. Joe Kroboth, Assistant County Manager, Community Development

Mr. Dan Galindo, Executive Director, Department of Planning and Zoning Department

Dave Diaz, CEcD

Senior Business Development Officer

Loudoun County, Virginia Economic Development

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August 24, 2023

The Honorable Phyllis J. Randall, Chair
Members, Loudoun County Board of Supervisors
1 Harrison Street, SE, 5th Floor
Leesburg, VA 20175

RE: Loudoun County Zoning Ordinance Rewrite

Dear Chair Randall and Members of the Board of Supervisors,

I am writing on behalf of the Data Center Coalition (DCC)¹ to provide feedback on the Draft Zoning Ordinance Rewrite (ZOR) proposed by the Planning Commission and which is currently under consideration by the Board of Supervisors.

DCC has been closely following the ZOR discussion and is very appreciative of the opportunity to collaborate with the County throughout the process as a community partner. Since the Board of Supervisors directed County staff in September of 2022 to prepare new use-specific standards relating to data center and include them in the next draft of the ZOR effort, we have been working with staff to develop standards that address the concerns articulated by Board members while at the same time avoid deleterious effects on the security, operations, and economic viability of future data center sites in Loudoun County.

The data center industry is grateful for our on-going partnership with Loudoun County. We greatly value the time and effort spent by the professional staff at the County's accomplished Departments of Economic Development and Planning & Zoning, as well as the collaborative, solution-oriented approach they have taken during our discussions over the past several months.

DCC also provided written feedback to the Planning Commission ahead of its initial public hearing on the ZOR on January 25, 2023 and again on May 15, 2023 following changes that were proposed by the Planning Commission's Uses Subcommittee. While we appreciate the Planning Commission's consideration of our feedback, we continue to have significant concerns with the Draft ZOR proposed by the Planning Commission. Specifically, we believe that various provisions in Chapter 4 establishing

¹ The Data Center Coalition (www.datacentercoalition.org) is a membership organization of leading data center owner operators. Written comments submitted by DCC do not necessarily reflect the views of each individual DCC member.

new Use Specific Standards for data centers will have detrimental impacts on the security, operations, and economic viability of current and future data center sites in Loudoun County.

We appreciate that we had the opportunity to briefly share some of our comments and recommendations during the Board's Public Hearing on July 26, 2023. Please find below a more detailed description of our concerns and recommendations:

- Building Step Back Requirements Not Reflective of Building Construction or County Policy Encouraging Multiple Stories (Section 4.06.02-2.g/Building Step-backs)

The requirement of providing a 15' building façade step-back at the second story or a building height of 40', whichever is shorter, is not reflective of how multi-story data centers are constructed. Each floor needs to be the same size and have the same footprint. This step-back requirement effectively encourages single-story data centers, which further limits their economic impact to County coffers and runs contrary to County policy encouraging multiple stories. The Coalition respectfully believes that concerns about building massing along Principal Facades are better addressed with the fenestration, building materials, and differentiated surfaces standards.

- Fenestration Requirements Should Be Aspirational, Achievable and Not Unduly Restrictive (Section 4.06.02-1.1.c/Fenestration)

We remain concerned with the 30% fenestration requirement for Principal Facades. The proposed definition of "fenestration" is overly restrictive and would not include certain architectural elements and extensions that should be considered fenestration elements, making the 30% target even more difficult to achieve.

We have provided County staff with examples of high-quality data center architecture that does not meet the fenestration requirement, including buildings that have been highlighted by County officials as being exemplary of what they hope to implement with these new standards. Several of these impressive and attractive examples are in Loudoun County, but even they only provide 14%-16% fenestration across their Principal Facades. We believe that implementing a 20% fenestration requirement is both aspirational and achievable, and will result in the types of attractive, office-like building facades the County is hoping to encourage. However, a 30% requirement establishes an unreasonably high bar, and we hope you will consider amending this requirement.

Additionally, the requirement under this section that each placement or bay may count towards no more than 7.5% of total surface area coverage area should either be significantly increased or removed. Many of the data center designs and photos identified by members of the Board as highly desirable feature office designs with fenestration clustered in key areas that significantly exceeds 7.5% of the total surface area. Limiting each placement or bay to no more than 7.5% of total surface area may result in less attractive facades, particularly for data center office and entrance features of a data center.

- More Balanced Approach Recommended for Building Setbacks (Section 4.06.02-2.g/Building Setbacks)

The building and parking setbacks were a subject of much discussion between industry and County staff in the lead-up to staff's initial draft. To see them doubled from the dais by the Planning Commission without carefully considered analysis was disheartening, especially when, as drafted by staff, both the 100' building and 50' parking setbacks were already more intense

than the proposed setbacks for almost every other use in Section 4.06 Industrial/Production with the exception of "Sawmill".

A great deal of time was spent discussing the initial draft provisions with staff, and we respectfully suggest that the proposed building and parking setbacks, as well as the mechanical equipment façade/screening provisions of the January 5 draft, represent a much more balanced approach. So long as the visual screening of such mechanical equipment is adequate and the newly proposed noise standards are met, such mechanical yards should be permitted when adjacent to properties with existing, planned, or permitted residential uses per the initial draft circulated by County staff, and the original 100' building setback should suffice.

