

## CHAPTER 4: USE-SPECIFIC STANDARDS

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### 4.01 Purpose and Applicability

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**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~~ Zoning Amendment (10.10), (10.02), 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~~ 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

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**4.02.01 Accessory Dwellings**

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- 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**

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- A. **Applicability.** Continuing Care Facilities are subject to the following standards.
  - 1. **TRC, UE, TC, and PD-MUB- Zoning Districts.** 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 -Zoning District, 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 Zoning 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 Zoning Districts and Uses.**

- a. No building must be permitted closer than 50 feet to any nonresidential zoning district, any existing or planned nonresidential zoning 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 zoning districts, existing or planned nonresidential zoning 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~~ 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~~ 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

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- 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

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- A. **Applicability.** Section 4.02.05 applies to religious housing in the AR-1, AR-2, TR-2, and JLMA-3 Zoning 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 ~~on-site~~ 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

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- 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

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- 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 TC Zoning District.
- 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~~ 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~~ Zoning 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.**
- 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

- Hours of Operation.** Hours of operation for private parties are limited to between 7:00 a.m. and 12:00 midnight.
- 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.
- Permits for Private Parties Exceeding Maximum Daily Attendees.**
  - 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, if

applicable, 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~~ 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.~~ Zoning 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 Zoning Districts.** In the AR-1, AR-2, and TR-2 ~~districts~~ Zoning 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.**

- Any restaurant and ~~Banquet/Event Facilities~~ banquet/event facilities, and conference and training facilities must be less than 50% of the total floor area of the rural resort.
- Outdoor storage related to the rural resort facilities is permitted.
- Maximum Floor Area Ratio: 0.04.
- 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.
- Parking.** All parking areas serving the use must use a dust-free surfacing material as provided in the [Facilities Standards Manual](#).
- Noise.** Outdoor music is not allowed after 11:00 PM.
- Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.

**4.03.02 Camp, Day and Boarding**

- Applicability.** Section 4.03.02 applies to all day camps and boarding camps in the AR, TR, ~~and JLMA, and PD-CV~~ Zoning Districts.
- 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.
- Intensity/Character.**
  - 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

- 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.
- 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
Level III—large scale	>100 up to 150 campsites	32,000 sf
Level IV	>150 campsites	Special Exception pursuant to Section 10.11
<b>TABLE KEY:</b> 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
<b>TABLE KEY:</b> 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 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~~ 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" 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 contract for the catering of food or alcoholic beverages for consumption by any guests of the Short-Term Rental, Commercial Whole House use. The Short-Term Rental, Commercial Whole House use must not contain restaurant facilities; the dwelling unit's independent cooking facilities are for use by the guests only.
  - 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

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- 4.04.02 Art Studio and Antiques, Art, and Crafts
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- 4.04.18 Restaurant, Rural
- 4.04.19 Small Business, Agricultural and Rural
- 4.04.20 Vehicle Repair, Heavy
- 4.04.21 Vehicle Repair, Light
- 4.04.22 Vehicle Wholesale Auction
- 4.04.23 Vehicle Sales and/or Rental

### 4.04.01 Animal Hospital

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- A. **Applicability.** Section 4.04.01 applies to animal hospitals in the UE, AR-1, AR-2, and JLMA districts, Zoning Districts.
- B. **UE Zoning District.** Within the UE Zoning District, the following standards apply:
  - 1. Animal Hospitals must be in a completely enclosed facility;
  - 2. Animal Hospitals of up to 7,500 square feet gross floor area are permitted; and
  - 3. Animal Hospitals greater than 7,500 square feet gross floor area require Special Exception approval.
- C. **AR-1, AR-2, and JLMA Zoning 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 Zoning 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 Zoning 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 Zoning 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.~~
  - ~~2.1. Hours of Operation.~~ Hours of operation are limited to 8:00 a.m. to 9:00 p.m.
    - ~~a. Sanitary Facilities.~~ Bathroom facilities must be provided on site.
  - ~~3.2. 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.
  - ~~4.3. Location on Site.~~ The auction house must be set back at least 100 feet from all lot lines.
  - ~~5.4. 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.
  - ~~6.5. Parking.~~ All parking areas serving the use must be of a dust-free surfacing material as provided in the [Facilities Standards Manual](#).
  - ~~7.6. Exterior Lighting.~~ Exterior lighting is subject to Section 7.05.02.C.2.
  - ~~8.7. 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 ~~20~~25% 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**

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- 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) either:

~~10. No more than 2 non-resident assistants/employees are permitted at any time during hours of operation.~~

~~a. a public park (passive, community or regional park);~~

~~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.~~

~~2.1. 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.a. The outdoor play area must be safely segregated from parking, loading, or service areas (such as dumpster pads or delivery sites); and~~

~~e.a. 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~~

~~2.1. The park or outdoor play area may be accessed without crossing an arterial or collector road; and~~

~~3.1. 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 home is located, and which is for the use of owners and residents of the portion of the development where the child day-center home is located; and/or

c. Other public play area or park shown on the approved Concept Development Plan, Site Plan, or Subdivision plat for an adjacent development where the child day home is not located, provided the applicant receives written consent from the Owner's Association allowing the child day home to use the play area and the applicant submits such written consent to the County prior to approval of a Zoning Permit.

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 unit 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 or setback 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 zoning 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~~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~~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.**~~ **OP Zoning District.** A stand-alone restaurant requires minor special exception review and approval pursuant to Section 10.11. Drive-through facilities are not permitted in conjunction with restaurant uses.
  - 2-3. ~~**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, subject to Section 3.03.D. Restaurant uses with a seating area greater than 1,000 square feet require Special Exception review and approval pursuant to Section 10.11.
  - 3-4. ~~**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.

4.5. **GB Zoning District.** Restaurant uses may not exceed a seating area of 1,000 square feet and must not include drive-through facilities.

5.6. **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.

6.7. **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.

7.8. **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.

8.9. **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.

9.10. **JLMA-2, JLMA-3, and 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.

10.11. **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.

11.12. **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.

12.13. **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. 5,000 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~~ 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~~ Zoning District not served by central water and central sewer requires Minor Special Exception approval.

### 4.04.12 Drive-through Facilities

#### A. Applicability. Section 4.04.12 applies to drive-through facilities associated with banks, financial institutions, and general retail uses with a drive-through facility, such as pharmacies. Restaurant uses with drive-through facilities are subject to Section 4.04.10.

#### B. Approval. This section is not modifiable pursuant to Section 4.01.A.

1. Drive-through facilities are a permitted component of banks, financial institutions, and general retail uses that also provide a standard range of customer services associated with the use within the building.
2. TRC Inner and Outer Core, UE, CC-NC, and RC Zoning Districts. Drive-through facilities are not permitted.
3. TRC TDSA, TC Core, PD-MUB, CC-CC, TSN, and TCN. Drive-through facilities require Special Exception approval subject to Section 10.11.

#### C. Lanes. Lanes in drive-through facilities must meet the following requirements:

- 1.—A maximum of 3 lanes;
- 2.1. Include an escape lane from the service lanes; and
- 3-2. Stacking space that is sufficient to avoid vehicle stacking into drive lanes, parking spaces, and public streets.

