

# **LOUDOUN COUNTY, VIRGINIA**

## **1993 ZONING ORDINANCE**

**ADOPTED BY THE BOARD OF SUPERVISORS  
JUNE 16, 1993**

### **INCORPORATING AMENDMENTS ADOPTED**

**OCTOBER 6, 1993  
FEBRUARY 2, 1994  
APRIL 6, 1994  
JUNE 16, 1994  
DECEMBER 21, 1994  
MARCH 1, 1995  
SEPTEMBER 6, 1995  
OCTOBER 4, 1995  
DECEMBER 6, 1995  
APRIL 17, 1996  
NOVEMBER 20, 1996  
MARCH 5, 1997  
MAY 21, 1997  
JUNE 18, 1997  
APRIL 15, 1998  
JUNE 17, 1998  
JANUARY 21, 1999  
APRIL 21, 1999  
MAY 5, 1999  
OCTOBER 6, 1999  
DECEMBER 1, 1999  
JULY 10, 2000**



# **DISCLAIMER**

## **1993 LOUDOUN COUNTY ZONING ORDINANCE**

The 1993 Loudoun County Zoning Ordinance is current through ZOAM 2000-0002, dated July 10, 2000.

# INDEX OF ZONING ORDINANCE AMENDMENTS

## Subject

## Sections Amended

### ZOAM 1993-0001, Adopted 10-6-93

#### ARTICLE I GENERAL REGULATIONS:

##### Grandfathering provisions

Deadline for submission of waivers	1-103(M)(2)	Existing PD-H Zonings
	1-103(N)(2)	Route 28 Taxing District

### ZOAM 1993-0002, Adopted 2-2-94

\*Note: The adoption of this ZOAM included numerous editorial corrections to the Zoning Ordinance text which were noted during the first six months of ordinance implementation.

#### ARTICLE I GENERAL REGULATIONS:

##### Grandfathering provisions

Applicability to types of applications	1-103(M)	Existing PD-H Zonings
	1-103(N)(1)	Route 28 Taxing District

#### ARTICLE II RURAL DISTRICT REGULATIONS:

##### Rural Agricultural Corporate Retreat

Add as permitted and special exception use	2-102(DD)	A-25	Permitted Uses
	2-103(KK)	A-25	Special Exception Uses
	2-202(FF)	A-10	Permitted Uses
	2-203(MM)	A-10	Special Exception Uses
	2-302(EF)	A-3	Permitted Uses
	2-303(GGG)	A-3	Special Exception Uses

##### Vegetative Waste Composting Facility

Add as a special exception use	2-203(NN)	A-10	Special Exception Uses
	2-303(HHH)	A-3	Special Exception Uses

##### School, public

Add public schools as a permitted use	2-302(FF)	A-3	Permitted Uses
	2-402(R)	RR	Permitted Uses
	2-503(Z)	CR-1	Permitted Uses
	2-603(U)	CR-2	Permitted Uses
	2-703(S)	CR-3	Permitted Uses
	2-803(P)	CR-4	Permitted Uses

##### School, private

Add private schools, accessory to a church, as a special exception use	2-904(Z)	RC	Special Exception Uses
--	----------	----	------------------------

## INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended		
ARTICLE II (Continued)			
Lot Requirements			
Reference Section 1-205 for measurements	2-104	A-25	Lot Requirements
	2-204	A-10	Lot Requirements
	2-205	A-10	Lot Requirements for Cluster Development
	2-304	A-3	Lot Requirements
	2-404	RR	Lot Requirements
Width requirements	2-104(B)	A-25	Lot Requirements, Width
	2-204(B)	A-10	Lot Requirements, Width
	2-205(B)	A-10	Lot Requirements for Cluster Developments, Width
	2-304(B)	A-3	Lot Requirements, Width
	2-404(B)	RR	Lot Requirements, Width
Cluster Option			
Add option in CR-1 districts for lots served by public sewer	2-506(A)-(G)		Lot Requirements
	2-508(A)-(B)		Building Requirements
Access			
Delete limitation of access for new lots	2-106(D)	A-25	Use Limitations
	2-207(D)	A-10	Use Limitations
	2-306(D)	A-3	Use Limitations
Allow access to arterial and collector roads for certain lots created after Ordinance adoption	2-510(B)		Development Setback and Access
	2-612(B)		Development Setback and Access
	2-712(B)		Development Setback and Access
	2-812(B)		Development Setback and Access
ARTICLE III URBAN DISTRICT REGULATIONS:			
School, public			
Add public schools as a permitted use	3-102(T)	R-1	Permitted Uses
	3-202(R)	R-2	Permitted Uses
	3-302(Q)	R-3	Permitted Uses
	3-402(P)	R-4	Permitted Uses
	3-503(O)	R-8	Permitted Uses
	3-603(M)	R-16	Permitted Uses
	3-703(L)	R-24	Permitted Uses

## INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended		
ARTICLE III (Continued)			
Lot Requirements			
Remove side yard requirements for corner lots	3-404(C)(2)	R-4	Lot Requirements for Suburban Design Option
	3-405(C)(2)	R-4	Lot Requirements for Traditional Design Option
	3-406(C)(2)	R-4	Lot Requirements for Cluster Development reducing lot sizes up to 20%
	3-407(C)(2)	R-4	Lot Requirements for Cluster Development reducing lot sizes 20-50%
	3-506(C)(1)(b)	R-8	Single Family Detached Dwellings
	3-506(C)(2)(b)	R-8	Single Family Attached Dwellings
	3-506(C)(3)(b)	R-8	Traditional Design Option
	3-606(C)(1)(b)	R-16	Single Family Attached Dwellings
3-805(C)(2)	GB	Lot Requirements, Yards, Side	
Correct minimum lot size requirement for duplex dwellings	3-606(A)	R-16	Lot Requirements, Size
Replace side yard requirements for multi-family structures with minimum separation distances	3-606(C)(2)(b)	R-16	Multifamily Structures, Side
	3-706(C)(2)	R-24	Lot Requirements, Side
Correct maximum length:width ratio	3-606(D)	R-16	Lot Requirements, Length Width Ratio
Access			
Delete setback from private access and prescriptive easements	3-510(A)	R-8	Development Setback and Access
	3-610(A)	R-16	Development Setback and Access
	3-710(A)	R-24	Development Setback and Access
School, private			
Add private schools, accessory to a church, as a special exception use	3-804(AA)	GB	Special Exception Uses
	3-904(JJ)	CLI	Special Exception Uses
Construction Retail Establishment			
Add as a special exception use	3-904(KK)	CLI	Special Exception Uses

# INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended		
ARTICLE III (Continued)			
<b>Vegetative Waste Composting Facility</b>			
Add as a special exception use	3-1004(II)	MR-HI	Special Exception Uses
ARTICLE IV PLANNED DEVELOPMENT DISTRICT REGULATIONS:			
<b>Construction Retail Establishment</b>			
Add as a permitted and special exception use	4-203(A)(30)	PD-CC(NC)	Permitted Uses
	4-203(C)(1)	PD-CC(SC)	Permitted Uses
	4-203(D)(2)	PD-CC(RC)	Permitted Uses
	4-204(B)(17)	PD-CC(CC)	Special Exception Uses
	4-803(B)(8)	PD-TC(F)	Permitted Uses
	4-903(B)(27)	PD-TT(NC)	Permitted Uses
	4-1003(B)(6)	PD-UC(F)	Permitted Uses
<b>School, private</b>			
Add private schools, accessory to a church, as a special exception use	4-304(U)	PD-OP	Special Exception Uses
	4-404(V)	PD-RDP	Special Exception Uses
	4-504(II)	PD-IP	Special Exception Uses
	4-604(LL)	PD-GI	Special Exception Uses
	4-804(A)(18)	PD-TC(C)	Special Exception Uses
	4-804(B)(27)	PD-TC(F)	Special Exception Uses
	4-904(B)(21)	PD-TT(NC)	Special Exception Uses
	4-1004(A)(18)	PD-UC(C)	Special Exception Uses
	4-1004(B)(24)	PD-UC(F)	Special Exception Uses
	4-1104(N)	PD-TRC	Special Exception Uses
<b>Convenience Food Stores</b>			
Add convenience food stores, with gas pumps, as a special exception use	4-304(V)	PD-OP	Special Exception Uses
	4-504(JJ)	PD-IP	Special Exception Uses
	4-604(MM)	PD-GI	Special Exception Uses
<b>Moving and Storage Company</b>			
Add as a permitted use	4-603(GG)	PD-GI	Permitted Uses
<b>Yards, Adjacent to Roads</b>			
Delete parking setback requirement	4-305(B)(1)	PD-OP	Lot Requirements, Yards
	4-505(B)(1)	PD-IP	Lot Requirements, Yards
	4-605(B)(1)	PD-GI	Lot Requirements, Yards

## INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended		
ARTICLE IV (Continued)			
Yards, Between Buildings			
Reduce yard requirement between buildings unless greater yard is required by 5-1414(A)	4-305(B)(4)(a)	PD-OP	Lot Requirements, Yards
	4-405(B)(4)(a)	PD-RDP	Lot Requirements, Yards
	4-505(B)(4)(a)	PD-IP	Lot Requirements, Yards
	4-605(B)(4)(a)	PD-GI	Lot Requirements, Yards
Setbacks from Major Roads			
Delete required setback from major roads	4-307(F)(1)	PD-OP	Development Setback and Access
	4-407(G)(1)	PD-RDP	Development Setback and Access
	4-507(E)(1)	PD-IP	Development Setback and Access
	4-607(F)(1)	PD-GI	Development Setback and Access
Conference or Training Center			
Expand use to include convention center	4-1103(I)	PD-TRC	Permitted Uses
Park, public, playground or athletic field			
Add to list of permitted uses/	4-1103(GG)	PD-TRC	Permitted Uses
Delete from list of special exception uses	4-1104(D)	PD-TRC	Special Exception Uses
Floodplain Regulations			
Add the source of delineation for the Broad Run	4-1504(A)(6)	FOD	Administration
Expand provisions for permitted recreational uses in major floodplain	4-1505(A)(3)	FOD	Permitted Uses
Clarify what constitutes "substantial improvement" of an existing residence	4-1505(A)(6)	FOD	Permitted Uses
Change criteria for alterations to the floodplain associated with road crossings	4-1505(A)(12)	FOD	Permitted Uses
Change notification requirements for processing of alterations	4-1508(A)(3)	FOD	Alterations
Correct reference to FEMA definitions	4-1508(B)(1)	FOD	Alterations, Engineering and Environmental Criteria

## INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended		
ARTICLE IV (Continued)			
Require conformance with Uniform Statewide Building Code floodproofing provisions	4-1509(B)	FOD	Grading Plans and Construction Plans and Profiles Required
Mountainside Overlay District			
Exclude utility easements from maximum area permitted for land disturbing activity	4-1605(C)	MDOD	Performance Standards in Highly Sensitive Areas
Correct distance of wells, drainfields, and springs to be shown on existing conditions map	4-1606(B)(1)	MDOD	Procedures, Special Exceptions
Delete requirement for hydrogeologic study	4-1606(B)	MDOD	Procedures, Special Exceptions
ARTICLE V ADDITIONAL REGULATIONS AND STANDARDS:			
Accessory Apartments and Dwelling Units			
Increase maximum size of accessory units to 1200 square feet	5-613(A)	Accessory Apartments and Dwelling Units	
Small Businesses in Agricultural Districts			
Clarify information required on sketch and site plans	5-614(H)(1)	Sketch and Site Plans	
Correct reference to sign provisions	5-614(I)	Signs	
Rural Agricultural Corporate Retreat			
Add performance standards for use	5-619(A)-(E)	Rural Agricultural Corporate Retreat	
Rural and Countryside Hamlets			
Add criteria for Planning Commission waivers of public road design standards	5-702(I)(4)(b) 5-703(I)(4)(b)	Rural Hamlet Option, Roads Countryside Hamlet Option, Roads	
Parking Requirements			
Remove references to Gross Leasable Area	5-1102(A)(1)	Standards for Computation	
Define parking standards for various scales of shopping centers	5-1102(D)	Parking and Loading Requirements by Use	
Signs			
Clarify area permitted for business signs	5-1203(R)(2)	Business Signs	

# INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended	
ARTICLE VI PROCESS AND ADMINISTRATION:		
Enforcement and Penalties		
Delete minimum fine for criminal misdemeanor violations	6-503(A)	Criminal Violations
Special Development Approvals		
Add reference to Section 6-1211 for minimum submission requirements	6-1203(B)	Review of Application
Clarify potential special exceptions approvals	6-1302	Authorized Special Exception Uses
Add reference to Section 6-1310 for minimum submission requirements	6-1303(B)	Review of Application
Add reference to Section 6-1505(B)(11) for Concept Development Plan information	6-1505(A)	Purpose and Effect
Special Development Approvals		
Amend requirements for information included with complete rezoning application:		
■ Delete names and addresses of persons to be notified	6-1505(B)(5)	Applications Contents
■ Delete market description for commercial projects	6-1505(B)(10)	
■ Allow for approval of alternative map scale	6-1505(B)(8)	
	6-1505(B)(11)	
■ Clarify existing slopes to be delineated	6-1505(B)(8)(b)	
■ Delete maximum building height on CDP	6-1505(B)(11)(a)	
■ Include proposed building types on CDP	6-1505(B)(11)(a)	
■ Delete report on environmental effects	6-1505(B)(11)(g)	
■ Clarify when minimum lot requirements should be included as part of application	6-1505(B)(12)(d)	
■ Delete miscellaneous information	6-1505(B)(16)	
Amend criteria for changing approval development plans by special exception	6-1511(B)(1)	Special Exception Change
	6-1511(B)(3)	Special Exception Change
Variances		
Clarify authorized variances	6-1602	Authorized Variances
	6-1603	Unauthorized Variances

## INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended	
ARTICLE VI (Continued)		
Clarify applications for variances	6-1604	Application for Variance
Add list findings to be made for approval	6-1505(A)-(F)	Decision on Variance Application
Amend list of criteria for findings	6-1607(A)-(D)	Standards for Variances
Amend burden of support for evidence	6-1608	Burden of Applicant
Delete period of validation	6-1610	Duration of Variance

## INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended
<b>ARTICLE VII ADMINISTRATION AND REGULATION OF AFFORDABLE DWELLING UNIT DEVELOPMENTS:</b>	

**Applicability**

Clarify that calculation of density is based on gross acreage	7-102(A)	Applicability
---	----------	---------------

Remove requirement for affidavit of all parties in interest	7-102(A)(4)	Applicability
---	-------------	---------------

Clarify applicability to applications submitted after adoption of Ordinance	7-103(A)(1)	Single Family Detached and Single Family Attached Units
	7-103(B)(1)	Multi-Family Units

**Reorganize subsections**

Section 7-116 becomes 7-105	7-105	Review of Site or Subdivision Plans
-----------------------------	-------	-------------------------------------

Section 7-110 becomes 7-106	7-106	Timing of Construction/Availability of Affordable Units
-----------------------------	-------	---

**Base Line Sales Prices**

Delete capital facilities contributions	7-110	Establishment of Base Line For-Sale Unit Prices
---	-------	---

**ARTICLE VIII DEFINITIONS:**

**Additional Definitions**

Composting  
Rural Agricultural Corporate Retreat  
Solid Waste  
Vegetative Waste

**Amended Definitions**

Road, Private Access Easement  
Yard Waste

**Deleted Definitions**

Gross Leasable Area (GLA)  
Yard Waste Composting

**ZOAM 1994-0001, Adopted 4-6-94**

**ARTICLE IV PD-IP DISTRICT REGULATIONS**

Add Horse Racetrack as a permitted use subject to performance standards	4-503(EF)	Permitted Uses
---	-----------	----------------

## INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended	
<b><u>ZOAM 1994-0004, Adopted 6-16-94</u></b>		
<b>ARTICLE VI PROCESS AND ADMINISTRATION</b>		
<b>Site Plan Review</b>		
Delete requirement for site plans for single-family attached dwellings	6-701(C)	Site Plan Required
<b><u>ZOAM 1994-0003, Adopted 12-21-94</u></b>		
<b>ARTICLE I GENERAL REGULATIONS</b>		
<b>Nonconforming Lots</b>		
Delete Planning Commission authority to reduce required yards by resolution	1-404(B)	Yards
<b>ARTICLE V ADDITIONAL REGULATIONS AND STANDARDS</b>		
<b>Permitted Structures in Required Yards</b>		
Revise provisions for accessory structures permitted in required yards	5-200(B)(5)	Permitted Structures in Required Yards
<b>ARTICLE VI PROCESS AND ADMINISTRATION</b>		
<b>Variances</b>		
Add yards as permitted variance	6-1602(B)	Authorized Variance
<b><u>ZOAM 1994-0002, Adopted 12-21-94</u></b>		
<b>ARTICLE IV SPECIAL AND OVERLAY DISTRICTS</b>		
<b>PD-RV Rural Village District</b>		
Revise district regulations	4-1200	Rural Village
<b>ARTICLE VIII DEFINITIONS</b>		
Revise Rural Village Definitions		
<b><u>ZOAM 1994-0005, Adopted 12-21-94</u></b>		
<b>ARTICLE IV SPECIAL AND OVERLAY DISTRICTS</b>		
<b>PD-AAAR Active Adult/Age Restricted District</b>		
Add District Regulations	4-1300	Active Adult/Age Restricted
<b>ARTICLE V OFF STREET PARKING AND LOADING REQUIREMENTS</b>		
<b>Number of Parking and Loading Spaces Required</b>		
Add parking requirements for Active Adult/Age Restricted District	5-1102(D)	Required Spaces

# INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended
<b><u>ZOAM 1995-0001, Adopted 3-1-95</u></b>	
<b>ARTICLE V ADDITIONAL REGULATIONS AND STANDARDS:</b>	
<b>Permitted Structures in Required Yards</b>	
Allow attached garages in conjunction with a single family dwelling	5-200(B)(6) Permitted Structures in Required Yards

## **ZOAM 1994-0007, Adopted 9-6-95**

### **ARTICLE III URBAN DISTRICT REGULATIONS:**

<b>Manufactured Housing</b>		
Provide for manufactured housing as special exception use and establish minimum lot requirements	3-501 R-8	Purpose
	3-504(Y) R-8	Special Exception Uses
	3-506(A) R-8	Lot Size
	3-506(B) R-8	Lot Width
	3-506(C) R-8	Yards
	3-509(A) R-8	Recreation Space
	3-601 R-16	Purpose
	3-604(Y) R-16	Special Exception Uses
	3-606(A) R-16	Lot Size
	3-606(B) R-16	Lot Width
	3-606(C) R-16	Yards
	3-608(A) R-16	Recreation Space

### **ARTICLE V ADDITIONAL REGULATIONS AND STANDARDS:**

Establish performance standards for development of manufactured housing	5-620	Manufactured Housing
---	-------	----------------------

## **ZOAM 1995-0002, Adopted 10-4-95**

### **ARTICLE I GENERAL REGULATIONS:**

<b>Limitations and Methods for Measurement of Lots, Yards, and Related Terms</b>		
Clarify measurement of lot width on curvilinear streets and private access easements	1-205(B)	Regular Lots, Width
Add new provision for determining front yards of lots in agricultural/residential districts	1-205(C)(3)	Regular Lots, Front Yards
Add language to clarify measurement of length to width ratios	1-205(K)	Length to Width Ratio

# INDEX OF ZONING ORDINANCE AMENDMENTS

<b>Subject</b>	<b>Sections Amended</b>
<b>ARTICLE I (Continued)</b>	
<b>Calculations of Density</b>	
Add provision allowing density credit for land dedicated or conveyed for a public use as defined in Article VIII	1-206(C)Public Uses
<b>Nonconforming Structures</b>	
Allow alteration or enlargement of non-conforming structures where degree of non-conforming is not increased	1-403(B)Alteration of Nonconforming Structure
<b>Nonconforming Lots</b>	
Allow use of lots which are nonconforming due to access provisions	1-404(A) Use of Nonconforming Lots
Allow creation of nonconforming in certain circumstances	1-404(B)Establishment of Nonconforming Lots
Permit boundary line adjustments involving a nonconforming and conforming lot	1-404(C)Boundary Line Adjustments
<b>ARTICLE II RURAL DISTRICT REGULATIONS:</b>	
<b>Pet Farm</b>	
Add as permitted use	2-102(E) A-25 Permitted Uses 2-202(GG) A-10 Permitted Uses 2-302(GG) A-3 Permitted Uses 2-503(AA) CR-1 Permitted Uses 2-603(V) CR-2 Permitted Uses 2-703(T) CR-3 Permitted Uses 2-803(Q) CR-4 Permitted Uses
<b>Recreation Establishment, Outdoor</b>	
Add as special exception use	2-303(III) Special Exception Uses 2-504(MM) Special Exception Uses
<b>Manufactured Housing - Single-wide</b>	
Add as permitted use	2-102(O) Permitted Uses 2-202(Q) Permitted Uses 2-302(P) Permitted Uses
<b>Compact Cluster Development Option</b>	
Add as permitted subdivision	2-503(BB) Permitted Uses 2-507 Lot Requirements 2-509 Building Requirements

## INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended	
ARTICLE II (Continued)		
Telecommunication Uses and/or Structures		
Allow monopoles and towers	2-303(GG)	Special Exception Uses
by special exception in A-3	2-303(WW)	Special Exception Uses
Delete from special exception use list	2-403(I)	Special Exception Uses
in other residential districts	2-403(T)	Special Exception Uses
	2-504(DD)	Special Exception Uses
	2-504(GG)	Special Exception Uses
	2-604(W)	Special Exception Uses
	2-604(Y)	Special Exception Uses
	2-704(V)	Special Exception Uses
	2-704(W)	Special Exception Uses
	2-804(U)	Special Exception Uses
	2-804(V)	Special Exception Uses
	2-904(O)	Special Exception Uses
Magazine Contained Explosives Facility		
Add as special exception use	2-303(JJJ) A-3	Special Exception Uses
Car Wash Accessory to a Convenience Food Store		
Add as special exception use	2-904(AA) RC	Special Exception Uses
ARTICLE III URBAN DISTRICT REGULATIONS:		
Agriculture		
Exclude the keeping of livestock from	3-102(B) R-1	Permitted Uses
"agriculture" as a permitted use	3-202(L) R-2	Permitted Uses
	3-302(J) R-3	Permitted Uses
	3-402(H) R-4	Permitted Uses
Lot Requirements		
Reduce width requirement for townhouse	3-506(B) R-8	Width
end units		
Add Traditional Design Option for single	3-507 R-8	Traditional Design
family detached units		
Add Traditional Design Option for single	3-606(C) R-16	Traditional Design
family attached units		
Increase minimum lot size	3-1005(A) MR-HI	Size

## INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended	
ARTICLE III (Continued)		
<b>Size and Location</b>		
Allow incremental additions of one acre	3-502 R-8	Size and Location
	3-602 R-16	Size and Location
<b>Public Utility Requirements</b>		
Add requirement for sewer systems	3-802 GB	Size and Locations
<b>Motor Vehicle Service and Repair, Light</b>		
Add as special exception use	3-904(LL) CLI	Special Exception Uses
<b>Motor Vehicle Service and Repair</b>		
Change from special exception use	3-1003(II) MR-HI	Permitted Uses
to permitted use	3-1004(Z) & (AA) MR-HI	Special Exception Uses
<b>Motor Vehicle Storage and Impoundment</b>		
Change from special exception use	3-1003(JJ) MR-HI	Permitted Uses
to permitted use	3-1004 (BB) MR-HI	Special Exception Uses
<b>Telecommunications Uses and Structures</b>		
Allow roof top antennas by-right	3-603(N) R-16	Permitted Uses
	3-703(M) R-24	Permitted Uses
	3-803(FF) GB	Permitted Uses
	3-903(SS) CLI	Permitted Uses
	3-1003(KK) MR-HI	Permitted Uses
Allow monopoles and transmission towers	3-804(BB) GB	Special Exception Uses
by special exception	3-904(MM) CLI	Special Exception Uses
	3-1004(N) MR-HI	Special Exception Uses
Delete from special exception use list	3-103(T) R-1	Special Exception Uses
	3-103(DD) R-1	Special Exception Uses
	3-203(Q) R-2	Special Exception Uses
	3-203(X) R-2	Special Exception Uses
	3-303(Q) R-3	Special Exception Uses
	3-303(T) R-3	Special Exception Uses
	3-403(Q) R-4	Special Exception Uses
	3-403(V) R-4	Special Exception Uses
	3-504(P) R-8	Special Exception Uses
	3-504(V) R-8	Special Exception Uses
	3-604(O) R-16	Special Exception Uses
	3-604(V) R-16	Special Exception Uses
	3-704(N) R-24	Special Exception Uses
	3-704(Q) R-24	Special Exception Uses
	3-804(E) GB	Special Exception Uses
	3-904(K) CLI	Special Exception Uses

# INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended
<b>ARTICLE III (Continued)</b>	
<b>Car Wash, Accessory to a Convenience Food Store</b>	
Add as special exception use	3-804(CC) GB Special Exception Uses 3-904(NN) CLI Special Exception Uses
<b>ARTICLE IV PLANNED DEVELOPMENT DISTRICTS:</b>	
<b>PD-Housing</b>	
Allow certain special exception uses by-right when identified on the approved CDP	4-104(B) PDH Zoning Regulations
Expand requirement for permanent open space buffer to apply to residential conversions	4-109(C) PDH Site Planning - External Relationships
Exclude road rights-of-way from open space calculations	4-111(A) PDH Open Space
<b>PD-Commercial Centers</b>	
Re-define Specialty Centers	4-202(C) PD-SC Small Regional Center
Clarify outdoor storage requirements	4-207(E) PD-CC Outdoor Storage 4-407(H) PD-RDP Outdoor Storage 4-507(D) PD-IP Outdoor Storage 4-607(D) PD-GI Outdoor Storage
<b>Yards</b>	
Revise requirement between buildings to 30'	4-305(B)(4)(a) PD-OP Between Buildings 4-405(B)(4)(a) PD-RDP Between Buildings 4-505(B)(4)(a) PD-IP Between Buildings 4-605(B)(4)(a) PD-GI Between Buildings
Exempt split zoned parcels from setback from district boundaries	4-305(B)(3) PD-OP Adjacent to Other Nonresidential Dist. 4-405(B)(3) PD-RDP Adjacent to Other Nonresidential Dist. 4-505(B)(3) PD-IP Adjacent to Other Nonresidential Dist. 4-605(B)(3) PD-GI Adjacent to Other Nonresidential Dist.
Clarify requirements for parcels adjacent to subsequent residential conversions	4-305(B)(2) PD-OP Adjacent to Agricultural & Residential Uses 4-405(B)(2) PD-RDP Adjacent to Agricultural & Residential Uses 4-505(B)(2) PD-IP Adjacent to Agricultural & Residential Uses 4-605(B)(2) PD-GI Adjacent to Agricultural & Residential Uses

## INDEX OF ZONING ORDINANCE AMENDMENTS

### Subject

### Sections Amended

#### ARTICLE IV (Continued)

#### Uses

Allow purchasing and reassemblage of products as permitted use

4-403(F) PD-RDP      Permitted Uses

Add car wash, accessory to a convenience food store as special exception use

4-204(A)(18) PD-CC(NC) Special Exception Uses  
4-404(W) PD-RDP      Special Exception Uses  
4-504(MM) PD-IP      Special Exception Uses  
4-604(NN) PD-GI      Special Exception Uses  
4-804(B)(28) PD-TC(F) Special Exception Uses  
4-904(B)(22) PD-TT(NC) Special Exception Uses  
4-1004(A)(19) PD-UC(C) Special Exception Uses

Add parking lot/valet service as special exception use

4-504(LL) PD-IP      Special Exception Uses  
4-604(OO) PD-GI      Special Exception Uses

Add accessory outdoor storage as special exception use

4-504(KK) PD-IP      Special Exception Uses

Delete Horse Race Track as permitted use

4-503(EF) PD-IP      Permitted Uses

Add convention or exhibition facility as permitted use

4-703(HH) PD-SA      Permitted Uses

Add schools, performing arts center as special exception use

4-704(F) PD-SA      Special Exception Uses  
4-704(G) PD-SA      Special Exception Uses

#### Telecommunications Uses and Structures

Allow roof top antennas as permitted use

4-203(A)(31) PD-CC(NC) Permitted Use  
4-303(Z) PD-OP      Permitted Use  
4-403(GG) PD-RDP      Permitted Use  
4-503(FF) PD-IP      Permitted Uses  
4-603(HH) PD-GI      Permitted Uses  
4-703(CC) PD-SA      Permitted Uses  
4-803(A)(46) PD-TC(C) Permitted Use  
4-1103(HH) PD-TRC      Permitted Uses  
4-1304(F) PD-AAAR      Permitted Uses

Allow monopoles by special exception

4-304(I) PD-OP      Special Exception Uses  
4-404(H) PD-RDP      Special Exception Uses  
4-504(P) PD-IP      Special Exception Uses  
4-604(P) PD-GI      Special Exception Uses  
4-704(G) PD-SA      Special Exception Uses  
4-804(A)(3) PD-TC(C) Special Exception Uses  
4-804(B)(7) PD-TC(F) Special Exception Uses  
4-1004(A)(3) PD-UC(C) Special Exception Uses  
4-1104(O) PD-TRC      Special Exception Uses

## INDEX OF ZONING ORDINANCE AMENDMENTS

### Subject

### Sections Amended

#### ARTICLE IV (Continued)

Allow transmission towers by  
special exception

4-304(I) PD-OP	Special Exception Uses
4-404(H) PD-RDP	Special Exception Uses
4-504(P) PD-IP	Special Exception Uses
4-604(P) PD-GI	Special Exception Uses
4-704(G) PD-SA	Special Exception Uses
4-804(A)(3) PD-TC(C)	Special Exception Uses
4-804(B)(7) PD-TC(F)	Special Exception Uses
4-1004(A)(3) PD-UC(C)	Special Exception Uses
4-1104(O) PD-TRC	Special Exception Uses

#### ARTICLE IV, DIVISION C: ENVIRONMENTAL IMPACT OVERLAY DISTRICTS:

##### Airport Noise Impact Overlay District

Clarify acoustical treatment requirements and  
compliance certifications

4-1404(B)(2) Acoustical Treatment

Cite Virginia USBC as source for required  
acoustical treatments in Ldn 65 or higher

4-1404(C)(2) Use Limitations

Add airport noise definitions

4-1406 Definitions

##### Mountainside Development Overlay District

Exempt additions to certain single family  
detached dwellings in highly sensitive areas  
from requirement for special exception

4-1603(C)	Exemptions
4-1606(A)(2)	Procedures

Revise maximum grade for private roads  
and drives

4-1605(B) Performance Standards in Highly  
Sensitive Areas

Allow performance standards for highly  
sensitive areas to be modified

4-1605(D) Performance Standards in Highly  
Sensitive Areas

Other editorial clarifications adopted 10-4-95 are not included in this index.

## INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended	
ARTICLE V ADDITIONAL REGULATIONS AND STANDARDS:		
Supplemental District Regulations		
Add traditional design option for garages in the required yard	5-200(B)(7)	Permitted Structures in Required Yards
Clarify provisions for accessory products permitted at commercial nurseries	5-605(D)	Commercial Nurseries
Clarify minimum lot size requirements for accessory apartments and dwelling units	5-613(B)	Accessory Apartments and Dwelling Units
Allow utility substations to be served by private access easements	5-616(E)	Utility Substations
Clarify provisions for convenience food stores	5-617	Freestanding Convenience Food Stores
Revise provisions for telecommunications uses, and structures to address antennas, monopoles, towers, or temporary facilities	5-618	Telecommunication Uses and Structures
Add lot requirement provisions for public utilities	5-621	Public Utilities
Add provisions for magazine contained explosives facilities	5-622	Magazine Contained Explosives Facilities
Optional Development Types		
Exempt existing structures in calculating density for Low Density Development Option	5-701(C)	Density
Reduce distance required between individual driveways or private access easements	5-701(G)(1)	Road Requirements
Revise lot requirements for rural and countryside hamlets	5-702(F)	Rural Hamlets
	5-703(F)	Countryside Hamlets
Clarify process for approval of drainfields for determining hamlet densities	5-702(G)(2)	Rural Hamlets
Clarify process for planning Commission waiver of public road requirements in Rural Hamlets	5-702(I)(4)	Roads
Revised illustrations	5-702	Illustrations/Hamlets

## INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended	
ARTICLE V (Continued)		
Setbacks from Specific Roads and the W&OD Trail		
Clarify measurement of setbacks	5-900	Setbacks
Clarify setback along Route 7	5-900(A)(1)(d)	Building Setbacks
Creek Valley Buffer		
Allow utilities to be located within the buffer	5-1003	Effect of Buffer
Parking Requirements		
Increase distance required for off-site parking lots	5-1103(A)	Parking Facilities
Tree Planting and Replacement		
Clarify applicability of tree canopy requirements	5-1303(A)	Canopy Requirements
	5-1303(A)(1)	Canopy Requirements
	5-1303(C)(4)	Canopy Requirements
Allow variations to be approved by the Zoning Administrator	5-1304	Variations
Buffering and Screening		
Exempt properties in agricultural-residential districts from providing buffer along arterial roads	5-1406(E)(2)	Determination of Buffer Yards
Performance Standards		
Revise process for allowing land disturbing activities on steep slopes	5-1508(E)	Steep Slopes
ARTICLE VI DEVELOPMENT PROCESS AND ADMINISTRATION:		
Submission Requirements		
Add requirement for rezoning plat for rezonings to non-planned development district	6-403(B)	Submission Requirements
	6-1203(B)	Review of Applications
Public Hearing Notice		
Require notification of adjacent municipalities	6-601(A)	Written Notice
Clarify certification is provided to Zoning Administrator for BZA Hearings	6-601(B)	Placard Notice

## INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended	
ARTICLE VI (Continued)		
Zoning Permits		
Allow for issuance of conditional grading permits	6-1000	Zoning Permits
Zoning Map Amendments and Special Exceptions		
Add requirement that applicant address issues for consideration in application materials	6-1211(E) 6-1310	Zoning Map Amendments Special Exception Issues for Consideration
Combine redundant issues	6-1310(C) 6-1310(CC)	Special Exception Issues for Consideration Special Exception Issues for Consideration
Traffic Circulation		
Add specific information requirements on CDP's	6-1505(B)(11) 6-1505(B)(14) 6-1505(B)(15)	Application Contents Application Contents Application Contents
Approved CDP's		
Clarify requirements for information on approved and amended Concept Development Plans	6-1508 6-1511	Approved Concept Development Plan Approved Concept Development Plan
ARTICLE VII ADMINISTRATION AND REGULATION OF AFFORDABLE DWELLING UNIT DEVELOPMENTS:		
Affordable Dwelling Unit Developments		
Clarify applicability to developments proposing redistribution of units	7-102(B) 7-102(C) 7-102(D)	Applicability Applicability Applicability
Administration and regulation of individual units moved to the Codified Ordinance of Loudoun County	7-107 through 7-114	
Subsections 7-115 through 7-118 renumbered accordingly	7-108 through 7-111	
Revise lot and building requirements to reflect amendments in R-8 & R-16	7-803(B)(2) 7-903(C)(1)	Lot and Building Requirements Lot and Building Requirements

## INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended
---------	------------------

### ARTICLE VIII DEFINITIONS:

#### Additional Definitions

Convention or exhibition facility  
Lot, Outlot  
Outdoor Sales, Accessory  
Parking Lot/Valet Service  
Performing Arts Center  
Pet Farm  
Recreation Establishment, Indoor

#### Amended Definitions

Agriculture  
Automobile Service Station  
Child Care Center  
Cluster Development  
Contractor Service Establishment  
Lot  
Lot, Irregular  
Lot, Regular  
Motor Vehicle Service & Repair, Light  
Public Utility Service Center and Storage Yard  
Recreation Establishment, Commercial (Outdoor)  
Recreation Space, Active  
Water Supply Facility (Storage Tank)

#### Deleted Definitions

Countryside Village Conservancy, Core, House, Proper,  
Storefront, Townhouse, Workplace Area  
Build to Line

## INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended	
<u>ZOAM 1994-0006, Adopted 12-6-95</u>		
ARTICLE II RURAL DISTRICT REGULATIONS:		
A-25 Agriculture		
Large Lot Development Option		
Establish provisions for large lot development	2-105	Creation of Lots
option in the A-25 zoning district	2-107	Lot Access
ARTICLE IV SPECIAL AND OVERLAY DISTRICTS:		
FOD - Floodplain Overlay District		
Allow private lanes in FOD	4-1505(A)(5)	Permitted Uses
Large Lot Development Option		
ARTICLE VI DEVELOPMENT PROCESS AND ADMINISTRATION:		
Zoning Amendment		
Add special provisions for rezonings to A-25	6-1215	A-25 District Rezoning
zoning district		

## INDEX OF ZONING ORDINANCE AMENDMENTS

### Subject

### Sections Amended

#### **ZOAM 1995-0003, Adopted 12-6-95**

#### **ARTICLE IV SPECIAL AND OVERLAY DISTRICTS:**

##### **PD-SA, Planned Development Special Activity**

Amend district to expand use lists

Add Recreation Establishment, Indoor	4-703(II)	Permitted Uses
Add Golf Driving Range	4-703(JJ)	Permitted Uses
Add Recreation Vehicle Park	4-703(KK)	Permitted Uses
Add Campground	4-703(LL)	Permitted Uses
Add Office, Administrative, Business and Professional	4-703(MM)	Permitted Uses
Add Restaurant	4-703(NN)	Permitted Uses
Add Theatre, Indoor	4-703(OO)	Permitted Uses
Add Bowling Alley	4-703(PP)	Permitted Uses
Change Amusement or Theme Park and Performing Arts Centers to Permitted Uses	4-703(QQ) 4-703(RR)	Permitted Uses Permitted Uses
Add Radio, radar and/or television tower	4-704(H)	Special Exception Uses
Add Radio and television recording studio	4-704(I)	Special Exception Uses
Add Radio and television broadcasting, relay station	4-704(J)	Special Exception Uses

#### **ARTICLE VIII DEFINITIONS:**

##### **Add/amend definitions for uses in PD-SA Zoning District**

Amusement or Theme Park  
Campground  
Convention or Exhibition Facility  
Recreation Establishment, Indoor  
Recreation Vehicle Park  
Sports Stadium Complex, Arena  
Zoo

#### **ZOAM 1996-0001, Adopted 4-17-96**

#### **ARTICLE V ADDITIONAL REGULATIONS AND STANDARDS:**

##### **Supplemental District Regulations**

Clarify measurement of required setback for attached garages from adjacent structures	5-200(B)(6)	Permitted Structures in Required Yards
--	-------------	--

## INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended	
<u>ZOAM 1996-0005, Adopted 11-20-96</u>		
ARTICLE VI DEVELOPMENT PROCESS AND ADMINISTRATION:		
Submission Requirements		
Add requirement for submission of evidence of payment of real estate taxes	6-403(A)	Submission Requirements
<u>ZOAM 1996-0006, Adopted 11-20-96</u>		
ARTICLE V ADDITIONAL REGULATIONS AND STANDARDS:		
Additional Regulations for Specific Uses/ Sign Regulations		
Amend Wayside Stand Performance Standards and Sign Regulations for Farms and Wayside Stands	5-604 5-1203(K) 5-1203(L)	Wayside Stands Farm Signs Wayside Stand Signs
ARTICLE VIII DEFINITIONS:		
Amended definition		
Wayside Stand		
<u>ZOAM 1997-0001, Adopted 3-5-97</u>		
ARTICLE IV SPECIAL & OVERLAY DISTRICTS:		
PD-IP Planned Development - Industrial Park		
Add private school as a special exception use	4-504(NN)	Special Exception Uses

# INDEX OF ZONING ORDINANCE AMENDMENTS

## Subject

## Sections Amended

**ZOAM 1996-0004, Adopted 5-21-97**

### ARTICLE II RURAL DISTRICT REGULATIONS:

#### Telecommunications Use and/or Structures

Add Telecommunications antenna as permitted use	2-102(FF)	A-25	Permitted Uses
	2-202(HH)	A-10	Permitted Uses
	2-302(HH)	A-3	Permitted Uses
	2-402(S)	RR	Permitted Uses
	2-503(CC)	CR-1	Permitted Uses
	2-603(W)	CR-2	Permitted Uses
	2-703(U)	CR-3	Permitted Uses
	2-803(R)CR-4		Permitted Uses
Add Telecommunications monopole as permitted use	2-903(KK)	RC	Permitted Uses
	2-102(GG)	A-25	Permitted Uses
	2-202(II)A-10		Permitted Uses
	2-302(II)A-3		Permitted Uses
	2-402(T)	RR	Permitted Uses
	2-503(DD)	CR-1	Permitted Uses
	2-603(X)	CR-2	Permitted Uses
	2-703(V)	CR-3	Permitted Uses
Add Telecommunications monopole as special exception use	2-803(S)	CR-4	Permitted Uses
	2-903(LL)	RC	Permitted Uses
	2-103(LL)	A-25	Special Exception Uses
	2-203(OO)	A-10	Special Exception Uses
	2-403(EF)	RR	Special Exception Uses
	2-504(NN)	CR-1	Special Exception Uses
	2-604(CC)	CR-2	Special Exception Uses
	2-704(AA)	CR-3	Special Exception Uses
Add Telecommunications tower as special exception use	2-804(Z)	CR-4	Special Exception Uses
	2-904(BB)	RC	Special Exception Uses
	2-103(MM)	A-25	Special Exception Uses
	2-203(PP)	A-10	Special Exception Uses
	2-303(KKK)	A-3	Special Exception Uses
	2-403(FF)	RR	Special Exception Uses
	2-504(OO)	CR-1	Special Exception Uses
	2-604(DD)	CR-2	Special Exception Uses
Delete Transmission tower as special exception use in A-3 District	2-704(BB)	CR-3	Special Exception Uses
	2-804(AA)	CR-4	Special Exception Uses
	2-904(CC)	RC	Special Exception Uses
	2-303(GG)	A-3	Special Exception Uses

## INDEX OF ZONING ORDINANCE AMENDMENTS

### Subject

### Sections Amended

#### ARTICLE II (Continued)

Amend language to subdivide designation of "fire, police and rescue station" to "fire and/or rescue station" and "police station"	2-103(Y)	A-25	Special Exception Uses
	2-103(NN)	A-25	Special Exception Uses
	2-203(J)	A-10	Special Exception Uses
	2-203(QQ)	A-10	Special Exception Uses
	2-303(L)	A-3	Special Exception Uses
	2-303(LLL)	A-3	Special Exception Uses
	2-403(F)	RR	Special Exception Uses
	2-403(GG)	RR	Special Exception Uses
	2-504(H)	CR-1	Special Exception Uses
	2-504(PP)	CR-1	Special Exception Uses
	2-604(H)	CR-2	Special Exception Uses
	2-604(EF)	CR-2	Special Exception Uses
	2-704(H)	CR-3	Special Exception Uses
	2-704(CC)	CR-3	Special Exception Uses
	2-804(G)	CR-4	Special Exception Uses
	2-804(BB)	CR-4	Special Exception Uses
	2-904(P)	RC	Special Exception Uses
	2-904(DD)	RC	Special Exception Uses

#### ARTICLE III URBAN DISTRICT REGULATIONS:

##### Telecommunications Use and/or Structures

Add Telecommunications antenna as permitted use	3-102(U)	R-1	Permitted Uses
	3-202(S)	R-2	Permitted Uses
	3-302(R)	R-3	Permitted Uses
	3-402(Q)	R-4	Permitted Uses
	3-503(P)	R-8	Permitted Uses

Add Telecommunications monopole as permitted use	3-102(V)	R-1	Permitted Uses
	3-202(T)	R-2	Permitted Uses
	3-302(S)	R-3	Permitted Uses
	3-402(R)	R-4	Permitted Uses
	3-503(Q)	R-8	Permitted Uses
	3-703(N)	R-24	Permitted Uses
	3-803(GG)	GB	Permitted Uses
	3-903(TT)	CLI	Permitted Uses
Add Telecommunications monopole as special exception use	3-1003(LL)	MR-HI	Permitted Uses
	3-103(GG)	R-1	Special Exception Uses
	3-203(CC)	R-2	Special Exception Uses
	3-303(Z)	R-3	Special Exception Uses
	3-403(Z)	R-4	Special Exception Uses
	3-504(Z)	R-8	Special Exception Uses
	3-704(Y)	R-24	Special Exception Uses

## INDEX OF ZONING ORDINANCE AMENDMENTS

### Subject

### Sections Amended

#### ARTICLE III (Continued)

Add Telecommunications tower as special exception use	3-103(HH)	R-1	Special Exception Uses
	3-203(DD)	R-2	Special Exception Uses
	3-303(AA)	R-3	Special Exception Uses
	3-403(AA)	R-4	Special Exception Uses
	3-504(AA)	R-8	Special Exception Uses
	3-704(Z)	R-24	Special Exception Uses
	3-804(DD)	GB	Special Exception Uses
	3-904(OO)	CLI	Special Exception Uses
Modify language for telecommunications antennas for consistency	3-1004(GG)	MR-HI	Special Exception Uses
	3-703(M)	R-24	Permitted Uses
	3-803(FF)	GB	Permitted Uses
	3-903(SS)	CLI	Permitted Uses
Delete transmission tower as special exception use in in GB, CLI and MR-HI Districts	3-1003(KK)	MR-HI	Permitted Uses
	3-804(BB)	GB	Special Exception Uses
	3-904(MM)	CLI	Special Exception Uses
	3-1004(N)	MR-HI	Special Exception Uses
Add Telecommunications tower as permitted use in MR-HI District	3-1003(MM)	MR-HI	Permitted Uses
Amend language to subdivide designation of "fire, police and rescue station" to "fire and/or rescue station" and "police station"	3-103(H)	R-1	Special Exception Uses
	3-103(II)R-1		Special Exception Uses
	3-203(H)	R-2	Special Exception Uses
	3-203(EE)	R-2	Special Exception Uses
	3-303(H)	R-3	Special Exception Uses
	3-303(BB)	R-3	Special Exception Uses
	3-403(H)	R-4	Special Exception Uses
	3-403(BB)	R-4	Special Exception Uses
	3-504(F)	R-8	Special Exception Uses
	3-504(BB)	R-8	Special Exception Uses
	3-704(E)	R-24	Special Exception Uses
	3-704(AA)	R-24	Special Exception Uses
	3-804(M)	GB	Special Exception Uses
	3-804(EE)	GB	Special Exception Uses
Amend language to subdivide designation of "fire, police and rescue station" to "fire and/or rescue station" and "police station"	3-903(F)	CLI	Permitted Uses
	3-903(UU)	CLI	Permitted Uses
	3-1004(F)	MR-HI	Special Exception Uses
	3-1004(HH)	MR-HI	Special Exception Uses

# INDEX OF ZONING ORDINANCE AMENDMENTS

## Subject

## Sections Amended

### ARTICLE IV PLANNED DEVELOPMENT DISTRICT REGULATIONS:

#### Telecommunications Use and/or Structures

Modify language for telecommunications antennas	4-203(A)(31) PD-CC(NC) Permitted Uses
	4-303(Z) PD-OP Permitted Uses
	4-403(GG) PD-RDP Permitted Uses
	4-503(FF) PD-IP Permitted Uses
	4-603(HH) PD-GI Permitted Uses
	4-703(CC) PD-SA Permitted Uses
	4-803(A)(46) PD-TC Permitted Uses
	4-903(C)(6)(e) PD-TT Permitted Uses
	4-1003(A)(47) PD-UC Permitted Uses
	4-1103(HH) PD-TRC Permitted Uses
	4-1304(F) PD-AAAR Permitted Uses
Add Telecommunications monopole as permitted and special exception use	4-303(AA) PD-OP Permitted Uses
	4-503(GG) PD-IP Permitted Uses
	4-603(II)PD-GI Permitted Uses
	4-703(SS) PD-SA Permitted Uses
	4-1304(L) PD-AAAR Permitted Uses
	4-1305(G) PD-AAAR Special Exceptions Uses
Delete transmission tower as special exception use	4-204(B)(5) PD-CC(CC) Special Exception Uses
	4-304(I) PD-OP Special Exception Uses
	4-404(H) PD-RDP Special Exception Uses
	4-504(P) PD-IP Special Exception Uses
	4-604(P) PD-GI Special Exception Uses
	4-704(G) PD-SA Special Exception Uses
	4-804(B)(7) PD-TC Special Exception Uses
	4-1004(A)(3) PD-UC Special Exception Uses
	4-1004(B)(8) PD-UC Special Exception Uses
	4-1104(O) PD-TRC Special Exception Uses
Add Telecommunications tower as special exception use	4-204(B)(18) PD-CC(CC) Special Exception Uses
	4-304(W) PD-OP Special Exception Uses
	4-404(X) PD-RDP Special Exception Uses
	4-504(OO) PD-IP Special Exception Uses
Add Telecommunications tower as special exception use	4-603(JJ) PD-GI Special Exception Uses
	4-604(PP) PD-GI Special Exception Uses
	4-804(A)(19) PD-TC Special Exception Uses
	4-804(B)(29) PD-TC Special Exception Uses
	4-904(A)(3)(c) PD-TT Special Exception Uses
	4-1004(A)(20) PD-UC Special Exception Uses
	4-1004(B)(25) PD-UC Special Exception Uses
	4-1104(P) PD-TRC Special Exception Uses
	4-1305(H) PD-AAAR Special Exception Uses

# INDEX OF ZONING ORDINANCE AMENDMENTS

## Subject

## Sections Amended

### ARTICLE IV (Continued)

Add Telecommunications antenna as permitted use in PD-RV District

4-1209(C)(28) PD-RV Permitted Uses

Amend language to subdivide designation of "fire, police and rescue station" to "fire and/or rescue station" and "police station"

4-204(A)(9) PD-CC(NC) Special Exception Uses  
 4-204(A)(19) PD-CC(NC) Special Exception Uses  
 4-204(B)(8) PD-CC(CC) Special Exception Uses  
 4-204(B)(19) PD-CC(CC) Special Exception Uses  
 4-304(J) PD-OP Special Exception Uses  
 4-304(X) PD-OP Special Exception Uses  
 4-404(J) PD-RDP Special Exception Uses  
 4-404(Y) PD-RDP Special Exception Uses  
 4-504(W) PD-IP Special Exception Uses  
 4-504(PP) PD-IP Special Exception Uses  
 4-604(Y) PD-GI Special Exception Uses  
 4-604(QQ) PD-GI Special Exception Uses

4-703(Q) PD-SA Permitted Uses  
 4-703(TT) PD-SA Permitted Uses

4-804(A)(5) PD-TC Special Exception Uses  
 4-804(A)(20) PD-TC Special Exception Uses  
 4-804(B)(14) PD-TC Special Exception Uses  
 4-804(B)(30) PD-TC Special Exception Uses  
 4-1004(A)(6) PD-UC Special Exception Uses  
 4-1004(A)(21) PD-UC Special Exception Uses  
 4-1004(B)(13) PD-UC Special Exception Uses  
 4-1004(B)(26) PD-UC Special Exception Uses  
 4-1103(P) PD-TRC Permitted Uses  
 4-1103(II) PD-TRC Permitted Uses  
 4-1209(C)(24) PD-RV Permitted Uses  
 4-1209(C)(29) PD-RV Permitted Uses  
 4-1305(E) PD-AAAR Special Exception Uses  
 4-1305(I) PD-AAAR Special Exception Uses

### ARTICLE V ADDITIONAL REGULATIONS AND STANDARDS:

#### Telecommunications Use and/or Structures

Revise provisions for telecommunications uses and structures; enumerate antennas, monopoles, and structures; establish performance standards

5-618 Telecommunication Use and/or Structures

Revise provision/criteria regarding buffer yard waiver or modification

5-1409(G) Buffer Yard Waivers and Modifications

### ARTICLE VIII DEFINITIONS:

#### Amended definition

Telecommunications Use and/or Structure

# INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended	
<u><b>ZOAM 1996-0003, Adopted 6-18-97</b></u>		
<b>ARTICLE VIII DEFINITIONS:</b>		
<b>Amended definitions</b>		
Facilities Standards Manual (FSM)		
Planning Commission		
Road, Class III		
<u><b>ZOAM 1997-0002, SIGN REGULATIONS, Adopted 4-15-98</b></u>		
<b>ARTICLE V ADDITIONAL REGULATIONS AND STANDARDS:</b>		
<b>Supplemental District Regulations</b>		
Clarify that signs are permitted in required yards	5-200(A)(10)	Permitted Structures in Required Yards
Revise the reference to the sign regulations	5-400(D)	Home Occupations
Delete section regarding sign standards for collection facilities	5-607(A)(12)	Recycling/Collection and Material Recovery Facilities
Revise the reference to the sign regulations	5-614(I)	Small Businesses in the A-3, A-10 and A-25 Districts/Signs
<b>Sign Regulations</b>		
Reformat and revise requirements regarding prohibited signs, permitted signs, non-conforming signs, traffic hazards and modification to sign regulations	5-1202	General Provisions
Reformat and revise requirements regarding sign permits and removal of unsafe or illegal signs	5-1203	Administration and Enforcement
Add language to describe new Sign Requirements Matrix and the use of ground mounted sign bonus multipliers	5-1204	Sign Requirements
Revise sign requirements and put in matrix format	5-1204(D)	Sign Requirements Matrix
<b>Landscaping, Buffering and Tree Preservation</b>		
Clarify that signs are permitted in required buffer yards	5-1408	Use of Buffer Yards

# INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended	
<b>ARTICLE VI DEVELOPMENT PROCESS AND ADMINISTRATION</b>		
<b>Enforcement of Ordinance and Notice of Public Hearings</b>		
Revise all sign violations to be civil violations instead of criminal violations, except when related to signs posted on public property or rights-of-way	6-504(E)(1)	Civil Violations
<b>Special Development Approvals</b>		
Clarify that the Board may impose conditions related to the size, height and location of signs when approving a special exception use	6-1311	Conditions and Restrictions
Revise to allow modifications to the sign regulations for PD districts using a comprehensive sign package through the special exception process	6-1511(B)(6)	Approved Changes to Concept Development Plan After Approval
<b>ARTICLE VIII DEFINITIONS:</b>		
<b>Additional/Amended Definitions</b>		
Sign, Area of		
Sign, Background		
Sign, Backlit		
Sign, Banner		
Sign Bonus Multiplier		
Sign, Building Frontage for Determining Size of		
Sign, Building Mounted		
Sign, Business		
Sign, Construction		
Sign, Danger, Aviation, Railroad, Bridge, Ferry Transportation, Red Cross, and other such sign		
Sign, Directory		
Sign, Farm		
Sign, Freestanding		
Sign, Government/Official Notices		
Sign, Height		
Sign, Historical Markers		
Sign, Home Occupational		
Sign, Illuminated		
Sign, Informational		
Sign, Non-PD District Project Directional		
Sign, PD-H Community Directional		
Sign, Pole Mounted		
Sign, Quasi-public		
Sign, Real Estate		
Sign, Residential Name		
Sign, Store Window or Display		
Sign, Temporary		
Sign, Wayside Stand		

# INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended	
<u>ZOAM 1997-0004, Adopted 6-17-98 (1997 Annual Review)</u>		
<b>ARTICLE I GENERAL REGULATIONS:</b>		
Change State Code references to reflect recodification	1-103(L) 1-206(B)	Proffered Conditions Calculations of Density/Highway Transportation Improvement Dist.
Clarify Intent of Ordinance	1-206(C)(1)	Calculations of Density/Public Uses
Clarify nature of nonconforming expansion	1-402(A)	Expansion of Nonconforming Use
Revise language to reduce redundancy	1-403(D)	Nonconforming Structures/Pre-existing Structures in Subsequently Created Setback areas
Clarify language for removal of nonconforming status	1-405(B)	Procedure for Removal of Nonconforming Status/Application
<b>ARTICLE II RURAL DISTRICT REGULATIONS:</b>		
Change use of "Hotel" and/or "Motel" to "Hotel/Motel" to reflect definition change	2-904(I)	Special Exception Uses
<b>ARTICLE III URBAN DISTRICT REGULATIONS:</b>		
Clarify that buffer yards are required between new and existing developments and may not be part of setbacks	3-105(F) R-1	Minimum Buffer
	3-106(F) R-1	Minimum Buffer
	3-205(G) R-2	Minimum Buffer
	3-206(F) R-2	Minimum Buffer
	3-207(F) R-2	Minimum Buffer
	3-305(G) R-3	Minimum Buffer
	3-306(F) R-3	Minimum Buffer
	3-307(F) R-3	Minimum Buffer
	3-405(G) R-4	Minimum Buffer
	3-406(F) R-4	Minimum Buffer
	3-407(F) R-4	Minimum Buffer
	3-507(G) R-8	Minimum Buffer
	3-509(C) R-8	Minimum Buffer
	3-608(C) R-16	Minimum Buffer
	3-708(C) R-24	Minimum Buffer
Clarify that structures are counted in lot coverage	3-607(A) R-16	Building Requirements

## INDEX OF ZONING ORDINANCE AMENDMENTS

### Subject

### Sections Amended

#### ARTICLE III (Continued)

Change use of "Hotel" and/or "Motel" to	3-904(R)	Special Exception Uses
"Hotel/Motel" to reflect definition change	3-904(R)	Special Exception Uses

#### ARTICLE IV SPECIAL & OVERLAY DISTRICTS

Clarify that buffer yards apply to perimeter of shopping center and not between buildings	4-204(A)(3) PD-CC(NC)	Special Exception Uses
	4-204(B)(1) PD-CC(CC)	Special Exception Uses
Allow greater flexibility in arranging structures in shopping center providing for overall average of .4 FAR	4-206(B) PD-CC	Building Requirements
	4-207(C)(3) PD-CC	Use Limitations
	4-207(D)(5) PD-CC	Use Limitations
Add existing standards for Regional Shopping Center for parking, outside storage, etc., to CC and SRC	4-205(C)(1)(b) PD-CC(CC)	Lot Requirements
	4-205(C)(1)(c) PD-CC(SC)	Lot Requirements
Create consistent language for certain auxiliary uses	4-403(G)	Permitted Uses
	4-503(L)	Permitted Uses
	4-504(L)	Special Exception Uses
Add outdoor storage of recreational equipment as a special exception use in PD-GI	4-604(RR)	Special Exception Uses
Change use of "hotel" and/or "motel" to "Hotel/Motel" to reflect definition change	4-403(C)	Permitted Uses
	4-804(A)(21)	Special Exception Uses
	4-804(B)(18)	Special Exception Uses
	4-1003(A)(12)	Permitted Uses
	4-1103(Q)	Permitted Uses
Establish Quarry Notification Overlay District	4-1800	Quarry Notification Overlay District (QN)

#### ARTICLE V ADDITIONAL REGULATIONS AND STANDARDS:

##### Supplemental District Regulations

Establish setbacks for decks that exceed 30" in height	5-200(B)(8)	Permitted Structures in Required Yards
	5-200(C)(1)	Permitted Structures in Required Yards
	5-200(C)(2)	Permitted Structures in Required Yards
Allow B&B's to be located on a non state-maintained road under certain conditions	5-601(A)(5)	Bed and Breakfast Homestay
	5-601(B)(5)	Bed and Breakfast Inn

## INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended	
<b>ARTICLE V (Continued)</b>		
Revise language regarding Recycling Centers and Material Recovery Facilities	5-607	Recycling Drop-Off Centers and Material Recovery Facilities
Change use of "Hotel" and/or "Motel" to "Hotel/Motel" to reflect definition chang	5-611	Hotel/Motel
	5-611(A)(1)	Locational Criteria
	5-611(A)(2)	Locational Criteria
	5-611(B)(1)	Site Development Criteria
	5-611(B)(2)	Site Development Criteria
Add language that private schools must disclose to students all uses possible in PD-IP District	5-623	PD-IP Private School Notification Standards
Delete requirement of 600' minimum distance between driveways/easements for consistency between low density developments and other subdivisions	5-701(G)(1)	Low Density Development Option/ Road Requirements
Addition of exemptions to Section 5-900	5-900	Setbacks from Specific Roads and the W&OD Trail
<b>Off-Street Parking and Loading</b>		
Revise table for parking requirements regarding Wayside Stands/Christmas Tree Stands and Nurseries/Farms Markets	5-1102(D)	Parking Table
Change State Code references to reflect recodification	5-1301	Tree Planting and Replacement/Purpose
<b>ARTICLE VI DEVELOPMENT PROCESS AND ADMINISTRATION:</b>		
<b>Boards and Commissions</b>		
Change State Code references to reflect recodification	6-201	Board of Zoning Appeals/Purpose
	6-302	Historic District Review Committee/ Authority and Establishment
<b>Enforcement of Ordinance and Notice of Public Hearings</b>		
Require new developments to provide copies of County approved plans to prospective purchasers	6-406	Full Disclosure of Development Plans
Delete language for conformity with Code of Virginia	6-503(B)	Criminal Violations
Revise civil penalties to increase fees	6-504(A)	Civil Violations

## INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended	
ARTICLE VI (Continued)		
Establish civil penalties for failure to provide County approved plans	6-504(E)(5)	Civil Violations
Add application types requiring Public Hearing Notices and Mailings	6-601(A)(1)(a)	Notice Required for Public Hearings/ First Notice
	6-601(A)(1)(b)	Notice Required for Public Hearings/ Second Notice
Amend language for public notification for rezonings changing more than 25 parcels in conformance with the Code of Virginia and add language for application types	6-601(A)(2)(a)	Notice Required for Public Hearings/ First Notice
	6-601(A)(2)(b)	Notice Required for Public Hearings/ Second Notice
Required Development Approvals		
Change State Code references to reflect recodification	6-701(I)	Site Plan Review
Procedures Before Board of Zoning Appeals		
Change State Code references to reflect recodification	6-1605	Decision on Variance Application
	6-1704	Decisions on Appeal
Historic District Procedures		
Change State Code references to reflect recodification	6-1801	Designation of Historic Districts/Authority
	6-1802(F)	Designation of Historic Districts/Intent
	6-1803(B)	Historic and Cultural Conservation
	6-1803(C)	Historic Roadway District
	6-1803(D)	Historic Access Corridor
	6-1810	Appeals
	6-1909	Right of Appeal
Establish time frame for appeal to Board of Supervisors after creation of Historic District	6-1909	Right of Appeal
ARTICLE VII ADMINISTRATION AND REGULATION OF AFFORDABLE DWELLING UNIT DEVELOPMENTS:		
Change State Code references to reflect recodification	7-102(D)(4)	Affordable Dwelling Units/Applicability
	7-108(G)	Affordable Dwelling Units/Modifications
	7-111(B)	Affordable Dwelling Units/Enforcement and Court Appeals
	7-111(C)	Affordable Dwelling Units/Enforcement and Court Appeals
Revise language to clarify intent	7-108(C)	ADU Ordinance/Modifications

## INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended	
ARTICLE VIII DEFINITIONS:		
Additional Definitions		
Hotel/Motel		
Lot Width		
Amended Definitions		
Agriculture		
Comprehensive Plan		
Family		
Lot Coverage		
Recycling Drop-Off Center, Private		
Recycling Drop-Off Center, Public		
Use, Accessory		
Deleted Definitions		
Motel		
Hotel		
<u>ZOAM 1998-0001, Adopted 1-21-99</u>		
ARTICLE VI, DIVISION D: SPECIAL DEVELOPMENT APPROVALS:		
Clarify that specified uses may be relocated by special exception	6-1511(A)(1) 6-1511(B)(1)-(5)	Approved Changes to Concept Development Plan
<u>ZOAM 1998-0002, Adopted 4-21-99</u>		
ARTICLE III URBAN DISTRICT REGULATIONS:		
Material Recovery Facility		
Eliminate MRF as a permitted use	3-903(I)	Permitted Uses
Eliminate MRF as a special exception use	3-904(Y)	Special Exception Uses
Specifically prohibit MRF in CLI District	3-907(J)(28)	Use Limitations
<u>ZOAM 1999-0001, Adopted 5-5-99</u>		
ARTICLE IV, DIVISION A: PLANNED DISTRICT REGULATIONS:		
Permit indoor kennel by special exception in the PD-CC-RC Zoning District	4-204(D)(2)	Special Exception Uses
ARTICLE V, DIVISION A: SUPPLEMENTAL DISTRICT REGULATIONS:		
Clarify/add language for Kennels/Indoor Kennels	5-606	Kennels/Indoor Kennels
ARTICLE VIII DEFINITIONS:		
Amended Definitions		
Animal Hospital		
Kennel		
Additional Definitions		
Kennel, Indoor		

## INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended	
<b><u>ZOAM 1999-0003, Adopted 10-6-99</u></b>		
<b>ARTICLE IV, SPECIAL &amp; OVERLAY DISTRICTS</b>		
<b>DIVISION A: PLANNED DISTRICT REGULATIONS:</b>		
Delete Race track, horse, permanent as permitted use in the PD-SA District	4-703(F)	PD-SA Planned Development/ Permitted Uses
<b><u>ZOAM 1999-0004, Adopted 12-1-99</u></b>		
<b>ARTICLE IV, SPECIAL &amp; OVERLAY DISTRICTS</b>		
<b>DIVISION A: PLANNED DISTRICT REGULATIONS:</b>		
Add Vehicle Wholesale Auction as permitted use in the PD-GI District	4-603(KK)	PD-GI Planned Development/ Permitted Uses
<b>ARTICLE V, ADDITIONAL REGULATIONS AND STANDARDS</b>		
<b>DIVISION A: SUPPLEMENTAL DISTRICT REGULATIONS:</b>		
Add locational criteria and site development criteria for Vehicle Wholesale Auction	5-624	Vehicle Wholesale Auction
<b>DIVISION B: OFF-STREET PARKING AND LOADING:</b>		
Add parking and loading requirements for Vehicle Wholesale Auction	5-1102(D)	Parking and Loading Requirements by Use
<b>DIVISION D: LANDSCAPING, BUFFERING AND TREE PRESERVATION:</b>		
Add buffer yard requirements for Vehicle Wholesale Auction	5-1414(A)	Buffer Yard and Screening Matrix
<b>ARTICLE VIII DEFINITIONS:</b>		
<b>Additional Definitions:</b>		
Vehicle Wholesale Auction		

# INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended	
<b><u>ZOAM 2000-0001, Adopted 7-10/00</u></b>		
<b>ARTICLE VI, DEVELOPMENT PROCESS AND ADMINISTRATION</b>		
<b>DIVISION A: BOARDS AND COMMISSIONS:</b>		
Clarify when a BZA member must be disqualified from action	6-203(G)	Board of Zoning Appeals/ Membership
Delete the Zoning Administrator as Secretary to the BZA	6-204(B)	Board of Zoning Appeals/ Officers
Add SPEX for errors in building location to BZA powers and duties; re-letter subsequent paragraphs	6-206	Board of Zoning Appeals/ Powers and Duties
<b>DIVISION B: ADMINISTRATION AND ENFORCEMENT OF ORDINANCE AND NOTICE OF PUBLIC HEARINGS:</b>		
Delete commission permits and re-number 6-401(A)(6) to 6-401(A)(5)	6-401(A)(5)	Administration/ Zoning Administrator
Criminal violations limited to those violations which result in physical harm or injury to a person	6-503	Enforcement and Penalties/ Criminal Violations
All other violations are civil violations and citations may be given by ticket or summons and may be conspicuously posted at site of violation. Delete Paragraph (E)	6-504	Enforcement and Penalties/ Civil Violations
Editorial changes to entire section. Clarify that proffer appeals are subject to public hearing	6-600	Notice Required for Public Hearings
<b>DIVISION C: REQUIRED DEVELOPMENT APPROVALS:</b>		
Add uses (J) Above-ground structures associated with utilities, and (K) Parking, to uses required to obtain a site plan. Add cross-references to FSM and specifically require as applicable; approved CDP, ZMAP plat or SPEX plat, copy teste, copy of approved proffers or conditions and relevant government correspondence	6-700	Site Plan Review
Specifically exempt “agriculture” from zoning permit requirements. Add change in non-residential tenancy to requirements for zoning permit	6-1000	Zoning Permits
Allow authorized agent to apply for zoning permit, in addition to property owner	6-1001	Application for Zoning Permit
Clarify that zoning permit fees are non-refundable	6-1004	Zoning Permit Fees

## INDEX OF ZONING ORDINANCE AMENDMENTS

Subject	Sections Amended	
<b>ARTICLE VI (Continued)</b>		
Change commission permit responsibilities from Zoning Administrator to Planning Commission through Department of Planning	6-1100	Commission Permit
<b>DIVISION D: SPECIAL DEVELOPMENT APPROVALS:</b>		
Substantially revise Zoning Amendment process. Clarify that owner consent is required when amendment is initiated by application	6-1200	Zoning Amendment
Substantially revise SPEX process	6-1300	Special Exception
Modifications may only be granted in PD Districts if request exceeds the purpose of the regulation being modified	6-1504	Rezoning to PD Districts/ Modifications
Delete specific submission requirements and require documents as required by the Board of Supervisors pursuant to Section 6-403	6-1505	Rezoning to PD Districts/ Concept Development Plan/ Submission Requirements
<b>DIVISION E: PROCEDURES BEFORE BOARD OF ZONING APPEALS:</b>		
Add requirement that a plat submitted as part of a variance application must be submitted by a licensed professional operating within scope of license	6-1604(G)	Variances/ Application for Variance
Add a new section for SPEX’s for errors in Building Location	6-1612	Variances/Special Exceptions for Errors in Building Location
Specify materials to be submitted within 30 days to be considered a timely filed appeal	6-1702 6-1707	Appeals/When Appeals May Be Taken/Submission of Appeal
<b>DIVISION F: HISTORIC DISTRICT PROCEDURES:</b>		
Change the number of affected property owners who must submit an affidavit to create an historic district	6-1801 6-1803	Designation of Historic Districts/ Authority/Criteria for Designation of Historic Districts
Clarify that setbacks and minimum required yards may be modified by Zoning Administrator	6-1805	Designation of Historic Districts/ Effect of Designation on Existing Zoning
Change responsibilities from Zoning Administrator to Director of Planning	6-1808	Designation of Historic Districts/ Maintenance of Inventory of Buildings and Structures
Add cross-reference that building permit is also required to demolish historic structure	6-1903	Permits in Historic Districts/ Permit for Razing or Demolition
Change responsibilities from Zoning Administrator to Director of Planning	6-1904	Permits in Historic Districts/ Application and Procedures

## INDEX OF ZONING ORDINANCE AMENDMENTS

### Subject

### Sections Amended

#### ZOAM 2000-0002, Adopted 7-10-00

#### ARTICLE VII, ADMINISTRATION AND REGULATION OF AFFORDABLE DWELLING UNIT DEVELOPMENTS:

##### **Affordable Dwelling Unit Developments**

Amend Article VII to change the number of	7-101	Purpose
ADU's required and density bonus to	7-103	Affordable Dwelling Unit Density
6.25%:10%; allow the developer the		Adjustments
opportunity to fully cash out of the	7-105	Review of Site or Subdivision
ADU program in Single Family Detached		Plans within 90 days
Developments only	7-108	Modifications

**LOUDOUN COUNTY, VIRGINIA**  
**1993 ZONING ORDINANCE**  
**Amended through July 10, 2000**

**TABLE OF CONTENTS**

	<u>Page</u>
<b>ARTICLE I. GENERAL REGULATIONS</b>	
<b>Sec. 1-100. Title, Purpose and Intent and Application of Ordinance</b>	<b>1</b>
Sec. 1-101. Title	
Sec. 1-102. Goals, Purpose and Intent	
Sec. 1-103. Application of Ordinance	
 <b>Sec. 1-200. Interpretation of Ordinance</b>	 <b>10</b>
Sec. 1-201. Provisions are Minimum Requirements	
Sec. 1-202. Interpretation of Terms	
Sec. 1-203. Unspecified Uses	
Sec. 1-204. Adding Unspecified Uses to the District Regulations	
Sec. 1-205. Limitations and Methods for Measurements of Lots, Yards & Related Terms	
Sec. 1-206. Calculations of Density	
 <b>Sec. 1-300. Zoning Map and District Boundaries</b>	 <b>19</b>
 <b>Sec. 1-400. Nonconformities</b>	 <b>21</b>
Sec. 1-401. Purpose and Scope	
Sec. 1-402. Nonconforming Uses	
Sec. 1-403. Nonconforming Structures	
Sec. 1-404. Nonconforming Lots	
Sec. 1-405. Procedure for Removal of Nonconforming Status	
 <b>ARTICLE II. RURAL DISTRICT REGULATIONS</b>	
 <b>Sec. 2-100. A-25 Agriculture</b>	 <b>2</b>
Sec. 2-101. Purpose	
Sec. 2-102. Permitted Uses	
Sec. 2-103. Special Exception Uses	
Sec. 2-104. Lot Requirements	
Sec. 2-105. Creation of Lots	
Sec. 2-106. Building Requirements	
Sec. 2-107. Lot Access	
Sec. 2-108. Use Limitations	
 <b>Sec. 2-200. A-10 Agriculture</b>	 <b>9</b>
Sec. 2-201. Purpose	
Sec. 2-202. Permitted Uses	
Sec. 2-203. Special Exception Uses	
Sec. 2-204. Lot Requirements	
Sec. 2-205. Lot Requirements for Cluster Development	
Sec. 2-206. Building Requirements	
Sec. 2-207. Use Limitations	

<b>Sec. 2-300. A-3 Agricultural Residential</b>	<u>Page</u> 15
Sec. 2-301. Purpose	
Sec. 2-302. Permitted Uses	
Sec. 2-303. Special Exception Uses	
Sec. 2-304. Lot Requirements	
Sec. 2-305. Building Requirements	
Sec. 2-306. Use Limitations	
 Sec. 2-400. RR Rural Residential	 21
Sec. 2-401. Purpose	
Sec. 2-402. Permitted Uses	
Sec. 2-403. Special Exception Uses	
Sec. 2-404. Lot Requirements	
Sec. 2-405. Building Requirements	
 Sec. 2-500. CR-1 Countryside Residential-1	 25
Sec. 2-501. Purpose	
Sec. 2-502. Size and Location	
Sec. 2-503. Permitted Uses	
Sec. 2-504. Special Exception Uses	
Sec. 2-505. Lot Requirements for Lots Served By On-site Well and Wastewater Systems	
Sec. 2-506. Lot Requirements for Lots Served by Public Sewer/Cluster Option	
Sec. 2-507. Lot Requirements for Compact Cluster Development Option	
Sec. 2-508. Building Requirements for Lots Served By On-site Well and Wastewater Systems	
Sec. 2-509. Building Requirements for Lots Served by Public Sewer/Cluster Option and Compact Cluster Development Option	
Sec. 2-510. Utility Requirements	
Sec. 2-511. Development Setback and Access from Major Roads	
 Sec. 2-600. CR-2 Countryside Residential-2	 32
Sec. 2-601. Purpose	
Sec. 2-602. Size and Location	
Sec. 2-603. Permitted Uses	
Sec. 2-604. Special Exception Uses	
Sec. 2-605. Lot Requirements for Lots Served By On-site Well and Wastewater Systems	
Sec. 2-606. Lot Requirements for Lots Served by Either Public Water or Public Sewer	
Sec. 2-607. Lot Requirements for Compact Cluster Development Option	
Sec. 2-608. Building Requirements for Lots Served By On-site Well and Wastewater Systems	
Sec. 2-609. Building Requirements for Lots Served by Either Public Water or Public Sewer	
Sec. 2-610. Building Requirements for Compact Cluster Development Option	
Sec. 2-611. Utility Requirements	
Sec. 2-612. Development Setback and Access from Major Roads	

**Sec. 2-700. CR-3 Countryside Residential-3**

- Sec. 2-701. Purpose
- Sec. 2-702. Size and Location
- Sec. 2-703. Permitted Uses
- Sec. 2-704. Special Exception Uses
- Sec. 2-705. Lot Requirements for Lots Served By On-site Well and Wastewater Systems
- Sec. 2-706. Lot Requirements for Lots Served by Public Sewer Only
- Sec. 2-707. Lot Requirements for Compact Cluster Development Option
- Sec. 2-708. Building Requirements for Lots Served By On-site Well and Wastewater Systems
- Sec. 2-709. Building Requirements for Lots Served By Public Sewer Only
- Sec. 2-710. Building Requirements for Compact Cluster Development Option
- Sec. 2-711. Utility Requirements
- Sec. 2-712. Development Setback and Access from Major Roads

**Sec. 2-800. CR-4 Countryside Residential-4**

44

- Sec. 2-801. Purpose
- Sec. 2-802. Size and Location
- Sec. 2-803. Permitted Uses
- Sec. 2-804. Special Exception Uses
- Sec. 2-805. Lot Requirements for Lots Served By On-site Well and Septic Wastewater Systems
- Sec. 2-806. Lot Requirements for Lots Served by Either Public Water or Public Sewer
- Sec. 2-807. Lot Requirements for Lots Served by Both Public Water and Public Sewer
- Sec. 2-808. Building Requirements for Lots Served By On-site Well and Wastewater Systems
- Sec. 2-809. Building Requirements for Lots Served by Either Public Water or Public Sewer
- Sec. 2-810. Building Requirements for Lots Served by Both Public Water and Public Sewer
- Sec. 2-811. Utility Requirements
- Sec. 2-812. Development Setback and Access from Major Roads

**Sec. 2-900. RC Rural Commercial District**

49

- Sec. 2-901. Purpose
- Sec. 2-902. Size and Location
- Sec. 2-903. Permitted Uses
- Sec. 2-904. Special Exception Uses
- Sec. 2-905. Lot Requirements
- Sec. 2-906. Building Requirements
- Sec. 2-907. Use Limitations