Should the setbacks included in the proposed draft move forward, we would suggest that in the instances when a proposed data center abuts an Agricultural or Rural Commercial zoning district that permits residential uses, the 100' building and 50' parking setbacks with enhanced landscaping should apply rather than the 200' and 100'. Moreover, if the data center parcel and the Agricultural- or Rural Commercial-zoned parcel are under common ownership, the building and parking setbacks should be waived.

- Allowing for Secondary Facades Would Provide for a More Balanced Approach (Section 4.06.02-1.1 Principal Façade Applicability)

As currently drafted, the standards may well result in requiring that all four sides of a data center be principal façades based on adjacent roads and/or residential uses. While the draft provides a modicum of flexibility to allow for the substitution of one Mechanical Equipment Façade under Section 4.06.02-1.e (Mechanical Equipment Façade and Screening) in the event that two principal facades are required, and so long as it faces an adjacent public road, we would note that oftentimes two mechanical yards are required to adequately service a building. To address this issue while preserving the Board's stated priority of mitigating the effects on residential properties, the DCC has suggested and reiterates our preference for developing the concept of additional design tiers (Secondary Façades). This would allow for standards less restrictive than those for Principal Façades to apply in certain circumstances based on certain criteria, which would be a more balanced and appropriately nuanced approach. Understanding that fleshing out such a concept may take some time, we would be happy to assist staff in the development of the applicability criteria and standards of additional tiers.

- Generator Testing Provisions Conflict with Virginia DEQ Regs (Section 4.06.02-2.h/Generator Testing)

The Planning Commission recommended limiting generator testing to the hours of 8:00 am-5:00 pm for sites adjacent to properties with existing, planned or permitted residential uses. However, this is in direct conflict with Virginia Department of Environmental Quality permitting conditions which prohibit such testing and maintenance between 7am-5pm from May 1-September 30. This would result in a clear and obvious operational issue for 5 months out of the year, and with the additional noise study requirements that have been added in the latest draft, such daytime restrictions should not be necessary so long as the generators meet the required noise levels.

- Prohibiting Mechanical Equipment by Eliminating Setbacks Will Preclude Development of Sites (Section 4.06.02-2.b/Mechanical Equipment)

While previous drafts indicated that mechanical equipment must either be screened from residential uses by the principal building or setback 100 feet from the property line, the Planning

Commission draft no longer allows for a setback of any distance, prohibiting mechanical equipment on the residential side of a building. If acoustic and mechanical screening requirements are met, the prohibition on mechanical screening on residential-facing facades would not be needed. Similar to the mechanical equipment facade and screening provisions, these draft requirements go beyond mitigating the impact of these operationally necessary components of a data center and will effectively result in precluding sites from data center development altogether.

- Optional Green Wall Limitations Too Prescriptive (Section 4.06.02-1.d/(Optional) Green-Wall)
Staff incorporated a number of elements that were suggested by industry early on in our discussions, including the notion of providing a number of options, such as the optional green wall, from which data center developers and operators can choose to meet the design standards. However, it is unclear why the Planning Commission draft limits the use of Green-Wall coverage to half of the required fenestration coverage of the Façade requirement of 4.06.02-1.c.1 and to no more than 15% of the required total surface coverage area.

Additionally, the requirement under this section that each placement or bay may count towards no more than 7.5% of total surface area coverage area should either be significantly increased or removed for the reasons stated above in regards to fenestration.

- Flexibility in Landscaping, Buffering and Screening Recommended (Section 4.06.02-2.k/Landscaping/Buffering/Screening)
Paragraph (b) of the "Buffer Substitution Using Topography and Vegetation" section allows the use of natural topography and preservation of existing vegetation, along with supplemental new vegetation, to be substituted for the plan unit percentages required in Par. a, subject to the review and approval by the County Urban Forester. The DCC recommends allowing the same flexibility, still subject to the review and approval of the County Urban Forester, with respect to the requirements in the following paragraphs (Buffer Yards and Road Corridor Buffer).
- Clarification Needed for Mechanical Equipment Façade, Refuse Collection and Loading Bay Area Screening Provisions (Section 4.06.02-2.2.e.a/.Data Center Mechanical Equipment Façade, Sec. 4.06.02-2.3 Refuse Collection and Loading Bay Area Screening)
We suggest each of these sections would benefit from the clarification that the visual screening from adjacent roadways and properties required from each of these standards would be from eye-level.

Noise Provisions Under Chapter 7 Require Technical and Definitional Clarity

Additionally, we are concerned with several provisions related to the Chapter 7 noise section referenced under Chapter 4.