#### D. Buffer.

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. **JLMA-1, JLMA-2, and JLMA-3.** In the JLMA-1, JLMA-2, and JLMA-3 Zoning Districts, repair and service is permitted; sales and/or rental requires approval of a special exception.
- E-F. **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-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 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

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- 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

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- 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 Zoning Districts.** Kennels in the AR, TR, and JLMA ~~districts~~ Zoning 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 Zoning District.** Kennels in the GI ~~district~~ Zoning 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

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- 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
2. **IP Zoning District.** Professional office buildings are permitted in the IP Zoning District if the following conditions are met. Professional office buildings not meeting these conditions require Special Exception approval. This section does not apply to professional office uses located within flex buildings.
  - a. Office buildings are an integral design element of a Site Plan for an industrial site or park containing not less than 40,000 square feet of gross floor area.
  - b. Office buildings must be located no further than 100 feet from the setback, as established by Section 7.04.02, of an arterial or collector road.
  - c. Office buildings must be the prominent features when viewed from adjacent roadways.
  - d. Parking may be located to the side and rear of the building and in no case may parking be located between the building and an arterial or collector road. On a corner or through lot, there will be only one front yard.
  - e. Professional office buildings must be a minimum of 26 feet in height.

## 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~~ zoning district regulations apply to small business uses located in those zoning 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~~ 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, Zoning Districts.** 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, Zoning Districts.** 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~~ Zoning 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

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- 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

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- 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. ~~Vehicle wholesale auctions must be located on parcels that are at least partially located within the noise contour areas of the Airport Impact Overlay District, as existing at the time of initial Site Plan approval.~~
  - 3-2. The minimum lot area is 5020 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 and/or Rental

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- A. **Applicability.** Section 4.04.23 applies to Vehicle Sales and/or Rental ~~uses in the IP and GI Zoning Districts.~~
- B. **Use Limitation.** ~~Vehicles Sales~~ Vehicle sales and/or rental ~~uses in the IP and GI Zoning District~~ are limited to vehicle rental establishments ~~in the PD-CC(RC) (Legacy District), IP, and GI Zoning Districts.~~ No establishment where the principal occupation is the sale of motor vehicles, such as a car dealership, is permitted in ~~the IP Zoning District or GI Zoning District~~ these zoning districts.

## 4.05 Public/Civic/Institutional

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Contents:

- 4.05.01 Amphitheater
- 4.05.02 Agricultural Cultural Center
- 4.05.03 Agricultural Education or Research
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- 4.05.06 Conference and Training Facilities
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- 4.05.11 Golf Course
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- 4.05.16 Recreation
- 4.05.17 Rural Retreat
- 4.05.18 Public School
- 4.05.19 Private School
- 4.05.20 College or University
- 4.05.21 Theater

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#### 4.05.01 Amphitheater

- A. **Applicability.** Section 4.05.01 applies to any amphitheater in the TSN, TCN, and TCC Zoning 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 Zoning Districts.** Seating capacity of amphitheaters in TSN, TCN, and TCC Zoning Districts is limited to 1,000 persons or less.

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#### 4.05.02 Agricultural Cultural Center

- A. **Applicability.** Section 4.05.02 applies to agricultural cultural centers in the AR ~~districts~~ Zoning 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~~ setback 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 Zoning 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 Zoning 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 Zoning Districts.** In the AR, JLMA, and TR-10 Zoning 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 Zoning Districts.** Special Exception approval is required for religious assembly uses with or without an accessory private school.
3. **TRC, UE, PD-RDP, and RC Zoning 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 ~~Zoning 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~~ Special Exception 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 Zoning 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 <u>Minor</u> 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
<b>TABLE KEY:</b> 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 Zoning 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

Table 4.05.07-1. Intensity/Character	
Use	Lot Area (Minimum)
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
<b>TABLE KEY:</b> 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.**

1. 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.
2. 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).
3. 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.**

1. 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).



2. To encourage preservation of environmental resources, the Zoning Administrator may reduce yard requirements up to ~~25%~~20%, pursuant to Section 10.03.
  3. Accessory structures, not requiring a building permit, may be located a minimum of 25 feet from all property lines.
- F. **Landscaping/Buffering/Screening.** A Buffer 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. Where not practicable, a dust-free surfacing material must be provided in accordance with the requirements of the Facilities Standards Manual.
- 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. Zoning 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.~~ Zoning 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 Zoning 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. ~~Zoning 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. ~~Health and fitness centers are not permitted to be located within the Quarry Notification (QN) Overlay District.~~

#### 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 zoning district; or
    - c. The adjacent zoning 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 zoning districts; or
    - b. The minimum yard requirements of adjoining zoning 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.~~ Zoning 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.~~
  - 1. **Storage Yards.** **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.

~~1. **Storage Yards. 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 Zoning Districts.** Indoor recreation uses in the TRC and UE ~~districts~~ Zoning Districts are subject to the following criteria. Special Exception review and approval is required if these criteria are not met.

1. The use must not exceed ~~10~~150,000 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. **Development Criteria in IP and GI Zoning Districts.** Indoor recreation uses in the IP and GI ~~districts~~ Zoning Districts are subject to the following criteria. Special Exception review and approval is required if these criteria are not met.

- ~~1. **Access.** No inter-parcel access to an adjoining industrial use.~~

- ~~2.~~1. **Site Design.** Building entrances and exits must be separated from vehicular circulation for industrial uses.

- ~~3.~~2. **Parking Lot Design.** Parking lots must be designed in accordance with Section 7.06.10.F.1.



**4.3. Pickup and Drop-off.** Indoor and outdoor or major recreation uses in the IP and GI Zoning Districts must 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.

~~5. Recreation establishments are not permitted to be located within the Quarry Notification (QN) Overlay District.~~

E. **Bicycle Parking.** Parking and storage for bicycles must be provided consistent with Section 7.06.03.

F. **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.

G. **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~~ Zoning 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~~ Zoning District.
- b. Rural Retreats not in the PD-RV ~~district~~ Zoning 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 school 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 zoning district, or, in residential or agricultural zoning 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 ~~Public School~~ Public School 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~~ 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~~ 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~~ 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~~ 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 ~~40~~20% of on-site areas in major and minor floodplain may be used for utilities, trails or other uses permitted within the floodplain, exclusive of road crossings. These areas are excluded from the calculation for meeting the forest cover requirement of 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~~80% 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 Zoning 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 Zoning Districts;
  3. All private schools require Special Exception approval in the TC Core, TCC, AR, and GI Zoning 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 Zoning 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 zoning 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 Zoning Districts.**
    - 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- Zoning Districts.** Use is permitted with greater than 50,000 square feet of total gross floor area.
  4. **PD-MUB- Zoning District.**
    - 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.

#### **4.05.21 Theater**

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A. **Applicability.** Section 4.05.21 applies to theater and performing arts center uses.

B. **Approval.**

1. **PD-RDP Zoning District.** In the PD-RDP Legacy District, only a performing arts center is permitted.
2. **TRC and UE Zoning Districts.** In the TRC and UE districts, a performing arts center is permitted if it has a gross floor area of 10,000 square feet or less. In the TRC and UE districts, a performing arts center requires special exception approval if it has a gross floor area of greater than 10,000 square feet.