**ARTICLE III. URBAN DISTRICT REGULATIONS**

**Sec. 3-100. R-1 Single Family Residential**

2

- Sec. 3-101. Purpose
- Sec. 3-102. Permitted Uses
- Sec. 3-103. Special Exception Uses
- Sec. 3-104. Lot Requirements for Suburban Design Option
- Sec. 3-105. Lot Requirements for Cluster Developments Reducing lot size up to 20%
- Sec. 3-106. Lot Requirements for Cluster Development Reducing lot sizes 20% to 50%
- Sec. 3-107. Building Requirements
- Sec. 3-108. Building Requirements for Cluster Development Reducing lot size up to 20%
- Sec. 3-109. Building Requirements for Cluster Development Reducing lot sizes from 20% to 50%
- Sec. 3-110. Utility Requirements
- Sec. 3-111. Development Setback and Access from Major Roads

<b>Sec. 3-200. R-2 Single Family Residential</b>	<u>Page</u> 8
Sec. 3-201. Purpose	
Sec. 3-202. Permitted Uses	
Sec. 3-203. Special Exception Uses	
Sec. 3-204. Lot Requirements for Suburban Design Option	
Sec. 3-205. Lot Requirements for Traditional Design Option	
Sec. 3-206. Lot Requirements for Cluster Development Reducing lot sizes up to 20%	
Sec. 3-207. Lot Requirements for Cluster Development Reducing lot sizes from 20% to 50%	
Sec. 3-208. Building Requirements for Suburban Design Options	
Sec. 3-209. Building Requirements for Cluster Development Reducing lot sizes up to 20%	
Sec. 3-210. Building Requirements for Traditional Design Option or Cluster Development Reducing lot sizes from 20% to 50%	
Sec. 3-211. Utility Requirements	
Sec. 3-212. Development Setback and Access from Major Roads	
 <b>Sec. 3-300. R-3 Single Family Residential</b>	 15
Sec. 3-301. Purpose	
Sec. 3-302. Permitted Uses	
Sec. 3-303. Special Exception Uses	
Sec. 3-304. Lot Requirements for Suburban Design Option	
Sec. 3-305. Lot Requirements for Traditional Design Option	
Sec. 3-306. Lot Requirements for Cluster Development Reducing lot sizes up to 20%	
Sec. 3-307. Lot Requirements for Cluster Development Reducing lot sizes from 20% to 50%	
Sec. 3-308. Building Requirements for Suburban Design Option and Cluster Development Reducing lot sizes up to 20%	
Sec. 3-309. Building Requirements for Traditional Design Option	
Sec. 3-310. Building Requirements for Cluster Development Reducing lot sizes from 20% to 50%	
Sec. 3-311. Active Recreation Space	
Sec. 3-312. Utility Requirements	
Sec. 3-313. Development Setback And Access from Major Roads	
 <b>Sec. 3-400. R-4 Single Family Residential</b>	 22
Sec. 3-401. Purpose	
Sec. 3-402. Permitted Uses	
Sec. 3-403. Special Exception Uses	
Sec. 3-404. Lot Requirements for Suburban Design Option	
Sec. 3-405. Lot Requirements for Traditional Design Option	
Sec. 3-406. Lot Requirements for Cluster Development Reducing lot sizes up to 20%	
Sec. 3-407. Lot Requirements for Cluster Development Reducing lot sizes from 20% to 50%	
Sec. 3-408. Building Requirements for Suburban Design Option	
Sec. 3-409. Building Requirements for Traditional Design Option or Cluster Development	
Sec. 3-410. Active Recreation Space	
Sec. 3-411. Utility Requirements	
Sec. 3-412. Development Setback and Access form Major Roads	

<b>Sec. 3-500. R-8 Single Family Residential</b>	<u>Page</u> 29
Sec. 3-501. Purpose	
Sec. 3-502. Size and Location	
Sec. 3-503. Permitted Uses	
Sec. 3-504. Special Exception Uses	
Sec. 3-505. Maximum Residential Density	
Sec. 3-506. Lot Requirements	
Sec. 3-507. Lot Requirements for Traditional Design Option for Single Family Detached	
Sec. 3-508. Building Requirements	
Sec. 3-509. Open Space	
Sec. 3-510. Utility Requirements	
Sec. 3-511. Development Setback and Access From Major Roads	
 <b>Sec. 3-600. R-16 Townhouse/Multifamily Residential</b>	 36
Sec. 3-601. Purpose	
Sec. 3-602. Size and Location	
Sec. 3-603. Permitted Uses	
Sec. 3-604. Special Exception Uses	
Sec. 3-605. Maximum Residential Density	
Sec. 3-606. Lot Requirements	
Sec. 3-607. Building Requirements	
Sec. 3-608. Open Space	
Sec. 3-609. Utility Requirements	
Sec. 3-610. Development Setback And Access from Major Roads	
 <b>Sec. 3-700. R-24 Multifamily Residential</b>	 42
Sec. 3-701. Purpose	
Sec. 3-702. Size and Location	
Sec. 3-703. Permitted Uses	
Sec. 3-704. Special Exception Uses	
Sec. 3-705. Maximum Residential Density	
Sec. 3-706. Lot Requirements	
Sec. 3-707. Building Requirements	
Sec. 3-708. Open Space	
Sec. 3-709. Utility Requirements	
Sec. 3-710. Development Setback and Access from Major Roads	
 <b>Sec. 3-800. GB General Business</b>	 47
Sec. 3-801. Purpose	
Sec. 3-802. Size and Location	
Sec. 3-803. Permitted Uses	
Sec. 3-804. Special Exception Uses	
Sec. 3-805. Lot Requirements	
Sec. 3-806. Building Requirements	
Sec. 3-807. Use Limitations	

**Sec. 3-900. CLI Commercial Light Industry**

- Sec. 3-901. Purpose
- Sec. 3-902. Size and Location
- Sec. 3-903. Permitted Uses
- Sec. 3-904. Special Exception Uses
- Sec. 3-905. Lot Requirements
- Sec. 3-906. Building Requirements
- Sec. 3-907. Use Limitations

**Sec. 3-1000. MR-HI Mineral Resource-Heavy Industry**

62

- Sec. 3-1001. Purpose
- Sec. 3-1002. Size and Location
- Sec. 3-1003. Permitted Uses
- Sec. 3-1004. Special Exception Uses
- Sec. 3-1005. Lot Requirements
- Sec. 3-1006. Building Requirements
- Sec. 3-1007. Use Limitations
- Sec. 3-1008. Stone Quarrying Special Exception Permit Applications

**ARTICLE IV. SPECIAL & OVERLAY DISTRICTS**

Division A: Planned District Regulations

**Sec. 4-100. PD-H Planned Development-Housing**

1

- Sec. 4-101. Purpose
- Sec. 4-102. Size and Location
- Sec. 4-103. Timing of Development
- Sec. 4-104. Zoning Regulations Generally
- Sec. 4-105. Retail and Service Uses
- Sec. 4-106. Planned Shopping Centers
- Sec. 4-107. Convenience Establishments
- Sec. 4-108. PD-OP and PD-IP Uses
- Sec. 4-109. Site Planning - External Relationships
- Sec. 4-110. Site Planning - Internal Relationships
- Sec. 4-111. Open Space

**Sec. 4-200. PD-CC Planned Development - Commercial Center**

12

- Sec. 4-201. Purpose
- Sec. 4-202. Purpose, Size and Location of Individual Districts
- Sec. 4-203. Permitted Uses
- Sec. 4-204. Special Exception Uses
- Sec. 4-205. Lot Requirements
- Sec. 4-206. Building Requirements
- Sec. 4-207. Use Limitations

**Sec. 4-300. PD-OP Planned Development - Office Park**

25

- Sec. 4-301. Purpose
- Sec. 4-302. Size and Location
- Sec. 4-303. Permitted Uses
- Sec. 4-304. Special Exception Uses
- Sec. 4-305. Lot Requirements
- Sec. 4-306. Building Requirements
- Sec. 4-307. Use Limitations

<b>Sec. 4-400. PD-RDP Planned Development - Research and Development Park</b>	<u>Page</u> 33
Sec. 4-401. Purpose and Intent	
Sec. 4-402. Size and Location	
Sec. 4-403. Permitted Uses	
Sec. 4-404. Special Exception Uses	
Sec. 4-405. Lot Requirements	
Sec. 4-406. Building Requirements	
Sec. 4-407. Use Limitations	
 <b>Sec. 4-500. PD-IP Planned Development - Industrial Park</b>	 42
Sec. 4-501. Purpose	
Sec. 4-502. Size and Location	
Sec. 4-503. Permitted Uses	
Sec. 4-504. Special Exception Uses	
Sec. 4-505. Lot Requirements	
Sec. 4-506. Building Requirements	
Sec. 4-507. Use Limitations	
 <b>Sec. 4-600. PD-GI Planned Development - General Industry</b>	 50
Sec. 4-601. Purpose	
Sec. 4-602. Size and Location	
Sec. 4-603. Permitted Uses	
Sec. 4-604. Special Exception Uses	
Sec. 4-605. Lot Requirements	
Sec. 4-606. Building Requirements	
Sec. 4-607. Use Limitations	
 <b>Sec. 4-700. PD-SA Planned Development - Special Activity</b>	 58
Sec. 4-701. Purpose	
Sec. 4-702. Size and Location	
Sec. 4-703. Permitted Uses	
Sec. 4-704. Special Exception Uses	
Sec. 4-705. Lot Requirements	
Sec. 4-706. Building Requirements	
Sec. 4-707. Use Limitations	
 <b>Sec. 4-800. PD-TC Planned Development - Town Center</b>	 64
Sec. 4-801. Purpose	
Sec. 4-802. Size, Location and Components	
Sec. 4-803. Permitted Uses	
Sec. 4-804. Special Exception Uses	
Sec. 4-805. Lot Requirements	
Sec. 4-806. Building Requirements	
Sec. 4-807. Land Assembly Requirements	
Sec. 4-808. Land Use Arrangement and Use Limitations	
 <b>Sec. 4-900. PD-TT Planned Development - Traditional Town</b>	 75
Sec. 4-901. Purpose	
Sec. 4-902. Size and Location	
Sec. 4-903. Permitted Uses	
Sec. 4-904. Special Exception Uses	
Sec. 4-905. Lot Requirements	
Sec. 4-906. Building Requirements	
Sec. 4-907. Land Assembly Requirements	

**Sec. 4-908. Land Use Arrangement and Use Limitations**

<b>Sec. 4-1000. PD-UC Planned Development - Urban Center</b>	<b>87</b>
Sec. 4-1001. Purpose	
Sec. 4-1002. Size, Location and Components	
Sec. 4-1003. Permitted Uses	
Sec. 4-1004. Special Exception Uses	
Sec. 4-1005. Lot Requirements	
Sec. 4-1006. Building Requirements	
Sec. 4-1007. Land Assembly for the Urban Center	
Sec. 4-1008. Land Use Arrangement and Use Limitations	
 <b>Sec. 4-1100. PD-TRC Planned Development - Transit Related Center</b>	 <b>97</b>
Sec. 4-1101. Purpose	
Sec. 4-1102. Size	
Sec. 4-1103. Permitted Uses	
Sec. 4-1104. Special Exception Uses	
Sec. 4-1105. Lot Requirements	
Sec. 4-1106. Building Requirements	
Sec. 4-1107. Open Space Requirements	
Sec. 4-1108. Land Assembly Use Requirements	
Sec. 4-1109. Land Use Arrangement and Use Limitations	
 <b>Sec. 4-1200. PD-RV Planned Development - Rural Village</b>	 <b>104</b>
Sec. 4-1201. Purpose	
Sec. 4-1202. District Size and Location	
Sec. 4-1203. Design of the Concept Development Plan	
Sec. 4-1204. Transportation Requirements	
Sec. 4-1205. Purpose and Intent of Subdistricts and Areas	
Sec. 4-1206. Size and Location of Subdistricts	
Sec. 4-1207. Land Use Mix	
Sec. 4-1208. Development Potential in the Rural Village District	
Sec. 4-1209. Permitted Uses	
Sec. 4-1210. Special Exception Uses	
Sec. 4-1211. Permitted Uses on Civic Lots	
Sec. 4-1212. Use Limitation	
Sec. 4-1213. Lot and Building Requirements	
Sec. 4-1214. Utility Design and Financing Requirements	
Sec. 4-1215. Utilities	
Sec. 4-1216. Land Use Arrangement	
Sec. 4-1217. Village Governance	
Sec. 4-1218. Modification of Regulations	

	<u>Page</u>
<b>Sec. 4-1300. PD-AAAR Planned Development - Active Adult/Age Restricted</b>	131
Sec. 4-1301. Purpose	
Sec. 4-1302. Size and Location	
Sec. 4-1303. Required Uses	
Sec. 4-1304. Permitted Uses	
Sec. 4-1305. Special Exception Uses	
Sec. 4-1306. Maximum Residential Density	
Sec. 4-1307. Lot Requirements	
Sec. 4-1308. Building Requirements	
Sec. 4-1309. Common Open Space, Including Recreational Spaces	
Sec. 4-1310. Utility Requirements	
Sec. 4-1311. Development Setback and Access from Major Roads	
Sec. 4-1312. Development Criteria	
Sec. 4-1313. Age of Residents	
Sec. 4-1314. Common Areas, Recreational Facilities	
Sec. 4-1315. Site Planning - External Relationships	
Sec. 4-1316. Site Planning - Internal Relationships	
 <b>Sec. 4-1317. PD-CV Planned Development - Countryside Village RESERVED</b>	 140
 <u>Division B: Historic Districts</u>	 141
 <u>Division C: Environmental Impact Districts</u>	
 <b>Sec. 4-1400. AI Airport Impact Overlay District</b>	 142
Sec. 4-1401. Purpose	
Sec. 4-1402. District Boundaries	
Sec. 4-1403. Overlay District Established	
Sec. 4-1404. Use Limitations	
Sec. 4-1405. Disclosure	
Sec. 4-1406. Definitions	
 <b>Sec. 4-1500. FOD Floodplain Overlay District</b>	 146
Sec. 4-1501. Purpose and Intent	
Sec. 4-1502. Authority	
Sec. 4-1503. Definitions	
Sec. 4-1504. Administration	
Sec. 4-1505. Permitted Uses	
Sec. 4-1506. Special Exception Uses	
Sec. 4-1507. Standards For A Special Exception	
Sec. 4-1508. Alterations	
Sec. 4-1509. Grading Plans and Construction Plans and Profiles Required	
Sec. 4-1510. Floodplain Information to be Submitted with Land Development Actions	
Sec. 4-1511. Density Calculations	
 <b>Sec. 4-1600. MDOD Mountainside Development Overlay District</b>	 157
Sec. 4-1601. Purpose and Intent	
Sec. 4-1602. Mountainside Development Overlay District Established	
Sec. 4-1603. Uses in the Mountainside Development Overlay District	
Sec. 4-1604. Performance Standards in Somewhat Sensitive and Sensitive Areas	
Sec. 4-1605. Performance Standards in Highly Sensitive Areas	
Sec. 4-1606. Procedures	

<b>Sec. 4-1700. TI Transportation Impact Overlay District</b>	<b>RESERVED</b>	<u>Page</u> 163
<b>Sec. 4-1800. QN Quarry Notification Overlay District</b>		164
Sec. 4-1801. Purpose		
Sec. 4-1802. District Boundaries		
Sec. 4-1803. Overlay District Established		
Sec. 4-1804. Use Limitations		

## **ARTICLE V. ADDITIONAL REGULATIONS AND STANDARDS**

### Division A: Supplemental District Regulations

<b>Sec. 5-100. Accessory Uses and Structures</b>	<b>1</b>
Sec. 5-101. Permitted Accessory Uses and Structures	
Sec. 5-102. Use Limitations	
<b>Sec. 5-200. Permitted Structures in Required Yards</b>	<b>4</b>
<b>Sec. 5-300. Visibility at Intersections</b>	<b>7</b>
<b>Sec. 5-400. Home Occupations</b>	<b>8</b>
<b>Sec. 5-500. Temporary Uses/Zoning Permits</b>	<b>9</b>
<b>Sec. 5-600. Additional Regulations for Specific Uses</b>	<b>11</b>
Sec. 5-601. Bed And Breakfast and Rural Guest Establishments	
Sec. 5-602. Tenant Dwellings	
Sec. 5-603. Farm Markets	
Sec. 5-604. Wayside Stands	
Sec. 5-605. Commercial Nurseries	
Sec. 5-606. Kennels/Indoor Kennels	
Sec. 5-607. Recycling Drop-Off Centers and Material Recovery Facilities	
Sec. 5-608. Flex Industrial Uses	
Sec. 5-609. Child Care Facilities	
Sec. 5-610. Hospitals	
Sec. 5-611. Hotel/Motel	
Sec. 5-612. Guest Houses	
Sec. 5-613. Accessory Apartments and Dwelling Units	
Sec. 5-614. Small Businesses in the A-3, A-10 and A-25 Districts	
Sec. 5-615. Farm Machinery Sales and Service	
Sec. 5-616. Utility Substations	
Sec. 5-617. Freestanding Convenience Food Stores	
Sec. 5-618. Telecommunications Use and/or Structures	
Sec. 5-619. Rural Agricultural Corporate Retreat	
Sec. 5-620. Manufactured Housing	
Sec. 5-621. Public Utilities	
Sec. 5-622. Magazine Contained Explosives Facilities	
Sec. 5-623. PD-IP Private School Notification Standards	
Sec. 5-624. Vehicle Wholesale Auction	
<b>Sec. 5-700. Regulations for Optional Development Types</b>	<b>52</b>
Sec. 5-701. Low Density Development Option	
Sec. 5-702. Rural Hamlet Option	
Sec. 5-703. Countryside Hamlet Option	
Sec. 5-704. Common Open Space for Permitted Urban Clusters	

**Sec. 5-705. Hardship Lots in A-3, A-25, and A-10 Agriculture Districts**

<b>Sec. 5-800. Limitations on Vehicles in Residential Districts</b>	<u>Page</u> 77
<b>Sec. 5-900. Setbacks from Specific Roads and the W&amp;OD Trail</b>	78
<b>Sec. 5-1000. Scenic Creek Valley Buffer</b>	80
Sec. 5-1001. Purpose and Intent	
Sec. 5-1002. Scenic Creek Valley Buffer Established	
Sec. 5-1003. Effect of Buffer	
Sec. 5-1004. Existing Lot Criteria	
Sec. 5-1005. Development Criteria	
<b><u>Division B: Off-Street Parking and Loading</u></b>	
<b>Sec. 5-1100 Off-Street Parking and Loading Requirements</b>	82
Sec. 5-1101 Compliance Required	
Sec. 5-1102 Number of Parking and Loading Spaces Required	
Sec. 5-1103 General Location Requirements	
<b><u>Division C: Sign Regulations</u></b>	
<b>Sec. 5-1200. Sign Regulations</b>	99
Sec. 5-1201. Purpose	
Sec. 5-1202. General Provisions	
Sec. 5-1203. Administration and Enforcement	
Sec. 5-1204. Sign Requirements	
<b><u>Division D: Landscaping, Buffering and Tree Preservation</u></b>	
<b>Sec. 5-1300. Tree Planting and Replacement</b>	103
Sec. 5-1301. Purpose	
Sec. 5-1302. General Standards	
Sec. 5-1303. Canopy Requirements	
Sec. 5-1304. Variations	
Sec. 5-1305. Enforcement	
<b>Sec. 5-1400. Buffering and Screening</b>	106
Sec. 5-1401. Purpose	
Sec. 5-1402. Applicability	
Sec. 5-1403. Standards	
Sec. 5-1404. Landscaping Plan	
Sec. 5-1405. Buffer Yards and Screening, General Provisions	
Sec. 5-1406. Determination of Buffer Yard Requirements	
Sec. 5-1407. Buffer Yard and Screening Requirements	
Sec. 5-1408. Use of Buffer Yards	
Sec. 5-1409. Buffer Yard Waivers and Modifications	
Sec. 5-1410. Maintenance	
Sec. 5-1411. Bond/Cash Deposit Requirements	
Sec. 5-1412. Appeals	
Sec. 5-1413. Parking Lot Landscaping and Screening Requirements	
Sec. 5-1414. Buffer Yard and Screening Matrix	

Division E: Performance Standards

**Sec. 5-1500. Performance Standards**

131

- Sec. 5-1501. Purpose
- Sec. 5-1502. Zoning Districts Regulated
- Sec. 5-1503. Applicability
- Sec. 5-1504. Light And Glare Standards
- Sec. 5-1505. Earthborn Vibration Standards
- Sec. 5-1506. Stone Quarrying, Extraction and Mining Standards
- Sec. 5-1507. Noise Standards
- Sec. 5-1508. Steep Slope Standards
- Sec. 5-1509. Administration of Performance Standards
- Sec. 5-1510. Enforcement of Performance Standards

**ARTICLE VI. DEVELOPMENT PROCESS AND ADMINISTRATION**

Division A: Boards and Commissions

**Sec. 6-100. Planning Commission**

1

- Sec. 6-101. Purpose
- Sec. 6-102. Establishment
- Sec. 6-103. Membership
- Sec. 6-104. Meetings
- Sec. 6-105. Records
- Sec. 6-106. Duties

**Sec. 6-200. Board of Zoning Appeals**

4

- Sec. 6-201. Purpose
- Sec. 6-202. Authority and Establishment
- Sec. 6-203. Membership
- Sec. 6-204. Officers
- Sec. 6-205. Meetings and Hearings
- Sec. 6-206. Powers and Duties
- Sec. 6-207. Records
- Sec. 6-208. Periodic Report
- Sec. 6-209. Limitations
- Sec. 6-210. Decisions Subject to Judicial Review

**Sec. 6-300. Historic District Review Committee**

9

- Sec. 6-301. Purpose
- Sec. 6-302. Authority and Establishment
- Sec. 6-303. Membership
- Sec. 6-304. Officers
- Sec. 6-305. Meetings
- Sec. 6-306. Records
- Sec. 6-307. Powers and Duties

Division B: Administration and Enforcement of Ordinance and Notice of Public Hearings

**Sec. 6-400. Administration**

12

- Sec. 6-401. Zoning Administrator
- Sec. 6-402. Fees
- Sec. 6-403. Submission Requirements
- Sec. 6-404. Speakers at Public Hearings
- Sec. 6-405. Inactive Applications
- Sec. 6-406. Full Disclosure of Development Plans



	<u>Page</u>
<b>Sec. 6-500. Enforcement and Penalties</b>	16
Sec. 6-501. Zoning Administrator	
Sec. 6-502. General Provisions	
Sec. 6-503. Criminal Violations	
Sec. 6-504. Civil Violations	
 <b>Sec. 6-600. Notice Required for Public Hearings</b>	 19
Sec. 6-601. Required Notice	
Sec. 6-602. Notice Requirement for Adoption of Submission Checklist	
Sec. 6-603. Cost of Notice	
Sec. 6-604. Additional Notice Required	
 <b><u>Division C. Required Development Approvals</u></b>	
 <b>Sec. 6-700. Site Plan Review</b>	 27
Sec. 6-701. Site Plan Required	
Sec. 6-702. Site Plan Requirements	
 <b>Sec. 6-800. Subdivision Approval</b>	 29
 <b>Sec. 6-900. Additional County, State and Federal Approvals Required for Development</b>	 30
 <b>Sec. 6-1000. Zoning Permits</b>	 31
Sec. 6-1001. Application for Zoning Permit	
Sec. 6-1002. Standards for Issuance	
Sec. 6-1003. Duration of Valid Zoning Permit	
Sec. 6-1004. Zoning Permit Fees	
 <b>Sec. 6-1100. Commission Permit</b>	 33
Sec. 6-1101. Permit Required	
Sec. 6-1102. Application	
Sec. 6-1103. Planning Commission Action	
Sec. 6-1104. Board of Supervisors	
Sec. 6-1105. Appeal	
 <b><u>Division D. Special Development Approvals</u></b>	
 <b>Sec. 6-1200. Zoning Amendment</b>	 35
Sec. 6-1201. Authority	
Sec. 6-1202. Initiation of Amendment	
Sec. 6-1203. Review of Application	
Sec. 6-1204. Staff Review of Application	
Sec. 6-1205. Amendment to Application	
Sec. 6-1206. Withdrawal of Application	
Sec. 6-1207. Limitation on Application After Denial	
Sec. 6-1208. Conditional Zoning	
Sec. 6-1209. Proffered Conditions	
Sec. 6-1210. Planning Commission Hearing	
Sec. 6-1211. Report By Planning Commission	
Sec. 6-1212. Hearing Before Board of Supervisors	
Sec. 6-1213. Action By Board of Supervisors	
Sec. 6-1214. Evidentiary Matters Before Board of Supervisors	
Sec. 6-1215. A-25 District Rezoning - Special Provisions	

**Sec. 6-1300. Special Exception**

48

- Sec. 6-1301. Purpose
- Sec. 6-1302. Authorized Special Exception Uses
- Sec. 6-1303. Review of Application
- Sec. 6-1304. Staff Review of Application
- Sec. 6-1305. Amendment to Application
- Sec. 6-1306. Withdrawal of Application
- Sec. 6-1307. Limitation on Application After Denial
- Sec. 6-1308. Planning Commission Hearing
- Sec. 6-1309. Board of Supervisors Hearing
- Sec. 6-1310. Issues for Consideration
- Sec. 6-1311. Conditions and Restrictions
- Sec. 6-1312. Effect of Issuance of a Permit For a Special Exception
- Sec. 6-1313. Period of Validity
- Sec. 6-1314. Rehearing
- Sec. 6-1315. Status of Special Exception Uses
- Sec. 6-1316. Modifications to Approved Special Exceptions

**Sec. 6-1400. Cluster Developments in Urban Residential Districts**

57

- Sec. 6-1401. Authority
- Sec. 6-1402. Purpose
- Sec. 6-1403. Cluster Development Limitations
- Sec. 6-1404. Cluster Open Space Requirements
- Sec. 6-1405. Optional Joint Approval
- Sec. 6-1406. Considerations of Review

**Sec. 6-1500. Rezoning to Planned Development (PD) Districts**

60

- Sec. 6-1501. Authority
- Sec. 6-1502. Purpose
- Sec. 6-1503. Application
- Sec. 6-1504. Modifications
- Sec. 6-1505. Concept Development Plan/Submission Requirements
- Sec. 6-1506. Planning Commission Recommendation
- Sec. 6-1507. Board of Supervisors Approval
- Sec. 6-1508. Contents of an Approved Concept Development Plan
- Sec. 6-1509. Optional Joint Approvals
- Sec. 6-1510. Building and Other Permits
- Sec. 6-1511. Approved Changes to Concept Development Plan After Approval

Division E: Procedures Before Board of Zoning Appeals

**Sec. 6-1600. Variances**

66

- Sec. 6-1601. Jurisdiction and Authority
- Sec. 6-1602. Authorized Variances
- Sec. 6-1603. Unauthorized Variance
- Sec. 6-1604. Application for Variance
- Sec. 6-1605. Decision on Variance Application
- Sec. 6-1606. Planning Commission Recommendation
- Sec. 6-1607. Standards for Variances
- Sec. 6-1608. Burden of Applicant
- Sec. 6-1609. Conditions and Restrictions
- Sec. 6-1610. Withdrawal of Application
- Sec. 6-1611. Re-Application
- Sec. 6-1612. Special Exceptions for Errors in Building Location

**Sec. 6-1700. Appeals**

71

- Sec. 6-1701. Appeals from Administrative Ruling
- Sec. 6-1702. When Appeals May be Taken
- Sec. 6-1703. When Appeals to Stay Proceedings
- Sec. 6-1704. Decision on Appeals
- Sec. 6-1705. Withdrawal of Application
- Sec. 6-1706. Proceedings to Prevent Construction of a Building
- Sec. 6-1707. Submission of Appeal

**Division F: Historic District Procedures****Sec. 6-1800. Designation of Historic Districts**

73

- Sec. 6-1801. Authority
- Sec. 6-1802. Intent
- Sec. 6-1803. Criteria for Designation of Historic Districts
- Sec. 6-1804. Boundaries of Historic Districts
- Sec. 6-1805. Effect of Designation on Existing Zoning
- Sec. 6-1806. Procedures for Designation
- Sec. 6-1807. Additions or Deletions to Districts
- Sec. 6-1808. Maintenance of Inventory of Buildings and Structures
- Sec. 6-1809. Recordation of Resolutions Creating Historic Districts
- Sec. 6-1810. Appeals

**Sec. 6-1900. Permits in Historic Districts**

79

- Sec. 6-1901. Authority
- Sec. 6-1902. Certificate of Appropriateness
- Sec. 6-1903. Permit for Razing or Demolition
- Sec. 6-1904. Applications and Procedures
- Sec. 6-1905. Criteria for Certificate of Appropriateness
- Sec. 6-1906. Required Maintenance
- Sec. 6-1907. Right to Raze or Demolish
- Sec. 6-1908. Hazardous Buildings or Structures
- Sec. 6-1909. Right of Appeal

**ARTICLE VII. ADMINISTRATION AND REGULATION OF AFFORDABLE DWELLING UNIT DEVELOPMENTS****Sec. 7-100. Affordable Dwelling Unit Developments**

1

- Sec. 7-101. Purpose
- Sec. 7-102. Applicability
- Sec. 7-103. Affordable Dwelling Unit Density Adjustments
- Sec. 7-104. Designation of Affordable Units on Plats
- Sec. 7-105. Review of Site or Subdivision Plans within 90 Days
- Sec. 7-106. Timing of Construction/Availability of Affordable Units
- Sec. 7-107. Administration and Regulation
- Sec. 7-108. Modifications
- Sec. 7-109. Compliance with State/Federal/Local Laws
- Sec. 7-110. Violations and Penalties
- Sec. 7-111. Enforcement and Court Appeals

**Affordable Dwelling Unit Development Zoning District Regulations****Sec. 7-200. CR-2 ADU Development District Regulations**

11

- Sec. 7-201. Purpose
- Sec. 7-202. Permitted Uses
- Sec. 7-203. Lot and Building Requirements



	<u>Page</u>
<b>Sec. 7-300. CR-3 ADU Development District Regulations</b>	13
Sec. 7-301. Purpose	
Sec. 7-302. Permitted Uses	
Sec. 7-303. Lot and Building Requirements	
<b>Sec. 7-400. CR-4 ADU Development District Regulations</b>	15
Sec. 7-401. Purpose	
Sec. 7-402. Permitted Uses	
Sec. 7-403. Lot and Building Requirements	
<b>Sec. 7-500. R-2 ADU Development District Regulations</b>	17
Sec. 7-501. Purpose	
Sec. 7-502. Permitted Uses	
Sec. 7-503. Lot and Building Requirements	
<b>Sec. 7-600. R-3 ADU Development District Regulations</b>	19
Sec. 7-601. Purpose	
Sec. 7-602. Permitted Uses	
Sec. 7-603. Lot and Building Requirements	
<b>Sec. 7-700. R-4 ADU Development District Regulations</b>	21
Sec. 7-701. Purpose	
Sec. 7-702. Permitted Uses	
Sec. 7-703. Lot and Building Requirements	
<b>Sec. 7-800. R-8 ADU Development District Regulations</b>	23
Sec. 7-801. Purpose	
Sec. 7-802. Permitted Uses	
Sec. 7-803. Lot and Building Requirements	
<b>Sec. 7-900. R-16 ADU Development District Regulations</b>	25
Sec. 7-901. Purpose	
Sec. 7-902. Permitted Uses	
Sec. 7-903. Lot and Building Requirements	
<b>Sec. 7-1000. R-24 ADU Development District Regulations</b>	27
Sec. 7-1001. Purpose	
Sec. 7-1002. Permitted Uses	
Sec. 7-1003. Lot and Building Requirements	
<b>Sec. 7-1100. PD-Housing Districts</b>	28
Sec. 7-1101. PDH Districts	
Sec. 7-1102. Traditional Town Districts	

## ARTICLE VIII. DEFINITIONS

**ARTICLE I  
GENERAL REGULATIONS**

**Section 1-100                    Title, Purpose and Intent and Application of Ordinance.**

**1-101                    Title.** This Ordinance and the official zoning map made a part hereof shall be known and may be cited and referred to as the Loudoun County Zoning Ordinance.

**1-102                    Goals, Purpose and Intent.** This Ordinance is enacted in order to promote the health, safety and welfare of the residents of Loudoun County and to implement the Loudoun County Comprehensive Plan. To these ends, the Ordinance is designed to:

- (A) Guide and regulate the orderly growth, development and redevelopment of Loudoun County in accordance with a well-considered plan and with long-term objectives, principles and standards deemed beneficial to the interest and welfare of the people.
- (B) Protect the established character and the social and economic well-being of both private and public property.
- (C) Promote, in the public interest, the best utilization of land.
- (D) Provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers.
- (E) Reduce or prevent congestion in the public streets.
- (F) Facilitate the creation of a convenient, attractive and harmonious community.
- (G) Expedite the provision of adequate police and fire protection, safety from crime, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements.
- (H) Protect against destruction of, or encroachment upon, historic areas.
- (I) Protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers.
- (J) Encourage economic development activities that provide desirable

Section 1-100  
Revision Date: June 17, 1998  
[ ] Indicates Ordinance Amendment

employment and enlarge the tax base.

- (K) Promote the public necessity, health, safety, convenience and general welfare by equitably apportioning the cost of providing the additional public facilities necessitated or required by development.
- (L) Provide for the preservation of agricultural and forestal land and other lands for the protection of the natural environment.
- (M) Protect approach slopes and other safety areas of licensed airports.
- (N) Provide for and promote affordable housing for County residents.

**1-103**

**Application of Ordinance.**

- (A) **Territorial Application.** The regulations and restrictions in this Ordinance shall apply to all buildings, structures, land, water and uses within the unincorporated area of Loudoun County, Virginia, excepting those areas determined by law to be under the sovereign control of the United States of America or the Commonwealth of Virginia.
- (B) **General Application.** All buildings and structures erected hereafter, all uses of land, water or buildings established hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of, additions to, changes in and relocations of existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, structures, uses or land are located. Existing buildings, structures and uses which comply with the regulations of this Ordinance shall likewise be subject to all regulations of this Ordinance. Existing buildings, structures and uses which do not comply with the regulations of this Ordinance shall be allowed to continue subject to the provisions of Section 1-400 of this Article relating to nonconformities.
- (C) **General Prohibition.** No building or structure; no use of any building, structure or land; and no lot of record now or hereafter existing shall hereafter be established, altered, moved, diminished, divided, eliminated or maintained in any manner except in conformity with the provisions of this Ordinance.
- (D) **Exemptions.** The following uses are exempt from the application of this

Section 1-100  
Revision Date: June 17, 1998  
[ ] Indicates Ordinance Amendment

Ordinance.

- (1) Pursuant to Section 56-46.1 of the Code of Virginia, electrical transmission lines of 150 kV or more, approved by the State Corporation Commission, shall be deemed to have satisfied the requirements of this ordinance. In addition, the following utility uses are exempt from the provisions of this article: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar equipment when used for the purpose of distributing service to individual customers, but not including substations, transmission lines, or trunk lines located on or above the surface of the ground, for the distribution to consumers of telephone, cable television or other communications, electricity, gas or water, or for the collection of sewage or surface water.
  - (2) The height limitations of this Ordinance shall not apply to towers, gables, penthouses, scenery lofts, cupolas, barns, silos, farm buildings, residential chimneys, spires, flag poles, monuments or transmission towers and cables or other similar structures and necessary mechanical appurtenances; nor to any smokestack, water tank, radio or television antenna or tower not exceeding in height the distance therefrom to the nearest lot line; provided that this height limitation shall not apply to any of the above enumerated structures now or hereafter located on existing public utility easements.
- (E) **Private Agreements.** This Ordinance is not intended to abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship; provided, however, that where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements or legal relationships, the regulations of this Ordinance shall govern.
- (F) **Existing Special Exceptions and Variances.**
- (1) Any special exception lawfully issued prior to the effective date of this Ordinance, or any amendment thereof, shall be deemed to be and continue to be valid after such effective date, and the period of validity provided for in Section 6-1313 of this Ordinance shall not apply. Any variance previously issued prior to the effective date of this Ordinance, or any amendment thereof, shall be deemed to be and continue to be valid after such effective date. Development in accordance with an approved

Section 1-100  
Revision Date: June 17, 1998  
[ ] Indicates Ordinance Amendment

special exception or variance shall meet the requirements of this Ordinance, provided, that in the event of any inconsistency between an approved special exception or variance plat and the lot requirements of this Ordinance, development in accordance with the lot requirements of the special exception or variance plat shall be permitted.

- (2) Any lawfully existing use which shall become a special exception use in the district in which it is located shall be deemed to have special exception approval. Expansion of such use shall require a new special exception approval.

(G) **Zoning Permits Issued Prior to Effective Date.**

- (1) **Right to Complete Construction Pursuant to Approved Plans.** Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designated use of any structure in the event that:
  - (a) A zoning permit for such structure was lawfully issued or a final site plan or subdivision plat was lawfully approved prior to the effective date of this Ordinance, or any amendment thereof; and
  - (b) Such permit or approval had not by its own terms expired prior to such effective date; and
  - (c) Construction pursuant to such permit or approval is commenced prior to the expiration of such permit or approval.
- (2) **Right to Occupy as Nonconformity.** Upon completion pursuant to Subsection (1) hereof, such structure may be occupied by, and a certificate of occupancy shall be issued for, the use designated on such permit, subject thereafter to the provisions of Section 1-400 relating to nonconformities.

(H) **Pending Applications - Applicability.**

- (1) This Ordinance shall apply to all applications officially accepted after the approval date of this Ordinance, except as provided below.
- (2) All active applications for Zoning Map Amendments, Concept

Section 1-100  
Revision Date: June 17, 1998  
[ ] Indicates Ordinance Amendment

Plan Amendments and Zoning Ordinance Modifications, and Special Exceptions officially accepted prior to the effective date of this Ordinance shall be processed, pursuant to the provisions of the Ordinance in effect prior to the effective date of this Ordinance. However, those applications which are approved shall be subject to this Ordinance and mapped accordingly with PDH applications being specifically subject to the provisions of Section 1-103(M).

- (3) All active applications for preliminary or record plat subdivision approvals, or preliminary or final site plan approvals, officially accepted prior to the effective date of this Ordinance shall be subject to the Ordinance in effect prior to the effective date of this Ordinance.
- (4) All inactive applications which were officially accepted prior to the effective date of this Ordinance shall be treated as follows:
  - (a) The Director of the Department responsible for review of the application shall notify the applicant, as identified on the application, and the owner of record as shown on the tax records, by Certified Mail, Return Receipt Requested, within thirty (30) days of the effective date of this Ordinance, that they must choose to either remain inactive until further notice or to proceed to final decision under the provisions of the Ordinance existing prior to the effective date of this Ordinance or to withdraw the application. Such choice must be made in writing and received within 120 calendar days of the effective date of this Ordinance. A decision to proceed shall subject such application to the above provision addressing active applications.
  - (b) Failure to respond within the 120 calendar day time period provided above shall result in the application being processed to a final decision under the provisions of the existing ordinance, but subject to the above provision addressing active applications.
  - (c) If the applicant notifies the County of their choice to remain inactive then (i) such application shall remain inactive provided the applicant grants a timeline extension for the decision deadline applicable to such application; (ii) such applications may remain inactive for up to three (3) years; (iii) such applications may be reactivated at any

Section 1-100  
Revision Date: June 17, 1998  
[ ] Indicates Ordinance Amendment

time during this time period by submitting written notification to the Director of the Department reviewing the application; (iv) such reactivation shall require payment of a fee, as established by the Board of Supervisors; and (v) any reactivated applications, or applications for which the three year inactive period expires, shall be reviewed under the provisions of this Ordinance, specifically including Section 1-103(M).