- Section 7.05.03.C.6.b: We are concerned this required microphone location may measure reflections off the building. Additionally, this location may be difficult to coordinate. Typically, these measurements are made ~10 feet from a reflective surface.
- Section 7.05.03.F.2: is referencing L_{max} and is exceedingly restrictive as written. The text is not specific to measurements and presents a more restrictive limit for impulsive sounds. Additionally, impulsive sounds are considered intermittent and not constant. We recommend the L_{max} shall not exceed county sound limits by no more than 15 dB (A) within a 15-minute period in any given hour. Impulsive sound also is often defined as "sound having the following qualities: the peak of the sound level is less than one (1) second and short compared to the occurrence rate; the onset

is abrupt; the decay rapid; and the peak value exceeds the ambient level by more than ten (10) dBA". This language is found in other jurisdictions where impulsive sounds are defined.

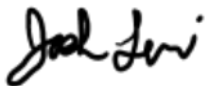
- Section 7.05.03.G: As written, the Pre-Construction study is of existing conditions and not the proposed use. Additionally, in Section 3 "Noise Mitigation", we are required to mitigate the existing condition. The pre-construction study should be a modeling study of the future use. "Noise Study" also should be clearly defined.
- Section 7.05.04.: - The limits identified in Table 7.05.04-1 are very low, and construction activity would be expected to exceed these limits if it is not exempted from the vibration standard.

Importantly, DCC also respectfully requests that the Board adopt grandfathering provisions such that any application submitted and accepted prior to the adoption of the ZOR should be reviewed under the auspices of the Zoning Ordinance in effect at the time of acceptance. Given the time and resources that applicants dedicate to high quality zoning and site plan application packages to get them across the counter, they deserve to have those applications and plans reviewed under the same Ordinance that was used to prepare them. We would also ask that the Board consider these provisions and the ZOR's effective date early in your deliberations this fall, so that citizens and applicants have adequate time to prepare for the Rewrite's implementation.

Thank you for your time and consideration of this feedback. We deeply appreciate the level to which the industry has been included in this process. The professional staff at the County's Departments of Economic Development and Planning & Zoning have been tremendous to work with, and we are so thankful for the solution-oriented approach they have taken during our discussions since the fall of 2022. We look forward to continuing our collaboration with county leaders on these items as the Board continues its work on the ZOR.

As always, we are grateful to the Board, the Planning Commission, the County, and the citizens of Loudoun for our collaborative and enduring partnership.

Respectfully submitted,



Josh Levi
President
Data Center Coalition
josh@datacentercoalition.org
<https://www.datacentercoalition.org>

Cc: Tim Hemstreet, County Administrator
Joe Kroboth, Assistant County Administrator
Daniel Galindo, Director, Planning and Zoning
Buddy Rizer, Executive Director, Department of Economic Development

August 15, 2023

Loudoun County Department of Planning and Zoning
1 Harrison Street, S.E., 3rd Floor
Leesburg, Virginia 20175

RE: Loudoun County Zoning Ordinance Review Planning Commission Draft (July 6, 2023) Comments from Loudoun Water

To Zoning Ordinance Rewrite Staff,

Loudoun Water submits this letter to highlight several areas of concern in the latest version of the Draft Zoning Ordinance regarding water and sewer infrastructure. As you are aware, Loudoun Water provides water and sanitary sewer service to the unincorporated areas of Loudoun County, and supports County-approved growth within both eastern Loudoun as well as rural western Loudoun and the villages. Loudoun Water staff would welcome the opportunity to work with County staff on the topics listed below as many are unique to Loudoun Water.

Primary Comments

Chapter 12 Definitions:

Has there been any consideration to separate 'wet' utilities (e.g., water/wastewater) from 'dry' utilities (e.g., electricity, gas, etc.) which may allow for clearer definitions? Loudoun Water is available to discuss potential merits to such a distinction should the County determine this suggestion worthy of further exploration.

Landfill Water Service District – Map is not current. Is the map necessary in the zoning ordinance? We suggest removing and updating the definition so as not to reference a map.

Water, Public: A central, community, or municipal water supply system serving more than 2 lots owned or operated by a municipality or Loudoun Water for the purpose of furnishing potable water.

A. Water Supply System, Central: The water supply system for Eastern Loudoun County owned and operated by Loudoun Water *for which the source of water is purchased from the City of Fairfax and County of Fairfax water supply system.* (request removal of red text as there is no water from City of Fairfax)

Sewer System, Central: The sewage treatment system for Eastern Loudoun County owned and operated by Loudoun Water *that is served by the Blue Plains and/or Broad Run treatment plants, and/or capacity supplied by the Upper Occoquan Sanitary Authority.* (request removal of red text)

Water Pumping Station – please correct definition to state 'utility minor' instead of 'utility major'



Chapter 3 Uses:

Loudoun Water continues to question Minor Utilities in the tables where the field states Special Exception or is blank, implying that Minor Utilities are not allowed.

- Table 3.02.01-1 – ‘Minor Utilities’ are a SPEG in SN4, SN6, SCN8, SCN16 and SCN24 - is this correct?
- Table 3.02.03-1 – ‘Minor Utilities’ are a SPEG in TSN, TCN, and TCC - is this correct? It is also unclear as what the asterisk means.
- Table 3.02.04-1 – ‘Minor Utilities’ are not allowed in some of these districts (CR-4, RC), particularly the PD-RV district- is this correct?