### **4.06 Industrial/Production**

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Contents:

4.06.01 Contractor

4.06.02 Data Centers

4.06.03 Extractive Industries

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4.06.06 Mini-Warehouse

4.06.07 Outdoor Storage

4.06.08 Research and Development

4.06.09 Sawmills

4.06.10 Wholesale Distribution, Warehousing, and Storage

4.06.11 Manufacturing, Intensive

#### **4.06.01 Contractor**

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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 utilized in connection with the contractor use is permitted subject to Chapter 7.06.02 and may be parked within the outdoor storage area or behind the nearest portion of buildings to streets.

## 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.
5. ~~Data Centers in the TC Zoning District.~~ Section 4.06.02-3 applies to proposed **Data Center Use-Specific Standards**. Data Center Uses in the TC Zoning District only. In the TC Zoning District, Data Center uses/centers must meet the following standards:
  - a. ~~Facade Standards in Table 4.06.02-1 Data Center Facade Standards;~~
  - b. ~~Table 4.06.02-2 and the General Site Design Standards: 4.06.02-2.e. Utilities Standards, only; and~~
  - c. ~~in Table 4.06.02-3 TC Data Center Standards; and~~
6. ~~Data Centers in All Other Zoning Districts.~~ This section applies (refer 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 4.06.02-2 General Site Design~~ **Facades.** Facade Standards; and
- B. ~~Table Figure 4.06.02-1 Facade Standards;).~~
- C. ~~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
<b>Principal Facade</b>	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; and, all building facades adjacent to or facing property with the following existing uses or an approved CDP, or plat, or plan showing the following uses: 1) uses listed in Chapter 3 under the Residential and Lodging use classifications; 2) uses listed in Chapter 3 under the Day Care, Financial Services, Food and Beverage Sales/Service, Government, Education, Arts, Entertainment, and Recreation, and Retail use categories; and 3) the following additional uses: civic, social, and fraternal meeting place, community center, standalone religious assembly, cemetery, farm winery, community garden, and limited brewery.	<p>a. <b>Differentiated Surfaces.</b> 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 3 times (x) the average height of the building:</p> <ul style="list-style-type: none"> <li>a. Fenestration or Fenestration and (Optional) Green Wall; and</li> <li>b. A change in one of the following design elements: <ul style="list-style-type: none"> <li>a. Building material;</li> <li>i. pattern;</li> <li>ii. texture;</li> <li>b. Pattern;</li> <li>c. Texture;</li> <li>d. Color; or</li> <li>e. Accent materials.</li> </ul> </li> </ul> <p>b. <b>Consistent Design.</b> 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. <b>Fenestration.</b> Each Principal Facade of a building must include Fenestration as follows:</p> <p><b>2. Fenestration Surface Coverage of the Facade.</b> Fenestration must comprise at least 30% of the total surface coverage area of the Principal Facade;</p> <p>a. <b>Facade. Distributed Fenestration Coverage.</b> Fenestration provided to meet the required:</p> <ul style="list-style-type: none"> <li>a. Required 30% total surface coverage area of the Principal Facade must be located in separated, individual placements or clustered bays; and each</li> <li>a-b. Each placement or bay may count towards no more than 7.5% of such total surface coverage area.</li> </ul> <p>b. <b>Fenestration Coverage Pattern.</b> The placement pattern of individual or clustered bays of Fenestration must be distributed horizontally and vertically across the Principal Facade; and</p> <p>c. <b>Fenestration Consistent Design with Principal Facade.</b> The Fenestration must be compatible with the other design, materials, details, and treatment used on the same Principal Facade.</p>
<b>Green-Wall Treatment</b>	A Green-Wall Treatment may be provided in lieu of up to half of the Fenestration Surface Coverage of the Facade requirement of Section 4.06.02-1.c.1. and may count towards a maximum of up to 15% of the required total surface coverage area of the facade.	<p>d. <b>Green-Wall.</b> Green-Wall Treatments must provide the following:</p> <ul style="list-style-type: none"> <li>a. <b>Maintenance.</b> 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;</li> <li>b. <b>Distributed Green-Wall Surface Coverage.</b> Green-Wall areas must be provided to meet up to half of the required 30% total surface coverage area of the Principal Facade of a building must be located in separated, individual placements, and each</li> </ul>

**Table 4.06.02-1 Facade Standards**

Facade Element	Applicability	Requirements
		<p>placement may compose no more than 7.5% of such total surface coverage area; and</p> <p>c. <b>Green-Wall Coverage Pattern.</b> The pattern of individual placements of Green-Wall areas must be distributed horizontally and vertically across the Principal Facade.</p>
<b>Data Center Mechanical Equipment Facade</b>	<p>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 Principal Facade faces an adjacent existing or planned public road.</p>	<p>e. <b>Data Center Mechanical Equipment Facade.</b> Optional Data Center Mechanical Equipment Facades must provide the following:</p> <p>a. <b>Partial or Full Visual Screening of Data Center Mechanical Equipment.</b> Data Center Mechanical Equipment attached to or mounted on the building facade must be partially or fully visually screened from view at the ground level from all existing and planned public roads and adjoining parcels 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 partially or fully screened to the maximum extent that permits necessary ventilation for any equipment; and</p> <p>b. <b>Differentiated Surfaces.</b> 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:</p> <p>a. <u>building</u> Building material;</p> <p>i. <u>pattern</u>;</p> <p>ii. <u>texture</u>;</p> <p>b. <u>color</u> Pattern;</p> <p>c. <u>Texture</u>;</p> <p>b-d. <u>Color</u>; or</p> <p>e-e. <u>accent</u> Accent materials.</p>
<b>Main Entrance Feature</b>	<p>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.</p>	<p>f. <b>Main Entrance Feature.</b> Main Entrance Features must meet the following requirements:</p> <p>a. <b>Entrance Feature Design.</b> 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</p> <p>b. <b>Foundation Plantings or Enhanced Landscaping.</b> 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.92.I. Alternatively, in lieu of Foundation Plantings, any required buffering and parking area landscaping may be provided at an enhanced rate of 20% of</p>

**Table 4.06.02-1 ~~Facade~~ Façade Standards**

<del>Facade</del> Façade Element	Applicability	Requirements
		plant units greater than what is required pursuant to Section 4.06.02.B.9-2.1 and Section 7.04.06, respectively.