- (5) Applications for record plats or final site plans officially accepted following the effective date of this Ordinance, but filed pursuant to a preliminary plan of subdivision or preliminary site plan lawfully approved under the Ordinance in existence prior to the effective date of this Ordinance, shall be reviewed under the provisions of that Ordinance.

- (I) **Repeal of Prior Provisions.** Except as provided herein, the Loudoun County Zoning Ordinance, as adopted on June 21, 1972 and as amended from time to time thereafter, be and it is hereby repealed. Except as expressly provided in this Ordinance, such repeal shall not affect or impair any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time such repeal takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if such repeal had not been effected.

- (J) **Provisions Declared Invalid.** The several provisions of this Ordinance shall be separable in accordance with the following rules:

- (1) If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure.

- (K) **Conflicting Provisions.** In interpreting and applying the provisions of

Section 1-100  
Revision Date: June 17, 1998  
[ ] Indicates Ordinance Amendment

this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. Whenever any provision of this Ordinance imposes a greater requirement or a higher standard than is required in any State or Federal Statute or other County ordinance or regulation, the provision of this Ordinance shall govern. Whenever any provision of any State or Federal statute or other County ordinance or regulation imposes a greater requirement or a higher standard than is required by this Ordinance, the provision of such State or Federal statute or other County ordinance or regulation shall govern.

- (L) **Proffered Conditions.** The text of this Zoning Ordinance shall apply to any parcel covered by a previous grant of zoning with proffered conditions pursuant to [Section 15.2-2303] of Va. Code Ann. except where the imposition of the requirements of this Ordinance would be in conflict with a specific proffered condition, in which case, the proffered condition would supersede the requirements of this Ordinance.
- (M) **Existing PD-H Zonings.** Notwithstanding the designation shown on the zoning map adopted in conjunction with the adoption of this Ordinance, any proffered PDH zoning existing as of the effective date of this Ordinance shall continue [to have all applications for Zoning Ordinance Modifications, Proffer Amendments, Concept Plan Amendments, Preliminary Subdivisions, and Record Subdivisions processed in accord with the approved rezoning and the Loudoun County Zoning Ordinance] in effect immediately prior to the effective date of this Ordinance, for the periods of time specified below, unless the owner(s) of all the property within such proffered PDH zoning district shall elect to waive the protection of this section by the process set forth below. Such election shall require the property to be developed pursuant to the approved conditions of the rezoning for such development and under the provisions of this Ordinance for the new zoning district as shown on the zoning map; shall be permanent; and shall not relieve the owner(s) of any obligations under the previously accepted proffers.
  - (1) Unless an election to develop under this zoning ordinance is made in accordance with the provisions below, the following shall apply:
    - (a) Development of the existing proffered PDH zoning shall continue under the zoning ordinance in effect immediately prior to the effective date of this ordinance for the following periods of time:
      - (i) If approved for fewer than 5,000 units, then for ten

Section 1-100  
Revision Date: June 17, 1998  
[ ] Indicates Ordinance Amendment

(10) years; or

(ii) If approved for greater than 5,000 units, then for fifteen (15) years.

(b) Upon the expiration of the above time periods, this Ordinance shall supersede the prior ordinance with respect to such PDH rezonings, unless such time is extended by resolution of the Board of Supervisors, upon written request of the owner(s) of all property within such PDH zoning district.

(2) Elections to waive the protection of this section shall be made by filing a written notice of such election with the Zoning Administrator [by February 28, 1994]. An affidavit indicating that all owners have signed the notice shall also be submitted.

(N) **Route 28 Taxing District.** As required by state law and the legislation establishing the Route 28 Transportation Improvement District, the Loudoun County Zoning Ordinance, promulgated in 1972, as it existed on the date such District was established or, in regards to any particular parcel, the most recent change in zoning of such parcel, whichever occurred latest in time, shall remain in full force and effect with respect to all commercially and industrially zoned properties situated in such District.

(1) [Any proffered rezoning for commercially or industrially zoned property shall continue to have all applications for Zoning Ordinance Modifications, Proffer Amendments, Concept Plan Amendments, Preliminary Subdivisions, and Record Subdivisions processed in accord with the approved rezoning and the Loudoun County Zoning Ordinance in effect immediately prior to the effective date of this Ordinance.]

(2) Notwithstanding this provision, the owner(s) of all the property within a proffered commercial or industrial zoning district within the Route 28 Tax District, or the owner(s) of any other commercially or industrially zoned property within the Route 28 Tax District, may elect to waive the protection of this section by filing a written notice of such election, accompanied by an affidavit indicating that all owners have signed the notice, with the Zoning Administrator [by February 28, 1994]. Such election shall be permanent, and shall not relieve the owner(s) of any obligations under previously accepted proffers. Such election shall require the property to be developed pursuant to the

Section 1-100  
Revision Date: June 17, 1998  
[ ] Indicates Ordinance Amendment

conditions of the approved rezoning for such development, if applicable, and under the provisions of this Ordinance for the new zoning district as indicated below:

**Zoning District**  
**1972 Ordinance**

PD-IP  
PD-OP  
PD-RDP  
PD-GI  
I-1  
C-1  
PD-CH  
PD-SC

**Zoning District**  
**1993 Ordinance**

PD-IP  
PD-OP  
PD-RDP  
PD-GI  
MR-HI  
PD-CC (CC)  
PD-CC (RC)  
PD-CC (RC)

(O) **Effective Date.**

- (1) This ordinance shall become effective upon its adoption.
- (2) Whenever used in this chapter, the term "effective date of this chapter" shall mean June 16, 1993.

Section 1-100  
Revision Date: June 17, 1998  
[ ] Indicates Ordinance Amendment

## Section 1-200

### Interpretation of Ordinance.

#### 1-201

**Provisions are Minimum Requirements.** In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals and general welfare, as set forth in the provisions hereof establishing the intent and purpose of this Ordinance in general and its various sections in particular.

#### 1-202

**Interpretation of Terms.** For the purpose of this Ordinance, certain words and terms are to be interpreted as follows:

- (A) Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; words in the singular number include the plural; and words in the plural include the singular, unless the obvious construction of the wording indicates otherwise.
- (B) The word "shall" is mandatory.
- (C) Unless otherwise specified, all distances shall be measured horizontally and at right angles or radially to the line in relation to which the distance is specified.
- (D) Unless otherwise specified, the term "day" shall mean working day.
- (E) The word "lot" includes the word plot; the word "used" shall be deemed also to include designed, intended, or arranged to be used; the term "erected" shall be deemed also to include constructed, reconstructed, altered, placed, relocated or removed.
- (F) The terms "land use" and "use of land" shall be deemed also to include building use and use of building.

#### 1-203

**Unspecified Uses.** Subject to the Zoning Administrator's interpretive powers as provided for herein, no uses are permitted unless included in a district use list or accessory use list.

#### 1-204

**Adding Unspecified Uses to the District Regulations.** Uses other than those allowed in the applicable district may be added to a district upon adoption of a text amendment approved by the Board of Supervisors.

**Limitations and Methods for Measurements of Lots, Yards and Related Terms.**

- (A) **Lot Access Requirements.** No structure requiring a building permit shall be erected upon any lot which does not have frontage on a Class I, Class II, Class III road, or private access easement as specified in the individual district regulations, except as specifically provided for herein and the Land Subdivision and Development Ordinance (LSDO).
- (B) **Regular Lots, Width Measurements.** The width of a regular lot shall be determined by measurement across the rear of the required front yard. The distance between side lot lines at the points where they intersect with a street line shall not be less than eighty percent (80%) of the required width, measured along the street line. However, in cases where lots front on curved or circular (cul-de-sac) streets, the radii of which do not exceed ninety (90) feet, the distances between side lot lines where they intersect with the street line may be reduced to sixty percent (60%) of the required width, measured along the street line. [Yards and street lines shall be measured along the arc of the curve for curvilinear yards and street lines.] Lot width shall be measured only along continuous frontage facing one street. [The minimum width of a lot on a private access easement shall be determined by measurement along the front yard around the private access easement extended into the lot.]
- (C) **Regular Lots, Determination of Front Yard.**
- (1) On regular interior lots, the front shall be construed to be the portion nearest the street.
- (2) On regular corner lots, [except as provided for in subparagraph (3) below], the front shall be construed to be the shorter boundary fronting on a street. If the lot has equal frontage on two or more streets, the front of the lot shall be determined and shown on the subdivision plat or site plan by the prevailing building pattern, or the prevailing lot pattern if a building pattern has not been established.
- [(3) In an agricultural zoning district (A-3, A-10, A-25), the front of the lot shall be determined and shown on the subdivision plat or site plan by the prevailing building pattern, or prevailing lot pattern if a building pattern has not been established, provided that the shortest boundary fronting on a street in an agricultural zoning district is eighty percent (80%) or more of the required lot width.]

- (4) On regular through corner lots, the front shall be construed to be the shorter boundary fronting the street, provided that if the shortest boundary fronting on a street is eighty percent (80%) or more of the length of the longest boundary fronting on a street, the applicant may select either frontage if lot width requirements are met.
- (5) On regular through lots, unless otherwise determined by the Zoning Administrator due to the prevailing building pattern, the front shall be construed to be the shorter boundary fronting on a street. If the lot has equal frontage on two streets, the front of the lot shall be determined and shown on the preliminary and final subdivision plats and site plans by the prevailing building pattern, or the prevailing lot pattern if a building pattern has not been established.

(D) **Regular Lots, Yards Adjacent to Street.**

- (1) Front yards of at least the depth required in the district shall be provided across the entire frontage of a regular lot.
- (2) Other yards adjacent to streets shall be provided across or along the entire portion of the lot adjacent to the street.
- (3) Street line for measurement of required yards adjacent to streets. Where the lot line adjacent to a street is straight, required yards shall be measured from such line, extended in the case of rounded corners. On convex or concave lots, front, side and rear yards, as applicable, shall be parallel to or concentric with, the street line. Depth of required yards adjacent to streets shall be measured perpendicular or radially to such straight street lines.

(E) **Rear Yards on Interior Regular Lots.** Rear yards on interior regular lots shall be provided of at least the depth required for the district, and shall run across the full width of the lot at the rear. Depth of a required rear yard shall be measured in such a manner that the yard is a strip of land with minimum depth required by district regulations with its inner edge parallel to or concentric with its outer edge.

(F) **Yards on Corner Lots.** Corner lots shall be deemed to have no rear

Section 1-200  
Revision Date: June 17, 1998  
[ ] Indicates Ordinance Amendment

yards, only two (2) front yards which are adjacent to the streets and two (2) side yards, provided that if two (2) different side yards are required in a district, the larger available yard shall be used. Notwithstanding anything to the contrary contained in this Ordinance, setbacks on corner lots shall be sufficiently large to comply with VDOT sight distance requirements or Section 5-300 whichever is greater.

- (G) **Side Yards on Regular Lots.** Side yards on regular lots are defined as running from the required front yard line to the required rear yard line. On regular through lots the required side yard shall run from the required front yard line to the second required front yard line. On corner lots the required side yards shall run from the point where side yard lines intersect, to the required front yard lines.
- (H) **Irregular Lots, Dimensional Requirements.** An irregular lot shall be considered to meet the dimensional requirements of the district in which located, provided:
  - (1) Lot area shall meet district requirements for the proposed use. Lot width need not meet district requirements if requirements set forth below are met.
  - (2) Open space in required yards and elsewhere on the lot shall be not less than as required for the use in the district on a regular rectangular lot of required minimum width and area.
  - (3) Building area remaining after required yards have been provided shall have dimensions and locations appropriate for all buildings proposed.
- (I) **Irregular Lots, Yard Requirements.** In general, all yards shall provide at least the same separation from all lot lines as required for minimum side yards in the district, provided, however, that where district regulations permit building to the lot line of a regular lot under specified circumstances, the same regulations shall apply on an irregular lot, except as provided with relation to accessory buildings and structures in Section 5-200. Additionally, if an irregular lot abuts a street at any point, a distance equal to the required yard on a regular lot adjacent to a street in the district shall be provided.
- (J) **Setback Measurement From Streets.** All setbacks from public streets

Section 1-200  
Revision Date: June 17, 1998  
[ ] Indicates Ordinance Amendment

shall be measured from the wider of (a) the existing dedicated right-of-way, or (b) the right-of-way proposed in the Comprehensive Plan or (c) the minimum dedicated right-of-way permitted for VDOT acceptance of the right-of-way for maintenance. If no dedicated right-of-way exists, or if no construction plans are approved for the road or if less than the minimum right-of-way exists, the right-of-way shall be assumed to be centered on the existing travelway.

[(K) **Length to Width Ratio Measurement.** The width of a regular lot shall be determined by measurement across the rear of the required front yard. If the lot is of regular dimensions, the lot depth is the horizontal distance between the front lot line and the rear lot line. If the lot is of irregular dimensions, the lot depth is defined by determining the average of a representative number of distances between the front lot line and the rear lot line as measured in a straight line.]

(L) **Reduction in Minimum Yard Requirements Based on Error in Building Location.** Notwithstanding any other provision of this Ordinance, the Zoning Administrator shall have the authority, as qualified below, to approve a reduction in the minimum yard requirements in the case of any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected. Such a reduction may be approved in accordance with the following provisions:

- (1) The Zoning Administrator determines that:
  - (a) The error does not exceed ten (10) percent of the measurement that is involved, and
  - (b) The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in location of the building subsequent to the issuance of a Building Permit, if such was required, and
  - (c) Such reduction will not impair the purpose and intent of this Ordinance, and
  - (d) It will not be detrimental to the use and enjoyment of the other property in the immediate vicinity, and
  - (e) It will not create an unsafe condition with respect to both

Section 1-200  
Revision Date: June 17, 1998  
[ ] Indicates Ordinance Amendment

other property and public streets, and

- (f) To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner, and
  - (g) The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
- (2) In approving such a reduction under the provision of this Section, the Zoning Administrator shall allow only a reduction necessary to provide reasonable relief and, as deemed advisable, may prescribe such conditions, to include landscaping and screening measures to assure compliance with the intent of this Ordinance.
  - (3) Upon the approval of a reduction for a particular building in accordance with the provision of this Section, the same shall be deemed to be a lawful building.
  - (4) The Zoning Administrator shall have no power to waive or modify the standards necessary for approval as specified in this Section.
  - (5) If there is an error greater than ten (10) percent of the measurement that is involved, a reduction may be granted by the BZA in accordance with the provisions of Section 6-1600.

**1-206**

**Calculations of Density.** Calculations of density in individual zoning districts shall be subject to the following:

- (A) Calculations of gross and net densities, gross and net residential area, lot area, floor area ratios, and similar measures shall be made in accordance with the formulas provided within the definitions of these terms in Article VIII of this Ordinance.
- (B) **Highway Transportation Improvement District.** This section is applicable solely for determining density credit for certain public road dedications within highway transportation improvement districts established in accord with [Section 15.2-4600] et seq. of the Code of Virginia.
  - (1) In those zoning districts, including planned development districts, where density or intensity of land use is controlled by

Section 1-200  
Revision Date: June 17, 1998  
[ ] Indicates Ordinance Amendment

number of dwelling units or floor area ratio, or other similar measure, such computations with respect to a lot from which land has been severed for the purpose of constructing or improving any primary highway interchange or portion thereof, shall be based upon the lot area including the area severed for such purpose when:

- (a) The lot lies within or adjacent to an established highway transportation improvement district; and
  - (b) The area dedicated or conveyed is necessary for the installation or improvement of the primary highway interchange improvement and is in accordance with the adopted comprehensive plan; and
  - (c) The Board has specifically approved by resolution computation of density or intensity for the lot based upon the lot area existing prior to dedication or conveyance; and
  - (d) An effective irrevocable dedication in fee simple to public use or conveyance to Loudoun County or to another public instrumentality having the power to construct or maintain the highway use has occurred and evidence of such dedication or conveyance is of record among the land records of the County.
- (2) Calculations of allowable floor area shall be based on the floor area ratio as established by the zoning district in effect at the time a site plan is officially accepted for the lot.
- (3) For the purposes of this section, the terms "lot" and "lot area" may include all adjacent parcels owned in common and which are the subject of an approved unified concept development plan specifying the allocation of density calculated pursuant to this section; the term "interchange" shall mean a grade separated limited access intersection with one or more turning roadways for travel between portions of such intersection, and shall include all related improvements such as access or service roads necessitated by the interchange; and the term "area dedicated" shall include all property in excess of the right-of-way for a normal width typical highway section.
- (4) In no case shall conveyances or dedications made in exchange for monetary compensation to a public body be eligible for density computation under this section.

Section 1-200  
Revision Date: June 17, 1998  
[ ] Indicates Ordinance Amendment

- (5) Further, conveyances or dedications made or committed to by the landowners or predecessors in interest as part of an approved condition of a subdivision application, special exception application, or a zoning map amendment petition shall not be considered eligible for density computation under this section provided that an effective irrevocable dedication or conveyance made during the pendency of an application shall not decrease the lot area for purposes of density or intensity computation.

[(C) **Public Uses.** This section is applicable solely for determining density credit for public uses in any zoning district.

- (1) In those zoning districts, including planned development districts, where density or intensity of land use is controlled by number of dwelling units [per acre] or floor area ratio, or other similar measure, such computations with respect to a lot from which land has been severed for the purpose of constructing or improving any public use or portion thereof, shall be based upon the lot area including the area severed for such purpose when:
- (a) The area dedicated or conveyed is necessary for the installation or improvement of the public use and is in accordance with the adopted comprehensive plan; and
  - (b) The area dedicated or conveyed is suitable in location, size, shape, condition and topography for such needed public use and there are no encumbrances to the title which would interfere with such use; and
  - (c) The Board has specifically approved, by resolution, the computation of density or intensity for the lot based upon the lot area existing prior to dedication or conveyance; and
  - (d) An effective irrevocable dedication in fee simple to public use or conveyance to Loudoun County or to another public instrumentality has occurred and evidence of such dedication or conveyance is of record among the land records of Loudoun County.
- (2) Calculations of allowable density shall be based on the following:
- (a) For development which requires a site plan, allowable

Section 1-200  
Revision Date: June 17, 1998  
[ ] Indicates Ordinance Amendment

density shall be calculated in accord with the zoning district in effect at the time a site plan is officially accepted for the lot; or

- (b) For development which does not require a site plan, allowable density shall be calculated in accord with the zoning district regulations in effect at the time a record plat of subdivision is officially accepted for the lot.
- (3) For the purposes of this section, the terms "lot" and "lot area" may include all adjacent parcels owned in common and which are the subject of an approved unified concept development plan specifying the allocation of density calculated pursuant to this section.
- (4) In no case shall conveyances or dedications made in exchange for monetary compensation to a public body be eligible for density computation under this section.
- (5) Further, conveyances or dedications made or committed to by the landowners or predecessors in interest as part of an approved condition of a subdivision application, special exception application, or a zoning map amendment petition shall not be considered eligible for density computation under this section provided that an effective irrevocable dedication or conveyance made during the pendency of an application shall not decrease the lot area for purposes of density or intensity computation.]

**(A) Zoning Map.**

- (1) The County is hereby divided into the zoning districts listed in Articles II, III & IV of this Ordinance and as shown on the map entitled "Zoning Map, Loudoun County, Virginia", which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance.
- (2) The Zoning Map shall be located in the office of the Zoning Administrator and shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the County save for subsequent amendments enacted by the Board of Supervisors and not yet officially recorded on said map.
- (3) No changes of any nature shall be made on said Zoning Map or any matter shown thereon except in conformity with the procedures and requirements of this Ordinance. It shall be unlawful for any person to make unauthorized changes on the Zoning Map.

**(B) Zoning District Boundaries.** Where uncertainty exists as to the boundaries of zoning districts as shown on the Zoning Map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow center lines of rights-of-way or prescriptive easements. In case of closure of a street or alley, or vacation of an easement, the boundary shall be construed as remaining at its prior location unless ownership of the closure or vacated area is divided other than at the center, in which case the boundary shall be construed as moving to correspond with the ownership, but not beyond any previous right of way or easement line.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following lot lines.
- (3) Boundaries indicated as following County limit lines shall be construed as following such County limits.

- (4) Boundaries indicated as following railroad lines shall be construed to be midway in the right-of-way.
- (5) Boundaries indicated as following shorelines of bodies of water shall be construed to follow such shorelines. Boundaries indicated as approximately following the center lines of creeks, streams, rivers, canals, or other predominately linear bodies of water shall be construed to follow such center lines.
- (6) Boundaries indicated as parallel to or concentric with, or extensions of features indicated in Paragraphs (1) through (5) above shall be so construed. Distances and dimensions not specifically indicated on the Zoning Map shall be determined from the Zoning Map by the Zoning Administrator and as so noted on the map.
- (7) Where areas appear to be unclassified on the Zoning Map, and classification cannot be established by the above rules, such areas shall be considered to be classified A-3 until action is taken to amend the Zoning Map.
- (8) Where territory is added to the jurisdictional area, it shall be considered to be classified as A-3 until action is taken to amend the Zoning Map.
- (9) Where natural or man-made features actually existing on the ground are at variance with those shown on the Zoning Map, the Zoning Administrator shall interpret the district boundaries as so noted on the map.
- (10) Where uncertainties continue to exist and/or further interpretation is required beyond that presented in the above paragraphs, the question shall be presented to the Zoning Administrator for interpretation and as so noted on the map.

Section 1-300  
Revision Date: June 17, 1998  
[ ] Indicates Ordinance Amendment

**1-401**

**Purpose and Scope.** The purpose of this subsection is to regulate and limit the development and continued existence of uses, structures, and lots established prior to the effective date of this Ordinance which do not conform to the requirements of this Ordinance. Many nonconformities may continue, but the provisions of this subsection are designed to curtail substantial investment in nonconformities and to bring about their eventual improvement to a conforming status or elimination in order to preserve the integrity of this Ordinance and the desired character of the County. Any nonconforming use, structure, or lot which lawfully existed as of the effective date of this Ordinance and which remains nonconforming, and any use, structure, or lot which has become nonconforming as a result of the adoption of this Ordinance or any subsequent reclassification of zoning districts or other amendment to this Ordinance, may be continued or maintained only in accordance with the terms of this subsection. The limitations of this subsection shall not apply to structures or lots whose nonconforming features are the subject of a variance that has been granted by the Board of Zoning Appeals or a modification or condition that was approved by the Board of Supervisors.

**1-402****Nonconforming Uses.**

- (A) **Expansion of Nonconforming Use.** Except in those cases approved pursuant to Section 6-1805 of this Ordinance, a nonconforming use shall not be expanded or extended beyond the floor area or [portion of the] lot area that it occupied on the effective date of this Ordinance.
- (B) **Discontinuation of Nonconforming Use.** If a nonconforming use is discontinued or abandoned for a continuous period of more than two (2) years, including any period of discontinuation before the effective date of this Ordinance, then that use shall not be renewed or re-established and any subsequent use of the lot or structure shall conform to the regulations of this Ordinance.
- (C) **Change of Nonconforming Use.**
  - (1) If no structural alterations are made, a nonconforming use may by special exception be changed to another nonconforming use provided that the Board of Supervisors, upon Planning Commission recommendation, either by general rule or by making findings in the specific case, finds that the proposed use is equally appropriate or more appropriate to the zoning district than the existing nonconforming use. The Board of Supervisors may impose appropriate conditions in accord with the provisions of this Ordinance.

- (2) When any nonconforming use is superseded by a permitted use, the use shall thereafter conform to the regulations for the district, and no nonconforming use shall thereafter be resumed.

**1-403**

**Nonconforming Structures.**

- (A) **Repair or Reconstruction of Nonconforming Structure.** Repairs, restoration and maintenance, including structural repairs, may be made to a nonconforming structure. If a nonconforming structure is damaged or destroyed, the owner may repair or replace such structure provided the degree of non-conformity is not increased.
- (B) **Alteration or Enlargement of Nonconforming Structure.** A nonconforming structure shall not be enlarged, increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance [unless such improvements do not increase the degree of nonconformity].
- (C) **Moving of Nonconforming Structure.** A nonconforming structure shall not be moved in whole or in part to any other location unless every portion of such structure and the use thereof is made to conform with all requirements of this Ordinance and other applicable County Ordinances.
- (D) **Pre-existing Structures in Subsequently Created Setback areas.** [Residences, accessory structures, and accessory uses built before June 16, 1993 may increase their footprint existing on that date up to 50% and are exempt from the setbacks of Section 5-900 but must maintain the setback created by the front of the residence even if the setback so created is less than what is required by this Ordinance.]

**1-404**

**Nonconforming Lots.**

- (A) **Use of Nonconforming Lots.** If a lot was recorded prior to the effective date of this Zoning Ordinance, or is hereafter created in conformity with Section 1-103(H), and such lot met the requirements of the Zoning Ordinance in effect at the time of recordation, or complies with Section 1-103(H), then such lot may be used for any use permitted in the Zoning District in which it is located even though the lot does not meet the lot area, [access] and/or lot width requirements of the district, provided all the other regulations of this Ordinance can be satisfied.
- [(B) **Yards.** Removed pursuant to ZOAM 1994-0003.]

Section 1-400  
Revision Date: June 17, 1998  
[ ] Indicates Ordinance Amendment

- (B) **Establishment of Nonconforming Lot Prohibited.** A lot may only be established after the effective date of this Ordinance, if such lot conforms with all requirements of this Ordinance [except as follows:
- (1) A lot not meeting lot area requirements of the zoning district is created by the subdivision of a previously existing split zoned lot along the existing zoning district line, and the lot meets all other ordinance requirements;
  - (2) A lot is created for use by LCSA, VDOT, municipal utilities, public utilities as defined in Section 56-232 of the Virginia State Code, or public service corporations as defined in Section 56-1 of the Virginia State Code and meets the requirements of Section 5-621; or
  - (3) An "outlot" is designated on a subdivision plat as open space. No habitable structures shall be built upon an "outlot".]
- (C) **Boundary Line Adjustments.** Notwithstanding the provisions of paragraph (B) above, boundary line adjustments may be permitted between nonconforming lots, [or between a conforming and a nonconforming lot], provided the Zoning Administrator finds that the degree of nonconformity [for any lot resulting from such boundary line adjustment] is not increased due to such adjustment.
- (D) **Highway Realignment or Condemnation.** Any lot, which by reason of realignment of a Federal or State highway or by reason of condemnation proceedings, has been reduced in size to an area less than that required by law, shall be considered a nonconforming lot of record subject to the provisions set forth in Section 1-404(A); and any lawful use or structure existing at the time of such highway realignment or condemnation proceedings which would thereafter no longer be permitted under the terms of this Ordinance shall be considered a nonconforming use or structure as that term is used in this Ordinance.

## 1-405

### **Procedure for Removal of Nonconforming Status.**

- (A) **Availability of procedure.** Notwithstanding any terms of this Section prohibiting the continuation, reconstruction, or expansion of nonconforming uses and structures, a nonconforming use or structure may be deemed to be in conformity with the requirements of this Section, and may be allowed to continue and to expand as a lawfully existing use or structure, through the issuance of special exception approval in accordance with the following procedures and standards.

Section 1-400  
Revision Date: June 17, 1998  
[ ] Indicates Ordinance Amendment

- (B) **Application.** To establish a nonconforming use or structure as a lawfully existing use [or structure], the owner of the property or his or her authorized agent shall apply for special exception use approval in accordance with the procedures set forth in Section 6-1300.
- (C) **Review by Board of Supervisors.** The Planning Commission shall review and recommend and the Board of Supervisors shall review and act upon the application for termination of nonconforming status in accordance with the procedures and standards set forth in Section 6-1300 of this Ordinance. In reviewing and acting upon an application, the Planning Commission and Board shall also consider whether the nonconforming use or structure can be improved as follows:
- (1) A landscaped buffer could be provided between the nonconforming use or structure and any abutting lot in order to provide the maximum buffering effect for potentially adverse impacts of the use or structure on any abutting properties.
  - (2) Off-street parking areas located on the lot could be improved by landscaping sufficient to mitigate adverse impacts on any abutting properties.
  - (3) Nonconforming signs, outdoor lighting, off-street parking areas, and other nonconforming accessory structures located on the lot could be removed or brought into conformity with the applicable requirements of this Ordinance.
  - (4) A nonconforming structure would not be expanded or enlarged so as to increase the degree of nonconformity.
  - (5) Any expansion or enlargement of the use or structure could be limited to no greater than fifty percent (50%) of the floor area or lot area that it occupied on the effective date of this Ordinance or any amendment to this Ordinance which rendered the use or structure nonconforming.
- (D) **Effect of Approval.** Upon approval of the application for termination of nonconforming status by the Board, the use or structure shall no longer be treated as nonconforming and shall be allowed to continue as a lawfully existing use or structure unless it is abandoned or discontinued for a period of one hundred eighty (180) consecutive days. This status as a lawfully existing use shall apply only to the use or structure for which the special exception approval is issued and not to any other use or structure that may be located on the lot.

Section 1-400  
Revision Date: June 17, 1998  
[ ] Indicates Ordinance Amendment

## **ARTICLE II RURAL DISTRICT REGULATIONS**

Rural zoning districts are intended to implement Loudoun County comprehensive planning policies related to agricultural, horticultural, forestry, agribusiness, resource extraction, residential, and institutional or public uses of land that are characterized by a long established rural culture and economy. Specific purposes of the rural zoning districts include:

- (A) Conserve farmland for long term future use in agricultural and food production.
- (B) Control public service costs.
- (C) Maintain and enhance the continuity of rural cultures and communities.
- (D) Preserve historic landmarks.
- (E) Protect agricultural, horticultural, forestry and resource extraction operations from the adverse impact and encroachment of urban and suburban development.
- (F) Protect and enhance the agricultural economy and new forms of agricultural production and marketing.
- (G) Protect environmentally sensitive areas.

Rural zoning districts are generally not served by existing or planned public sewer and water systems, roadway networks, or other community facilities required by higher densities or urban uses. Planned systems and services are those which are consistent with the Loudoun County Comprehensive Plan and Capital Improvements Program, i.e. they are scheduled to be provided by the appropriate public agency or by the private sector within a period not to exceed ten (10) years. At such time as is appropriate and consistent with County policy, the Comprehensive Plan and Capital Improvements Program may provide for the redesignation of certain rural areas as urban areas.

The following rural zoning districts are established:

- A-25 Agriculture
- A-10 Agriculture
- A-3 Agricultural Residential
- RR Rural Residential
- CR-1 Countryside Residential-1
- CR-2 Countryside Residential-2
- CR-3 Countryside Residential-3
- CR-4 Countryside Residential-4
- RC Rural Commercial

## Section 2-100

### A-25 Agriculture.

#### 2-101

**Purpose.** This district is established to be voluntarily applied for by a property owner, to protect rural areas of the county in which agriculture, farm operations, and low density residential development on parcels in excess of twenty-five (25) acres have become the established land use pattern, and to provide an environment which encourages residents to continue to live and practice agricultural operations without adverse impacts arising from new, higher density development. The district permits uses compatible with and supportive of agriculture, including agriculturally related and home based businesses appropriate to a rural and farm setting. The district also permits direct marketing of farm products and services in conjunction with farm operations.

#### 2-102

**Permitted Uses.** The following uses are permitted in this district:

- (A) Agriculture, horticulture, forestry, and fishery.
- (B) Accessory apartment or dwelling unit, pursuant to Section 5-613.
- (C) Bed and breakfast homestay, pursuant to Section 5-601 (A).
- (D) Child care home, pursuant to Section 5-609 (A).
- (E) Equestrian facility, on lots of fifty (50) acres or more, with frontage on a state maintained road.
- (F) Farm machinery sales and service, pursuant to Section 5-615.
- (G) Guest farm or ranch, leasing no more than three (3) guest rooms.
- (H) Guest house, pursuant to Section 5-612.
- (I) Home occupation, pursuant to Section 5-400.
- (J) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area, and game preserve.
- (K) Stable, neighborhood, on lots of twenty-five (25) acres or more, with frontage on a state maintained road.
- (L) Nursery, production with frontage on a state maintained road, pursuant to Section 5-605.
- (M) Public or private playground, or neighborhood park.

- (N) Recycling drop-off collection center, small, pursuant to Section 5-607.
- (O) Dwelling, single family, detached, [including manufactured housing].
- (P) Small business, pursuant to Section 5-614.
- (Q) Stable, private.
- (R) Tenant dwelling, pursuant to Section 5-602.
- (S) Wayside stand, pursuant to Section 5-604.
- (T) Portable dwelling/trailer during construction of primary residence, pursuant to Section 5-500.
- (U) Utility substation, dedicated.
- (V) Rural hamlet, pursuant to Section 5-702.
- (W) Veterinary service.
- (X) Bus shelter.
- (Y) Commuter parking lot, with less than 50 spaces.
- (Z) Construction and/or sales trailer, during period of construction activity.
- (AA) Mill, feed and farm supply center.
- (BB) Sewer pumping station.
- (CC) Water pumping station.
- (DD) [Rural agricultural corporate retreat, pursuant to Section 5-619.]
- (EE) [Pet Farm.]
- [(FF) Telecommunications antenna, pursuant to Section 5-618(A).]
- [(GG) Telecommunications monopole, pursuant to Section 5-618(B)(1).]

**2-103**

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors and, if approved may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

- (A) Airport.
- (B) Bed and breakfast inn, pursuant to 5-601(B).
- (C) Country inn, pursuant to 5-601(C).
- (D) Camp, day and boarding.
- (E) Educational or research facility related to uses permitted in this district.
- (F) Equestrian facility, on lots less than fifty (50) acres, or without state maintained road frontage.
- (G) Extraction of sedimentary rock.
- (H) Farm market, pursuant to Section 5-603.
- (I) Guest farm or ranch, leasing four to twenty (4-20) guest rooms.
- (J) Private club or lodge.
- (K) Nursery, production without frontage on a state maintained road, pursuant to Section 5-605.
- (L) Small business, pursuant to Section 5-614.
- (M) Structure or uses primarily for federal, state, county, or local government purposes, not otherwise listed.
- (N) Tenant dwelling, pursuant to Section 5-602(B)&(C).
- (O) Utility transmission lines, overhead.
- (P) Animal hospital.
- (Q) Kennel, pursuant to Section 5-606.
- (R) Agricultural processing facilities, such as abattoir, cannery, grain mill, and the like.
- (S) Sawmill.

- (T) Child or adult day care center, pursuant to Section 5-609.
- (U) Community center.
- (V) Commuter parking lot, with greater than 50 spaces.
- (W) Congregate housing facility.
- (X) Country club.
- (Y) [Fire and/or rescue station.]
- (Z) Golf course.
- (AA) Orphanage or similar institution.
- (BB) Public or private community or regional park.
- (CC) Cemetery, mausoleum, or memorial park.
- (DD) Church, synagogue or temple.
- (EE) Convent, monastery, or seminary.
- (FF) Water storage tank.
- (GG) Water treatment plant.
- (HH) Sewage treatment plant.
- (II) Rural resort, pursuant to Section 5-601.
- (JJ) Crematorium.
- (KK) [Rural agricultural corporate retreat, pursuant to Section 5-619.]
- [(LL) Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- [(MM) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(NN) Police Station.]

**2-104 Lot Requirements** (See Section 1-205).

- (A) **Size.** Twenty five (25) acres minimum, at least three (3) acres exclusive of major floodplain.

- (B) **Width.** [Three hundred (300) feet minimum for lots fronting on Class I Roads; two hundred (200) feet minimum for lots fronting on Class II or III Roads; and fifty (50) feet minimum for lots fronting on a private access easement.]
- (C) **Yards.** No building shall be located within twenty five (25) feet of any property line nor within one hundred (100) feet from the right of way of any arterial road, seventy-five (75) feet from the right of way of any collector road, and thirty five (35) feet from any other road right of way, private access easement, and prescriptive easement.
- (D) **Length/Width Ratio.** 7:1 maximum.

**[2-105]**

**Creation of Lots.**

- (A) **Request.** Requests for creation of lots by plat of division in the A-25 District shall be submitted to the Zoning Administrator for review and approval in accordance with A-25 Parcel Divisions of the Land Subdivision and Development Ordinance.
- (B) **Public Road Frontage.** No such lot shall be created fronting on a public road unless the publicly dedicated width of such road along the entire frontage of such newly created lot, measured from the centerline of such road to the property line of such lot satisfies the criteria of the Virginia Department of Transportation (VDOT) and is in compliance with the policies of the Comprehensive Plan.
- (C) **On-Site Water Supply and Sewage Disposal Systems.** No such lot or parcel shall be created unless the plat of division contains the following note on the plat:

*The Loudoun County Health Department has not approved these lots for water supply or sewage disposal. A certification from the Health Department that such lots meet the requirements concerning water supply, sewage disposal and well testing shall be required prior to any new construction in accordance with the provisions of the Loudoun County Zoning Ordinance.]*

**[2-106]**

**Building Requirements.**

- (A) **Lot Coverage.** Five (5) percent maximum, based on gross acreage, excluding agricultural structures.
- (B) **Building Height.** Thirty five (35) feet maximum; no restriction for buildings used exclusively for agriculture.

**Lot Access.** Privately owned and maintained travelways that provide access to individual lots shall be approved by the Zoning Administrator for use within the A-25 District subject to the following provisions.

- (A) **Standards.** Such privately owned and maintained travelways shall be designed and constructed to satisfy at least one of the two following minimum standards.
  - (1) **Private Access Easements.** Private access easements shall be designed and constructed in accordance with the standards for private access easements contained with Chapter 4 Transportation of the Facilities Standards Manual, or
  - (2) **Private Lanes.** Privately owned and maintained travelways which are not designed and constructed in accordance with the standards referenced in subparagraph (1) are herein designated as Private Lanes and shall satisfy the following requirements.
    - (a) Each Private Lane shall be placed within a twenty-four (24) foot wide private easement.
    - (b) The minimum travelway width shall be twelve (12) feet.
    - (c) If paved, material shall be 2" over 4" base; if gravel shall be 6".
    - (d) The maximum grade shall be 10% with a minimum thirty (30) feet centerline curve radius.
    - (e) All residential structures served by any portion of a Private Lane shall have sprinkler systems installed.
- (B) **Length.** A private access easement or Private Lane may serve as frontage in lieu of public road frontage for up to a maximum of twenty-five (25) lots.
- (C) **Maintenance.** The plat of division creating any lot in the A-25 District shall contain the plat note and provide for maintenance of private access easements and Private Lanes as required in Street Improvements of the Land Subdivision and Development Ordinance.]