The legacy use tables identify and classify legacy zoning districts by Policy Area, however there are examples of rural legacy districts such as A3, CR1 and RC in the Suburban and Transition Policy Areas. Will ‘minor’ water and sewer utilities be permitted by right in these zoning districts within the Loudoun Water Central Service Area?

Community systems may also need to be ‘carved out’ in the use charts so as not to cause confusion. Loudoun Water suggests adding community system (both water and sewer) as a Special Exception in all districts in which they are allowed (rural and villages, etc.). It is also important to allow community systems in areas where the county identifies a public health concern.

Secondary Comments

Chapter 2 Zoning Districts:

PD-RV seems to have some conflicting language (excerpt from page 87 below states ‘its own’ which is not clear (will it be Loudoun Water either community system or public) – PD-RV seems to exist in both the transition policy area and rural policy area.

Purpose. The purpose of the Planned Development-Rural Village (PD-RV) district is to implement existing PD-RV Zoning Districts.

- PD-RV Zoning Districts are established at a scale intended to continue Loudoun's traditional rural land use pattern and to promote its traditional concept of villages.
- Each village will be serviced by *its own* public water and sewer facility.

Should PD-RV be connected to Loudoun Water’s central system, is that considered ‘its own’ water and sewer facility?

Chapter 4 Specific Use Standards:

4.05.18C – Some schools are currently served by communal systems. Please clarify whether communal systems will no longer be permitted to serve schools when necessary. Should ‘public utilities’ be used?

Chapter 5 Overlay Districts:

Loudoun Water remains concerned about overlays and the ability to have a waiver/exception process that will allow service to areas dictated by the County that may have overlays. Loudoun Water suggests a defined process to be reviewed in overlays for public utilities and would like to work with county staff on potential criteria for a waiver/exception.



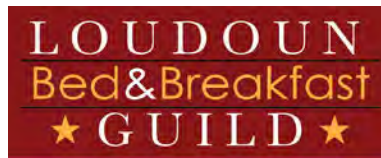
Loudoun Water appreciates the opportunity to review and comment on the draft Zoning Ordinance rewrite text, and would welcome the opportunity to meet with you to discuss any questions you may have regarding the above topics. If you have any questions or concerns, please do not hesitate to contact me at (571) 291-7746 or abeatty@loudounwater.org.

Thank you for your time and consideration.

Sincerely,



Andrew Beatty,
Planning Engineer,
Loudoun Water



July 27, 2023 (updated after Public Hearing)

**Loudoun County Board of Supervisors
Leesburg, VA**

**Loudoun County Bed & Breakfast Guild Response to VA Draft Zoning Ordinance
Sections 4.03.01 - Sketch Plan, Building Permit, and Management**

I am writing as the President of the Loudoun B&B Guild representing the Bed and Breakfast members with regards to the following:

APPROVAL – Sketch Plan/Site Plan - Per the draft Zoning Ordinance dated 7/6/23 there seems to be a conflict with what has been proposed in **Chapter 4.03.01 Approval** and **Chapter 10.06 Site Plan** where it states that Bed and Breakfast Homestays and Bed and Breakfast Inns (both with less than 5,000 sq ft of disturbance) *are Exempt from providing a Site Plan*.

In Current Draft	Concern	Recommendation	Proposed Language
<p>In Chapter 4.03 B. Approval. No Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, or Rural Resort is permitted to be established until a 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.</p> <p>In Chapter 10.06 A. Applicability. 1. Required. Site Plan approval is required prior to a Zoning Permit or any physical changes to the site.</p>	<p>In Chapter 4 Under B. Approval there seems to be a conflict with what has been proposed and what is in Chapter 10.06 under Site Plan. In Chapter 4 it reads that a <i>Zoning Permit or Site Plan</i> (as applicable) must be submitted for the proposed use. In Chapter 10 it reads that B&B Homestays and B&B Inns are exempt from providing</p>	<p>B&B Homestays and B&B Inns are exempt from creating a site plan in Chapter 10 so adding <i>sketch plan</i> to Chapter 4.03 as an alternative and defining what a sketch Plan is in Chapter 10 will be clearer.</p>	<p>In Chapter 4.03 B. Approval. No Bed and Breakfast Homestay, Bed and Breakfast Inn, County Inn, or Rural Resort is permitted to be established until a Zoning Permit, Sketch Plan, or Site Plan (as applicable) for the proposed use is approved and the appropriate building permit and applicable Fire Prevention Code permits obtained.</p> <p>In Chapter 10.06 A. Applicability. 1. Required. Site Plan approval is required prior to a Zoning</p>