**3-2. 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
<b>Loading Bay Location</b>	a. <b>Location Bay Location.</b> Loading bays are permitted to be located on only one <del>facade</del> <u>façade</u> .
<b>Data Center Mechanical Equipment</b>	<p>b. <b>Location and Screening of Data Center Mechanical Equipment.</b> All ground level and roof top Data Center Mechanical Equipment must meet the following standards:</p> <ul style="list-style-type: none"> <li>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 <del>Facade</del> <u>façade</u> of a building;</li> <li>a. <b>Perforation for Ventilated Screening.</b> 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;</li> <li>b. <b>Separation from Residential.</b> Ground mounted Data Center Mechanical Equipment must be separated 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 Zoning District permitting residential uses;</li> <li>c. <b>Ground Mounted Prohibited in Front Yards.</b> Ground mounted Data Center Mechanical Equipment must not be located in any required front yard; and</li> <li>d. <b>No Screening Requirements Adjacent to Industrially Zoned Property.</b> 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 4.06.02-2.b.1, except that such Data Center Mechanical Equipment must be screened from any existing or planned public road.</li> </ul>
<b>Refuse Collection and Loading Bay Area Screening</b>	c. <b>Screening of Refuse Collection and Loading Bay Areas.</b> Refuse collection areas must be fully screened on all sides and loading bays must be screened from view <u>at the ground level</u> from <u>all adjacent properties/parcels</u> and existing or planned public roads.
<b>Utilities</b>	d. <b>Utilities Location.</b> Data Centers are subject to Utilities requirements pursuant to Section 7.08.
<b>Transportation</b>	<p>e. <b>Transportation.</b> 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.</p> <p><del>g. LPAT Trails in RSCR Buffer Areas.</del> 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 <del>following</del>:</p> <p>f. <del>According to the</del> LPAT Design Guidelines for a trail.</p>
<b>Setbacks and Building Massing Adjacent to Residential</b>	<p>g. <b>Setbacks and Building Massing When Adjacent to Residential.</b> 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 Zoning District permitting residential uses, <u>including when the Data Center property and adjacent residential property are separated by a principal arterial or lesser designated roadway, per the Countywide Transportation Plan:</u></p> <ul style="list-style-type: none"> <li>a. <b>Minimum Parking Setback.</b> Parking must be setback at least <del>100</del> <u>50</u> feet from the common property line <del>;</del> <u>provided existing forest and other natural screening exists within 50 feet of the lot line, and such forest and screening remains undisturbed or enhanced in accordance with Chapter 7; or, if no forest or natural screening exists, berms are provided at least 10 feet in height constructed to a maximum 2:1 slope on either side of the crown edge, and 10-foot-tall fencing and plantings are placed on top of the berm;</u></li> <li>b. <b>Minimum Setback for Structures.</b> Structures must be setback at least 200 feet from the common property line;</li> <li>c. <b>Change in building height.</b> If a building is located within <del>200</del> <u>400</u> feet measured from the property line</li> </ul>

**Table 4.06.02-2 General Site Design Standards**

Site Design Element	Requirements
	<p>adjacent to property with existing residential development, an approved CDP or plat or plan showing residential development, or Zoning District permitting residential uses, any building <del>facade</del> <del>facade</del> facing the adjacent property must include a change in building height at a minimum interval no less frequent than every 150 horizontal linear feet or no less frequent than <del>3x3 times</del> the average height of the building; and</p> <p>d. <b>Building Step-Back.</b> If a building is located within 400 feet measured from the property line adjacent to property with existing residential development, an approved CDP or plat or plan showing residential development, or Zoning District permitting residential uses, the building envelope must provide a step-back of no less than 15 feet from the building wall at a height point that begins at the top of the second story of the building or 40 feet, whichever of the two is lower.</p>
Generator Noise Adjacent to Residential	<p>h. <b>Generator Testing Adjacent to Residential.</b> 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, <u>subject to Commonwealth regulations or permits issued for the property:</u></p> <p>a. Generator testing, <del>exclusive of commissioning activities,</del> is limited to <del>weekdays</del> between <del>8 5:00 p.m. and 7:00 a.m. between May 1 and 5:00 p.m. September 30;</del></p> <p>b. <u>Generator testing is limited to between 11:00 a.m. and 5:00 p.m. between October 1 and April 30; and</u></p> <p><del>b-c.</del> Except for generator testing or commissioning activities, generator use is limited to backup/emergency use only.</p>
Light and Glare	<p>i. <b>Light and Glare.</b> In addition to the requirements of Section 7.05.02, Data Centers must meet the following standards:</p> <p>a. Data Centers must include a photometric plan that shows all exterior lighting, including any security lighting; and</p> <p>b. Maximum illumination under Section 7.05.02.B.3 includes any security lighting.</p>
Noise Studies and Soundproofing	<p>j. <b>Noise Studies.</b> Data Centers are subject to the Noise Study standards pursuant to Section 7.05.03.G.</p> <p>k. <b>Soundproofing.</b> <u>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, any Data Center Mechanical Equipment located on the property, whether on a roof top, on the ground level, or elsewhere on the exterior of the property, must be screened on all four sides by an acoustical barrier. For purposes of this section, acoustical barrier is defined as an exterior solid or louvred wall containing sound-proofing materials designed to absorb noise and protect neighboring properties from noise pollution.</u></p>
Landscaping/ Buffering/ Screening	<p>l. <b>Landscaping/Buffering/Screening.</b> All applicable regulations for Landscaping, Buffers, and Screening pursuant to Section 7.04 apply except as follows:</p> <p>a. <b>Specific Plant Unit Composition Requirements.</b> 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.</p> <p>a. <b>Specific Plant Unit Percentages.</b> The following plant unit percentages apply to each property line where the buffer or road corridor buffer is required:</p> <ol style="list-style-type: none"> <li>1. A maximum of 30% of the required plant units may be large deciduous trees.</li> <li>2. A maximum of 30% of the required plant units may be small deciduous trees.</li> <li>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.</li> <li>4. A maximum of 20% of the required plant units may be a combination of shrubs, ornamental grasses, and perennials.</li> </ol> <p>b. <b>Buffer Substitution Using Topography and Vegetation.</b> 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 <u>Zoning Administrator in consultation with the County Urban Forester</u> 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. <b>Specific Buffer and Berm Requirements.</b> 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. <u>Use of natural topography and preservation of existing vegetation, supplemented</u></p>

Table 4.06.02-2 General Site Design Standards	
Site Design Element	Requirements
	<p>by new vegetation, if needed, may be substituted if determined by the Zoning Administrator in consultation with the County Urban Forester to provide an equivalent density, depth, and height to the required Buffer Type C and earthen berm.</p> <p>c. <b>Road Corridor Buffer.</b> If a Gateway Corridor Buffer is required pursuant to Section 7.04.02, the Gateway Corridor Buffer standards of Section 7.04 apply.</p>

1. ~~TC Zoning District Data Center Standards.~~ TC Data Center Standards are provided in Table 4.06.02-3.

Draft 11/21/23



Table Figure 4.06.02-3 TC1 Data Center Standards

TC Element		Requirements
		
<div><div><b>Façade Standards</b><ul style="list-style-type: none"><li>a Differentiated Surfaces</li><li>b Consistent Design Elements of Principal Façades</li><li>c 30% Fenestration in Separated Placements</li><li>e Mechanical Equipment Screened on all Sides</li><li>f Main Entrance Feature &amp; Foundation Plantings</li></ul></div><div><b>Site Design Standards</b><ul style="list-style-type: none"><li>c Screening of Refuse Collection and L</li><li>f LPAT Trails in RSCR Buffer Areas</li><li>g1 50 ft Parking Setback Adjacent to Re</li><li>g2 200 ft Building Setback Adjacent to R</li><li>g3 Change in Building Height when Adja</li><li>g4 Building Step-Back when Adjacent to</li></ul></div></div>		
<b>Design</b>		<p><del>a. Design Standards.</del> Data Centers must meet the following design standards:</p> <p>1. <del>Consistent Design.</del> 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</p>

Table Figure 4.06.02-3 TC1 Data Center Standards

	<p>circulation, and architectural details and materials;</p> <p><del>2. Minimum Height.</del> The building that contains the use must be at least 3 stories in height;</p> <p><del>3. Mechanical Equipment Screening.</del> 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</p> <p><del>4. Ground Level Pedestrian Accessibility.</del> 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.</p>
Use Mix and Limitations	<p><del>b. Use Mix and Limitations.</del> Data Centers are subject to the following:</p> <p><del>1. Use Mix Limitation.</del> 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</p> <p><del>2. Separation from Residential Uses.</del> A Data Center must not be located in a building containing residential uses.</p>
Generator Noise	<p><del>c. Generator Testing.</del> Generator testing, exclusive of commissioning activities, is limited to weekdays between 8:00</p>

**Table Figure 4.06.02-3 TC1 Data Center Standards**

a.m. and 5:00 p.m.