**Use Limitations.**

- (A) No non-agricultural use shall be permitted which, because of its nature, location, or manner of operation, is dangerous or noxious because of noise, odor, fumes, gas, glare, light, vibration, smoke, emission of particulate matter or effluents, or for other similar reasons.
- (B) Except as expressly allowed by this Ordinance, no municipal and/or communal wastewater treatment system shall be established or extended in the A-25 district except in conformance with the public utility and facilities policies of the Comprehensive Plan.
- (C) Except as expressly allowed by this Ordinance, no municipal and/or communal water service or systems shall be established or extended in the A-25 district except in conformance with the public utility and facilities policies of the Comprehensive Plan.
- (D) [Section removed pursuant to ZOAM 1993-0002].
- (D) More than one structure housing a permitted or permissible principal use may be erected on a single lot provided that yard, area, and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

## Section 2-200

### A-10 Agriculture

#### 2-201

**Purpose.** This district is established to protect rural areas of the county in which agriculture, farm operations, and low density residential development on parcels in excess of ten (10) acres have become the established land use pattern, and to provide an environment which encourages residents to continue to live and practice agricultural operations without adverse impacts arising from new, higher density development. The district permits uses compatible with and supportive of agriculture, including agriculturally related and home based businesses appropriate to a rural and farm setting. The district also permits direct marketing of farm products and services in conjunction with farm operations.

#### 2-202

**Permitted Uses.** The following uses are permitted in this district:

- (A) Agriculture, horticulture, forestry, and fishery.
- (B) Accessory apartment or dwelling unit, pursuant to Section 5-613.
- (C) Bed and breakfast homestay, pursuant to Section 5-601 (A).
- (D) Child care home, pursuant to Section 5-609 (A).
- (E) Cluster development, pursuant to Section 2-205.
- (F) Equestrian facility, on lots of fifty (50) acres or more, with frontage on a state maintained road.
- (G) Farm machinery sales and service, pursuant to Section 5-615.
- (H) Guest farm or ranch, leasing no more than three (3) guest rooms.
- (I) Guest house, pursuant to Section 5-612.
- (J) Rural hamlet, pursuant to Section 5-702.
- (K) Home occupation, pursuant to Section 5-400.
- (L) Low density development option, pursuant to Section 5-701.
- (M) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area, and game preserve.
- (N) Nursery, production, with frontage on a state maintained road, pursuant to Section 5-605.

Section 2-200

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (O) Public or private playground or neighborhood park.
- (P) Recycling drop-off collection center, small, pursuant to Section 5-607.
- (Q) Dwelling, single family, detached, [including manufactured housing].
- (R) Small business, pursuant to Section 5-614.
- (S) Stable, neighborhood, on lots of twenty five (25) acres or more, with frontage on a state maintained road.
- (T) Stable, private.
- (U) Tenant dwelling, pursuant to Section 5-602(A)&(C).
- (V) Wayside stand pursuant to Section 5-604.
- (W) Portable dwelling/trailer during construction of a primary residence, pursuant to Section 5-500.
- (X) Utility substation, dedicated.
- (Y) Veterinary service.
- (Z) Bus shelter.
- (AA) Commuter parking lot, with less than 50 spaces.
- (BB) Construction and/or sales trailer, during period of construction activity.
- (CC) Sewer pumping station.
- (DD) Mill, feed and farm supply center.
- (EE) Water pumping station.
- (FF) [Rural agricultural corporate retreat, pursuant to Section 5-619].
- (GG) [Pet Farm.]
- [(HH) Telecommunications antenna, pursuant to Section 5-618(A).]
- [(II) Telecommunications monopole, pursuant to Section 5-618(B)(1).]

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

- (A) Airport.
- (B) Bed and breakfast inn pursuant to Section 5-601(B).
- (C) Community center.
- (D) Country inn, pursuant to 5-601(C).
- (E) Camp, day and boarding.
- (F) Educational or research facilities related to uses permitted in this district.
- (G) Equestrian facility, on lots of less than fifty (50) acres or without state maintained road frontage.
- (H) Extraction of sedimentary rock.
- (I) Farm market, pursuant to Section 5-603.
- (J) [Fire and/or rescue station.]
- (K) Guest farms or ranch, leasing four to twenty (4-20) guest rooms.
- (L) Private club or lodge.
- (M) Nursery, production without frontage on a state maintained road, pursuant to Section 5-605.
- (N) Orphanage, or similar institution.
- (O) Small business, pursuant to the provisions of Section 5-614.
- (P) Stable, neighborhood, on lots of less than fifty (50) acres or without state maintained road frontage.
- (Q) Structure or use for federal, state, county or local government purposes, not otherwise listed.
- (R) Tenant dwelling, pursuant to Section 5-602.
- (S) Utility transmission lines, overhead.

- (T) Animal hospital.
- (U) Kennel, pursuant to Section 5-606.
- (V) Yard waste composting.
- (W) Cemetery, mausoleum or memorial park.
- (X) Church, synagogue and temple.
- (Y) Convent, monastery, or seminary.
- (Z) Child or adult day care center, pursuant to Section 5-609.
- (AA) Commuter parking lot with greater than 50 spaces.
- (BB) Congregate housing facility.
- (CC) Country club.
- (DD) Golf course.
- (EE) Public or private community or regional park.
- (FF) Sawmill.
- (GG) Agricultural processing facilities, such as abattoir, cannery, grain mill and the like.
- (HH) Water storage tank.
- (II) Water treatment plant.
- (JJ) Sewage treatment plant.
- (KK) Rural resort, pursuant to Section 5-601.
- (LL) Crematorium.
- (MM) [Rural agricultural corporate retreat, pursuant to Section 5-619].
- (NN) [Vegetative waste composting facility.]

[(OO) Telecommunications monopole, pursuant to Section 5-618(B)(2).]

[(PP) Telecommunications tower, pursuant to Section 5-618(C)(2).]

[(QQ) Police Station.]

## 2-204

### **Lot Requirements** (See Section 1-205).

- (A) **Size.** Ten (10) acres minimum, at least three (3) acres exclusive of major floodplain.
- (B) **Width.** [Three hundred (300) feet minimum for lots fronting on Class I Roads; two hundred (200) feet minimum for lots fronting on Class II or III Roads; and fifty (50) feet minimum for lots fronting on a private access easement].
- (C) **Yards.** No building shall be located within twenty five (25) feet of any property line nor within one hundred (100) feet from the right of way of any arterial road, seventy five (75) feet from the right of way of any collector road, and fifty (50) feet from any other road right of way, any private access easement, and prescriptive easement.
- (D) **Length/Width Ratio.** 4:1 maximum.

## 2-205

### **Lot Requirements for Cluster Development** (See Section 1-205).

- (A) **Size.** Three (3) acres, exclusive of major floodplain.
- (B) **Width.** [Three hundred (300) feet minimum for lots fronting on Class I Roads; two hundred (200) feet minimum for lots fronting on a Class II or III Roads; and fifty (50) feet minimum for lots fronting on a private access easement].
- (C) **Yards.** No building shall be located within twenty five (25) feet of any property line nor within one hundred (100) feet from the right of way of any arterial road, seventy five (75) feet from the right of way of any collector road, and fifty (50) feet from any other road right of way, any private access easement, and prescriptive easement.
- (D) **Length/Width Ratio.** 4.0:1.

- (E) **Common Open Space.** Common open space shall be provided and appropriately located with respect to permitted uses, in a sufficient amount such that gross density of one single family dwelling for each ten (10) acres shall be maintained. Common open space shall be permanently reserved as open space acceptable to the Board of Supervisors.

## **2-206**

### **Building Requirements.**

- (A) **Lot Coverage.** Five (5) percent maximum, based on gross acreage, excluding agricultural structures.
- (B) **Building Height.** Thirty five (35) feet maximum, no restriction for buildings used exclusively for agriculture.

## **2-207**

### **Use Limitations.**

- (A) No non-agricultural use shall be permitted which, because of its nature, location, or manner of operation, is dangerous or noxious because of noise, odor, fumes, gas, glare, light, vibration, smoke, emission of particulate matter or effluents, or for other similar reasons.
- (B) Except as expressly allowed by this Ordinance, no municipal and/or communal wastewater treatment system shall be established or extended in the A-10 district except in conformance with the public utility and facilities policies of the Comprehensive Plan.
- (C) Except as expressly allowed by this Ordinance, no municipal and/or communal water service or system shall be established or extended in the A-10 district except in conformance with the public utility and facilities policies of the Comprehensive Plan.
- [(D) Section removed pursuant to ZOAM 1993-0002.]
- (D) More than one structure housing a permitted or permissible principal use may be erected on a single lot provided that yard, area, and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

## Section 2-300

### A-3 Agricultural Residential.

#### 2-301

**Purpose.** This district is established to provide for the continued practice of agriculture, farm operations, agriculturally related and home based businesses, low density residential developments, preferably in a hamlet subdivision pattern, and other uses in a predominantly rural environment. The district also permits direct marketing of farm products and services.

#### 2-302

**Permitted Uses.** The following uses are permitted in this district:

- (A) Agriculture, horticulture, forestry, and fishery.
- (B) Accessory apartment or dwelling unit, pursuant to Section 5-613.
- (C) Bed and breakfast homestay, pursuant to Section 5-601 (A).
- (D) Child care home, pursuant to Section 5-609 (A).
- (E) Equestrian facility, on lots of fifty (50) acres or more, with frontage on a state maintained road.
- (F) Guest farm or ranch, leasing no more than three (3) guest rooms.
- (G) Guest house, pursuant to Section 5-612.
- (H) Rural hamlet, pursuant to Section 5-702.
- (I) Home occupation, pursuant to Section 5-400.
- (J) Low density development option, pursuant to Section 5-701(A).
- (K) Nature preserve, such as but not limited to, wildlife sanctuary, conservation areas, and game preserve.
- (L) Nursery, production, with frontage on a state maintained road, pursuant to Section 5-605.
- (M) Public or private playground, or neighborhood park.
- (N) Recycling drop-off collection center, small, pursuant to Section 5-607.
- (O) School, private elementary or middle, for less than fifteen (15) pupils.
- (P) Dwelling, single-family, detached, [including manufactured housing].

Section 2-300

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (Q) Small business, pursuant to the provisions of Section 5-614.
- (R) Stable, neighborhood on lots of twenty five (25) acres or more, with frontage on a state maintained road.
- (S) Stable, private.
- (T) Tenant dwelling, pursuant to Section 5-602(A)&(C).
- (U) Wayside stand, pursuant to Section 5-604.
- (V) Portable dwelling/trailer during construction of a primary residence, pursuant to Section 5-500.
- (W) Utility substation, dedicated.
- (X) Bus shelter.
- (Y) Commuter parking lot, with less than 50 spaces.
- (Z) Construction and/or sales trailer, during period of construction activity.
- (AA) Farm machinery sales and service, pursuant to Section 5-615.
- (BB) Sewer pumping station.
- (CC) Water pumping station.
- (DD) Mill, feed and farm supply center.
- (EE) [Rural agricultural corporate retreat, pursuant to Section 5-619].
- (FF) [School, public.]
- (GG) [Pet Farm.]
- [(HH) Telecommunications antenna, pursuant to Section 5-618(A).]
- [(II) Telecommunications monopole, pursuant to Section 5-618(B)(1).]

## 2-303

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

- (A) Bed and breakfast inn, pursuant to Section 5-601 (B).

- (B) Cemetery, mausoleum or memorial park.
- (C) Church, synagogue and temple.
- (D) Nursery, commercial, pursuant to Section 5-605.
- (E) Community center.
- (F) Convent, monastery, or seminary.
- (G) Country inn, pursuant to Section 5-601(C).
- (H) Camp, day and boarding.
- (I) Equestrian facility, on lots of less than fifty (50) acres or without frontage on a state maintained road.
- (J) Extraction of sedimentary rock.
- (K) Farm market, pursuant to Section 5-603.
- (L) [Fire and/or rescue station.]
- (M) Guest farm or ranch, leasing four to twenty (4-20) guest rooms.
- (N) Kennel, pursuant to Section 5-606.
- (O) Nursery, production, without frontage on a state maintained road, pursuant to Section 5-605.
- (P) Private club or lodge.
- (Q) School.
- (R) Public utility service center and storage yard.
- (S) Recycling drop-off collection center, large, pursuant to Section 5-607.
- (T) Continuing care facility.
- (U) Orphanage, or similar institution.
- (V) Rural retreat, pursuant to Section 5-601 (D).
- (W) Small business, pursuant to the provisions of Section 5-614.

- (X) Stable, neighborhood, on lots less than twenty-five (25) acres, or without frontage on a state maintained road.
- (Y) Structure or use for federal, state, county, or local governmental purposes, not otherwise listed.
- (AA) Tenant dwelling, pursuant to Section 5-602(B)&(C).
- (BB) Testing station.
- (CC) Veterinary service.
- (DD) Utility substation, transmission, pursuant to 5-616.
- (EE) Utility transmission lines, overhead.
- (FF) Hospital, pursuant to Section 5-610.
- (GG) [Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- (HH) Yard waste composting.
- (II) Airport.
- (JJ) Arboretum.
- (KK) Auction house.
- (LL) Borrow pit for construction.
- (MM) Child or adult daycare center, pursuant to Section 5-609.
- (NN) Commuter parking lot with greater than 50 spaces.
- (OO) Congregate housing facility.
- (PP) Country club.
- (QQ) Educational or research facility related to uses permitted in this district.
- (RR) Fairgrounds.
- (SS) Golf course.
- (TT) Marina.

- (UU) Playing fields and courts, lighted.
- (VV) Public or private community or regional park.
- (WW) [Radio and/or television tower.]
- (XX) Sawmill.
- (YY) Sewage treatment plant.
- (ZZ) Agricultural processing facilities such as, abattoir, cannery, grain mill, and the like.
- (AAA) Water treatment plant.
- (BBB) Animal hospital.
- (CCC) Water storage tank.
- (DDD) Utility substation, distribution, pursuant to Section 5-616.
- (EEE) Rural resort, pursuant to Section 5-601.
- (FFF) Crematorium.
- (GGG) [Rural agricultural corporate retreat, pursuant to Section 5-619].
- (HHH) [Vegetative waste composting facility.]
- (III) [Recreation establishment, outdoor.]
- (JJJ) [Magazine contained explosives facility, pursuant to Section 5-622.]
- [(KKK) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(LLL) Police Station.]

## 2-304

### **Lot Requirements** (See Section 1-205).

- (A) **Size.** Three (3) acres minimum, exclusive of major floodplain.
- (B) **Width.** [Three hundred (300) feet minimum for lots fronting on Class I Roads; two hundred (200) feet minimum for lots fronting on Class II or III Roads; and fifty (50) feet minimum for lots fronting on a private access easement].

- (C) **Length/Width Ratio.** 3.5:1 maximum.
- (D) **Yards.** No building shall be located within twenty five (25) feet of any property line nor within one hundred (100) feet from the right of way of any arterial road, seventy five (75) feet from the right of way of any collector road, and thirty five (35) feet from any other road right of way, private access easement, and any prescriptive easement.

**2-305 Building Requirements.**

- (A) **Lot Coverage.** Eight (8) percent maximum, based on gross acreage, excluding agricultural structures.
- (B) **Building Height.** Thirty five (35) feet maximum, except no restriction for buildings used exclusively for agriculture.

**2-306 Use Limitations.**

- (A) No non-agricultural use shall be permitted which, because of its nature, location, or manner of operation, is dangerous or noxious because of noise, odor, fumes, gas, glare, light, vibration, smoke, emission of particulate matter or effluents, or for other similar reasons.
- (B) Except as expressly allowed by this Ordinance, no municipal and/or communal wastewater treatment systems shall be established or extended in the A-3 district except in conformance with the public utility and facilities policies of the Comprehensive Plan.
- (C) Except as expressly allowed by this Ordinance, no municipal and/or communal water service or system shall be established or extended in the A-3 district except in conformance with the public utility and facilities policies of the Comprehensive Plan.
- (D) [Section removed pursuant to ZOAM 1993-0002].
- (D) More than one structure housing a permitted or permissible principal use may be erected on a single lot provided that yard, area, and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

## **Section 2-400**

### **RR Rural Residential**

#### **2-401**

**Purpose.** This district is established to provide for residential development in the vicinity of rural villages and towns, beyond their planned sewer and water service areas, for those existing low density residential subdivisions which have established a predominantly residential, rather than mixed agricultural/residential, character, and deserve greater protection than can be provided in an A-3 District. This district is intended to be mapped only in areas where requested by the landowners.

#### **2-402**

**Permitted Uses.** The following uses are permitted in this district:

- (A) Accessory apartment or dwelling unit, pursuant to Section 5-613.
- (B) Bed and breakfast homestay, pursuant to Section 5-601(A).
- (C) Child care home, pursuant to Section 5-609.
- (D) Home occupation, pursuant to Section 5-400.
- (E) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area, and game preserve.
- (F) Dwelling, single family detached.
- (G) Portable dwelling/trailer during construction of a primary residence, pursuant to Section 5-500.
- (H) Utility substation, dedicated.
- (I) Recycling drop-off collection center, small, pursuant to Section 5-607.
- (J) Bus shelter.
- (K) Commuter parking lot, with less than 50 spaces.
- (L) Construction and/or sales trailer, during period of construction activity.
- (M) Guest house, pursuant to Section 5-612.
- (N) Public or private playground, or neighborhood park.
- (O) School, private elementary or middle, for less than 15 pupils.

- (P) Sewer pumping station.
- (Q) Water pumping station.
- (R) [School, public.]
- [(S) Telecommunications antenna, pursuant to Section 5-618(A).]
- [(T) Telecommunications monopole, pursuant to Section 5-618(B)(1).]

## 2-403

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

- (A) Bed and breakfast inn, pursuant to Section 5-601 (B).
- (B) Cemetery, mausoleum or memorial park.
- (C) Church, synagogue and temple.
- (D) Community center.
- (E) Country club.
- (F) [Fire and/or rescue station.]
- (G) Utility substation, transmission, pursuant to 5-616.
- (H) Utility transmission lines, overhead.
- (I) [Removed pursuant to ZOAM 1995-0002.]
- (J) Continuing care facility.
- (K) Golf course.
- (L) Child or adult daycare center, pursuant to Section 5-609.
- (M) Commuter parking lot, with greater than 50 spaces.
- (N) Congregate housing facility.
- (O) Country inn, pursuant to Section 5-601(C).
- (P) Structure or use for federal, state, county or local governmental purposes, not otherwise listed.

- (Q) Library.
- (R) Orphanage or similar institution.
- (S) Private club or lodge.
- (T) [Radio and/or television tower.]
- (U) Public or private community, or regional park.
- (V) School.
- (W) Sewage treatment plant.
- (X) Veterinary service.
- (Y) Animal hospital.
- (Z) Water treatment plant.
- (AA) Playing fields and courts, lighted.
- (BB) Water storage tank.
- (CC) Utility substation, distribution, pursuant to Section 5-616.
- (DD) Crematorium.
- [(EE) Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- [(FF) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(GG) Police Station.]

**2-404 Lot Requirements** (See Section 1-205).

- (A) **Size.** Three (3) acres minimum, exclusive of major floodplain.
- (B) **Width.** [Three hundred (300) feet minimum for lots fronting on Class I Roads; two hundred (200) feet minimum for lots fronting on Class II Roads; and fifty (50) feet minimum for lots fronting on a private access easement].
- (C) **Length/Width Ratio.** 3.5:1 maximum.

- (D) **Yards.** No building shall be located within fifty (50) feet of any property line nor within one hundred (100) feet from the right of way of any arterial road, seventy five (75) feet from the right of way of any collector road, and fifty (50) feet from any other road right of way, private access easement, and prescriptive easement.

**2-405**

**Building Requirements.**

- (A) **Lot Coverage.** Eight (8) percent maximum, based on gross acreage.
- (B) **Building Height.** Thirty five (35) feet maximum.

## Section 2-500

### Countryside Residential-1: CR-1

- 2-501 Purpose.** This district is established to foster the conversion of existing residential properties zoned R-1 under the 1972 Zoning Ordinance which are not served by communal or municipal water and sewer. These areas can be served by on-site well and wastewater systems, but are areas in which the County encourages a countryside hamlet pattern served by public water and sewer facilities to preserve open space and to achieve a traditional design envisioned in the Comprehensive Plan.
- 2-502 Size and Location.** The Comprehensive Plan does not support the creation of additional districts having development of a type characteristic of the CR-1 district, and this district is not intended to be enlarged beyond the limits mapped for this district with the adoption of this Ordinance.
- 2-503 Permitted Uses.** The following uses are permitted in this district:
- (A) Agriculture, horticulture, forestry and fisheries.
  - (B) Accessory apartment or dwelling unit, pursuant to Section 5-613.
  - (C) Bed and breakfast homestay, pursuant to Section 5-601(A).
  - (D) Child care home, pursuant to Section 5-609.
  - (E) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area, and game preserve.
  - (F) Dwelling, single family detached.
  - (G) Home occupation, pursuant to Section 5-400.
  - (H) Public or private playground, or neighborhood park.
  - (I) Tenant dwelling, pursuant to Section 5-602 (A)&(C).
  - (J) Countryside hamlet, pursuant to Section 5-703.
  - (K) Guest house, pursuant to Section 5-612.
  - (L) Low density development option, pursuant to Section 5-701.
  - (M) Wayside stand, pursuant to Section 5-604, when located on a parcel ten (10) acres or greater.
  - (N) School, private elementary or middle, for less than fifteen (15) pupils.

Section 2-500

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (O) Bus shelter.
- (P) Commuter parking lot, with less than 50 spaces.
- (Q) Construction and/or sales trailer, during period of construction activity.
- (R) Nursery, production with state road frontage, pursuant to Section 5-605.
- (S) Recycling drop off collection center, small, pursuant to Section 5-607.
- (T) Sewer pumping station.
- (U) Stable, neighborhood, on greater than twenty-five (25) acres with frontage on a state maintained road.
- (V) Stable, private.
- (W) Utility substation, dedicated.
- (X) Water pumping station.
- (Y) Portable dwelling/trailer during construction of primary residence.
- (Z) [School, public.]
- (AA) [Pet Farm.]
- (BB) [Compact cluster development option, pursuant to Section 2-507.]
- [(CC) Telecommunications antenna, pursuant to Section 5-618(A).]
- [(DD) Telecommunications monopole, pursuant to Section 5-618(B)(1).]

## 2-504

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

- (A) Bed and breakfast inn, pursuant to Section 5-601(B).
- (B) Cemetery, mausoleum, or memorial park.
- (C) Church, synagogue and temple.

- (D) Community center.
- (E) Congregate housing facility.
- (F) Country club.
- (G) Country inn, pursuant to Section 5-601(C).
- (H) [Fire and/or rescue station.]
- (I) Orphanage or other similar institution.
- (J) Private club or lodge.
- (K) Recycling drop off collection center, large, pursuant to Section 5-607.
- (L) Sewage treatment plant.
- (M) Tenant dwelling, pursuant to Section 5-602(B)&(C).
- (N) Utility transmission line, overhead.
- (O) Water treatment plant.
- (P) Stable, neighborhood, on less than twenty five (25) acres or without frontage on a state maintained road.
- (Q) Kennel, pursuant to Section 5-606.
- (R) Veterinary service.
- (S) Animal hospital.
- (T) Camp, day and boarding.
- (U) Nursery, production without state road frontage, pursuant to Section 5-605.
- (V) Library.
- (W) Golf course.
- (X) Child or adult daycare center, pursuant to Section 5-609.
- (Y) Commuter parking lot, with greater than 50 spaces.

- (Z) Structure or use primarily for federal, state, county, or local governmental purposes, not otherwise listed.
- (AA) Playing fields and courts, lighted.
- (BB) Public or private community or regional park.
- (CC) Public utility service center and storage yard.
- (DD) [Radio and/or television tower.]
- (EE) Continuing care facility.
- (FF) School.
- (GG) [Removed pursuant to ZOAM 1995-0002.]
- (HH) Utility substation, transmission, pursuant to Section 5-616.
- (II) Water storage tank.
- (JJ) Utility substation, distribution, pursuant to Section 5-616.
- (KK) Rural resort, pursuant to Section 5-601.
- (LL) Crematorium.
- (MM) [Recreation establishment, outdoor.]
- [(NN) Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- [(OO) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(PP) Police Station.]

**2-505 Lot Requirements for Lots Served By On-site Well and Wastewater Systems.**

- (A) **Size.** Forty thousand (40,000) square feet minimum, exclusive of major floodplain.
- (B) **Width.** 175 feet minimum.
- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** Thirty five (35) feet minimum.

- (2) **Side.** Minimum of twelve (12) feet on one side and nine (9) feet on the other side.
- (3) **Rear.** Fifty (50) feet minimum.
- (D) **Length/Width Ratio.** 2.5:1 maximum.

[2-506

**Lot Requirements for Lots Served by Public Sewer/Cluster Option.**

- (A) **Size.** Twenty thousand (20,000) square feet minimum, exclusive of major floodplain.
- (B) **Width.** Seventy-five (75) feet minimum.
- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** Twenty-five (25) feet minimum.
  - (2) **Side.** Nine (9) feet minimum.
  - (3) **Rear.** Twenty-five (25) feet minimum.
- (D) **Length/Width Ratio.** 4.0:1 maximum.
- (E) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that gross density of one lot per forty thousand (40,000) square feet is maintained calculated based on the overall parcel excluding major floodplain, roads, and steep slopes. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.
- (F) **Minimum Buffer/Setback.** A permanent building setback of Fifty (50) feet in depth with a Category 1 Buffer Yard (Section 5-1514[B]) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of twenty thousand (20,000) square feet or greater. Such buffer may be included in open space calculations.
- (G) **Utilities.** Public sewer facilities must be provided to the site in accord with the wastewater policies of the Comprehensive Plan.]

**Lot Requirements for Compact Cluster Development Option.**

- (A) **Size.** Fifteen thousand (15,000) square feet minimum, exclusive of major floodplain.
- (B) **Width.** Sixty (60) feet minimum.
- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** Fifteen (15) feet minimum.
  - (2) **Side.** Nine (9) feet minimum.
  - (3) **Rear.** Twenty-five (25) feet minimum.
- (D) **Length/Width Ratio.** 4.0:1 maximum.
- (E) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that gross density of one lot per forty thousand (40,000) square feet is maintained calculated based on the overall parcel excluding major floodplain, roads, and steep slopes. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.
- (F) **Minimum Buffer/Setback.** A permanent building setback of fifty (50) feet in depth with a Category 1 Buffer Yard (Section 5-1514[B]) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of fifteen thousand (15,000) square feet or greater. Such buffer may be included in open space calculations.
- (G) **Utilities.** Both public water and public sewer facilities must be provided to the site in accord with the water and wastewater policies of the Comprehensive Plan.]
- (H) **Lot Design Requirements.**
  - (1) Street trees planted pursuant to Section 5-1300 shall be regularly spaced.
  - (2) Garages shall be set back at least twenty (20) feet behind the front line of buildings.

(I) **Other Requirements.**

- (1) Blocks shall generally be in a grid pattern, with interconnecting streets and alleys.
- (2) Parallel parking may be provided on streets in front of residential lots, except for lots fronting on collector or arterial roads.]

**2-508 Building Requirements for Lots Served By On-site Well And Wastewater Systems.**

- (A) **Lot Coverage.** Fifteen (15) percent maximum.
- (B) **Building Height.** Thirty five (35) feet maximum.

**[2-509 Building Requirements for Lots Served By Public Sewer/Cluster Option and Compact Cluster Development Option.**

- (A) **Lot Coverage.** Twenty five (25) percent maximum.
- (B) **Building Height.** Thirty five (35) feet maximum.]

**2-510 Utility Requirements.** All utility distribution lines located in the CR-1 district shall be placed underground.

**2-511 Development Setback and Access from Major Roads.** In designing residential development, the following requirements shall be observed:

- (A) **Setback.** No building shall be located any closer than one hundred (100) feet from the right of way of any arterial road and seventy five (75) feet from the right-of-way of a major collector and thirty five (35) feet from any other road right-of-way, private access easement and prescriptive easement.
- (B) **Access.** No individual lot created after adoption of this Ordinance shall have direct access to an arterial or major collector road [unless; said lot which is the subject of a boundary line adjustment application was previously provided access from said arterial or major collector road or said lot is the subject of a subdivision application for three (3) lots or less within this district].

## Section 2-600

### Countryside Residential-2: CR-2

- 2-601 Purpose.** This district is established to foster the conversion of existing residential properties zoned R-2 under the 1972 Zoning Ordinance which are not served by communal or municipal water and sewer facilities. These areas can be served by on-site well and wastewater systems at lower densities, but are areas in which the County allows higher densities when a cluster development pattern is served by public water and/or sewer facilities to preserve open space and to achieve a traditional design as envisioned in the Comprehensive Plan.
- 2-602 Size and Location.** The Comprehensive Plan does not support the creation of additional districts having development of a type characteristic of a CR-2 district, and this district is not intended to be enlarged beyond the limits mapped to this district with the adoption of this Ordinance.
- 2-603 Permitted Uses.** The following uses are permitted in this district:
- (A) Agriculture, horticulture, forestry and fisheries.
  - (B) Accessory apartment or dwelling unit, pursuant to Section 5-613.
  - (C) Bed and breakfast homestay, pursuant to Section 5-601(A).
  - (D) Child care home, pursuant to Section 5-609(A).
  - (E) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area, and game preserve.
  - (F) Dwelling, single family detached.
  - (G) Guest house, pursuant to Section 5-612.
  - (H) Home occupation, pursuant to Section 5-400.
  - (I) Public or private playground, or neighborhood park.
  - (J) Tenant dwelling, pursuant to Section 5-602(A)&(C).
  - (K) Compact cluster development option, pursuant to Section 2-607.
  - (L) Bus shelter.
  - (M) Commuter parking, lot, with less than 50 spaces.

- (N) Construction and/or sales trailer, during period of construction activity.
- (O) Recycling drop off collection center, small, pursuant to Section 5-607.
- (P) Sewer pumping station.
- (Q) Utility substation, dedicated.
- (R) Water pumping station.
- (S) Portable dwelling/ trailer during construction of primary residence.
- (T) School, private elementary or middle, for less than 15 pupils.
- (U) [School, public.]
- (V) [Pet Farm.]
- [(W) Telecommunications antenna, pursuant to Section 5-618(A).]
- [(X) Telecommunications monopole, pursuant to Section 5-618(B)(1).]

**2-604**

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

- (A) Bed and breakfast inn, pursuant to Section 5-601(B).
- (B) Cemetery, mausoleum, or memorial park.
- (C) Church, synagogue and temple.
- (D) Community center.
- (E) Congregate housing facility.
- (F) Country club.
- (G) Country inn, pursuant to Section 5-601(C).
- (H) [Fire and/or rescue station.]
- (I) Orphanage, or other similar institution.

- (J) Private club or lodge.
- (K) School.
- (L) Sewage treatment plant.
- (M) Tenant dwelling, pursuant to Section 5-602(B)&(C).
- (N) Utility transmission lines, overhead.
- (O) Water treatment plant.
- (P) Library.
- (Q) Golf course.
- (R) Child or adult daycare, pursuant to Section 5-609.
- (S) Commuter parking lot, with greater than 50 spaces.
- (T) Structure or use primarily for federal, state, county, or local governmental purposes, not otherwise listed.
- (U) Playing fields and courts, lighted.
- (V) Public or private community or regional park.
- (W) [Radio and/or television tower.]
- (X) Continuing care facility.
- (Y) [Removed pursuant to ZOAM 1995-0002.]
- (Z) Utility substation, transmission, pursuant to Section 5-616.
- (AA) Water storage tank.
- (BB) Utility substation, distribution, pursuant to Section 5-616.
- [(CC) Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- [(DD) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(EE) Police Station.]

- 2-605                    Lot Requirements for Lots Served By On-Site Well and Wastewater Systems.**
- (A)        **Size.** Forty thousand (40,000) square feet minimum, exclusive of major floodplain.
  - (B)        **Width.** One hundred seventy five (175) feet minimum.
  - (C)        **Yards.** Each lot shall provide the following yards:
    - (1)        **Front.** Twenty five (25) feet minimum.
    - (2)        **Side.** Minimum of twelve (12) feet on one side and nine (9) feet on the other side.
    - (3)        **Rear.** Fifty (50) feet minimum.
  - (D)        **Length/Width Ratio.** 2.5:1 maximum.
- 2-606                    Lot Requirements for Lots Served by Either Public Water or Public Sewer.**
- (A)        **Size.** Twenty thousand (20,000) square feet minimum, exclusive of major floodplain.
  - (B)        **Width.** Seventy five (75) feet minimum.
  - (C)        **Yards.** Each lot shall provide the following yards:
    - (1)        **Front.** Twenty five (25) feet minimum.
    - (2)        **Side.** Nine (9) feet minimum.
    - (3)        **Rear.** Twenty five (25) feet minimum.
  - (D)        **Length/Width Ratio.** 4:1 maximum.
  - (E)        **Utilities.** Public water and/or public sewer facilities must be provided to serve the site in accord with the water and wastewater policies of the Comprehensive Plan.
- 2-607                    Lot Requirements for Compact Cluster Development Option.**
- (A)        **Size.** Ten thousand (10,000) square feet minimum, exclusive of major floodplain.
  - (B)        **Width.** Fifty (50) feet minimum.

- (C) **Yards.** Each lot shall provide the following yards:
- (1) **Front.** Fifteen (15) feet minimum.
  - (2) **Side.** Nine (9) feet minimum.
  - (3) **Rear.** Twenty five (25) feet minimum.
- (D) **Length/Width Ratio:** 4:1 maximum.
- (E) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that gross density of one lot per twenty thousand (20,000) square feet is maintained calculated based on the overall parcel excluding major floodplain, roads and steep slopes. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.
- (F) **Minimum Buffer/Setback.** A permanent building setback of fifty (50) feet in depth with a Category 1 Buffer Yard (Section 5-1514(B) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of twenty thousand (20,000) square feet or greater. Such buffer area may be included in open space calculations.
- (G) **Utilities.** Both public water and public sewer facilities must be provided to the site in accord with the water and wastewater policies of the Comprehensive Plan.
- (H) **Lot Design Requirements.**
- (1) Street trees planted pursuant to Section 5-1300 shall be regularly spaced.
  - (2) Garages shall be set back at least 20 feet behind the front line of buildings.
- (I) **Other Requirements.**
- (1) Blocks shall generally be in a grid pattern, with interconnecting streets and alleys.
  - (2) Parallel parking may be provided on streets in front of residential lots, except for lots fronting on collector or arterial roads.

- 2-608 Building Requirements for Lots Served By On-Site Well and Wastewater Systems.**
- (A) **Lot Coverage.** Fifteen (15) percent maximum.
  - (B) **Building Height.** Thirty five (35) feet maximum.
- 2-609 Building Requirements for Lots Served by Either Public Water or Public Sewer.**
- (A) **Lot Coverage.** Twenty five (25) percent maximum.
  - (B) **Building Height.** Thirty five (35) feet maximum.
- 2-610 Building Requirements for Compact Cluster Development Option.**
- (A) **Lot Coverage.** Thirty five (35) percent maximum.
  - (B) **Building Height.** Thirty five (35) feet maximum.
- 2-611 Utility Requirements.** All utility distribution lines located in the CR-2 district shall be placed underground.
- 2-612 Development Setback and Access from Major Roads.** In designing residential development, the following requirements shall be observed:
- (A) **Setback.** No building shall be located any closer than one hundred (100) feet from the right-of-way of any arterial road and seventy five (75) feet from the right-of-way of a major collector, and twenty five (25) feet from any other road right-of-way, any private access easement and any prescriptive easement, except where lots are developed pursuant to Section 2-607.
  - (B) **Access.** No individual lot created after the adoption of this Ordinance shall have direct access to an arterial or major collector road [unless; said lot which is the subject of a boundary line adjustment application was previously provided access from said arterial or major collector road or said lot is the subject of a subdivision application for three (3) lots or less within this district].

## Section 2-700

### Countryside Residential-3: CR-3

- 2-701**      **Purpose.** This district is established to foster the conversion of existing residential properties zoned R-2 under the 1972 Zoning Ordinance which are served by public sewer only. These areas can be served by on-site well and wastewater systems at lower densities, but are areas in which the County allows higher densities when a cluster development pattern is served by public water and/or sewer facilities to preserve open space and to achieve a traditional design as envisioned in the Comprehensive Plan.
- 2-702**      **Size and Location.** The Comprehensive Plan does not support the creation of additional districts having development of a type characteristic of a CR-3 district, and this district is not intended to be enlarged beyond the limits mapped to this district with the adoption of this Ordinance.
- 2-703**      **Permitted Uses.** The following uses are permitted in this district:
- (A)      Agriculture, horticulture, forestry and fisheries.
  - (B)      Accessory apartment or dwelling unit, pursuant to Section 5-613.
  - (C)      Child care home, pursuant to Section 5-609(A).
  - (D)      Nature preserve, such as but not limited to, wildlife sanctuary, conservation area, and game preserve.
  - (E)      Dwelling, single family detached.
  - (F)      Guest house, pursuant to Section 5-612.
  - (G)      Home occupation, pursuant to Section 5-400.
  - (H)      Public or private playground, or neighborhood park.
  - (I)      Compact cluster development option, pursuant to Section 2-706.
  - (J)      Bus shelter.
  - (K)      Commuter parking lot, with less than 50 spaces.
  - (L)      Recycling drop off collection center, small, pursuant to Section 5-607.
  - (M)      Sewer pumping station.
  - (N)      Water pumping station.

- (O) Utility substation, dedicated.
- (P) Construction and/or sales trailer, during period of construction activity.
- (Q) Portable dwelling/trailer during construction of primary residence.
- (R) School, private elementary or middle, for less than 15 pupils.
- (S) [School, public.]
- (T) [Pet Farm.]
- [(U) Telecommunications antenna, pursuant to Section 5-618(A).]
- [(V) Telecommunications monopole, pursuant to Section 5-618(B)(1).]

## 2-704

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

- (A) Bed and breakfast inn, pursuant to Section 5-601(B).
- (B) Cemetery, mausoleum, or memorial park.
- (C) Church, synagogue and temple.
- (D) Community center.
- (E) Congregate housing facility.
- (F) Country club.
- (G) Country inn, pursuant to Section 5-601(C).
- (H) [Fire and/or rescue station.]
- (I) Orphanage or other similar institution.
- (J) Private club or lodge.
- (K) School.
- (L) Sewage treatment plant.
- (M) Utility transmission lines, overhead.

- (N) Water treatment plant.
- (O) Library.
- (P) Golf course.
- (Q) Child or adult daycare, pursuant to Section 5-609.
- (R) Commuter parking lot, with greater than 50 spaces.
- (S) Structure or use primarily for federal, state, county, or local governmental purposes, not otherwise listed.
- (T) Playing fields and courts, lighted.
- (U) Public or private community or regional park.
- (V) [Radio and/or television tower.]
- (W) [Removed pursuant to ZOAM 1995-0002.]
- (X) Utility substation, transmission, pursuant to Section 5-616.
- (Y) Water storage tank.
- (Z) Utility substation, distribution, pursuant to Section 5-616.
- [(AA) Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- [(BB) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(CC) Police Station.]

**2-705 Lot Requirements for Lots Served By On-Site Well and Wastewater Systems.**

- (A) **Size.** Forty thousand (40,000) square feet minimum, exclusive of major floodplain.
- (B) **Width.** One hundred seventy five (175) feet minimum.
- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** Twenty five (25) feet minimum.
  - (2) **Side.** Minimum of twelve (12) feet on one side and nine (9) feet on the other side.