<p>2. Exempt. The following do not require a Site Plan and are exempt from the requirements of Section 10.06:</p> <p>a. Agriculture uses identified in Section 3.02 that do not involve access by the public as a part of such use;</p> <p>b. Animal Care Business;</p> <p>c. <i>Bed and Breakfast Homestay (with less than 5,000 sq. ft. of disturbance);</i></p> <p>d. <i>Bed and Breakfast Inn (with less than 5,000 sq. ft. of disturbance);...</i></p>	<p>a Site Plan with less than 5,000 sq. ft. of disturbance.</p>		<p>Permit or any physical changes to the site.</p> <p>2. Exempt. The following do not require a Site Plan but require a sketch plan which is a non-engineered alternative and are exempt from the requirements of Section 10.06:</p> <p>a. Agriculture uses identified in Section 3.02 that do not involve access by the public as a part of such use;</p> <p>b. Animal Care Business;</p> <p>c. <i>Bed and Breakfast Homestay (with less than 5,000 sq. ft. of disturbance);</i></p> <p>d. <i>Bed and Breakfast Inn (with less than 5,000 sq. ft. of disturbance);</i></p>
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BUILDING PERMIT

In Current Draft	Recommendation	Proposed Language
<p>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.</p>	<p>Some locations not only host in their structure but also host events outside under tents or just outside without a cover overhead. The Guild would simply like to add <i>Open Air and Tented Options</i> to this section to ensure we include all the options used on the properties.</p>	<p>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, open-air, and tented options to be used for the private parties and a Zoning Permit for each private party.</p>

MANAGEMENT

In Current Draft	Recommendation	Proposed Language
The operator, or manager designated by the operator, must live on the premises and be available at all times when the property is occupied by renters to address issues that arise. During all rental periods, the operator or manager must respond by phone or electronic means within 30 minutes and be available to be onsite within 60 minutes and provide the contact information of the operator and/or manager to the guests in writing prior to the beginning of the rental period. The contact information also must be posted in a conspicuous location within the Bed and Breakfast Homestay and Bed and Breakfast Inn.	No Change – Thank you!	

We hope the Guild can assist in this and related subjects as we would be happy to provide our insight and views. Thank you for your time and attention.

Leslie Tharp – Leslie.Tharp13@gmail.com

President, Loudoun County Bed & Breakfast Guild

Cheri Shields - cheri.shields@hiddenviewbnb.com

Vice-President-Properties, Loudoun County Bed & Breakfast Guild

Chris Suarez - Chris.suarez@bearchasebrew.com

Vice-President-Partners, Loudoun County Bed & Breakfast Guild

Donnie Walker - waterfordreservations@gmail.com

Legislative Lead, Loudoun County Bed & Breakfast Guild



Loudoun County Equine Alliance

Serving The Loudoun County Equine Community

Loudoun County Equine Alliance Zoning Comments July 26, 2023

Thank you for this opportunity to speak tonight. I also want to thank Zoning administrators and staff and the planning commissioners for their diligence and willingness to meet with board members of Loudoun County Equine Alliance...

The Equine Alliance has several concerns due to unexpected changes made to equestrian uses during a 2015 ZOAM; restrictions and requirements that added to business costs uniquely required of equestrian livery and equestrian event facilities. Such requirements make many long-established equestrian business facilities non-compliant with zoning and would require large numbers to be grandfathered.

Planning Commissioners recommended, and staff worked in several of our requested short term 'fixes', including reducing the minimum acreage requirement from 25 acres to 15 acres, increasing the total sf allowance from 12000 to 30000sf, and recommend adding equestrian uses to a future rural uses ZOAM. We thank you.

LCEA still has additional concerns we wish to be addressed during the zoning rewrite that will allow our industry to comply with the original intent of the 2015 ZOAM which in large part was to streamline the number of equestrian uses by looking at the traffic generated during peak traffic hours.

LCEA's requested additional changes will be a reasonable stop gap to reduce some unnecessary regulations, reduce business costs and increase zoning compliance, until a rural ZOAM can more fully address overall equestrian industry concerns.

LCEA will submit the revised text with the additional zoning changes we recommend to Staff, for Board Of Supervisor approval before the zoning rewrite is completed.

Added information:

The specific issues LCEA wishes to have addressed before the rewrite is completed stem from having the "equestrian livery" and "equestrian event" uses placed under the agricultural support umbrella when they were first created in the 2015 ZOAM.



Loudoun County Equine Alliance

Serving The Loudoun County Equine Community

Staff has addressed two of our concerns within the latest draft by increasing the total square footage allowed from 12,000sf to 30,000sf and by reducing the minimum acreage required from 25 acres to 15 acres.

The remaining issues we would like addressed before the zoning rewrite is finished include:

- Limits on the square footage of storage structures, which could result in farm machinery being left out in the open and/or inadequate hay and bedding storage. In LCEA's opinion, there should be NO sf limitations.
- Increased setbacks based on building size, which could, for example, require an indoor riding to be placed in an unattractive and inappropriate location on a horse property, or make a property unsuitable as an equestrian facility. The standard 60 foot agricultural setback is sufficient.
- Buffering requirements that would be onerous and unattractive (which by the way is misnumbered in the latest draft)

A livery is a farming/agricultural operation not a support use. IF the intent is to regulate the activities that may be part of a livery, such as small shows and training clinics, due to possible impact on neighbors or road systems, there are better ways to accomplish that (such as reasonable limits on the number of vehicles at any one time, based on size of property).