#### 4.06.03 Extractive Industries

- A. **Applicability.** Section 4.06.03 applies to Extractive Industries uses.
- B. **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.

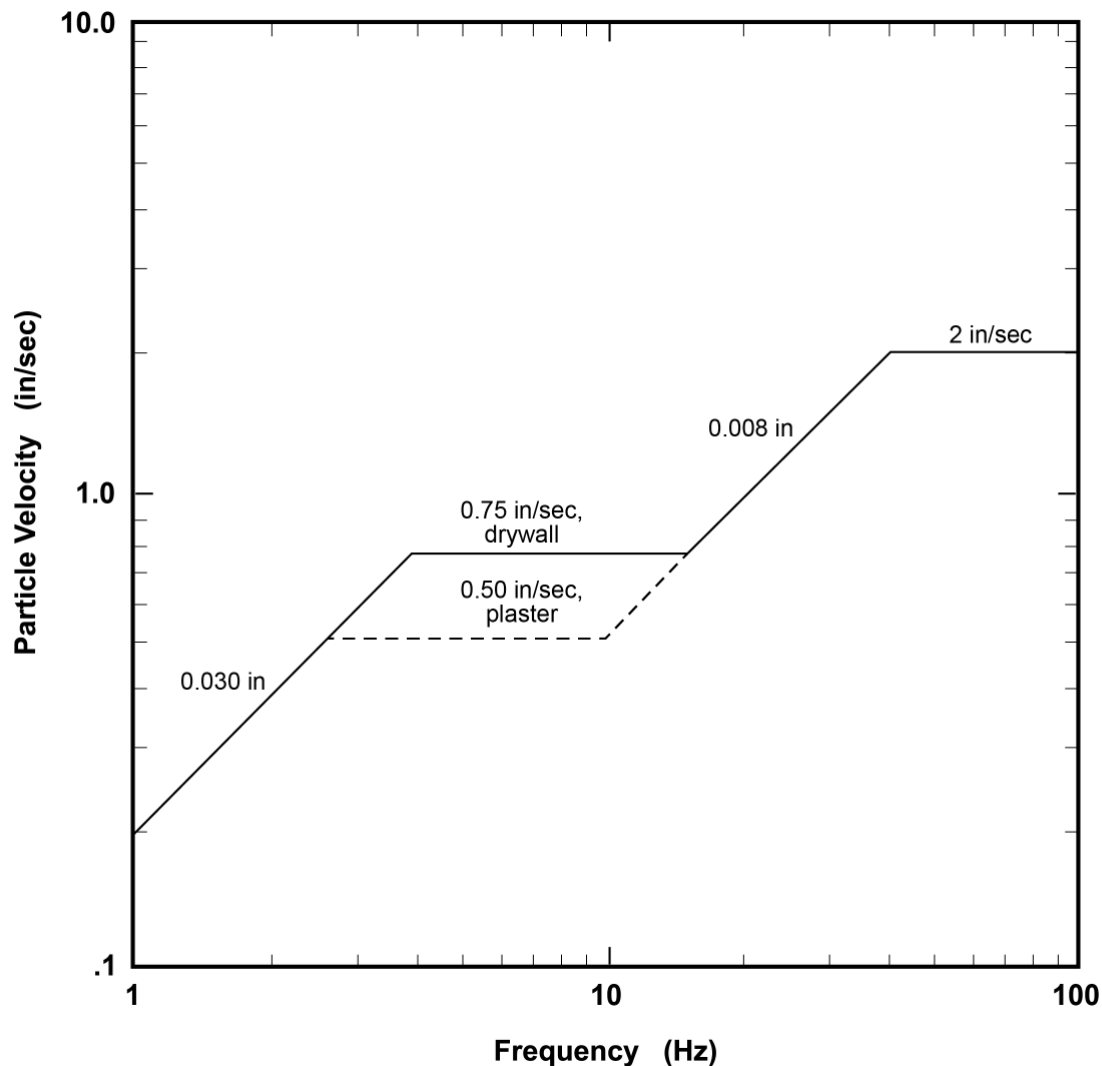
**Table 4.06.03-1. Extractive Industries Dimensional Standards**

	Standard	Requirement
<b>Lot Requirements</b>		
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
<b>Yards</b>		
4	Setback Adjacent to Roads (min.) <sup>1, 2</sup>	50 ft
5	Setback from Any Property Line (min.) <sup>2</sup>	50 ft
<b>TABLE KEY:</b> ft = feet min. = minimum <b>TABLE NOTES:</b> <sup>1</sup> Except when a greater setback is required by Section 7.04.02. <sup>2</sup> 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:
- Pit Walls.** The pit wall of a quarry must be set back at least 1,000 feet from the MR-HI ~~district~~ Zoning District boundary, except:
    - 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 zoning district boundary may be reduced to 200 feet by Special Exception approval, which assures that the reduction is compatible with adjacent land uses;
    - 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;
    - Where quarries are adjacent to the GB ~~district~~ Zoning District, the minimum setback may be reduced to 200 feet; and
    - Where quarries are adjacent to the GI or CLI ~~district~~ Zoning District, the minimum setback may be reduced to 50 feet.
  - 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~~ Zoning 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~~Zoning District boundary. **Exception.** When abutting the GB, CLI, or GI Zoning District boundary, the minimum setback from the MR-HI ~~district~~Zoning District boundary is 50 feet; and
  - b. A minimum of 100 feet from all public roads within the zoning 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~~Zoning 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~~Zoning 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~~ Figure 4.06.03-1;

**Figure 4.06.03-1 Particle Velocities at Frequency Levels**



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~~ 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~~ 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

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- 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

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- 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 zoning 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

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- 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. Outdoor storage of any kind is not permitted between a road and a structure, except underground bulk storage of gasoline or petroleum products is permitted to be located between a road and a structure.

- E. **Bulk storage of gasoline, petroleum products, and natural gas.** The bulk storage of gasoline, petroleum products, or natural gas must meet the following requirements:
  - 1. **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 zoning districts or residential property lines.
- F. Waste materials must be stored in a closed container. The burning of waste materials is prohibited.
- G. **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.
- H. **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

- E. **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.
- F. **Roads/Access.** Driveways are not permitted within a required buffer except as necessary to access the site.
- G. **Noise.** The maximum allowable dB(A) level of impulsive sound emitted by the use, as measured at the property line, is 55 dB(A).
- H. **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 Zoning District must set back all structures 200 feet from any adjacent residentially zoned property.