(3) **Rear.** Fifty (50) feet minimum.

(D) **Length/Width Ratio:** 2.5:1 maximum.

**2-706**

**Lot Requirements for Lots Served by Public Sewer Only.**

(A) **Size.** Fifteen (15,000) square feet minimum, exclusive of major floodplain.

(B) **Width.** Sixty (60) feet minimum.

(C) **Yards.** Each lot shall provide the following yards:

(1) **Front.** Twenty five (25) feet minimum.

(2) **Side.** Nine (9) feet minimum.

(3) **Rear.** Twenty five (25) feet minimum.

(D) **Length/Width Ratio:** 4:1 maximum.

(E) **Utilities.** Public sewer facilities shall be provided to serve the site in accord with the wastewater policies of the Comprehensive Plan.

**2-707**

**Lot Requirements for Compact Cluster Development Option.**

(A) **Size.** Ten thousand (10,000) square feet minimum to fifteen thousand (15,000) square feet maximum, exclusive of major floodplain.

(B) **Width.** Fifty (50) feet minimum.

(C) **Yards.** Each lot shall provide the following yards:

(1) **Front.** Fifteen (15) feet minimum.

(2) **Side.** Nine (9) feet minimum.

(3) **Rear.** Twenty five (25) feet minimum.

(D) **Length/Width Ratio:** 4:1 maximum.

(E) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per fifteen thousand (15,000) square feet is maintained, calculated based on the overall parcel excluding major floodplain, roads and steep slopes. Open space shall be

preserved by means of a permanent open space easement acceptable to the Board of Supervisors.

- (F) **Minimum Buffer/Setback.** A permanent building setback of fifty (50) feet in depth with a Category 1 Buffer Yard (Section 5-1414(B)) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development, which has a minimum allowable lot size of fifteen thousand (15,000) square feet or greater. Such buffer area may be included in open space calculations.
- (G) **Utilities.** Both public water and public sewer shall be provided to serve the site in accord with the water and wastewater policies of the Comprehensive Plan.
- (H) **Lot Design Requirements.**
  - (1) Street trees planted pursuant to Section 5-1300 shall be regularly spaced.
  - (2) Garages shall be set back at least twenty (20) feet behind the front line of buildings.
- (I) **Other Requirements.**
  - (1) Blocks shall generally be in a grid pattern, with interconnecting streets and alleys.
  - (2) Parallel parking may be provided on streets in front of residential lots, except for lots fronting on collector or arterial roads.

**2-708 Building Requirements for Lots Served by On-site Well and Wastewater Systems.**

- (A) **Lot Coverage.** Fifteen (15) percent maximum.
- (B) **Building Height.** Thirty five (35) feet maximum.

**2-709 Building Requirements for Lots Served by Public Sewer Only.**

- (A) **Lot Coverage.** Twenty five (25) percent maximum.
- (B) **Building Height.** Thirty five (35) feet maximum.

- 2-710 Building Requirements for Compact Cluster Development Option.**
- (A) **Lot Coverage.** Thirty five (35) percent maximum.
  - (B) **Building Height.** Thirty five (35) feet maximum.
- 2-711 Utility Requirements.** All utility distribution lines located in the CR-3 district shall be placed underground.
- 2-712 Development Setback and Access from Major Roads.** In designing residential development, the following requirements shall be observed:
- (A) **Setback.** No building shall be located any closer than one hundred (100) feet from the right-of-way of any arterial road and seventy five (75) feet from the right-of-way of a major collector, and twenty five (25) feet from any other road right-of-way, private access easement and prescriptive easement, except where lots are developed pursuant to Section 2-707.
  - (B) **Access.** No individual lot created after adoption of this Ordinance shall have direct access to an arterial or major collector road [unless; said lot which is the subject of a boundary line adjustment application was previously provided access from said arterial or major collector road or said lot is the subject of a subdivision application for three (3) lots or less within this district].

## Section 2-800

### Countryside Residential-4: CR-4

#### 2-801

**Purpose.** This district is established to foster the conversion of existing residential properties zoned R-4 under the 1972 Zoning Ordinance which are not served by public water and public sewer. These areas can be served by on-site well and wastewater systems at lower densities, but are areas in which the County allows higher densities when a cluster development pattern is served by public water and/or sewer facilities, to preserve open space and to achieve a traditional design as envisioned in the Comprehensive Plan..

#### 2-802

**Size and Location.** The Comprehensive Plan does not support the creation of additional districts having development of a type characteristic of a CR-4 district, and this district is not intended to be enlarged beyond the limits mapped to this district with the adoption of this Ordinance.

#### 2-803

**Permitted Uses.** The following uses are permitted in this district:

- (A) Agriculture, horticulture, forestry and fisheries.
- (B) Accessory apartment or dwelling unit, pursuant to Section 5-613.
- (C) Child care home, pursuant to Section 5-609(A).
- (D) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area, and game preserve.
- (E) Dwelling, single family detached.
- (F) Guest house, pursuant to Section 5-612.
- (G) Home occupation, pursuant to Section 5-400.
- (H) Public or private playground, or neighborhood park.
- (I) Bus shelter.
- (J) Commuter parking lot, with less than 50 spaces.
- (K) Recycling drop off collection center, small, pursuant to Section 5-607.
- (L) Sewer pumping station.
- (M) Water pumping station.
- (N) Utility substation, dedicated.

Section 2-800

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (O) Construction and/or sales trailer, during period of construction activity.
- (P) [School, public.]
- (Q) [Pet Farm.]
- [(R) Telecommunications antenna, pursuant to Section 5-618(A).]
- [(S) Telecommunications monopole, pursuant to Section 5-618(B)(1).]

**2-804**

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

- (A) Cemetery, mausoleum, or memorial park.
- (B) Church, synagogue and temple.
- (C) Community center.
- (D) Congregate housing facility.
- (E) Country club.
- (F) Country inn, pursuant to Section 5-601(C).
- (G) [Fire and/or rescue station.]
- (H) Orphanage or other similar institution.
- (I) Private club or lodge.
- (J) School.
- (K) Sewage treatment plant.
- (L) Utility transmission lines, overhead.
- (M) Water treatment plant.
- (N) Library.
- (O) Golf course.
- (P) Child or adult daycare center, pursuant to Section 5-609.

- (Q) Commuter parking lot, with greater than 50 spaces.
- (R) Structure or use primarily for federal, state, county, or local governmental purposes, not otherwise listed.
- (S) Playing fields and courts, lighted.
- (T) Public or private community or regional park.
- (U) [Radio and/or television tower.]
- (V) [Removed pursuant to ZOAM 1995-0002.]
- (W) Utility substation, transmission, pursuant to Section 5-616.
- (X) Water storage tank.
- (Y) Utility substation, distribution, pursuant to Section 5-616.
- [(Z) Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- [(AA) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(BB) Police Station.]

## 2-805

### **Lot Requirements for Lots Served by On-Site Well and Wastewater Systems.**

- (A) **Size.** Forty thousand (40,000) square feet minimum, exclusive of major floodplain.
- (B) **Width.** One hundred seventy five (175) feet minimum.
- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** Twenty five (25) feet minimum.
  - (2) **Side.** Minimum of twelve (12) feet on one side and nine (9) feet on the other side.
  - (3) **Rear.** Fifty (50) feet minimum.
- (D) **Length/Width Ratio:** 2.5:1 maximum.

**2-806****Lot Requirements for Lots Served by Either Public Water or Public Sewer.**

- (A) **Size.** Fifteen thousand (15,000) square feet minimum, exclusive of major floodplain.
- (B) **Width.** Sixty (60) feet minimum.
- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** Twenty five (25) feet minimum.
  - (2) **Side.** Nine (9) feet minimum.
  - (3) **Rear.** Twenty five (25) feet minimum.
- (D) **Length/Width Ratio:** 4:1 maximum.

**2-807****Lot Requirements for Lots Served by Both Public Water and Public Sewer.**

- (A) **Size.** Ten thousand (10,000) square feet minimum, exclusive of major floodplain.
- (B) **Width.** Fifty (50) feet minimum.
- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** Fifteen (15) feet minimum.
  - (2) **Side.** Nine (9) feet minimum.
  - (3) **Rear.** Twenty five (25) feet minimum.
- (D) **Length/Width Ratio.** 4:1 maximum.
- (E) **Lot Design Requirements.**
  - (1) Street trees planted pursuant to Section 5-1300 shall be regularly spaced.
  - (2) Garages shall be set back at least twenty (20) feet behind the front line of buildings.
- (F) **Other Requirements.**
  - (1) Blocks shall generally be in a grid pattern, with interconnecting streets and alleys.

- (2) Parallel parking may be provided on streets in front of residential lots except lots fronting on collector and arterial roads.

**2-808 Building Requirements for Lots Served by On-Site Well and Wastewater Systems.**

- (A) **Lot Coverage.** Fifteen (15) percent maximum.
- (B) **Building Height.** Thirty five (35) feet maximum.

**2-809 Building Requirements for Lots Served by Either Public Water or Public Sewer.**

- (A) **Lot Coverage.** Twenty five (25) percent maximum.
- (B) **Building Height.** Thirty five (35) feet maximum.

**2-810 Building Requirements for Lots Served by Both Public Water and Public Sewer.**

- (A) **Lot Coverage.** Thirty five (35) percent maximum.
- (B) **Building Height.** Thirty five (35) feet maximum.

**2-811 Utility Requirements.** All utility distribution lines located in the CR-4 district shall be placed underground.

**2-812 Development Setback and Access from Major Roads.** In designing residential development, the following requirements shall be observed:

- (A) **Setback.** No building shall be located any closer than one hundred (100) feet from the right of way of any arterial road and seventy five (75) feet from the right-of-way of a major collector, and twenty five (25) feet from any other road right-of-way, private access easement and prescriptive easement, except where lots are developed pursuant to Section 2-807.
- (B) **Access.** No individual lot created after adoption of this Ordinance shall have direct access to an arterial or major collector road [unless; said lot which is the subject of a boundary line adjustment application was previously provided access from said arterial or major collector road or said lot is the subject of a subdivision application for three (3) lots or less within this district].

## Section 2-900

### RC Rural Commercial District.

#### 2-901

**Purpose.** This district is established for the conversion of existing commercial properties zoned C-1 under the 1972 Zoning Ordinance which are located sporadically in rural Loudoun but deemed appropriate to be retained as commercially zoned land for development to a more preferred development pattern in accord with the General Plan. Uses in the RC District shall be compatible with existing village scale and character and allow local, neighborhood related commercial uses to be developed.

#### 2-902

**Size and Location.** Except for those existing commercial uses which are to be converted to the Rural Commercial District, new rural commercial districts shall contain no less than .5 acres nor more than 5 acres. New rural commercial districts shall only be located for those areas designated for rural commercial in the Comprehensive Plan and in areas which do not have the following characteristics:

- (A) Multiple vehicular entrances along highways which present a threat to public safety through numerous vehicular turning movements, and which inhibit higher operating speeds and higher levels of service.
- (B) Strip commercial development patterns which produce aesthetic conditions characterized by marked and discordant contrast with the predominantly rustic open character of the County's major highways.

#### 2-903

**Permitted Uses.** The following uses are permitted in this district:

- (A) Agriculture, horticulture, forestry or fishery.
- (B) Art gallery.
- (C) Business service establishment.
- (D) Community center.
- (E) Convenience food store, without gas pumps, pursuant to Section 5-617.
- (F) Farm market, pursuant to Section 5-603.
- (G) Farm machinery sales and service, pursuant to Section 5-615.
- (H) Nursery, commercial, pursuant to Section 5-605.
- (I) Personal service establishment.

Section 2-900

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (J) Post office, drop off and pick up.
- (K) Public utility service center, without outdoor storage.
- (L) Recycling collection center, small, pursuant to Section 5-607.
- (M) Restaurant, carry out only.
- (N) Residential uses.
- (O) Retail sales establishment.
- (P) Studio space - artist, crafts person, writer, etc.
- (Q) Bank or financial institution, excluding drive-through facilities.
- (R) Theatre, indoor.
- (S) Home service establishment.
- (T) Office, administrative, business, and professional.
- (U) Office, medical and dental.
- (V) Park.
- (W) Veterinary service.
- (X) Wayside stand.
- (Y) Commuter parking lot.
- (Z) Facilities for lessons in dance, gymnastics, judo, and sports training.
- (AA) Utility substation, dedicated.
- (BB) Animal hospital.
- (CC) Church, synagogue, and temple.
- (DD) Dwelling, accessory to a permitted or special exception use.
- (EE) Farm supplies.
- (FF) Printing service.

- (GG) Water pumping station.
- (HH) Sewer pumping station.
- (II) Food store.
- (JJ) Library.
- [(KK) Telecommunications antenna, pursuant to Section 5-618(A).]
- [(LL) Telecommunications monopole, pursuant to Section 5-618(B)(1).]

## 2-904

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

- (A) Any one permitted use in excess of 10,000 sq.ft. in gross floor area.
- (B) Any one permitted use which exceeds 50% of the gross floor area of the rural commercial district in which it is located.
- (C) Auction facility, livestock.
- (D) Automobile service station.
- (E) Funeral home or mortuary.
- (F) Restaurant.
- (G) Private club or lodge.
- (H) Motor vehicle sales and accessory service.
- (I) [Hotel/Motel].
- (J) Motor vehicle service and repair, accessory to an approved use.
- (K) Mill, feed and grain.
- (L) Gas pumps accessory to a convenience food store, pursuant to Section 5-617.
- (M) Recreation establishment, [outdoor].
- (N) Bank or financial institution, including drive through facilities.

- (O) [Removed pursuant to ZOAM 1995-0002.]
- (P) [Fire and/or rescue station.]
- (Q) Mass transit facilities and stations.
- (R) Adult daycare center.
- (S) Child care center, pursuant to Section 5-609.
- (T) Recreation establishment, indoor.
- (U) Auction house.
- (V) Sewage treatment plant.
- (W) Water treatment plant.
- (X) Water storage tank.
- (Y) Crematorium.
- (Z) [School, private, accessory to a church.]
- (AA) [Car wash, accessory to a convenience food store, pursuant to Section 5-617.]
- [(BB) Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- [(CC) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(DD) Police Station.]

## 2-905

### Lot Requirements.

- (A) **Size.** Ten thousand (10,000) square feet minimum, exclusive of major floodplain.
- (B) **Width.** Fifty (50) feet minimum.
- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** No minimum.
  - (2) **Side.** No requirement, except fifteen (15) feet for a non-residential use abutting a lot used for residential purposes.

- (3) **Rear.** No requirement, except thirty (30) feet for a non-residential use abutting a lot used for residential purposes.

- (D) **Length/Width Ratio.** 3:1 maximum.

**2-906 Building Requirements.**

- (A) **Lot Coverage.** Seventy (70) percent maximum.
- (B) **Building Height.** Thirty five (35) feet maximum.
- (C) **Floor Area Ratio.** .40 maximum.

**2-907 Use Limitations.**

- (A) On-street parking may be provided in the rural commercial district. In addition, off-street parking on the side and rear of the lot is preferred. Where off-street parking is provided in the front, such parking shall be effectively screened, landscaped and buffered to protect the surrounding residential district from undesirable views, lighting, noise, or other adverse impacts.
- (B) Dwellings, shops and workplaces shall be generally located in close proximity to each other.
- (C) Buildings shall be modestly sized fronting on and aligned with, streets uninterrupted by parking lots.
- (D) Streets and blocks shall have a general rectilinear pattern.
- (E) The development shall be a size and scale which accommodates and promotes pedestrian travel rather than motor vehicle use.
- (F) All utility distribution lines located in the RC district shall be placed underground.

### **ARTICLE III**

#### **URBAN DISTRICT REGULATIONS**

Urban zoning districts are intended to implement Loudoun County comprehensive planning policies related to residential, commercial, industrial, institutional, and public uses of land in those areas that have been developed or designated for development at urban and suburban densities.

Urban zoning districts have been, or are capable of being served by existing or planned public sewer and water systems, roadway networks, schools and parks, and other community facilities and services. Planned systems and services are those which are consistent with the Loudoun County Comprehensive Plan and Capital Improvements Program.

The following urban zoning districts are thus hereby established:

R-1	Single Family Residential
R-2	Single Family Residential
R-3	Single Family Residential
R-4	Single Family Residential
R-8	Single Family Residential
R-16	Townhouse/Multifamily Residential
R-24	Multifamily Residential
GB	General Business
CLI	Commercial/Light Industry
MR-HI	Mineral Resource-Heavy Industry

## **Section 3-100**

### **R-1 Single Family Residential.**

#### **3-101**

**Purpose.** The R-1 Single Family Residential district is established to provide for low density single family detached residences on lots of 40,000 square feet or more in locations consistent with the Comprehensive Plan. Urban R-1 land requires public water and sewer and should be limited to areas planned and served for public water and sewer.

#### **3-102**

**Permitted Uses.** The following uses are permitted in this district:

- (A) Accessory apartment or dwelling unit, pursuant to Section 5-613.
- (B) Agriculture, horticulture, forestry and fishery, [excluding the keeping of livestock].
- (C) Bed and breakfast homestay, pursuant to Section 5-601(A).
- (D) Child care home, pursuant to Section 5-609.
- (E) Cluster development reducing lot sizes up to 20% of minimum, pursuant to Sections 3-105, 3-108, and 6-1400.
- (F) Commuter parking lot, with less than 50 spaces.
- (G) Home occupation, pursuant to Section 5-400.
- (H) Public or private playground or neighborhood park.
- (I) Recycling drop-off collection center, small, pursuant to Section 5-607.
- (J) Dwelling, single family detached.
- (K) Utility substation, dedicated.
- (L) Portable dwelling/trailer during construction of primary residence.
- (M) Wayside stand, pursuant to Section 5-604.
- (N) School, private elementary or middle, for less than fifteen (15) pupils.
- (O) Nature preserve, such as but not limited to, wildlife sanctuary, conservation areas and game preserve.
- (P) Bus shelter.

- (Q) Construction and/or sales trailer, during period of construction activity.
- (R) Sewer pumping station.
- (S) Water pumping station.
- (T) [School, public.]
- [(U) Telecommunications antenna, pursuant to Section 5-618(A).]
- [(V) Telecommunications monopole, pursuant to Section 5-618(B)(1).]

### 3-103

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

- (A) Camp, day and boarding.
- (B) Cemetery, mausoleum or memorial park.
- (C) Church, synagogue, and temple.
- (D) Cluster development reducing lot sizes from 20-50% of minimum, when approved pursuant to Sections 3-106, 3-109 and 6-1400 .
- (E) Community center.
- (F) Congregate housing facility.
- (G) Country club.
- (H) [Fire and/or rescue station.]
- (I) Library.
- (J) Orphanage or other similar institution.
- (K) Playing fields and courts, lighted.
- (L) Private club or lodge.
- (M) Recycling drop-off collection center, large, pursuant, to Section 5-607.

- (N) Continuing care facility.
- (O) School.
- (P) Sewage treatment plant.
- (Q) Utility substation, transmission, pursuant to Section 5-616.
- (R) Utility transmission lines, overhead.
- (S) Water treatment plant.
- (T) [Removed pursuant to ZOAM 1995-0002].
- (U) Public or private community or regional park.
- (V) Bed and breakfast inn, pursuant to Section 5-601(B).
- (W) Borrow pit for road construction.
- (X) Child or adult day care center, pursuant to Section 5-609.
- (Y) Commuter parking lot, with greater than 50 spaces.
- (Z) Golf course.
- (AA) Structure or use for federal, state, county, or local government purposes, not otherwise listed.
- (BB) Kennel, pursuant to Section 5-606.
- (CC) Public utility service center and storage yard.
- (DD) [Radio and/or television tower.]
- (EE) Water storage tank.
- (FF) Utility substation, distribution, pursuant to Section 5-616.
- [(GG) Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- [(HH) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(II) Police Station.]

**3-104**

**Lot Requirements for Suburban Design Option.**

- (A) **Size.** 40,000 square feet minimum, exclusive of major floodplain.
- (B) **Width.** 175 feet minimum.
- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** 35 feet minimum.
  - (2) **Side.** Minimum of twelve (12) feet on one side and nine (9) feet on the other side.
  - (3) **Rear.** 35 feet minimum.
- (D) **Length/Width Ratio.** 3.0:1 maximum.

**3-105**

**Lot Requirements for Cluster Developments reducing lot size up to 20%.**

- (A) **Size.** 32,000 square feet minimum, exclusive of major floodplain.
- (B) **Width.** 140 feet minimum.
- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** 30 feet minimum.
  - (2) **Side.** Minimum of twelve (12) feet on one side and nine (9) feet on the other side.
  - (3) **Rear.** 30 feet minimum.
- (D) **Length/Width Ratio:** 3.0:1 maximum.
- (E) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 40,000 square feet is maintained, calculated based on the overall parcel excluding roads, major floodplain, and steep slopes. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.
- (F) **[Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard] (Section 5-1414(B)) shall be provided where a cluster development adjoins an existing or

planned residential district, land bay, or development which has a minimum allowable lot size of 40,000 square feet or greater. Such buffer area may be included in open space calculations.

**3-106**

**Lot Requirements for Cluster Development Reducing Lot Sizes 20% to 50% When Approved Pursuant to Sections 6-1300 and 6-1400.**

- (A) **Size.** 20,000 square feet minimum, exclusive of major floodplain.
- (B) **Width.** 100 feet minimum.
- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** 25 feet minimum.
  - (2) **Side.** Minimum of twelve (12) feet on one side and nine (9) feet on other side.
  - (3) **Rear.** 25 feet minimum.
- (D) **Length/Width Ratio.** 3.0:1 maximum.
- (E) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 40,000 square feet is maintained, calculated based on the overall parcel excluding roads, major floodplain, and steep slopes. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.
- (F) **[Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard] (Section 5-1414(B)) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 40,000 square feet or greater. Such buffer area may be included in open space calculations.

**3-107**

**Building Requirements.**

- (A) **Lot Coverage.** 15% maximum.
- (B) **Building Height.** 35 feet maximum.

- 3-108 Building Requirements for Cluster Development Reducing Lot Size Up to 20%.**
- (A) **Lot Coverage.** 20% maximum.
  - (B) **Building Height.** 35 feet maximum.
- 3-109 Building Requirements for Cluster Development Reducing Lot Sizes From 20% to 50% When Approved Pursuant to Sections 6-1300 and 6-1400.**
- (A) **Lot Coverage.** 25% maximum.
  - (B) **Building Height.** 35 feet maximum.
- 3-110 Utility Requirements.** All utility distribution lines in the R-1 district shall be placed underground.
- 3-111 Development Setback And Access From Major Roads.** In designing residential development, the following requirements shall be observed:
- (A) **Setback.** No building shall be located any closer than 100 feet from the right-of-way of any arterial road and 75 feet from the right-of-way of any major collector and twenty five (25) feet from any other road right-of-way, private access easement and any prescriptive easement.
  - (B) **Access.** No individual lot or housing unit created after adoption of this ordinance shall have direct access to an arterial or major collector road.

## **Section 3-200**

### **R-2 Single Family Residential.**

#### **3-201**

**Purpose.** The R-2 Single Family Residential district is established to provide for low-to-moderate density single family detached residences on lots of 20,000 square feet or more in locations consistent with the Comprehensive Plan and served by public water and sewer but unsuitable for higher densities.

#### **3-202**

**Permitted Uses.** The following uses are permitted in this district:

- (A) Accessory apartment or dwelling unit, pursuant to Section 5-613.
- (B) Bed and breakfast homestay (in County designated historic districts), pursuant to Section 5-601(A).
- (C) Child care home, pursuant to Section 5-609.
- (D) Cluster development reducing lot size up to 20% of minimum, pursuant to Sections 3-206, 3-209 and 6-1400.
- (E) Home occupation, pursuant to Section 5-400.
- (F) Public or private playground or neighborhood park.
- (G) Recycling drop-off collection center, small, pursuant to Section 5-607 (A).
- (H) Dwelling, single family detached.
- (I) Commuter parking lot, with less than 50 spaces.
- (J) Utility substation, dedicated.
- (K) School, private elementary or middle, for less than fifteen (15) pupils.
- (L) Agriculture, horticulture, forestry and fishery, [excluding the keeping of livestock].
- (M) Bus shelter.
- (N) Nature preserve, such as but not limited to, wildlife sanctuary, conservation areas and game preserve.
- (O) Construction and/or sales trailer, during period of construction activity.

Section 3-200

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (P) Sewer pumping station.
- (Q) Water pumping station.
- (R) [School, public.]
- [(S) Telecommunications antenna, pursuant to Section 5-618(A).]
- [(T) Telecommunications monopole, pursuant to Section 5-618(B)(1).]

### 3-203

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

- (A) Camp, day and boarding.
- (B) Cemetery, mausoleum or memorial park.
- (C) Church, synagogue and temple.
- (D) Cluster development reducing lot sizes from 20% to 50% of minimum when approved pursuant to Sections 3-207, 3-210 and 6-1400.
- (E) Community center.
- (F) Congregate housing facility.
- (G) Country club.
- (H) [Fire and/or rescue station.]
- (I) Library.
- (J) Playing fields and courts, lighted.
- (K) Private club or lodge.
- (L) Continuing care facility.
- (M) School.
- (N) Utility substation, transmission, pursuant to 5-616.
- (O) Utility transmission lines, overhead.

Section 3-200

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (P) Water treatment plant.
- (Q) [Removed pursuant to ZOAM 1995-0002.]
- (R) Public or private community or regional park.
- (S) Bed and breakfast inn, pursuant to Section 5-601(B).
- (T) Child or adult day care center, pursuant to Section 5-609.
- (U) Commuter parking lot, with greater than 50 spaces.
- (V) Golf course.
- (W) Structure or use for federal, state, county, or local government purposes, not otherwise listed.
- (X) [Radio and/or television tower.]
- (Y) Orphanage or similar institution.
- (Z) Sewage treatment plant.
- (AA) Water storage tank.
- (BB) Utility substation, distribution, pursuant to Section 5-616.
- [(CC) Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- [(DD) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(EE) Police Station.]

### 3-204

#### **Lot Requirements for Suburban Design Option.**

- (A) **Size.** 20,000 square feet minimum, exclusive of major floodplain.
- (B) **Width.** 100 feet minimum.

- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** 25 feet minimum.
  - (2) **Side.** Minimum of twelve (12) feet on one side and nine (9) feet on the other side.
  - (3) **Rear.** 25 feet minimum.
- (D) **Length/Width Ratio.** 3.0:1 maximum.

**3-205**

**Lot Requirements for Traditional Design Option**

- (A) **Size.** 10,000 square feet minimum, exclusive of major floodplain.
- (B) **Width.** 75 feet minimum.
- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** 15 feet minimum.
  - (2) **Side.** 9 feet minimum.
  - (3) **Rear.** 25 feet minimum.
- (D) **Length/Width Ratio.** 4.0:1 maximum.
- (E) **Lot Design Requirements.**
  - (1) Street trees planted pursuant to Section 5-1300 shall be regularly spaced.
  - (2) Garages shall be set back at least 20 feet behind the front line of buildings.
- (F) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 20,000 square feet is maintained, calculated based on the overall parcel excluding roads, major floodplain, and steep slopes. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.
- (G) **[Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard] (Section 5-1414(B))

shall be provided where a traditional development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 20,000 square feet or greater. Such buffer area may be included in open space calculations.

(H) **Other Requirements.**

- (1) Blocks shall generally be in a grid pattern with interconnecting streets and alleys.
- (2) Parallel parking may be provided on streets in front of residential lots, except for lots fronting on collector or arterial roads.

**3-206 Lot Requirements for Cluster Development reducing lot sizes up to 20%**

- (A) **Size.** 16,000 square feet minimum, exclusive of major floodplain.
- (B) **Width.** 80 feet minimum.
- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** 25 feet minimum.
  - (2) **Side.** 9 feet minimum.
  - (3) **Rear.** 25 feet minimum.
- (D) **Length/Width Ratio:** 3.0:1 maximum.
- (E) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 20,000 square feet is maintained, calculated based on the overall parcel excluding roads, major floodplain, and steep slopes. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.
- (F) **[Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard] (Section 5-1414(B)) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 20,000 square feet or greater. Such buffer area may be included in open space calculations.

**3-207                    Lot Requirements for Cluster Development Reducing Lot Sizes From 20% to 50% When Approved Pursuant to Sections 6-1300 and 6-1400.**

- (A)        **Size.** 10,000 square feet minimum, exclusive of major floodplain.
- (B)        **Width.** 80 feet minimum.
- (C)        **Yards.** Each lot shall provide the following yards:
  - (1)        **Front.** 25 feet minimum.
  - (2)        **Side.** 9 feet minimum.
  - (3)        **Rear.** 25 feet minimum.
- (D)        **Length/Width Ratio:** 3.0:1 maximum.
- (E)        **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 20,000 square feet is maintained, calculated based on the overall parcel excluding roads, major floodplain, and steep slopes. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.
- (F)        **[Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard] (Section 5-1414(B)) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 20,000 square feet or greater. Such buffer area may be included in open space calculations.

**3-208                    Building Requirements for Suburban Design Options.**

- (A)        **Lot Coverage.** 25 percent maximum.
- (B)        **Building Height.** 35 feet maximum.

**3-209                    Building Requirements for Cluster Development Reducing Lot Sizes Up to 20%.**

- (A)        **Lot Coverage.** 25 percent maximum.
- (B)        **Building Height.** 35 feet maximum.

- 3-210 Building Requirements for Traditional Design Option or Cluster Development Reducing Lot Sizes From 20% to 50% When Approved Pursuant to Sections 6-1300 and 6-1400.**
- (A) **Lot Coverage.** 35 percent maximum.
  - (B) **Building Height.** 35 feet maximum
- 3-211 Utility Requirements.** All utility distribution lines in the R-2 district shall be placed underground.
- 3-212 Development Setback and Access From Major Roads.** In designing residential development, the following requirements shall be observed:
- (A) **Setback.** No building shall be located any closer than 100 feet from the right-of-way of any arterial road and 75 feet from the right-of-way of any major collector and twenty five feet (25) from any other road right-of-way, any private access easement and any prescriptive easement, except where lots are developed pursuant to Section 3-205.
  - (B) **Access.** No individual lot or housing unit created after the adoption of this Ordinance shall have direct access to an arterial or major collector road.

## **Section 3-300**

### **R-3 Single Family Residential.**

#### **3-301**

**Purpose.** The R-3 Single Family Residential district is established to provide for moderate density single family detached residences on lots of 15,000 square feet or more in areas consistent with the Comprehensive Plan served by public water and sewer service.

#### **3-302**

**Permitted Uses.** The following uses are permitted in this district:

- (A) Child care home, pursuant to Section 5-609.
- (B) Cluster development reducing lot sizes up to 20% of minimum, pursuant to Sections 3-306, 3-308 and 6-1400.
- (C) Home occupation, pursuant to Section 5-400.
- (D) Public or private playground or neighborhood park.
- (E) Recycling drop-off collection center, small, pursuant to Section 5-607 (A).
- (F) Dwelling, single family detached.
- (G) Utility substation, dedicated.
- (H) School, private elementary or middle, for less than fifteen (15) pupils.
- (I) Commuter parking lot, with less than 50 spaces.
- (J) Agriculture, horticulture, forestry and fishery, [excluding the keeping of livestock].
- (K) Accessory apartment or dwelling unit, pursuant to Section 5-613.
- (L) Bus shelter.
- (M) Nature preserve, such as but not limited to, wildlife sanctuary, conservation areas and game preserve.
- (N) Construction and/or sales trailer, during period of construction activity.
- (O) Sewer pumping station.
- (P) Water pumping station.

Section 3-300

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (Q) [School, public].
- [(R) Telecommunications antenna, pursuant to Section 5-618(A).]
- [(S) Telecommunications monopole, pursuant to Section 5-618(B)(1).]

### 3-303

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

- (A) Cemetery, mausoleum and memorial park.
- (B) Child or adult day care center, pursuant to 5-609.
- (C) Church, synagogue and temple.
- (D) Cluster development reducing lot sizes from 20% to 50% of minimum when approved pursuant to Sections 3-307, 3-310 and 6-1400.
- (E) Community center.
- (F) Congregate housing facility.
- (G) Country club.
- (H) [Fire and/or rescue station.]
- (I) Library.
- (J) Playing fields and courts, lighted.
- (K) Private club or lodge.
- (L) Orphanage or other similar institution.
- (M) School.
- (N) Utility substation, transmission, pursuant to 5-616.
- (O) Utility transmission lines, overhead.
- (P) Water treatment plant.
- (Q) [Removed pursuant to ZOAM 1995-0002].

Section 3-300

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (R) Golf course.
- (S) Sewage treatment plant.
- (T) [Radio and/or television tower.]
- (U) Public or private community or regional park.
- (V) Structure for federal, state, county, or local government purposes, not otherwise listed.
- (W) Commuter parking lot, with greater than 50 spaces.
- (X) Water storage tank.
- (Y) Utility substation, distribution, pursuant to Section 5-616.
- [(Z) Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- [(AA) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(BB) Police Station.]

**3-304 Lot Requirements for Suburban Design Option.**

- (A) **Size.** 15,000 square feet minimum, exclusive of major floodplain.
- (B) **Width.** 80 feet minimum.
- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** 25 feet minimum.
  - (2) **Side.** Minimum of twelve (12) feet on one side and nine (9) feet on the other side.
  - (3) **Rear.** 25 feet minimum.
- (D) **Length/Width Ratio.** 3.0:1 maximum.

**3-305 Lot Requirements for Traditional Design Option.**

- (A) **Size.** 8,000 square feet minimum, exclusive of major floodplain.
- (B) **Width.** 50 feet minimum.

- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** 15 feet minimum.
  - (2) **Side.** 9 feet minimum.
  - (3) **Rear.** 25 feet minimum.
- (D) **Length/Width Ratio.** 4:1 maximum.
- (E) **Lot Design Requirements.**
  - (1) Street trees planted pursuant to Section 5-1300 shall be regularly spaced.
  - (2) Garages shall be set back at least twenty (20) feet behind the front line of buildings.
- (F) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 15,000 square feet is maintained, calculated based on the overall parcel size excluding roads, major floodplain, and steep slopes. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.
- (G) **[Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard] (Section 5-1414(B)) shall be provided where a traditional development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 15,000 square feet or greater. Such buffer area may be included in open space calculations.
- (H) **Other Requirements.**
  - (1) Blocks shall generally be in a grid pattern, with interconnecting streets and alleys.
  - (2) Parallel parking may be provided on streets in front of residential lots, except for lots fronting on collector or arterial roads.

**3-306 Lot Requirements for Cluster Development Reducing Lot Sizes Up to 20%.**

- (A) **Size.** 12,000 square feet minimum, exclusive of major floodplain.

- (B) **Width.** 75 feet minimum.
- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** 25 feet minimum.
  - (2) **Side.** 9 feet minimum.
  - (3) **Rear.** 25 feet minimum.
- (D) **Length/Width Ratio.** 3.0:1 maximum.
- (E) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 15,000 square feet is maintained, calculated based on the overall parcel size excluding roads, major floodplain, and steep slopes. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.
- (F) **[Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard] (Section 5-1414(B)) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 15,000 square feet or greater. Such buffer area may be included in open space calculations.

**3-307 Lot Requirements for Cluster Development Reducing Lot Sizes From 20% To 50% When Approved Pursuant to Sections 6-1300 and 6-1400.**

- (A) **Size.** 8,000 square feet minimum, exclusive of major floodplain.
- (B) **Width.** 60 feet minimum.
- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** 25 feet minimum.
  - (2) **Side.** 9 feet minimum.
  - (3) **Rear.** 25 feet minimum.
- (D) **Length/Width Ratio.** 3.0:1 maximum.

- (E) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 15,000 square feet is maintained, calculated based on the overall parcel size excluding roads, major floodplain, and steep slopes. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.
- (F) **[Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard] (Section 5-1414(B)) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 15,000 square feet or greater. Such buffer area may be included in open space calculations.

**3-308 Building Requirements for Suburban Design Option and Cluster Development Reducing Lot Sizes Up To 20%.**

- (A) **Lot Coverage.** 25 percent maximum.
- (B) **Building Height.** 35 feet maximum.

**3-309 Building Requirements for Traditional Design Option.**

- (A) **Lot Coverage.** 35 percent maximum.
- (B) **Building Height.** 35 feet maximum.

**3-310 Building Requirements for Cluster Development Reducing Lot Sizes From 20% to 50% When Approved Pursuant to Sections 6-1300 and 6-1400.**

- (A) **Lot Coverage.** 35 percent maximum.
- (B) **Building Height.** 35 feet maximum.

**3-311 Active Recreation Space.** A minimum of 5,000 square feet of active recreation space shall be provided for each development of ten (10) units. Thereafter, an additional 100 square feet of such space shall be provided for each single family detached or duplex unit. All such active recreation space shall be accessible to all residents by means of internal pedestrian walkways.

**3-312 Utility Requirements.** All utility distribution lines in the R-3 district shall be placed underground.

**Development Setback And Access From Major Roads.** In designing residential development, the following requirements shall be observed:

- (A) **Setback.** No building shall be located any closer than 100 feet from the right-of-way of any arterial road and 75 feet from the right-of-way of any major collector and twenty five (25) feet from any other road right-of-way, private access easement and prescriptive easement, except where lots are developed pursuant to Section 3-305.
- (B) **Access.** No individual lot or housing unit created after the adoption of this Ordinance shall have direct access to an arterial or major collector road.

## **Section 3-400**

### **R-4 Single Family Residential.**

#### **3-401**

**Purpose.** The R-4 Single Family Residential district is established to provide for moderate to medium density single family detached residences on lots of 10,000 square feet or more in areas served by public water and sewer service and designated in locations consistent with the Comprehensive Plan.

#### **3-402**

**Permitted Uses.** The following uses are permitted in this district:

- (A) Child care home, pursuant to Section 5-609.
- (B) Cluster development reducing lot sizes up to 20% of minimum, pursuant to Sections 3-406, 3-409 and 6-1400.
- (C) Home occupation, pursuant to Section 5-400.
- (D) Public or private playground or neighborhood park.
- (E) Recycling drop-off collection center, small, pursuant to Section 5-607 (A).
- (F) Dwelling, single family detached.
- (G) Utility substation, dedicated.
- (H) Agriculture, horticulture, forestry and fishery, [excluding the keeping of livestock].
- (I) Accessory apartment or dwelling unit, pursuant to Section 5-613.
- (J) Bus shelter.
- (K) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area and game preserve.
- (L) Construction and/or sales trailer, during period of construction activity.
- (M) Sewer pumping station.
- (N) Water pumping station.
- (O) Commuter parking lot, with less than fifty (50) spaces.
- (P) [School, public.]

Section 3-400

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

[(Q) Telecommunications antenna, pursuant to Section 5-618(A).]

[(R) Telecommunications monopole, pursuant to Section 5-618(B)(1).]

**3-403**

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

(A) Cemetery, mausoleum or memorial park.

(B) Child or adult day care center, pursuant to Section 5-609.

(C) Church, synagogue and temple.

(D) Cluster development reducing lot sizes from 20% to 50% of minimum when approved pursuant to the provisions of Sections 3-407, 3-409, and 6-1400.