The temporary solution is to remove livery from the "agricultural support" category of uses and write a stand alone 4.08.06 use standard for livery that addresses our five concerns. Equestrian event could remain as agriculture support with some minor modifications. Then, include equine livery and event uses within a rural uses ZOAM so that zoning applies evenly across rural uses whose business model includes events.

Respectfully

Kelly S. Foltman, DVM; President LCEA

And the LCEA Board.



July 21, 2023

The Honorable Phyllis J. Randall, Chair
Members, Loudoun County Board of Supervisors
1 Harrison Street, SE, 5th Floor
Leesburg, VA 20175

RE: Loudoun County Zoning Ordinance ZOR Initiative

Dear Chair Randall and Members of the Board of Supervisors:

The NAIOP Northern Virginia subcommittee for Loudoun County's proposed Zoning Ordinance ZOR ("ZOR") is made up of members deeply invested in the county. They include owners such as B.F. Saul, Merritt Properties, and St. John Properties; land-use attorneys including Holland & Knight and Walsh Colucci; and engineers including Bohler, Gordon, and IMEG (formerly christopher consultants). The members of this NAIOP subcommittee bring to the table an incredible amount of background and knowledge on land development issues and zoning matters in Loudoun County, as well as represent other NAIOP members who are active in real estate development and investment in Loudoun County. The NAIOP subcommittee has spent countless hours since April, 2022 reviewing and analyzing the various drafts of the proposed zoning ordinance. We have provided the County with perspective grounded in daily use of the current Revised 1993 Zoning Ordinance, and an understanding of the real-world implications of the proposed modifications as set out in the various iterations of ZOR. Since the first full draft of ZOR was released in April 2022, the NAIOP Loudoun ZOR Subcommittee has:

- Submitted 154 written comments in June, 2022 prior to the first PC public hearing;
- Submitted 175 written comments on January 19, 2023 in response to the release of the second tranche of updated chapters ahead of the PC's second public hearing;
- Attended roughly half of the of the roughly 25 PC work sessions/public hearings in person, and monitored the rest virtually and/or via the recordings;
- Reviewed, as each PC work session agenda was published, the latest material/chapters and provided real-time comments to commissioners each week ahead of the work sessions;
- Met 5 times in person/virtually with Charles Yudd and/or Judi Birkitt to discuss select topics from November, 2022 through April, 2023;
- Prepared multiple real-world case studies to demonstrate issues with proposed changes to parking and open space regulations; and,
- Submitted 27 specific draft motions ahead of the final two work sessions before the PC took action.

We appreciate that County Staff has made significant progress in addressing our earlier concerns about the ZOR, and while the Planning Commission also worked tirelessly to improve the draft, there is still much that remains to be accomplished. There are a number of broad, high-level issues with the current ZOR draft, and there are, additionally, a significant number of narrower, specific issues that need to be addressed. From NAIOP's perspective, it is critical to address these issues in creating a new zoning ordinance that effectively implements the 2019 General Plan, but does not create unintended consequences such as limiting the Board's flexibility in approving development that meets the Plan's goals or hindering economic development, diversity, or competitiveness with other nearby jurisdictions.

Chair

Spencer R. Stouffer, Jr.
MRP Realty

President

Martha D. Marks
NAIOP Northern Virginia

Executive Committee

Scott E. Adams
McGuireWoods

Mary Beth Avedesian
B.F. Saul Company

Anthony C. Chang
Stream Realty Partners

James H. Dawson
Verity Commercial, LLC

Michael S. Kitchen
christopher consultants | now IMEG

John G. Lavoie
Cooley LLP

Coleman G. Rector
Weber Rector Commercial Real Estate Services

James E. Roembke III
Buchanan Partners

Jonathan T. Smith
Skanska USA Commercial Development

Susan A. Sonley
Kent Commercial, Inc.

Reggie G. Thomas
Edgemoor Infrastructure & Real Estate

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Transwestern

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Brookfield

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CBRE

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Avison Young

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Larlyn L. Jennings
L.F. Jennings

Jerry A. Kilkenny
Brandywine Realty Trust

Michael A. Klein
BoundTrain Real Estate

Jeanette C. Ko
JLL

Jason J. Krawiecki
Corporate Office Properties Trust

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Penzance

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HITT Contracting, Inc.

Peter V. Otteni
Boston Properties, Inc.

James D. Policaro
Lerner

G. Evan Pritchard
Cozen O'Connor

David L. Schneider
Holland & Knight, LLP

Andrew F. VanHorn
Dweck Properties

Jeremiah J. Watts
D|WATTS Construction

John N. Wharton
Monday Properties

Katherine Pierce Yanushonis
TMG

Edward V. Zaptin
Cushman & Wakefield

Ex Officio – Developing Leaders

Brian N. O'Donnell
Elme Communities

Nick Lane
Siemens Industry Inc.