### 4.07 Industrial/Production-Infrastructure

#### Contents:

- 4.07.01 Airport/Landing Strip
- 4.07.02 Energy Storage Facility
- 4.07.03 Parking Facility
- 4.07.04 Utility, Major
- 4.07.05 Waste-Related Uses
- 4.07.06 Solar Facility
- 4.07.07 Stockpiling
- 4.07.08 Telecommunications Facility

**4.07.09 Utility Substations**

**4.07.10 Transit Facility**

**4.07.11 Utility, Minor**

**4.07.01 Airport/Landing Strip**

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- 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.
  3. **Location on Site/Dimensional Standards.** All aviation structures, storage yards, and runway or landing strip, must be set back from lot lines as follows:
    - a. Structures up to and including 2,500 square feet of gross floor area: 125 feet minimum;
    - b. Structures greater than 2,500 square feet, up to and including 15,000 square feet of gross floor area: 200 feet minimum; and
    - c. Runway or landing strip: 650 feet minimum.
- D. **Roads/Access.** Road access is subject to the standards of 7.07.01.F.
- E. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.2.
- F. **Parking Surface.** All parking areas serving the use must use a dust-free surfacing material as provided in the [Facilities Standards Manual](#).

**4.07.02 Energy Storage Facility**

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- A. **Applicability.** Section 4.07.02 applies to utility scale and site-specific energy storage facilities. **Exemption.** This section does not apply to an energy storage facility with a storage nameplate rated capacity that is exempted from the most current edition of the National Fire Protection Association (NFPA 855) - Standard for the installation of Stationary Energy Storage Systems.

## B. Utility Scale.

### 1. Minimum Area.

- a. The minimum project area must be 53 acres.
- b. Use may consist of more than 1 abutting parcel within a permitted Zoning District.

### 2. Setbacks.

- 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:
  1. At least 50 feet from all public roads;
  2. At least 20 feet from all principal buildings;
  3. At least 10 feet from and adjoining energy storage system container. **Exemption.** The Fire Marshal may authorize a reduced clearance between grouped energy storage containers to 3 feet where a 3-hour freestanding fire barrier, suitable for exterior use, extending 5 feet above and extending 5 feet beyond the physical boundary of the adjoining containers is provided to protect the exposure; and
  4. At least 50 feet from nonresidential and 100 feet from residential property lines abutting the project area.
- b. These setbacks must not restrict the location of access and stormwater management improvements.
- c. If the use consists of more than 1 abutting parcel, setbacks from the shared abutting property lines are not required.

### 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. **Energy Storage Facility Container Size.** Containers housing energy storage equipment are limited to 900 square feet in size or the maximum size that promulgated by the most current NFPA 855 Standard.

### 5. **Security.** A fence approved by the Fire Marshal and/or Building Official with a locked gate or other approved barrier must be provided to keep the public at least 10 feet from the outer energy storage facility container, including mobile energy storage systems.

### 4-6. **Distance From Historic Resources.** The facility project area must not be located within 1/3 mile of a historic resource as defined by this Zoning Ordinance.

### 1. ~~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.

### 7. **Fire Apparatus Access Road.** An on-site fire apparatus access road must comply with the FSM. Horizontal access to all points of individual or grouped containers must not exceed 150 feet from any approved fire apparatus access roadway.

### 8. **Fire Control and Suppression.** Where required, fire protection features must comply with recommendations identified in NFPA 855.

### 9. **Smoke and Fire Detection.** Where required, smoke and fire detection systems must comply with recommendations identified in NFPA 855.

### 10. **Water Supply to Support Fire Suppression and Provide Adequate Protection to Exposures.** In addition to required fire control and suppression systems, water supply systems must comply with recommendations identified in NFPA 855. Unless specifically modified or excluded through NFPA 855, sites where

nonmechanical electrical storage systems are installed must be provided with a permanent source of water for fire protection.

~~2. Landscaping/Buffering/Screening.~~ Refer to Section 7.04.

~~5.11. Lighting/Noise/Vibration.~~ Refer to Section 7.05.

~~6.12. 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.

~~7.13. 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 energy storage~~ 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.

**8.14. 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.

**9.15. 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. **Energy Storage Facility Container Separation.** Energy storage facility containers placed as a group of 2 or more must be separated by a minimum of 10 feet or that distance required in the most current NFPA 855 standard, whichever is greater. **Exception.** The Fire Marshal may authorize a reduced clearance between grouped energy storage containers to 3 feet where a 3-hour freestanding fire barrier, suitable for exterior use, extending 5 feet above and extending 5 feet beyond the physical boundary of the adjoining containers is provided to protect the exposure.
16. **Noise Studies.** Utility scale energy storage facilities are subject to the Noise Study standards pursuant to Section 7.05.03.G.
17. **Soundproofing.** For utility scale energy storage facilities 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, any equipment or facilities located on the property, whether on a roof top, on the ground level, or elsewhere on the exterior of the property, must be screened on all four sides by an acoustical barrier, subject to Section 7.05.03. For purposes of this section, acoustical barrier is defined as an exterior solid or louvred wall containing sound-proofing materials designed to absorb noise and protect neighboring properties from noise pollution.
18. **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.
    1. **Specific Plant Unit Percentages.** The following plant unit percentages apply to each property line where the buffer or road corridor buffer is required:
      - a. A maximum of 30% of the required plant units may be large deciduous trees.
      - b. A maximum of 30% of the required plant units may be small deciduous trees.
      - c. 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.
      - d. A maximum of 20% of the required plant units may be a combination of shrubs, ornamental grasses, and perennials.
    2. **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.
  - 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 if determined by the County Urban Forester to provide an equivalent density, depth, and height to the required Buffer Type C and earthen berm.

- 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.

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 or substations.~~

b. **Limitations for Site-Specific Energy Storage Facilities Associated with Substations, Data Centers, and Solar Facilities, Utility Scale.**

1. Site-specific energy storage facilities associated with substations are subject to Section 4.07.09 and Section 4.07.02.B.
2. For Data Centers, Site-Specific Energy Storage Facilities data centers, site-specific energy storage facilities must not exceed 30% of the gross floor area of the use. For Solar Facilities, Utility Scale, Site-Specific Energy Storage Facilities must not exceed 30% of the gross project area of; otherwise, the use is subject to the requirements for utility scale energy storage facilities in Section B.
- 1-3. Site-specific energy storage facilities associated with utility scale solar facilities are subject to Section 4.07.06 and Section 4.07.02.B.

b-c. **Placement.**

1. **Residential and Agricultural Districts.** The energy storage facility must be located within or attached to the principal building or a permitted accessory building.
2. **Commercial, Industrial, Institutional, and Mixed-Use Zoning Districts.** The energy storage facility must be located within the principal building or within a permitted accessory building. Alternately, the energy storage facility may be located on the roof of the principal building when fully screened from public view.
3. **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.
2. **Height/Setbacks.** The energy storage facility is subject to the requirements of the underlying Zoning District.
3. **General Standards.** The energy storage facility is subject to the General Standards for Accessory Uses found in Section 3.03.C.
4. **Energy Storage Facility Container Size.** Containers housing energy storage equipment are limited to 900 square feet in size.