(E) Community center.

(F) Congregate housing facility.

(G) Country club.

(H) [Fire and/or rescue station.]

(I) Library.

(J) Playing fields and courts, lighted.

(K) Orphanage or similar institution.

(L) Private club or lodge.

(M) School.

(N) Utility substation, transmission, pursuant to Section 5-616.

(O) Utility transmission lines, overhead.

(P) Water treatment plant.

(Q) [Removed pursuant to ZOAM 1995-0002].

(R) Golf course.

- (S) Sewage treatment plant.
- (T) Structure or use for federal, state, county, or local government purposes, not otherwise listed.
- (U) Public or private community or regional park.
- (V) [Radio and/or television tower.]
- (W) Commuter parking, with greater than fifty (50) spaces.
- (X) Water storage tank.
- (Y) Utility substation, distribution, pursuant to Section 5-616.
- [(Z) Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- [(AA) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(BB) Police Station.]

**3-404 Lot Requirements for Suburban Design Option.**

- (A) **Size.** 10,000 square feet minimum, exclusive of major floodplain.
- (B) **Width.** 80 feet minimum.
- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** 25 feet minimum.
  - (2) **Side.** 9 feet minimum. [Side yard for corner lots removed pursuant to ZOAM 1993-0002.]
  - (3) **Rear.** 25 feet minimum.
- (D) **Length/Width Ratio.** 3.0:1 maximum.

**3-405 Lot Requirements for Traditional Design Option.**

- (A) **Size.** 6,000 square feet minimum, exclusive of major floodplain.
- (B) **Width.** 50 feet minimum.

- (C) **Yards.** Each lot shall provide the following yards:
- (1) **Front.** 15 feet minimum.
  - (2) **Side.** 9 feet minimum. [Side yard for corner lots removed pursuant to ZOAM 1993-0002.]
  - (3) **Rear.** 25 feet minimum.
- (D) **Length/Width Ratio.** 4:1 maximum.
- (E) **Lot Design Requirements.**
- (1) Street trees planted pursuant to Section 5-1300 shall be regularly spaced.
  - (2) Garages shall be setback at least 20 feet behind the front line of buildings.
- (F) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 10,000 square feet is maintained, calculated based on the overall parcel size excluding roads, major floodplain, and steep slopes. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.
- (G) **[Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard] (Section 5-1414(B)) shall be provided where a traditional development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 10,000 square feet or greater. Such buffer area may be included in open space calculations.
- (H) **Other Requirements.**
- (1) Blocks shall generally be in a grid pattern, with interconnecting streets and alleys.
  - (2) Parallel parking may be provided on streets in front of residential lots, except for lots fronting on collector or arterial roads.

**3-406****Lot Requirements for Cluster Development Reducing Lot Sizes Up to 20%.**

- (A) **Size.** 8,000 square feet minimum, exclusive of major floodplain.
- (B) **Width.** 75 feet minimum.
- (C) **Yards.** Each lot shall provide the following yards.
  - (1) **Front.** 25 feet minimum.
  - (2) **Side.** 9 feet minimum. [Side yard for corner lots removed pursuant to ZOAM 1993-0002.]
  - (3) **Rear.** 25 feet minimum.
- (D) **Length/Width Ratio.** 3.0:1 maximum.
- (E) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 10,000 square feet is maintained, calculated based on the overall parcel size excluding roads, major floodplain, and steep slopes. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.
- (F) **[Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard] (Section 5-1414(B)) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 10,000 square feet or greater. Such buffer area may be included in open space calculations.

**3-407****Lot Requirements For Cluster Development Reducing Lot Sizes From 20% to 50% When Approved Pursuant to Sections 6-1300 and 6-1400.**

- (A) **Size.** 6,000 square feet minimum, exclusive of major floodplain.
- (B) **Width.** 50 feet minimum.
- (C) **Yards.** Each lot shall provide the following yards.
  - (1) **Front.** 25 feet minimum.
  - (2) **Side.** 9 feet minimum. [Side yard for corner lots removed pursuant to ZOAM 1993-0002.]

- (3) **Rear.** 25 feet minimum.
- (D) **Length/Width Ratio.** 3.0:1 maximum.
- (E) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 10,000 square feet is maintained, calculated based on the overall parcel size excluding roads, major floodplain, and steep slopes. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.
- (F) **[Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard] (Section 5-1414(B)) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 10,000 square feet or greater. Such buffer area may be included in open space calculations.

**3-408 Building Requirements for Suburban Design.**

- (A) **Lot Coverage.** 35 percent maximum.
- (B) **Building Height.** 35 feet maximum.

**3-409 Building Requirements for Traditional Design Option or Cluster Development.**

- (A) **Lot Coverage.** 40 percent maximum.
- (B) **Building Height.** 35 feet maximum.
- (C) **Impervious Surface.** No more than 50% of the front yard of any lot shall be an impervious surface.

**3-410 Active Recreation Space.** A minimum of 5,000 square feet of active recreation space shall be provided for each development of ten (10) units. Thereafter, an additional 100 square feet of such space shall be provided for each single family detached or duplex unit. All such active recreation space shall be accessible to all residents by means of internal pedestrian walkways.

**3-411 Utility Requirements.** All utility distribution lines in the R-4 district shall be placed underground.

**Development Setback and Access from Major Roads.** In designing residential development, the following requirements shall be observed:

- (A) **Setback.** No building shall be located closer than 100 feet from the right-of-way of any arterial road and 75 feet from the right-of-way of a major collector and twenty five (25) feet from any other road right-of-way, private access easement and prescriptive easement, except where lots are developed pursuant to Section 3-405.
- (B) **Access.** No individual lot or housing unit created after the adoption of this ordinance shall have direct access to an arterial or major collector road.

## **Section 3-500**

### **R-8 Single Family Residential.**

- 3-501**      **Purpose.** The R-8 Single Family Residential district is established to provide for [manufactured housing], single family detached, duplex, townhouse, and single family attached dwelling units at gross residential parcel densities not to exceed eight (8) units per acre in areas served by public water and sewer service and designated primarily for infill development or in other locations consistent with the Comprehensive Plan.
- 3-502**      **Size and Location.** This district shall be no less than two (2) acres nor more than fifty (50) acres in size. [Incremental and contiguous additions of no less than one (1) acre to an existing R-8 zoning district shall be allowed.] Larger parcels may be developed in accord with Section 4-100 as Planned Development Housing Districts. This district shall be mapped only in locations in close proximity to arterials or major collectors and at locations with pedestrian linkages to nearby established or planned employment centers, shopping or other community support services.
- 3-503**      **Permitted Uses.** The following uses are permitted in this district:
- (A)      Child care home, pursuant to Section 5-609.
  - (B)      Home occupation, pursuant to Section 5-400.
  - (C)      Public or private playground or neighborhood park.
  - (D)      Recycling drop-off collection center, small, pursuant to 5-607 (A).
  - (E)      Dwelling, single family attached.
  - (F)      Dwelling, single family detached.
  - (G)      Commuter parking lot, with less than fifty (50) spaces.
  - (H)      Utility substation, dedicated.
  - (I)      Bus shelter.
  - (J)      Nature preserve, such as but not limited to, wildlife sanctuary, conservation area, and game preserve.
  - (K)      Construction and/or sales trailer, during period of construction activity.
  - (L)      Sewer pumping station.

Section 3-500

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (M) Water pumping station.
- (N) Accessory apartment or dwelling unit, pursuant to Section 5-613.
- (O) [School, public].
- [(P) Telecommunications antenna, pursuant to Section 5-618(A).]
- [(Q) Telecommunications monopole, pursuant to Section 5-618(B)(1).]

### 3-504

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

- (A) Child or adult day care center, pursuant to Section 5-609.
- (B) Church, synagogue and temple.
- (C) Country club.
- (D) Community center.
- (E) Congregate housing facility.
- (F) [Fire and/or rescue station.]
- (G) Library.
- (H) Orphanage or other similar institution.
- (I) Playing fields and courts, lighted.
- (J) Private club or lodge.
- (K) Continuing care facility.
- (L) School.
- (M) Utility substation, transmission, pursuant to Section 5-616.
- (N) Utility transmission lines, overhead.
- (O) Water treatment plant.
- (P) [Removed pursuant to ZOAM 1995-0002].

- (Q) Golf course.
- (R) Sewage treatment plant.
- (S) Commuter parking lot, with greater than fifty (50) spaces.
- (T) Structure or use for federal, state, county, or local government purposes, not otherwise listed.
- (U) Public or private community regional park.
- (V) [Radio and/or television tower.]
- (W) Water storage tank.
- (X) Utility substation, distribution, pursuant to Section 5-616.
- [(Y) Manufactured Housing, pursuant to Section 5-620.]
- [(Z) Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- [(AA) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(BB) Police Station.]

**3-505 Maximum Residential Density.** Eight (8) dwelling units per gross acre.

**3-506 Lot Requirements.**

- (A) **Size.** 6,000 sq. ft. minimum for single family detached dwellings; [5,000 sq. ft. minimum for manufactured housing]; 2,200 sq. ft. minimum for triplex end units or quadruplex dwellings; 1,800 sq. ft. minimum for triplex interior dwellings; 1,600 sq. ft. minimum for townhouse dwellings; each exclusive of major floodplain.
- (B) **Width.** 50 feet minimum for single family detached dwellings [and manufactured housing]; 40 feet for duplex dwellings; 30 feet for triplex end unit dwellings; 18 feet for triplex interior dwellings; 35 feet for quadruplex dwellings; [24 feet] for townhouse end unit dwellings; and 16 feet for interior townhouse dwellings.

Section 3-500

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

(C) **Yards.** Each lot shall provide the following yards:

(1) **Single Family Detached Dwellings [and Manufactured Housing].**

(a) **Front.** 25 feet minimum.

(b) **Side.** 8 feet minimum if two side yards are provided; 16 feet if only one side yard is provided. In no case shall the distance between dwellings be less than 16 feet. [Side yard requirement for corner lot removed pursuant to ZOAM 1993-0002.]

(c) **Rear.** 25 feet minimum.

(2) **Single Family Attached Dwellings.**

(a) **Front.** 40 feet minimum from centerline of travelway which does not include parking. 45 feet minimum from the centerline of travelway which does include parking.

(b) **Side.** No requirement for interior lot with common wall; minimum side yard on end unit shall be 8 feet. [Side yard requirement for corner lot removed pursuant to ZOAM 1993-0002.]

(c) **Rear.** 25 feet minimum.

(3) **Traditional Design Option for Single Family Attached.**

(a) **Front.** When dwellings front on a street and include a landscaped strip and sidewalk totaling 8 feet in depth, and where vehicular access to parking is provided from the rear of the lot, a minimum yard of 12 feet from the back of the curb shall be provided. However, where the district abuts an existing or planned residential district or land bay, or development of a lower density without an intervening street, the front yard setback shall equal the front yard setback of the lowest abutting density district, land bay or development.

(b) **Side.** No requirement for interior lot with common wall; minimum side yard on end unit shall be 8 feet. [Side yard requirement for corner lot removed pursuant to ZOAM 1993-0002.]

(c) **Rear.** 25 feet.

(D) **Length/Width Ratio.** 6:1 maximum.

**3-507 [Lot Requirements for Traditional Design Option for Single Family Detached.**

(A) **Size.** 5,000 sq. ft. minimum,, exclusive of major floodplain.

(B) **Width.** 50 feet minimum.

(C) **Yards.** Each lot shall provide the following yards.

(a) **Front.** 15 feet minimum.

(b) **Side.** 9 feet minimum.

(c) **Rear.** 25 feet minimum.

(D) **Length/Width Ratio.** 4:1 maximum.

(E) **Lot Design Requirements.**

(1) Street trees planted pursuant to Section 5-1300 shall be regularly spaced.

(2) Garages shall be setback at least 20 feet behind the front line of buildings.

(F) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 6,000 square feet is maintained, calculated based on the overall parcel size excluding roads, major floodplain, and steep slopes. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.

(G) **[Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard] (Section 5-1414(B) shall be provided where a traditional development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 6,000 square feet or greater. Such buffer

area may be included in open space calculations.

(H) **Other Requirements.**

- (1) Blocks shall generally be in a grid pattern, with interconnecting streets or alleys.
- (2) Parallel parking may be provided on streets in front of residential lots, except for lots fronting on collector or arterial roads.]

**3-508 Building Requirements.**

- (A) **Lot Coverage.** 50 percent maximum.
- (B) **Building Height.** 35 feet maximum.
- (C) **Maximum Units Per Building.** No one structure shall contain more than eight (8) dwelling units.

- 3-509**
- (A) **Active Recreation Space.** A minimum of 5,000 square feet of active recreation space shall be provided for each development of ten (10) units. Thereafter, an additional 100 square feet of such space shall be provided for each single family detached, [manufactured housing] or duplex unit and 200 square feet for each attached dwelling unit, triplex unit, quadruplex unit, townhouse, and multi-family unit in excess of 10 units. All such active recreation space shall be accessible to all residents by means of internal pedestrian walkways.
  - (B) **Off Street Parking.** No off street parking for multifamily dwellings shall be permitted in areas between buildings and streets, unless such parking areas are sufficiently bermed and screened so that the parking areas are not visible from the street.
  - (C) **[Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard] (Section 5-1414(B)) shall be provided where a development adjoins an existing or planned residential district, land bay or development which has a minimum allowable lot size of 6,000 square feet or greater. Such buffer area may be included in open space calculations.

**3-510 Utility Requirements.** All utility distribution lines in the R-8 district shall be placed underground.

**3-511 Development Setback and Access from Major Roads.** In designing residential

development, the following requirements shall be observed:

- (A) **Setback.** [No building shall be located closer than 100 feet from the right-of-way of any arterial road, 75 feet from the right-of-way of any major collector, and twenty five (25) feet from any other road right-of-way, except where lots are developed pursuant to Section 3-506(C)(3).]
- (B) **Access.** No individual lot or housing unit created after the adoption of this Ordinance shall have direct access to arterial or major collector roads.
- (C) **Private Streets.** Roads, serving townhouse and multifamily uses only, may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met:
  - (1) All residences served by the private road shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such road.
  - (2) The record plat and protective covenants for such development shall expressly state that the County and VDOT have no and will have no responsibility for the maintenance, repair, or replacement of private roads.
  - (3) Sales brochures or other literature and documents, provided by the seller of lots served by such private roads, shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots, including a statement that the County has no and will have no responsibility for the maintenance, repair, or replacement of private roads.

Roads serving other uses shall be designed and constructed to VDOT standards for inclusion in the state highway system.

## Section 3-600

### **R-16 Townhouse/Multifamily Residential.**

- 3-601 Purpose.** The R-16 Townhouse/Multifamily Residential district is established to provide for [manufactured housing], townhouse and multiple family dwelling units at gross residential parcel densities not to exceed sixteen (16) units per acre in areas served by public water and sewer service and designated primarily for infill development or in other locations consistent with the Comprehensive Plan.
- 3-602 Size and Location.** This district shall be no less than two (2) acres nor more than twenty-five (25) acres in size. [Incremental and contiguous additions of no less than one (1) acre to an existing R-16 zoning district shall be allowed.] Larger parcels may be developed in accord with Section 4-100 as Planned Development Housing Districts. This district shall be mapped only in locations in close proximity to arterials or major collectors; with pedestrian linkages to nearby established or planned employment centers, shopping or other community support services; consistent with the Comprehensive Plan; and planned or served by public transit or designated for public transit in the Comprehensive Plan.
- 3-603 Permitted Uses.** The following uses are permitted in this district:
- (A) Child care home, pursuant to Section 5-609.
  - (B) Home occupation, pursuant to Section 5-400.
  - (C) Dwelling, multi-family.
  - (D) Public or private playground or neighborhood park.
  - (E) Recycling drop-off collection center, small, pursuant to 5-607 (A).
  - (F) Dwelling, single family, attached.
  - (G) Commuter parking lot, with less than fifty (50) spaces.
  - (H) Utility substation, dedicated.
  - (I) Construction and/or sales trailer, during period of construction activity.
  - (J) Bus shelter.
  - (K) Sewer pumping station.
  - (L) Water pumping station.

- (M) [School, public.]
- (N) [Telecommunications roof top antenna on a multi-family structure which is forty (40) feet or greater in height, pursuant to Section 5-618.]

**3-604**

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

- (A) Child or adult day care center, pursuant to Section 5-609.
- (B) Church, synagogue and temple.
- (C) Community center.
- (D) Country club.
- (E) Fire, police and rescue station.
- (F) Golf course.
- (G) Library.
- (H) Playing fields and courts, lighted.
- (I) Orphanage or similar institution.
- (J) Private club or lodge.
- (K) School.
- (L) Utility substation, transmission, pursuant to Section 5-616.
- (M) Utility transmission lines, overhead.
- (N) Water treatment plant.
- (O) [Removed pursuant to ZOAM 1995-0002.]
- (P) Sewage treatment plant.
- (Q) Continuing care facility.
- (R) Commuter parking lot with greater than fifty (50) spaces.

Section 3-600

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (S) Congregate housing facility.
- (T) Structure or use for federal, state, county, or local government purposes, not otherwise listed.
- (U) Public or private community or regional park.
- (V) [Radio and/or television tower.]
- (W) Water storage tank.
- (X) Utility substation, distribution, pursuant to Section 5-616.
- [(Y) Manufactured Housing, pursuant to Section 5-620.]

**3-605 Maximum Residential Density.** Sixteen (16) dwelling units per gross acre.

**3-606 Lot Requirements.**

- (A) **Size.** [5,000 sq. ft. minimum for detached manufactured housing; 2,000 sq. ft. minimum for attached manufactured housing]; 1,600 sq. ft. minimum for townhouse dwellings; 3,000 sq. ft. minimum for duplex dwellings; 2,000 sq. ft. minimum for triplex end units or quadruplex dwellings; 1,800 sq. ft. minimum for triplex interior dwellings; 8,000 sq. ft. minimum for a multi-family structure; each exclusive of major floodplain.
- (B) **Width.** [50 feet minimum for detached manufactured housing; 19 feet minimum for attached manufactured housing]; 16 feet minimum per lot for interior townhouse dwellings; 24 feet minimum per lot for end unit townhouse dwellings; 35 feet minimum per lot for duplex dwellings; 30 feet minimum per lot for triplex end units or quadruplex dwellings; 18 feet for triplex interior dwellings; 80 feet minimum per lot for multifamily structures.
- (C) **Yards.** Each lot shall provide the following yards:
  - [(1) **Detached Manufactured Housing.**
    - (a) **Front.** 25 feet minimum.
    - (b) **Side.** 8 feet minimum if two side yards are provided; 16 feet if only one side yard is provided. In no case shall the distance between dwellings be less than 16 feet. Side yard requirement for corner lot removed pursuant to ZOAM

Section 3-600

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

1993-0002.

(c) **Rear.** 25 feet minimum.]

(2) **Dwellings, Single Family Attached [and Attached Manufactured Housing].**

(a) **Front.** 40 feet minimum from centerline of travelway which does not include parking. 45 feet minimum from the centerline of travelway which does include parking.

(b) **Side.** No requirement for interior lots with common walls; minimum side yard on end units shall be 8 feet. [Side yard requirement for corner lot removed pursuant to ZOAM 1993-0002.]

(c) **Rear.** 25 feet minimum.

[(3) **Traditional Design Option for Single Family Attached.**

(a) **Front.** When dwellings front on a street and include a landscaped strip and sidewalk totalling 8 feet in depth, and where vehicular access to parking is provided from the rear of the lot, a minimum yard of 12 feet from the back of the curb shall be provided. However, where the district abuts an existing or planned residential district or land bay, or development of a lower density without an intervening street, the front yard setback shall equal the front yard setback of the lowest abutting density district, land bay or development.

(b) **Side.** No requirement for interior lot with common wall; minimum side yard on end unit shall be 8 feet.

(c) **Rear.** 25 feet.]

(4) **Multifamily Structures.**

(a) **Front.** 40 feet minimum from centerline of travelway which does not include parking. 45 feet minimum from the centerline of travelway which does include parking.

(b) **Side.** [Buildings placed side to side shall have a minimum distance of twenty (20) feet between buildings; buildings placed side to back shall have a minimum

Section 3-600

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

distance of thirty-five (35) feet between buildings. Buildings back to back shall have a minimum distance of fifty (50) feet between buildings. End buildings shall have a minimum side yard of twenty-five (25) feet to the property line or private access easement line.]

(c) **Rear.** 25 feet minimum.

(D) **Length Width Ratio.** [7:1 maximum.]

**3-607 Building Requirements.**

(A) **Lot Coverage.** [Sixty percent (60%) maximum.]

(B) **Building Height.** 35 feet provided that a multi-family structure may be erected to a maximum of 55 feet if it is setback from streets or from lot lines in addition to each of the required minimum yard dimensions, a distance of not less than two (2) feet for each one (1) foot of height that it exceeds the 35-foot limit.

(C) **Maximum Units Per Building.** No one structure shall contain more than eight (8) townhouse dwelling units nor more than sixty-four (64) multifamily dwelling units.

**3-608**

(A) **Active Recreation Space.** A minimum of 5,000 square feet of active recreation space shall be provided for each development of ten (10) units. Thereafter, an additional 200 square feet minimum shall be provided for each [manufactured housing], attached dwelling unit, triplex unit, quadruplex unit, townhouse and multi-family unit in excess of 10 units. All such active recreation space shall be accessible to all residents by means of internal pedestrian walkways.

(B) **Off Street Parking.** No off street parking for multifamily dwellings shall be permitted in areas between buildings and streets, unless such parking areas are sufficiently bermed and screened so that the parking areas are not visible from the street.

(C) **[Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard] (Section 5-1414(B)) shall be provided where a development adjoins an existing or planned residential district, land bay or development which has a minimum allowable lot size of 8,000 square feet or greater. Such buffer area may be included in open space calculations.

**3-609**            **Utility Requirements.** All utility distribution lines in the R-16 district shall be placed underground.

**3-610**            **Development Setback And Access From Major Roads.** In designing residential development, the following requirements shall be observed:

- (A)        **Setback.** [No building shall be located any closer than 100 feet from the right-of-way of any arterial road, and 75 feet from the right-of-way of a major collector, and twenty five (25) feet from any other road right-of-way.]
- (B)        **Access.** No individual lot or housing unit created after adoption of this Ordinance shall have direct access to arterial or major collector roads.
- (C)        **Private Streets.** Roads, serving townhouse and multifamily uses only, may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met:
  - (1)        All residences served by the private road shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such road.
  - (2)        The record plat and protective covenants for such development shall expressly state that the County and VDOT have no and will have no responsibility for the maintenance, repair, or replacement of private roads.
  - (3)        Sales brochures or other literature and documents, provided by the seller of lots served by such private roads, shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots, including a statement that the County has no and will have no responsibility for the maintenance, repair, or replacement of private roads.

Roads serving other uses shall be designed and constructed to VDOT standards for inclusion in the state highway system.

## Section 3-700

### R-24 Multifamily Residential.

#### 3-701

**Purpose.** The R-24 Multifamily Residential district is established to provide primarily for multiple family dwelling units at gross residential parcel densities not to exceed twenty-four (24) units per acre in areas served by public water and sewer service, with access to collector or arterial roads not dependent upon roads within planned or developed low density (R-1 or lower) residential neighborhoods, and designated primarily for infill development or in other locations consistent with the Comprehensive Plan.

#### 3-702

**Size and Location.** This district shall be no less than two (2) acres nor more than twenty five (25) acres in size. It shall only be applied in locations:

- (A) Abutting arterials and major collectors. Direct access for lots created after the adoption of this ordinance to such arterials and major collectors shall be provided only via minor collector roads.
- (B) With pedestrian linkages to planned or existing employment centers, shopping or other community support services.
- (C) Consistent with the Comprehensive Plan.
- (D) When supporting shopping and commercial development is planned, existing, or under construction.
- (E) Planned or served by public transit, or designated for public transit in the Comprehensive Plan.

#### 3-703

**Permitted Uses.** The following uses are permitted in this district:

- (A) Child care home, pursuant to Section 5-609.
- (B) Home occupation, pursuant to Section 5-400.
- (C) Dwelling, multi-family.
- (D) Public or private playground or neighborhood park.
- (E) Recycling drop-off collection center, small, pursuant to Section 5-607 (A).
- (F) Commuter parking lot, with less than fifty (50) spaces.
- (G) Utility substation, dedicated.
- (H) Bus shelter.

Section 3-700

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (I) Construction and/or sales trailer, during period of construction activity.
- (J) Sewer pumping station.
- (K) Water pumping station.
- (L) [School, public.]
- (M) [Telecommunications antenna, pursuant to Section 5-618(A).]
- [(N) Telecommunications monopole, pursuant to Section 5-618(B)(1).]

### **3-704**

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

- (A) Child or adult day care center, pursuant to Section 5-609.
- (B) Church, synagogue and temple.
- (C) Community center.
- (D) Country club.
- (E) [Fire and/or rescue station.]
- (F) Library.
- (G) Orphanage or similar institution.
- (H) Playing fields and courts, lighted.
- (I) Private club or lodge.
- (J) School.
- (K) Utility substation, transmission, pursuant to Section 5-616.
- (L) Utility transmission lines, overhead.
- (M) Congregate housing facility.
- (N) [Removed pursuant to ZOAM 1995-0002.]
- (O) Water treatment plant.

- (P) Commuter parking lot, with greater than fifty (50 )spaces.
- (Q) [Radio and/or television tower.]
- (R) Continuing care facility.
- (S) Golf course.
- (T) Structure for use for federal, state, county, or local government purposes, not otherwise listed.
- (U) Public or private community or regional park.
- (V) Sewage treatment plant.
- (W) Water storage tank.
- (X) Utility substation, distribution, pursuant to Section 5-616.
- [(Y) Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- [(Z) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(AA) Police Station.]

**3-705 Maximum Residential Density.** Twenty-four (24) dwelling units per gross acre.

**3-706 Lot Requirements.**

- (A) **Size.** 8,000 square feet minimum for a multifamily structure, exclusive of major floodplain.
- (B) **Width.** 80 feet minimum.
- (C) **Yards.** Each multifamily structure shall provide the following yards:
  - (1) **Front.** 40 feet minimum from centerline of travelway which does not include parking. 45 feet minimum from the centerline of travelway which does include parking.
  - (2) **Side.** [Buildings placed side to side shall have a minimum distance of twenty (20) feet between buildings; buildings placed side to back shall have a minimum distance of thirty-five (35) feet between buildings. Buildings back to back shall have a minimum distance of fifty (50) feet between buildings. End

Section 3-700

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

buildings shall have a minimum side yard of twenty-five (25) feet to the property line or private access easement line.]

(3) **Rear.** 25 feet minimum.

(D) **Length/Width Ratio.** 6:1 maximum.

**3-707 Building Requirements.**

(A) **Lot Coverage.** 60 percent maximum.

(B) **Building Height.** 35 feet provided that a multi-family structure may be erected to a maximum of 55 feet if it is set back from streets or from lot lines in addition to each of the required minimum yard dimensions, a distance of not less than two (2) feet for each one (1) foot of height that it exceeds the 35-foot limit.

(C) **Maximum Units Per Building.** No one structure shall contain more than sixty-four (64) multifamily dwelling units.

**3-708**

(A) **Active Recreation Space.** A minimum of 5,000 square feet of active recreation space shall be provided for each development of ten (10) units. Thereafter, an additional 200 square feet minimum shall be provided for each multi-family unit in excess of ten (10) units. All such active recreation space shall be accessible to all residents by means of internal pedestrian walkways.

(B) **Off Street Parking.** No off-street parking for multifamily dwellings shall be permitted in areas between buildings and streets, unless such parking areas are sufficiently bermed and screened so that the parking areas are not visible from the street.

(C) **[Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard] (Section 5-1414(B)) shall be provided where a development adjoins an existing or planned residential district, land bay or development which has a minimum allowable lot size of 8,000 square feet or greater. Such buffer area may be included in open space calculations.

**3-709 Utility Requirements.** All utility distribution lines in the R-24 district shall be placed underground.

**Development Setback and Access from Major Roads.** In designing residential development, the following requirements shall be observed:

- (A) **Setback.** [No building shall be located closer than 100 feet from the right-of-way of any arterial road, and 75 feet from the right-of-way of any major collector, and twenty-five (25) feet from any other road right-of-way.]
- (B) **Access.** No individual lot or housing unit created after adoption of this Ordinance shall have direct access to arterial or major collector roads.
- (C) **Private Streets.** Roads, serving townhouse and multifamily uses only, may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met:
  - (1) All residences served by the private road shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such road.
  - (2) The record plat and protective covenants for such development shall expressly state that the County and VDOT have no and will have no responsibility for the maintenance, repair, or replacement of private roads.
  - (3) Sales brochures or other literature and documents, provided by the seller of lots served by such private roads, shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots, including a statement that the County has no and will have no responsibility for the maintenance, repair, or replacement of private roads.

Roads serving other uses shall be designed and constructed to VDOT standards for inclusion in the state highway system.

## **Section 3-800**

### **GB General Business.**

- 3-801**      **Purpose.** This district shall be established to provide for general destination business uses which serve the needs of residences and businesses in the vicinity.
- 3-802**      **Size and Location.** This district when mapped shall be no less than ten (10) acres nor more than fifty (50) acres in size. It shall only be located in those areas designated as Industrial Community and in other locations consistent with the Comprehensive Plan [which are served by public sewer systems or on-site wastewater systems approved by the County Health Department.] This district shall be located with access to, but without directly abutting or fronting on, major collector or arterial roads.
- 3-803**      **Permitted Uses.** The following uses are permitted in any General Business district, subject to the requirements and limitations of these regulations.
- (A)      Adult day care center.
  - (B)      Business service establishment.
  - (C)      Contractor service establishment [with accessory outdoor storage].
  - (D)      Convenience food store, without gas pumps, pursuant to Section 5-617.
  - (E)      Educational institution.
  - (F)      Facility for dance, gymnastics, judo and sports training.
  - (G)      Farm machinery sales, service and repair, pursuant to Section 5-615.
  - (H)      Health and fitness center.
  - (I)      Heavy equipment and specialty vehicle sales, and accessory service.
  - (J)      Motor vehicle service and repair, light and heavy.
  - (K)      Motor vehicle storage and impoundment.
  - (L)      Nursery, commercial.
  - (M)      Post office, drop off and pick-up.
  - (N)      Postal service, including overnight courier collection and overnight mail distribution facility.

Section 3-800

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (O) Printing service.
- (P) Recycling drop off collection center, small, pursuant to Section 5-607.
- (Q) Restaurant, carry-out only.
- (R) Agriculture, horticulture, forestry, or fishery.
- (S) Bakery, commercial.
- (T) Bank or financial institution, excluding drive-through facilities.
- (U) Commuter parking lot.
- (V) Home service establishment.
- (W) Motor vehicle sales and accessory service.
- (X) Park.
- (Y) Veterinary service.
- (Z) Wholesale trade establishment.
- (AA) Animal hospital.
- (BB) Water pumping station.
- (CC) Utility substation, dedicated.
- (DD) Utility substation, distribution.
- (EE) Sewer pumping station.
- (FF) [Telecommunications antenna, pursuant to Section 5-618(A)].
- [(GG) Telecommunications monopole, pursuant to Section 5-618(B)(1).]

### 3-804

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

- (A) Automotive service station.
- (B) Borrow pit for road construction.

- (C) [Gas pumps accessory to a convenience food store, pursuant to Section 5-617.]
- (D) Kennel.
- (E) [Radio, radar and/or television tower.]
- (F) Utility substation, transmission, pursuant to Section 5-616.
- (G) Utility transmission line, overhead.
- (H) Warehousing facility.
- (I) Bus terminal.
- (J) Car wash.
- (K) Child care center, pursuant to Section 5-609.
- (L) Church, synagogue and temple.
- (M) [Fire and/or rescue station.]
- (N) Personal service establishment.
- (O) Public utility service center, with outdoor storage.
- (P) Bank or financial institution, including drive-through facilities.
- (Q) Mass transit facilities and stations.
- (R) Medical care facility, outpatient only.
- (S) Motor vehicle rental, with outdoor storage only.
- (T) Off-street parking facility, freestanding.
- (U) Recycling drop-off collection center, large, pursuant to Section 5-607.
- (V) Storage, mini-warehouse.
- (W) Sewage treatment plant.
- (X) Water treatment plant.

- (Y) Water storage tank.
- (Z) Crematorium.
- (AA) [School, private, accessory to a church.]
- (BB) [Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- (CC) [Car wash, accessory to a convenience food store, pursuant to Section 5-617.]
- [(DD) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(EE) Police Station.]

### 3-805

#### **Lot Requirements.**

- (A) **Size.** 20,000 square feet minimum, exclusive of major floodplain.
- (B) **Width.** 100 feet minimum.
- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** 50 feet minimum.
  - (2) **Side.** [20 feet minimum for interior side yard; 100 feet minimum side yard abutting an existing or planned residential use.]
  - (3) **Rear.** 50 feet minimum; 100 feet abutting an existing or planned residential use.
  - (4) **Other exceptions:**
    - (a) 50 feet minimum abutting a minor collector road.
    - (b) 75 feet minimum abutting a major collector road.
    - (c) 100 feet minimum abutting arterial roads.
- (D) No parking area shall be located within 25 feet of a public right of way.

**3-806**

**Building Requirements.**

- (A) **Lot Coverage.** 35 percent maximum.
- (B) **Building Height.** 35 feet maximum.
- (C) **Floor Area Ratio.** 0.40 maximum.

**3-807**

**Use Limitations.**

- (A) Access shall not be allowed through residential areas.
- (B) No individual lot created after the adoption of this Ordinance shall have direct access to arterial or major collector roads.
- (C) Yards, berms, vegetative screening, fences, or walls shall be provided to buffer residential districts and public streets from uses allowed in this district. In particular, outdoor storage, off-street parking areas, service areas for loading and unloading and for storage and collection of materials, supplies, refuse and garbage shall be screened so that such areas are not visible from the street.
- (D) **Utility Requirements.** All utility distribution lines in the GB district shall be placed underground.

## **Section 3-900**

### **CLI - Commercial Light Industry.**

#### **3-901**

**Purpose.** The purpose of the CLI district is to accommodate a mix of similar and compatible light industrial uses, industrial-related business uses, and related commercial uses in areas designated for light industrial/business community in the Comprehensive Plan. The CLI district shall have limited traffic and aesthetic impacts on surrounding properties and on supporting public facilities and utilities. The CLI district is intended to generate development through the use of creative design which will enhance the character of the surrounding area.

#### **3-902**

**Size and Location.** The CLI district is mapped only along Route 50 from the Fairfax/Loudoun County line west to Route 659. The rezoning of land to CLI in other areas of the County shall not be permitted. Additions to the mapped CLI District shall not be permitted except under the following circumstances:

- (A) Contiguous to existing CLI zoning,
- (B) East of Route 659, and
- (C) Served by public water and sewer systems or designated by the Comprehensive Plan as part of an Urban Growth Area planned for public water and sewer.

#### **3-903**

##### **Permitted Uses.**

The following uses shall be permitted in the CLI district subject to the requirements and limitations of these regulations:

- (A) Agriculture, horticulture, forestry or fishery.
- (B) Establishments for assembly, fabrication, processing, production and/or manufacturing of goods or products, pursuant to Section 3-907(J).
- (C) Cemetery, mausoleum and memorial park.
- (D) Church, synagogue and temple.
- (E) Distribution facility.
- (F) [Fire and/or rescue station.]
- (G) Flex industrial uses, pursuant to Section 5-608.

Section 3-900

Revision Date: April 21, 1999

[ ] Indicates Ordinance Amendment

- (H) Kennel, indoor.
- (I) [Removed pursuant to ZOAM 1998-0002.]
- (J) Nursery, production.
- (K) Post office, drop off and pick up.
- (L) Postal service, including overnight mail distribution facility.
- (M) Printing service.
- (N) Park, public.
- (O) Recycling drop-off collection center, small or large, pursuant to Section 5-607.
- (P) Research, experimental, testing or development activities.
- (Q) Wholesale trade establishment.
- (R) Automotive service station, pursuant to Section 3-907(G).
- (S) Contractor service establishment, [with accessory outdoor storage], pursuant to Section 3-907(G).
- (T) Business service establishment, pursuant to Section 3-907(G).
- (U) Convenience food store without gas pumps, pursuant to Section 3-907(G).
- (V) Office, administrative, business and professional, pursuant to Section 3-907(G).
- (W) Warehousing facility.
- (X) Bank or financial institution, pursuant to Section 3-907(G).
- (Y) Restaurant, carry-out only, pursuant to Section 3-907(G).
- (Z) Personal service establishment, pursuant to Section 3-907(G).
- (AA) Child care center, less than 6,000 square feet, pursuant to Section 3-907(G).

- (BB) Adult day care facility, less than 6,000 square feet, pursuant to Section 3-907(G).
- (CC) Public utility service center, without outdoor storage.
- (DD) Farm market.
- (EE) Veterinary service.
- (FF) Animal hospital.
- (GG) Educational institution, up to 250 students, pursuant to Section 3-907(G).
- (HH) Medical care facility, outpatient only with up to 15 doctors, subject to the use limitations in Section 3-907(G).
- (II) Hotel, up to 75 rooms, subject to the use limitations in Section 3-907(G).
- (JJ) Conference or training center, generating up to fifty (50) p.m. peak hour trips, pursuant to Section 3-907(G).
- (KK) Water pumping station.
- (LL) Dwelling, single family, accessory to permitted or special exception uses.
- (MM) Nursery, commercial.
- (NN) Repair, reconstruction or improvement of existing residences.
- (OO) Bakery, commercial.
- (PP) Utility substation, dedicated.
- (QQ) Sewer pumping station.
- (RR) Utility substation, distribution, pursuant to Section 5-616.
- (SS) [Telecommunications antenna, pursuant to Section 5-618(A).]
- [(TT) Telecommunications monopole, pursuant to Section 5-618(B)(1).].
- [(UU) Police Station.]

**3-904**

**Special Exception Uses.** The following uses may be permitted by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300. In addition, the uses listed below shall be developed in accordance with Section 3-907(G).

- (A) Business service establishment, excluding retail sales and outdoor storage.
- (B) Conference or training center, generating fifty (50) p.m. peak hour trips or greater.
- (C) Educational institution.
- (D) Funeral home or mortuary.
- (E) Golf course.
- (F) Heliport or helistop.
- (G) Medical care facility, outpatient only.
- (H) Park, private.
- (I) Planned industrial park, pursuant to Section 3-907(H).
- (J) Public utility service, with outdoor storage.
- (K) [Radio, radar and/or television tower.]
- (L) Fire arm range, archery range, indoor.
- (M) Utility transmission lines, overhead.
- (N) Utility substation, transmission, pursuant to Section 5-616.
- (O) Storage, bulk gasoline, petroleum products, and natural gas.
- (P) Water treatment plant.
- (Q) Storage, accessory outdoor.
- (R) [Hotel/Motel], (75) rooms or greater, pursuant to Section 5-611.
- (S) Motor vehicle rental, with outdoor vehicle storage only.
- (T) Recreation establishment, commercial.