Molly Statler
PGAL Architects

1. Zoning Modifications

NAIOP understands that one of the goals of ZOR is to make zoning modifications “the exception, as opposed to the rule.” However, the ZOR draft creates much more prescriptive zoning district regulations as compared to the Revised 1993 Zoning Ordinance, it is especially critical to maintain a level of flexibility for the Board in reviewing individual rezoning applications. During the Planning Commission review process, NAIOP repeatedly expressed its concerns about the prescriptive nature of the new zoning districts, and the loss of the ability to seek legislative zoning modifications. Following these discussions, the ZOR draft was modified to include further clarification in “Appendix C” as to which zoning regulations could be modified by a legislative ZMOD. NAIOP appreciates this important revision, but the “Appendix C” list is still far from complete. NAIOP fully expects that the Board will hold the development industry to an appropriate standard in reviewing any requests for zoning modification. We respectfully submit that further changes to “Appendix C” are necessary in order to ensure that the Board’s hands are not tied in reviewing legislative rezoning applications.

2. Open Space Standards

Many of our subcommittee members have cited the overly prescriptive nature of the ZOR, even in its current, revised form. The Open Space standards continue to exemplify these concerns. While the Planning Commission made a number of changes to the Open Space standards, NAIOP continues to have concerns with respect to the calculation of required open space. The provisions of draft Section 7.02 are extremely complex, and continue to be problematic in several respects. These new requirements in the ZOR radically increase the amount of open space required for projects.

These new open space eligibility standards, as well as requiring open space to be a percentage of total site area (as opposed to buildable area, as in the Revised 1993 Zoning Ordinance), are oppressive to development and destructive to economic development for our county. For example, one of our members’ projects which was approved and constructed last year provided 29% open space when only 20% was required under the current ZO. If the ZOR is enacted as currently drafted, the metrics for calculating open space for that project would yield only 9% open space, and therefore, it would never have been approved and constructed as designed. As another example, a member’s potential future project heavily encumbered by existing underground and overhead utilities could provide 75% open space under the current regulations. Due to the ZOR’s limitations on what kinds of open space should count, the same project would only be able to provide 16% open space under the ZOR and could not get approved. For constrained sites like this one, of which there are many throughout Loudoun, there is no alternative for open space other than setbacks, easements, and stormwater management ponds, which have traditionally and rightfully been counted as open space without caveats.

The development community appreciates open space for environmental and community amenity reasons, and understands that the creation and protection of open space is a key policy of the Board. However, these proposed changes to the zoning regulations largely have the effect of narrowing the ability to count land *that is actually open space* in the zoning calculations. This proposed change in calculation methodology will consume countless acres of land intended for economic development in Loudoun County. The onerous open space standards proposed in the ZOR will cause Loudoun County to be less competitive than its peer jurisdictions in terms of opportunities for new buildings and inflated land value for commercial/industrial space (same land price for less “developable” acres). This will lead some tenants and developers to move to nearby jurisdictions and, unless changed, it will be a significant future impediment to the tax base, jobs, and businesses of Loudoun.

3. Uses

The ZOR's Use Table has many unfavorable deviations from the Use Table as compared to the Revised 1993 Zoning Ordinance. For instance, certain permitted uses ("P") have either been completely deleted from zoning districts, or they will only be allowed with approval of a special exception ("P/S") under the ZOR, which is a lengthy (i.e., over 12 months) and expensive bureaucratic process. Notably in PD-IP districts, "Office," "Recreation, Indoor," and "Contractor" have been changed from P to P/S in the ZOR's Use Table (even though these uses were "P" in previous ZOR drafts). Further, some use-specific standards are written such that these uses and others will no longer be able to operate the same way or occupy some of the commercial spaces these uses currently occupy. Use regulations should not be more restrictive than current regulations, but rather, should be expanded to facilitate the speed to market of development projects and offer more diverse choices to prospective tenants, assuming the point of this ZOR is to help achieve the goals of the Comprehensive Plan.

4. Flex Office/Industrial Buildings

Flex Office/Industrial Buildings are in very high demand for Loudoun-based businesses, and the importance of this product type has been emphasized in the past by the Board of Supervisors and Department of Economic Development. However, the ZOR seems to throw up roadblocks for the current inventory and future planned projects. The ZOR draft creates a new, defined "Flex Building" use, which is a positive change, but the details in the applicable regulations are still problematic. The current draft continues to require any uses within a Flex Building to conform with the use-specific standards for that individual use, thus defeating the purpose of creating a new defined "Flex Building" use. For example, this would require tenants to meet new use-specific standards for indoor recreation and other uses, which have requirements that are incompatible with flex or multitenant occupation, such as parking maximums, inter-parcel access, and more. These requirements are overly prescriptive and do not take into account the realities of multi-tenant Flex buildings.

The ZOR fails to acknowledge the diversity of businesses that currently reside in Flex buildings, and the critical role that Flex buildings play in economic development and the provision of a broad range of services for Loudoun County residents.

5. Nonconformities

NAIOP and the commercial development community have serious concerns about the proposed significant changes to legal nonconformity regulations in the ZOR draft. NAIOP and NVBIA have submitted comments on these issues, and the current ZOR draft incorporated only one change in response. The most critical problem with the current ZOR draft is the change to the provisions for reconstruction of a nonconforming structure after a casualty. The Revised 1993 Zoning Ordinance permits reconstruction of a nonconforming structure after a "casualty or event beyond the owner's reasonable control." The existing commercial buildings in Loudoun County have been purchased, financed, insured and leased in reliance on these reconstruction rights.