#### 4.07.03 Parking Facility

- A. **Applicability.** Section 4.07.03 applies to any parking facility use. In addition, all parking facilities will be evaluated for compliance with the Development Standards for parking in Section 7.06.10.
- B. **Approval.** Parking facilities are subject to the following approvals in accordance with Section 4.07.03-1.

**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
<b>Urban</b>						
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
<b>Suburban</b>						
<u>CC-NC, CC-CC, CC-SC</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>
SN	P		S		P	S
SCN	P	P	S	P	P	S
TC Core	P/S*	P	S	P	S	S
TC Fringe	P	P	S	P	P	P
<del>CC-NC, CC-CC, CC-SC</del>	<del>P</del>	<del>P</del>	<del>S</del>	<del>P</del>	<del>P</del>	<del>P</del>
<b>Legacy Suburban</b>						
<del>R</del>	<del>P</del>	<del>P</del>			<del>P</del>	<del>S</del>
<del>PD-CC(RC)</del>	<del>P</del>	<del>P</del>	<del>S</del>	<del>S</del>	<del>P</del>	
<del>CLIPD-RDP</del>	<del>P</del>	<del>P</del>	<del>S</del>	<del>P</del>	<del>P</del>	<del>P</del>
<del>PD-SAGB</del>	<del>P</del>	<del>P</del>	<del>S</del>	<del>P</del>	<del>P</del>	<del>P</del>
PD-AAAR	P	P				
<u>PD-CC(RC)</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>P</u>	
PD-MUB	P/S*	P	M	P	P	P
<del>PD-RDPGB</del>	<del>P</del>	<del>P</del>	<del>S</del>	<del>P</del>	<del>P</del>	<del>P</del>
<del>CLIPD-SA</del>	<del>P</del>	<del>P</del>	<del>S</del>	<del>P</del>	<del>P</del>	<del>P</del>
<u>R</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>S</u>
<b>Transition</b>						
TR	P					
<u>TR-2</u>	<u>P</u>					
<u>TCC</u>	<u>P</u>		<u>S</u>		<u>P</u>	<u>S</u>
<u>TCN</u>	<u>P</u>		<u>S</u>		<u>P</u>	<u>S</u>
TSN	P		S		P	S
<del>TCN</del>	<del>P</del>		<del>S</del>		<del>P</del>	<del>S</del>
<del>TCC</del>	<del>P</del>		<del>S</del>		<del>P</del>	<del>S</del>
<del>TR-2</del>	<del>P</del>					
<b>Legacy Transition</b>						
TR-2	P					
<b>Rural</b>						

**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
AR	P				P	S
<b>Legacy Rural</b>						
A-3, A-10	P				P	S
CR	P				P	S
RC	P				P	P
PD-RV Conservancy					P	
RC	P				P	P
<b>JLMA</b>						
JLMA	P				P	S
<b>Legacy JLMA</b>						
JLMA-20	P					
<b>Office and Industrial</b>						
GI	P		P	P		
IP	P		S	S	P	P
MR-HI	P				S	S
OP	P	P	S	P	P	P
IP	P		S	S	P	P
GI	P		P	P		
MR-HI	P				S	S
<b>TABLE NOTES:</b> * 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:
- Utility substations, see Section 4.07.09; and
  - 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.** All utility facilities (except for a municipal water well (defined as a major utility)) require a minimum Buffer Type C.
- ~~A. 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:~~
- ~~a. Complete the requirements of either Sections 4.07.04.E.1. or E.2. The applicant has the discretion to choose either option;~~
  - ~~b. Provide the results to the Director of the Department of Building and Development in conjunction with the Site Plan application; and~~
  - ~~c. Conduct the tests during the initial testing period prior to the approval of a Site Plan for a new municipal water well and is not required to conduct continuous monitoring of off-site wells after Site Plan approval:~~
    - ~~1. Yield and Drawdown Tests required by the Virginia Department of Health Office of Drinking Water, and monitoring of existing private wells within 500 feet of the proposed municipal water well, as recommended by the Virginia Department of Health Office of Drinking Water. Monitoring of private wells is allowed only with the consent of the property owner; or~~
    - ~~i. 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.~~
- E. **Setbacks to Residential.** Sewage Treatment Plant and Water Treatment Plant (Utility, Major) in the GI district ~~Zoning District~~ must setback all structures 200 feet from any adjacent residentially zoned property.
- F. **TRC Outer Core.** In the TRC Outer Core, the only Utility, Major use that is permitted by Special Exception is Utility Substation.

#### 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~~use 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.

~~I. **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~~ **Zoning District**.

- a. **Ground-mounted.** The solar facility must utilize only ground-mounted solar panels.

- b. **Size of Use.**

1. The solar facility must be located on a parcel with a minimum size of 500 acres.
2. **Abutting Lots.** The solar facility also may be located on lots that abut the minimum 500-acre parcel if such abutting lots have a minimum size of 250 acres.

- c. **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.

- d. **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.

- e. **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.

- f. **Landscaping/Buffering/Screening.** The solar facility must meet Section 4.07.06.B.3.e

- g. **Decommission Plan/Security.** The solar facility must meet Section 4.07.06.B.3.g

- h. **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.
    2. **Size of Use.** The minimum lot size must be 20 acres.
  - 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 Zoning 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 Zoning 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 Zoning 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. Mountainside Overlay District (MOD-~~or~~), Section 5.04;
      - ~~1-2.~~ Floodplain Overlay District (FOD), Section 5.03; or
      - ~~2-3.~~ 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~~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 floor area ratio (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),~~ FCC, the 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~~ FAR and lot coverage requirements and minimum yard and setback requirements of the underlying ~~Zoning District~~ 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 (Section 10.09) 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~~ Historic Overlay District, Section 5.08;
  - 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~~ 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~~ 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)~~ 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. **Site Size.** 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 (10.09) 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.
- ~~G. **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.

- D. **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.
- E. **Access.** Utility substations may be accessed by a private road.
- F. **Residential Setback.** Substations must be set back a minimum of 100 feet from adjacent property with existing residential development, an approved CDP, or plat, or plan showing residential development, or Zoning District permitting residential uses

## 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 Zoning District must set back all structures 200 feet from any adjacent residentially zoned property.

## 4.07.11 Utility, Minor

- A. **Applicability.** Section 4.07.11 applies to utility, minor uses.
- B. **Site Size.** The minimum lot area is 0.5 acre.
- C. **Landscaping/Buffering/Screening.** A municipal water well (defined as a utility, minor) 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.** A municipal water well is the only type of utility, minor use permitted in the TSN, TCC, TCN, SN-4, SN-6, SCN-8, SCN-16, and SCN-24 Zoning Districts. Other utility, minor uses in these zoning districts require Special Exception approval.
  - 1. Prior to approval of the first Site Plan application for a new municipal water well, the applicant must:
    - a. Complete the requirements of either Sections 4.07.04.E.1. or E.2. The applicant has the discretion to choose either option;
    - b. Provide the results to the Director of the Department of Building and Development in conjunction with the Site Plan application; and
    - c. Conduct the tests during the initial testing period prior to the approval of a Site Plan for a new municipal water well and is not required to conduct continuous monitoring of off-site wells after Site Plan approval:
      - 1. Yield and Drawdown Tests required by the Virginia Department of Health-Office of Drinking Water, and monitoring of existing private wells within 500 feet of the proposed municipal water well, as recommended by the Virginia Department of Health-Office of Drinking Water. Monitoring of private wells is allowed only with the consent of the property owner; or
      - 2. 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.