The draft ZOR, however, narrows the scope of permitted nonconformity reconstruction to casualties resulting from a "natural disaster or other act of God as provided in Code of Virginia 15.2-2307(E)".^[1] This change creates a very impactful narrowing of the current Loudoun County rule, and would not appear to permit casualty reconstruction of a legally nonconforming structure after a terror attack, explosion, a catastrophic structural failure not caused by a natural disaster, or even a fire. Other Northern Virginia jurisdictions, including Fairfax County, Prince William County and Frederick County, have significantly broader casualty reconstruction rules. This proposed change puts Loudoun County at a severe competitive disadvantage for new commercial real estate development and investment.

^[1] NAIOP notes that other Northern Virginia jurisdictions have expressly included accidental fire, or any fire that is not set by the owner, as a covered casualty, and urges the Board to include this clarification, at a minimum.

6. Grandfathering

NAIOP, along with others in the development community, remains concerned about the lack of clarity on the treatment of land use applications in mid-process when ZOR is ultimately adopted by the Board of Supervisors. No draft "grandfathering" provision has been included in the ZOR draft, or in connection with the ZOR process, after well over a year of the ZOR process. We urge the Board to consider this critical issue early in its review process, and to provide clarity on the timing of grandfathering. In addition to establishing the point in the development process when applications will be permitted to continue under the Revised 1993 Zoning Ordinance, we submit that there is also a need for clarity as to the scope of the rights associated with those approvals, as the current ZOR draft does not appear to address this issue. NAIOP notes that there has been only very limited discussion, in public meetings and in staff materials associated with those meetings, relating to grandfathering and vested rights. It is critically important that the development community understands how Loudoun County will view these issues, in order for industry to provide input on these specific draft regulations and resolutions.

As an association that represents the various types of building developers, owners, investors, and asset managers, the NAIOP Northern Virginia membership understands the importance and enormous magnitude of managing the ZOR process. Our objective is simply to provide feedback, which is given in the spirit of collaboration. We do not wish to hamper its forward momentum, but because this ZOR will set the direction of Loudoun County for several decades, we want to help draft a ZOR that will have a positive and lasting impact on our community.

Respectfully,



Martha D. Marks
President

Attachment

Cc: Tim Hemstreet, County Administrator
Charles Yudd, Deputy County Administrator
Joe Kroboth, Assistant County Administrator
Daniel Galindo, Planning Director

From: Bill Junda <bjunda@gordon.us.com>

Sent: Wednesday, June 21, 2023 4:54 PM

To: Yudd, Charles <Charles.Yudd@loudoun.gov>; Birkitt, Judi <Judi.Birkitt@loudoun.gov>

Cc: Michelle.Rosati@hklaw.com; 'Mr Matthew F. Holbrook' <mholbrook@sjpi.com>; John Mossgrove <jmossgrove@merrittproperties.com>

Subject: [EXTERNAL] ZOR - ZMOD comments

Charles and Judi,

As a follow-up to our recent discussions at NAIOP and ZOC, our working group has pulled together specific ZOR references to be considered for ZMOD applicability. These references are based on typical ZMOD's that we see, and that would need to be available to us as projects like Rivana and One Loudoun process inevitable zoning revisions in the future.

We'd love the chance to review over a virtual meeting if that is helpful.

Thanks!

Bill

2.01.02 – UE

- 2.01.02.F.5 which requires 30% of ground floor building frontage to be commercial, public, civic or pedestrian oriented. Flex is a recommended use in UE, but Flex is not in the “commercial” definition. Either this section should be modifiable, or it should be updated to allow for flex buildings.

2.02.03 – TC

- 2.01.A.c.1.c: the town center core proximity to another TC core should be modifiable. There are a number of existing TC districts with approved modifications that may be required to carry this ZMOD forward with future ZCPA's (i.e. Waterside & Rivana, One Loudoun and Dulles Town Center, etc.).
- Table 2.02.03-1 Building Requirements: the 60' max height is too low for many of the approved town centers in the County (i.e. One Loudoun, Rivana). Approved heights in PD-TC at Rivana and One Loudoun (R93ZO currently allows up to 120') up to 200' and 230'.

2.02.04 – CC

- 2.02.04.A.3: zoning district sizes (max of 60 acres for CC-SC might need to be increased via ZMOD in certain circumstances)
- 2.02.04.E: there are examples of mixed use projects in the past where a CC parcel was accessed through an R-district parcel and a ZMOD was required (i.e. ZMAP-2022-0016/ZMOD-

2022-0059)

2.02.05.07 – Legacy PD-CC

- 2.02.05.07.D: there are examples of mixed use projects in the past where a CC parcel was accessed through an R-district parcel and a ZMOD was required (i.e. ZMAP-2022-0016/ZMOD-2022-0059)

7.02 – open space

- Allow for ZMOD to allow for open space to be provided based on the entire parcel/project regardless of zoning district. Current examples of split zoned projects where most of the open space is in one district, leaving another district short if necessary for each district to meet requirements individually.

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