## 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~~<sup>1</sup> of the following as applicable.
  1. **Agriculture (~~Non-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~~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~~ Farm Management Plan) including a ~~waste management plan~~ 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~~ 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
<del>Stable, Livery</del>	<del>15 acres</del>
Restaurant, Rural	20 acres
<u>Stable, Livery</u>	<u>15 acres</u>

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
<b>TABLE NOTES:</b> 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
<del>Farm distribution hub</del>	<del>25 acres</del>
Equestrian event facility	25 acres
<u>Farm distribution hub</u>	<u>25 acres</u>

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

- 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.

- Structure Size.** The size of structures used for the agricultural support use (standalone) are limited to the floor area ratio (FAR) 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
<b>All Other Uses</b>		
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. <b>Exception:</b> 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

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

- 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
<b>All Other Uses</b>		
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.

- Road Access.** Uses are subject to the road access standards of 7.07.01.F.
- Vehicles/Equipment.** Any use that involves the use of or services heavy equipment must have direct access to a public road.
- 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.

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

## 4.08.05 Brewery, Limited

- 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

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- 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~~Stand

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- 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

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- 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 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. **A-3, A-10, RC, JLMA-1, JLMA-2, JLMA-3, and JLMA-20 Zoning Districts.**

- Agricultural processing is permitted as accessory to a principal on-site ~~agricultural activity~~ agriculture use.
- At least 51% of the products used for processing and/or preparation must be derived from on-site ~~agriculture—~~ uses.
- Agricultural processing is subject to Section 4.08.03.

2. **TR-10 and TR-3 Zoning Districts.**

- Agricultural processing as accessory to a principal on-site ~~agricultural activity~~ agriculture use requires Special Exception review and approval.
- At least 51% of the products used for processing and/or preparation must be derived from on-site ~~agriculture~~ uses.
- Agricultural processing is subject to Section 4.08.03.

3. **AR-1 and AR-2 Zoning Districts.**

- Agricultural processing is permitted as accessory to a principal on-site ~~agricultural activity~~ agriculture use.
  - At least 51% of the products used for processing and/or preparation must be derived from on-site ~~agriculture—~~ uses.
  - Agricultural processing is subject to Section 4.08.03.
- ~~Agricultural processing is allowed~~ permitted as a principal use, ~~is~~ is subject to ~~Special Exception review~~ the following criteria.

**3-1. Standards and approval. Restrictions for Agricultural Processing Uses.** See Table 4.08.12-1.

Table 4.08.12-1. Standards			
Acreage	No. of Employees <sup>3</sup>	Heavy Equip. (On-Site)	Business Vehicles (On-Site) <sup>1</sup>
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:**  
<sup>1</sup>A business vehicle may not exceed a rated capacity of one and one half (1.5) tons or have more than two axles.  
<sup>2</sup>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 Associated with the Agricultural Processing Use.** See Table 4.08.12-2.

Table 4.08.12-2. 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 4.08.12-2. Structures**

<u>Acreage</u>	<u>Cumulative Size of Structures</u>
<b>TABLE KEY:</b> sf = square feet <b>TABLE NOTES:</b> 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 agricultural processing. A zoning/building permit must be approved for the change in use.
4. **Storage Areas.** See Table 4.08.12-3.

**Table 4.08.12-3. Storage Areas**

<u>Acreage</u>	<u>Cumulative Size of Storage Yards</u>
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
<b>TABLE KEY:</b> sf = square feet <b>TABLE NOTES:</b> 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 that screens the outdoor storage space.	

5. **Access.** Agricultural processing uses are subject to the Road Access Standards in Section 7.07.01.
6. **Exterior Lighting.** Exterior lighting is subject to Section 7.05.02.C.
- 5-7. At least 51% of the products used for processing and/or preparation must be derived from agriculture operations uses within Loudoun County.
- 1- 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 <sup>1</sup>
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	<del>Public, Civic, Institutional</del> Commercial Uses, except for the following uses: <del>Hospital; Recreation</del> Kennel; Kennel, Indoor; <del>Recreation, Outdoor or Major; Dry Cleaning Plant; Convenience Store (with Gasoline Sales); and Shooting Range, Indoor</del> all Automotive uses
4	Any Zoning District that does not currently permit the use	<del>Industrial/Production: Wood, Metal, and Stone Crafts use only. Lodging</del> Uses <del>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</del>



**Table 4.09-1. Additional Uses Permitted as Adaptive Reuse**

	Current Zoning District	Permitted as Adaptive Reuse <sup>1</sup>
		<u>criteria of Section 4.09.B.</u>
5	Any Zoning District that does not currently permit the use	<u>Commercial Uses, except for the following uses: Kennel; Kennel, Indoor; Dry Cleaning Plant; Convenience Store (with Gasoline Sales); and all Automotive uses.</u> <u>Lodging Uses</u>
6	Any Zoning District that does not currently permit the use	<u>Public, Civic, Institutional Uses, except for the following uses: Hospital; Recreation, Indoor; Recreation, Outdoor or Major; and Shooting Range.</u> <u>Indoor 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.</u>

**TABLE NOTES:**

<sup>1</sup>Uses also must comply with any applicable Use-Specific Standards in Chapter 3.

E. **Adaptive Reuse Incentives.** In addition to nonconforming lot or structure requirements pursuant to Chapter 10, structures that are eligible for adaptive reuse under 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	<u><b>Floor Area Ratio (FAR).</b> Regardless of whether an adaptive reuse is for residential or nonresidential purposes, an existing building that exceeds the maximum Floor Area Ratio (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.</u> <del><u><b>Rear Yards.</b> 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.</u></del>	±	+
2	<u><b>Loading Space.</b> New loading spaces pursuant to Section 7.06.09. are not required for adaptive reuse.</u> <del><u><b>Side Yards.</b> 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.</u></del>	±	
3	<del><u><b>Off-Street Parking.</b></u></del> <u><b>Residential Density.</b> 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. 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.</u>	+	
4	<u><b>Open Space.</b></u> <u><b>Floor Area Ratio (FAR).</b> 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</u>	+	+

Table 4.09-2. Adaptive Reuse Incentives

	Incentive	Existing Floor Area	New Floor Area
	exceed the permitted FAR in an underlying zoning district up to the maximum FAR permitted by Special Exception without Special Exception approval. 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.		
5	<b>Rear Yards.</b> 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. <del>Open Space.</del> 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	<b>Residential Density.</b> 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. <del>Off-Street Parking.</del> 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	<b>Side Yards.</b> 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. <del>Loading Space.</del> New loading spaces pursuant to Section 7.06.09 are not required for adaptive reuse.	+	
8	<b>Site Plan Review.</b> 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.	+	