Section 3-900

Revision Date: April 21, 1999

[ ] Indicates Ordinance Amendment

- (U) Child care center, greater than 6,000 square feet, pursuant to Section 5-609.
- (V) Adult day care center, greater than 6,000 square feet.
- (W) Motor vehicle sales and accessory service.
- (X) Restaurant.
- (Y) [Removed pursuant to ZOAM 1998-0002.]
- (Z) Farm machinery sales, service, and repair pursuant to Section 5-615.
- (AA) Private club or lodge.
- (BB) [Gas pumps accessory to a convenience food store, pursuant to Section 5-617.]
- (CC) Equipment rental.
- (DD) Mass transit facilities and stations.
- (EE) Retail sales establishment.
- (FF) Printing service plant.
- (GG) Sewage treatment plant.
- (HH) Water storage tank.
- (II) Crematorium.
- (JJ) [School, private, accessory to a church.]
- (KK) [Construction retail establishment.]
- (LL) [Motor vehicle service and repair, light.]
- (MM) [Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- (NN) [Car wash, accessory to a convenience food store, pursuant to Section 5-617.]
- [(OO) Telecommunications tower, pursuant to Section 5-618(C)(2).]

**3-905****Lot Requirements.**

- (A) **Size.** Two (2) acres minimum, exclusive of major floodplain.
- (B) **Width.** 200 feet minimum.
- (C) **Depth.** 200 feet minimum.
- (D) **Yards.**
  - (1) **Front.** 100 feet minimum.

**Minimum landscaped area in front yard.** 100 feet. This setback and landscaped area may be reduced to 50 feet subject to approval of a detailed site plan and landscape plan. Said plan shall be submitted for review by the Zoning Administrator in accordance with Section 5-1400. This front yard setback shall supersede Section 5-900 for Route 50.

- (2) **Side.** 20 feet minimum; 50 feet minimum adjacent to an existing or planned residential use.

**Minimum landscaped area in side yard.** 20 feet.

- (3) **Rear.** 25 feet minimum between properties within the CLI District and where rear property is adjacent to commercial or industrial zoning district, or 50 feet from a public street right-of-way; and fifty (50) feet from an existing or planned residential use.

**Minimum landscaped areas in rear yard.** 50 feet adjacent to a district allowing residential uses. 20 feet where rear property is adjacent to commercial or industrial districts.

**3-906****Building Requirements.**

- (A) **Lot Coverage:** 45 percent maximum.
- (B) **Building Height:** 35 feet maximum. The maximum building height may be increased provided that five (5) additional feet are added to each of the required yard setbacks for each additional one (1) foot of building height up to a maximum of (55) feet total height. Additional height limitations for areas or building sites or lots directly under an airport runway flight path may be imposed in accordance with applicable Federal Aviation Administration regulations.

Section 3-900

Revision Date: April 21, 1999

[ ] Indicates Ordinance Amendment

(C) **Base Floor Area Ratio:** 0.35 maximum.

(D) **Adjusted Base Floor Area Ratio.**

(1) The base floor area ratio in the CLI district may be increased on certain parcels by approval of the Zoning Administrator, upon demonstration of one or more of the following:

(a) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties or portions of properties located within 600 feet of the right-of-way of a road in the primary system of state highways (as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended) if:

(i) Such properties are not located at an existing median break of such road; and

(ii) The owner(s) of such properties permanently relinquish direct access to such road.

(b) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties or portions of properties located within 600 feet of the right-of-way of a road in the primary system of state highways (as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended) if the owner(s) of such properties consolidates such properties for development purposes with a contiguous parcel of land which, when combined, total at least 15 acres.

(c) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties or portions of properties located within 600 feet of the right-of-way of a road in the primary system of state highways (*as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended*) if the owner(s) of such properties maintains a parking setback of 150 feet and a building setback of 300 feet along the road.

(2) The density increase can be granted singly or cumulatively, except that density increases for (1)(b) and (1)(c) shall only be available either:

(a) In conjunction with (1)(a); or

Section 3-900

Revision Date: April 21, 1999

[ ] Indicates Ordinance Amendment

- (b) If the property for which such density increase is sought is located at an existing median break of a road in the primary system of state highways (*as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended*).
- (3) Density increases shall be averaged with the FAR of the entire property or properties involved which shall not exceed an overall FAR of 0.40.
- (E) The floor area ratio on a specific lot within a planned industrial park (defined in Section 3-907(H)) may be increased to 0.40 or, if the base floor area ratio has been adjusted pursuant to paragraph (1)(b) above, by one-third over such adjusted base floor area ratio, subject to the approval of a detailed concept development plan. In any case, the overall floor area ratio of the planned industrial park shall not exceed the base floor area ratio, unless such base floor area ratio has been adjusted pursuant to paragraph (D)(1).

### 3-907

**Use Limitations.** The purpose of the following use limitations is to achieve a design whereby buildings are located, oriented and designed to respect the natural landscape, principles of energy conservation, relationships to surrounding properties and buildings, views from major arterials, site access and circulation needs, and the desired overall character of the district.

- (A) Roadways and principal vehicular access points shall be shown on a Concept Development Plan which shall be submitted at the time of a rezoning request or with an application for an increase in density pursuant to Section 3-906(D). Transportation elements shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Left-turn storage and right turn lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic.
- (B) Yards, berms, vegetative screening, fences, or walls shall be provided to buffer residential districts and public streets from uses allowed in this district. In particular, outdoor storage, off-street parking areas and service areas for loading and unloading and for storage and collection materials, supplies of refuse and garbage, shall be screened so that such areas are not visible from any road in the primary system of state highways.

- (C) Minimum landscaped open space on any individual lot shall not be less than .30 times the buildable area of the lot. Such landscaped open space shall not be generally open to vehicles and shall be used to enhance the appearance of the lot.
- (D) No off-street parking or loading facilities shall be located in required landscaped yards. All parked vehicles and loading areas shall be screened from public streets.
- (E) All off-street parking spaces shall be within 500 feet by safe and convenient pedestrian routes of entrances to the buildings the parking spaces are intended to serve.
- (F) **Accessory Uses.**
  - (1) Administrative office for permitted and/or permissible uses, not to exceed 20 percent of the floor space of the principal use.
  - (2) Warehousing, indoor storage and distribution associated with a permitted use, but excluding the bulk storage of gasoline, petroleum products, natural gas and chemicals.
  - (3) Retail sales for permitted and/or permissible uses, not to exceed 10 percent of the floor space of the principal use.
  - (4) Commercial uses intended to serve businesses and employees within a planned industrial park defined in Section 3-907(H) shall not exceed 15 percent of the total acreage of the park or 15 percent of the total floor space of the park, whichever is greater. Such uses shall include business service establishments, automotive service stations, banks and financial institutions and restaurants. Drive-in and drive-through eating establishments are prohibited.
- (G) For the uses listed in Section 3-903 as being pursuant to this section and those listed in Section 3-904, direct access to a road in the primary system of state highways (*as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended*) shall be limited to right-turn-in entrances only as approved by VDOT.
- (H) For the purposes of Section 3-900, a planned industrial park is a real estate project of one or more industrial and accessory buildings on one or more contiguous parcels under common ownership or coordinated control. Planned industrial parks shall be planned, designed, constructed and managed on an integrated and coordinated basis, with specific

attention given to on-site vehicular circulation, parking, utility needs building design and orientation and open space in a landscaped setting.

- (I) **Utility Requirements.** All utility distribution lines in the CLI district shall be placed underground.
- (J) The following uses shall not be permitted:
- (1) Alcoholic beverage manufacturing.
  - (2) Ammonia, bleaching powder or chlorine manufacture.
  - (3) Blast furnace.
  - (4) Boiler works.
  - (5) Chemicals and acid manufacture or storage.
  - (6) Distillation of coal, wood or bones.
  - (7) Distillation of turpentine or varnish.
  - (8) Dye works.
  - (9) Emery cloth manufacture.
  - (10) Fertilizer manufacture.
  - (11) Fireworks.
  - (12) Fish canning, curing, grinding or smoking.
  - (13) Garbage incineration other than in municipal plants.
  - (14) Glue, size or gelatin manufacture.
  - (15) Grinding, cooking, boiling, rendering or storing of slaughterhouse refuse, animal refuse, rancid fats or refuse of dead animals.
  - (16) Iron, steel or copper works, foundries or smelting facilities.
  - (17) Lime, cement, concrete gypsum, plaster of paris or mortar manufacture.
  - (18) Mixing or batching plants for asphalt, concrete, brick or other paving and construction materials.
  - (19) Petroleum, alcohol or asphalt refining, mixing or manufacture or storage.
  - (20) Pyroxylin or celluloid manufacture.
  - (21) Pulverizing of charcoal or coal.
  - (22) Soap manufacture.
  - (23) Stockyards.
  - (24) Tanning, curing or storing of raw hides or skins.
  - (25) Tetra-ethyl lead precipitate liquid manufacture.
  - (26) Vinegar manufacture.
  - (27) Wool pulling and scouring.
  - [(28)] Material recovery facility.]
  - [(29)] Any other use similar to the above excepted uses which is likely to be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other causes.
- (K) No storage of any kind shall be permitted within any front yard.

## **Section 3-1000**

### **MR-HI Mineral Resource - Heavy Industry.**

- 3-1001**      **Purpose.** This district is established in order to protect the mineral resources, primarily diabase rock, of the County for possible future economic development, to provide for diabase resource extraction operations at appropriate locations and under controlled conditions; to co-locate with quarries compatible heavy industrial uses; to permit continued agricultural practices, and to permit residential and other uses only to the extent that they may be compatible with resource extraction. This district is to be applied as a long term, but interim, district, recognizing that areas devoted to resource extraction may and should be converted, ultimately, to other compatible and beneficial uses consistent with the Comprehensive Plan.
- 3-1002**      **Size and Location.** Except for those districts mapped to MR-HI concurrently with the adoption of this Ordinance, the minimum district size for this district shall be six hundred (600) acres. Contiguous additions of not less than ten (10) acres shall be allowed when approved pursuant to Section 6-1200. The district is to be established in areas contemplated as appropriate for resource extraction use in the Comprehensive Plan.
- 3-1003**      **Permitted Uses.** The following uses are permitted in this district:
- (A)      Agriculture, horticulture, forestry, or fishery.
  - (B)      Asphalt mixing plant, accessory to an approved quarry use.
  - (C)      Nursery, commercial.
  - (D)      Country club.
  - (E)      Fruit processing or storage.
  - (F)      Manufacturing of concrete block, cinderblock or pre-formed concrete products, accessory to an approved quarry use.
  - (G)      Fairground.
  - (H)      Storage, for coal, lumber, building material, contractor equipment, and similar material.
  - (I)      Excavation, mining, dredging, stripping.
  - (J)      Sawmill or wood processing facility.
  - (K)      Warehousing facility.

Section 3-1000

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (L) Wholesale trade establishment.
- (M) Bakery, commercial.
- (N) Business service establishment.
- (O) Concrete mixing plant, accessory to an approved quarry use.
- (P) Contractor service establishment [with accessory outdoor storage].
- (Q) Distribution facility.
- (R) Dwelling, single-family, accessory to permitted or special exception uses.
- (S) Heavy equipment and special vehicle repair.
- (T) Manufacture, processing, fabrication and/or assembly, distribution of products, such as, but not limited to: Scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceutical, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchased glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery, mobile homes, prefabricated and modular housing and components, dairy products, feed and grain, baked and confectioners' goods, farm machinery, fruit and vegetable processing, canning, storage.
- (U) Motor vehicle service and repair, heavy, accessory to an approved principal use.
- (V) Outdoor sales area, accessory.
- (W) Motor vehicle storage and impoundment, accessory to an approved principal use.
- (X) Park.
- (Y) Veterinary service.
- (Z) Animal hospital.
- (AA) Vehicle storage, outdoor.

- (BB) Water pumping station.
- (CC) Utility substation, dedicated.
- (DD) Retail sales of crushed stone or architectural stone products, accessory to an approved quarry use.
- (EE) Sewer pumping station.
- (FF) Utility substation, distribution, pursuant to Section 5-616.
- (GG) Storage, outdoor accessory.
- (HH) Crushing, treating, washing, and/or processing of materials, accessory to a quarry operation, when conducted on the same property.
- [(II) Motor vehicle service and repair.]
- [(JJ) Motor vehicle storage and impoundment.]
- (KK) [Telecommunications antenna, pursuant to Section 5-618(A)].
- [(LL) Telecommunications monopole, pursuant to Section 5-618(B)(1).]
- [(MM) Telecommunications tower, pursuant to Section 5-618(C)(1).]

### **3-1004**

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

- (A) Asphalt mixing plant.
- (B) Automobile graveyard or junk yard.
- (C) Cemetery, mausoleum and memorial park.
- (D) Crushing, treating, washing and/or processing of materials.
- (E) Utility transmission lines, overhead.
- (F) [Fire and/or rescue station.]
- (G) Manufacturing of concrete block, cinderblock or pre-formed concrete products.

- (H) Sewage treatment plant.
- (I) Solid waste incinerator, landfill or transfer station.
- (J) Stone quarrying, pursuant to Sections 3-1007 and 3-1008.
- (K) Stump processing plant.
- (L) Utility substation, transmission, pursuant to Section 5-616.
- (M) Water treatment plant.
- (N) [Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- (O) Borrow pit for road construction.
- (P) Concrete mixing plant.
- (Q) Automotive service station.
- (R) Commuter parking lot.
- (S) Dry cleaning plant.
- (T) Firearm range, indoor.
- (U) Golf course.
- (V) Heavy equipment and specialty vehicle sales.
- (W) Kennel.
- (X) Mass transit facilities and stations.
- (Y) Material recovery facility, pursuant to Section 5-607.
- (Z) Storage, bulk gasoline, petroleum products and natural gas, small and large.
- (AA) Storage, mini-warehouse.
- (BB) Utility generating plant or transmission facility.
- (CC) Printing service, plant.
- (DD) Water storage tank.

Section 3-1000

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (EE) Crematorium.
- (FF) [Vegetative waste composting facility.]
- [(GG) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(HH) Police Station.]

**3-1005 Lot Requirements.**

- (A) **Size.** [3 acres] minimum, exclusive of major floodplain.
- (B) **Width.** 300 feet minimum fronting on Class I roads; 200 feet fronting on Class II roads or private access easements.
- (C) **Depth.** 500 feet minimum.
- (D) **Length/Width Ratio.** 3.5 times lot width maximum.
- (E) **Yards.** No structure or use shall be located within fifty (50) feet of any property line.

**3-1006 Building Requirements.**

- (A) **Lot Coverage.** 50 percent maximum.
- (B) **Building Height.** 35 feet maximum for all buildings except non-habitable structures associated with a quarry operation. Such structures are permitted by right to 120 feet in height provided they are set back from property lines and district boundaries an additional setback of two (2) feet for each one (1) foot in height above 35 feet. Such structures require special exception approval for heights in excess of 120 feet.
- (C) **Floor Area Ratio.** .75 maximum.

**3-1007 Use Limitations.**

- (A) **Prohibited Uses.** No uranium mining or well water fields are permitted in this district.
- (B) **Nonresidential Uses.** For adjacent properties, no commercial, industrial or other nonresidential building shall be located within fifty (50) feet from the property line of an existing and/or approved quarry operation.

- (C) **Outdoor Storage.** No storage of any kind shall be permitted within any front yard.
- (D) **Utility Requirements.** All utility distribution lines in the MR-HI district shall be placed underground.
- (E) **Stone Quarrying Operations Uses.**
  - (1) The pit wall of a quarry shall be a minimum of 1000 feet from the MR-HI district boundary, except in the following situations:
    - (a) Where quarries are adjacent to land not under County zoning authority, such as Dulles Airport or an incorporated town, the minimum distance from the quarry pit wall to the district boundary may be reduced to a minimum of 200 feet as a result of special exception approval, which assures such reduction is compatible with adjacent land uses.
    - (b) Where quarries are adjacent to a public road of four (4) or more lanes, or to a road designated as a part of an approved VDOT or County corridor study or identified in the Comprehensive Plan to be four (4) or more lanes, the distance may be reduced to not less than 200 feet, provided an effective buffer is constructed and maintained.
    - (c) Where quarries are adjacent to the GB district, the setback may be reduced to a minimum of 200 feet.
    - (d) Where quarries are adjacent to the PD-GI or CLI district, the setback may be reduced to a minimum of 50 feet.
  - (2) Structures and buildings enclosing processing equipment associated with a quarrying operation, including crushers, conveyors, washers and screeners, shall be located a minimum of 500 feet from the district boundary, except where quarries are adjacent to land not under County zoning authority, such as Dulles Airport or an incorporated town. In such cases, the distance may be reduced to a minimum of 200 feet as a result of special exception approval which assures abutting lands are adequately buffered from the processing operations.

- (3) Other structures and buildings related to quarrying operations, including scale houses and storage yards, shall be located a minimum of 200 feet from the district boundary. Such structures shall also be located a minimum of 100 feet from all public roads within the district. Provided, however, that where such structures are adjacent to the GB, CLI or PD-GI districts, the setback may be reduced to a minimum of 50 feet.
- (4) Buildings devoted solely to office and administrative uses shall be a minimum of 50 feet from the district boundary.

**3-1008**

**Stone Quarrying Special Exception Permit Applications.** The establishment of any new stone quarrying operations, or the expansion of any existing stoning quarrying operations beyond previously granted approvals, require Special Exception approval and are subject to issuance of a special exception by the Board of Supervisors in accordance with Section 6-1300. In addition to the requirements of Section 6-403, all applications for stone quarrying uses shall be accompanied by the following items:

- (A) Five (5) copies of a plat prepared by an engineer or surveyor licensed by the State, drawn to a scale of 1" = 200'. Such plat shall show:
  - (1) The boundary of the entire tract by metes and bounds.
  - (2) Development limits and topography in contour intervals of five (5) feet or less, including locations of water courses, of the part of the tract that is proposed to be used for the operations set forth in the application, and of the contiguous area within 500 feet of such proposed limits or such greater distance as may be specified by the Zoning Administrator.
  - (3) Means of vehicular and emergency access to the proposed use indicating the proposed type of surface treatment.
- (B) One (1) aerial photograph, at a scale of 1" = 200', and certified as flown not earlier than six (6) months prior to the date on which the application is submitted. The area covered by such photo shall include:
  - (1) All land included in the application and within 2,000 feet of the area covered by the application, and

- (2) All contiguous land which is now, is planned to be, or has been used by the applicant for such use or a related use.
- (C) A depiction, based on the official zoning records of Loudoun County, of the zoning of all parcels within the same area covered by the aerial photograph required in Section 3-1008(B)(2).
- (D) A conceptual description of the proposed operation describing the anticipated location, process, equipment and scale of the proposed operation including all special exception and accessory uses.
- (E) A transparent overlay, at the same scale and covering the same area as the aerial photograph required in Section 3-1008(B)(2) depicting the location, limits and approximate square footage of the following items:
  - (1) Area of any known previous, currently active and proposed excavation.
  - (2) Area of active and proposed settling ponds and washing facilities.
  - (3) Areas of existing and proposed crushing or treatment facilities.
  - (4) Areas of existing and proposed storage of extracted material.
  - (5) Areas of existing and proposed production facilities or resource related uses.
  - (6) Location and type of any existing and proposed erosion control, stormwater management and BMP facilities.
  - (7) Location and type of structures, fencing and security measures or other appropriate safeguards to prevent access by unauthorized persons.
  - (8) Location and type of buffering of adjacent land uses to be provided pursuant to Section 5-1400 of this Ordinance.
- (F) A plan for operation demonstrating the feasibility of the operation proposed without hazards or damage to other properties by reason of increased flooding or undesirable rise or reduction in ground water levels, erosion caused by increased rate of flow or redirection of flow in

flood channels, deposits of debris from flood or erosion, excessive slopes remaining at cuts or fills, or undermining or creation of settlement in adjoining areas.

- (G) A plan for restoration of the site, prepared by an engineer or surveyor licensed by the State. The plan for restoration shall demonstrate conceptually the method by which the property, in its entirety, will be returned to a state suitable for re-use for purposes permissible in the district. Among items to be included in such plans are vehicular circulation patterns in and around the site, the treatment of exposed soils or subsoil in order to make the property suitable for the proposed re-use, treatment of slopes to prevent erosion and delineation of floodways and floodplains (if any) to be maintained in open usage. In such plans for re-use, where conditions are suitable, permanent lakes, water impoundment or recreational facilities may be permitted. The format and level of detail required by the Virginia Department of Mines and Minerals for a restoration plan shall be acceptable as an initial submission. The County shall have the right to request such additional information as it deems necessary.
- (H) A letter signed by the applicant and by the owner of the property granting the right of entry upon the property to the Zoning Administrator, law enforcement agents, and County inspectors for the purpose of inspecting and bringing law enforcement to the property during the term of any permit which may be issued.
- (I) A hydrogeological report and a Type II detailed geotechnical report including an assessment of the depth of overburden and the effects of the proposed resource extraction on the water table and local wells.
- (J) As a condition of approval, the applicant may be required to post with the County a bond in an amount to be set by the Board of Supervisors. If required, such bond shall be with surety satisfactory to the Board of Supervisors. The bond shall be conditioned upon restoration in accordance with the approved restoration plan within 360 days following the expiration of the special exception. The bond shall be accompanied by an instrument in writing granting, to the County or its officers, agents and employees, a right to enter the property which is the subject of the special exception for the purpose to inspect of any restoration if required.
- (K) An environmental report describing existing environmental conditions, assessing the environmental impacts of the proposed use on the site and properties within two thousand (2000) feet of the proposed uses, and depicting proposed mitigation measures.

## ARTICLE IV

### SPECIAL & OVERLAY DISTRICTS

#### Division A: Planned District Regulations

#### Section 4-100 Planned Development-Housing.

- 4-101 Purpose.** The Planned Development-Housing (PD-H) district is established to provide for a variety of single and multifamily housing types in neighborhood settings plus supporting non-residential uses in a planned environment fostering a strong sense of community.
- 4-102 Size and Location.** A PD-H district, when mapped, shall be no less than fifty (50) acres in size for a PD-H3, no less than twenty five (25) in size for a PD-H 4, and a PD-H 6 district. Smaller parcels that are adjacent to and a logical extension of an approved PD-H district may be approved pursuant to 6-1500. Land may be rezoned to the PD-H district where consistent with the provisions of the residential elements of the Comprehensive Plan.
- 4-103 Timing of Development.** It is the intent of these regulations that due consideration be given to the relationship of a PD-H proposal to:
- (A) The general housing demand in the County.
  - (B) The existing and potential housing supply under development plans approved by the County.
  - (C) The general pattern and organization of residential communities in the County, and
  - (D) The relationship to existing and planned employment opportunities and supporting business and other services.
- 4-104 Zoning Regulations Generally.** It is the intent of these regulations that there be three (3) PD-H district options PD-H3, PD-H4, and PD-H6 to be distinguished on the basis of the maximum net residential density of the proposed district. PD-H districts shall be developed according to the regulations of the Urban Residential Districts, in Article III of this Ordinance, identified for individual land bays within the development at the time of preliminary subdivision official acceptance with the following:

Section 4-100

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (A) **Maximum Net Residential Density.** The maximum net residential density approved for a PD-H district shall be consistent with the Comprehensive Plan and the design criteria defined therein for various types of communities and as follows:

	PD-H3	PD-H4	PD-H6
Net Residential Density	3	4	6

Increases in density above the maximums noted above may be granted pursuant to Article VII of this Ordinance. In such cases, Comprehensive Plan design criteria and requirements for additional open space shall not apply.

- (B) **Uses.** Single family detached, single family attached, duplex, townhouse, two family and multi-family uses are allowed in each of the PD-H zoning districts. The permitted and special exception uses of the PD-H district shall be those of the R district identified on the concept development plan for the development, [except that the following uses shall be permitted by-right provided that the number, size and locations of these uses are identified on the concept development plan: Church, synagogue, temple; Public schools; Neighborhood or community parks (not public); Libraries; Community Centers; Fire, police and rescue stations; Child care facilities; and Non-commercial recreation facilities]. Retail and service uses, offices and industrial parks may be permitted, subject to Sections 4-105 through 4-108 below. In all cases, the regulations for PD-H developments in this Section and Section 6-1500 of this Ordinance shall apply.

- (C) **[Development Requirements (including lot, building, utility, open space buffer, setback and access requirements)].**

- (1) The approved Concept Development Plan for a PD-H district shall designate which individual land bays of the proposed district shall be developed for residential uses pursuant to Low Density (R-1, R-2, and R-3), Medium Density (R-4 and R-8), or High Density (R-16 and R-24) district regulations, the maximum size of the land bay and number of units per land bay to be developed. Residential uses in the PD-H districts shall follow those requirements set forth in the R-1, R-2, R-3, R-4, R-8, R-16, or R-24 zoning districts respectively as designated on the preliminary subdivision plan.

- (2) The approved Concept Development Plan for a PD-H district shall designate which individual land bays of the proposed district shall be developed for office, commercial and industrial uses, the maximum size of the land bay and floor area per land bay, to be developed. Office, commercial and industrial uses shall follow those requirements set forth in the PD-CC, PD-OP, or PD-IP zoning districts respectively as designated on the preliminary subdivision plan.
- (3) Requirements of these districts may be modified in connection with a PD-H rezoning, or as a separate application thereafter, provided that the proposal meets the criteria of Section 6-1504.

(D) **Building Requirements.**

- (1) **Impervious Surface.** In no case shall the impervious surface ratio of any single lot or parcel developed under Sections 4-105, 4-106, 4-107, or 4-108 exceed seventy (70%) percent.
- (2) **Floor Area Ratio.** Not applicable to residential uses; maximum .40 FAR for any retail or service use, offices or industrial parks.

- (E) **Planning and Design Guidelines.** The Board, by resolution after a public hearing on such guidelines, may adopt and utilize separate planning and design guidelines to supplement the Zoning Ordinance in the review of applicant proposals for PD-H districts.

**4-105 Retail and Service Uses.** These uses are intended to serve primarily the convenience needs of the PD-H District. Total land area devoted to such uses, including uses allowed under Sections 4-106 and 4-107, shall not exceed three (3%) percent of the total land area of the planned development district.

**4-106 Planned Shopping Centers.** These uses are permissible as provided in Section 4-200(A)&(B) (neighborhood and community centers only), subject to the following additional restrictions and requirements, and provided that dwelling units may be permitted on levels above street level at densities not to exceed one (1) dwelling unit per 2,000 square feet of gross floor area devoted to commercial purposes.

- (A) All requirements shall be as for PD-CC (neighborhood or community centers only) as outlined herein, provided however that first floor location

uses shall be restricted to commercial, personal service, and finance establishments.

- (B) The location of the shopping center shall provide convenient access to major or minor collector streets without creating through traffic in residential neighborhoods, causing traffic hazards or congestion, or impeding free traffic flow.
- (C) Layout of building, parking and service areas, access, berms and landscaping, yards, courts, walls, signs and lighting, and control of noise shall protect the residential character of the PD-H district and any other residential districts in the vicinity.
- (D) Lot coverage by all buildings shall not exceed twenty (20%) percent of the net area of the site, exclusive of adjoining streets.
- (E) The maximum Floor Area Ratio for such uses shall not exceed .40.
- (F) Non-vehicular open space in an amount equal to at least thirty (30%) of the net area of the site exclusive of adjoining streets shall be provided. Such space shall be landscaped and located to provide buffering and convenient pedestrian circulation.
- (G) Where appropriate accessways may be so located as to serve other uses in the district subject to the limitations of Section 4-106(B).
- (H) No individual lot created after the adoption of this Ordinance, shall have direct access to arterial or major collector roads.

#### 4-107

#### **Convenience Establishments.**

- (A) **Uses permitted.** For purposes of these regulations, convenience establishments are defined as small establishments designed and intended to serve the daily or frequent trade or service needs of the immediately surrounding population. Such establishments, as permitted in PD-H districts, include groceries, variety stores, drug stores, coin-operated laundry and dry cleaning agencies, tailoring and dressmaking shops, beauty shops, barber shops, professional offices, carry-out restaurants and similar small scale uses. Specifically excluded are automobile service stations, repair garages, drive-in eating and drinking establishments.
- (B) **Location grouping.** Convenience establishments shall be located only in portions of PD-H districts: (a) not served by similar facilities within walking distance; and (b) near dwelling unit densities of at least six (6) units per acre, as to provide substantial walk-in trade. Where more than one convenience establishment of this nature is proposed, they shall be

Section 4-100

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

grouped, arranged and designed for maximum pedestrian convenience. Vehicular access and parking areas shall be combined where such combination will result in improvement in public convenience and vehicular circulation.

- (C) **Control of potential adverse effects.** Convenience establishments shall not have substantial adverse effects on residential uses within the district or adjoining residential districts by reason of their location, design, construction, manner or timing of operation, signs, lighting, parking or access arrangements. Landscaped open space shall be utilized to protect the residential character of the PD-H and surrounding districts.
- (D) **Maximum size of establishments.** No individual convenience establishment established under the provisions of this Section shall have a gross floor area in excess of 5,000 square feet, and no combination of such establishments in any one location shall have a total gross floor area of more than 10,000 square feet.
- (E) **Lot Area, Width and Coverage.** No minimum lot area or width requirements are set for convenience establishments, but lot coverage by all buildings shall not exceed thirty percent (30%) of the net area of the lot or building site.
- (F) **Yards: Building Spacing.** Yards shall have the same or greater depth as required for adjoining uses. Where space is left between buildings on the lot or building site, it shall be at least twenty five (25) feet in width.
- (G) **Open Space.** Non-vehicular open space in an amount equal to at least fifteen percent (15%) of the net area of the site, exclusive of adjoining streets, shall be provided. Such space shall be landscaped or otherwise appropriately improved for general amenity to provide convenient pedestrian circulation, play areas for children, passive recreation areas and the like.
- (H) **Off-street parking and multiple use of access.** Off-street parking spaces shall be two-thirds of that required for the PD-CC neighborhood center. Where appropriate to the general design of the district and timing of operations of the uses involved, accessways may be so located as to serve other uses in the district if such multiple use will not lead to congestion or hazards to pedestrian or vehicular traffic.

- (I) **Access.** No individual lot shall have direct access to arterial or major collector roads.
- (J) **Signs.** Sign limitations shall be as provided in Section 5-1200 of this ordinance, with business signs limited as provided in Section 5-1203(R).

**4-108**

**PD-OP and PD-IP Uses.** Location of these uses within a PD-H district shall be consistent with the Comprehensive Plan. These uses shall comply with the following additional regulations and requirements:

- (A) Total land area devoted to such uses shall not exceed fifteen (15%) percent of the total land area of the planned development, and no single area devoted to such uses shall have less than ten (10) acres. Modification of this section may be permitted pursuant to Section 6-1504.
- (B) Total office floor space shall not exceed (200) square feet per allowed dwelling unit. Total industrial floor space shall not exceed 200 square feet per allowed dwelling unit. Modification of this section may be permitted pursuant to Section 6-1504.
- (C) Accessory retail and service uses may be provided within office and industrial buildings in an amount not to exceed five percent (5%) of total office or industrial floor space.
- (D) Permitted and special exception uses, minimum area requirements for individual lots, minimum landscaped open space, and minimum yard requirements shall all be governed by the provisions of Sections 4-300 (PD-OP) and 4-500 (PD-IP) which provisions shall act as regulations for the development of such sites.

**4-109**

**Site Planning - External Relationships.** Site planning within the PD-H district shall provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development. In particular and without limitation, the proposed development shall demonstrate the following features:

- (A) Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic.

- (B) **Protection of visibility - pedestrian/cyclist.** Where there is pedestrian or bicycle access to a street, no impediment to visibility more than 2-1/2 feet above the level of the center of the street shall be allowed within the visibility triangle required in Section 5-300(B) or VDOT standard, whichever is greater.
- (C) **Uses adjacent to single-family, agricultural, or residential districts or land bays allowing residential uses.** Where residential uses in a PD-H district adjoin a single-family residential, agricultural, or residential district or land bay allowing residential uses, [or a commercially zoned development approved subject to proffers prior to adoption of this ordinance], the development shall provide for either:
- (1) Single family dwellings on minimum lots of (20,000) square feet or greater, exclusive of major floodplain, along such perimeter; or,
  - (2) A permanent open space buffer along such perimeter at least fifty (50) feet in width, landscaped with a Type 2 Buffer Yard.
- (D) Planned shopping centers and convenience establishments adjacent to single family or agricultural residential districts or land bays allowing residential uses shall provide a permanent open space buffer at least (75) feet in width with a Type 3 Buffer Yard. Other nonresidential uses in such perimeter areas shall provide the yards required by Section 4-305(B)(2) or Section 4-505(B)(2), as applicable and at least fifty (50) feet of the required yards shall be devoted to a permanent open space buffer with a Type 3 Buffer Yard.
- (E) **Height limitations at edges of PD-H districts.** Except along boundaries where adjoining districts permit greater heights within similar areas, height limitations shall be limited to an imaginary plane leaning inward from district boundaries at an angle representing an increase in height of one (1) foot for every two (2) feet of horizontal distance perpendicular to the district boundary. No portion of any building in such district shall project through said imaginary plane.

**Site Planning - Internal Relationships.** The PD-H district shall provide the following:

- (A) **Maximum Height Restrictions.** Dwellings and other uses allowed in residential zoning districts: as provided in the applicable R District. Commercial, industrial and office buildings: as provided in the applicable PD-CC, PD-OP, and PD-IP Districts, per Section 4-200, 4-300, and 4-500.
- (B) All arterial and collector streets serving a PD-H District, and all streets of any size serving residential (except townhouse and multifamily), commercial, office, institutional and industrial uses within a PD-H district, shall be designed and constructed to VDOT standards for inclusion in the state highway system. Roads serving townhouse and multifamily uses only may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met:
  - (1) All residences served by a private road shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such road.
  - (2) The record plat and protective covenants for such development shall expressly state that the County and VDOT have no, and will have no, responsibility for the maintenance, repair, or replacement of private roads.
  - (3) Sales brochures or other literature and documents provided by the seller of lots served by such private roads shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots including a statement that the County has no, and will have no, responsibility for the maintenance, repair, or replacement of private roads.
- (C) Streets, drives, parking and service areas shall provide immediate, safe and convenient access and circulation for dwelling units and project facilities and for service and emergency vehicles including fire fighting equipment, furniture moving vans, fuel trucks, garbage collection, deliveries, and snow removal. Streets shall not be laid out so as to encourage outside or through traffic to traverse the development on minor streets.

- (D) Vehicular access to public streets, from off-street parking and service areas serving less than eighty (80) dwelling units, may be directly to the street via a single point of access. Vehicular access, from off street parking and service areas serving eighty (80) or more units, shall require two (2) or more points of access. Determination of number of the actual dwelling units served shall be based on normal routing of traffic anticipated in the development.
- (E) Vehicular access from off-street parking and service areas shall be designed to minimize the number of curb cuts and to promote safe traffic flow.
- (F) **Ways for pedestrians and cyclists; use by emergency or service vehicles.** Ways shall be provided to all dwelling units, project facilities and principal off-site destinations. Accessways to be used by children as routes to school or other destinations shall be so located and safeguarded as to minimize contacts with automotive traffic. Street crossings shall be held to a minimum on such walkways. Pedestrian ways may be combined with other easements and used only by emergency or service vehicles.
- (G) **Protection of visibility - cyclists and pedestrians.** Visibility clearance at intersections shall be as provided in Section 5-300.
- (H) Recycling collection centers shall be designed and located in accordance with the provisions of Section 5-607 of this Ordinance and the requirements of the Facilities Standards Manual.
- (I) **Uses adjacent to single-family residential, or agricultural and residential districts or land bays allowing residential uses.** Where residential uses in a PD-H district adjoin a single-family residential, agricultural, residential district or land bay allowing residential uses, the development shall provide for either:
  - (1) Single family dwellings on minimum lots of (20,000) square feet or greater, exclusive of major floodplain, along such perimeter, or;
  - (2) A permanent open space buffer along such perimeter at least fifty (50) feet in width, landscaped with a Type 2 Buffer Yard.
- (J) Planned shopping centers and convenience establishments adjacent to single-family residential, agricultural-residential districts shall provide a permanent open space buffer at least seventy-five (75) feet in width with

a Type 3 Buffer Yard. Other nonresidential uses in such perimeter areas shall provide the yards required by Section 4-305(B)(2) or Section 4-505(B)(2), as applicable and at least fifty (50) feet of the required yards shall be devoted to a permanent open space buffer with a Type 3 Buffer Yard.

**4-111**

(A) **Open Space.** A minimum of thirty percent (30%) of the land within the district, excluding the land designated for [road rights-of-way,] commercial and industrial uses, shall be devoted to open space. Active recreation space required under the Urban Residential Districts, in Article III, shall be counted toward the open space requirements and all, or a portion of, which may be located outside of the individual R-district land bay to create more functional recreation areas. Land comprising major floodplain, steep slopes, active recreation open space, common open space and dedicated open space shall all be counted toward satisfying this minimum open space requirement. The general location and character of the required open space shall be depicted on the Concept Development Plan.

(B) **Ownership, Operation and Management of Common Open Space and Common Facilities.**

(1) All common open space shall be preserved for its intended purpose as expressed in the Concept Development Plan. The developer shall choose prior to approval of the first record plat or final site plan, one (1) or a combination of the following methods of administering common open space:

(a) Public dedication to the County of the common open space, subject to acceptance by the Board of Supervisors.

(b) Establishment of a non-profit association, corporation, trust, or foundation of all owners of residential property within the planned development. Such organization shall conform to the following requirements:

(i) The organization must be established prior to approval of the first record plat or final site plan in the proposed development. The documents establishing such organization shall be reviewed and approved by the County.

- (ii) Membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community and said organization shall not discriminate in its members or shareholders.
    - (iii) The organization shall manage, maintain, administer and operate all open space and improvements and other land not publicly or privately owned, and shall secure adequate liability insurance on the land and such improvements.
    - (iv) Sales brochures or other literature and documents provided by the seller of all lots within a PD-H district shall include information regarding membership requirements and responsibilities of such organizations.
  - (c) Retention of ownership, control, and maintenance of common open space and improvements by the developer.
- (2) All common open space not dedicated to the County shall be subject to restrictive covenants running with the land restricting its use to that specified in the approved Development Plan. Such restrictions shall be for the benefit of, and enforceable by, all present or future residential property owners and the Board of Supervisors of Loudoun County.
  - (3) All common open space, as well as public recreational facilities, shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

## Section 4-200

### PD-CC Planned Development - Commercial Center.

#### 4-201

**Purpose.** These districts are created to permit the development of neighborhood, community, and regional shopping centers in scale with surrounding market areas, at locations recommended in the Loudoun County Comprehensive Plan. These shopping centers shall serve areas not already conveniently and adequately provided with commercial and service facilities of the kind proposed. It is intended to permit the establishment of such districts with carefully organized buildings, service areas, parking areas and landscaped open space; with design features which reduce traffic; and with design, landscaping and buffers which protect property values in surrounding neighborhoods. Planned Development-Commercial Centers shall provide a broad range of facilities and services appropriate to the general need of the area served. Within the broad classification of Planned Development- Commercial Center, several separate types of shopping centers are identified. The type of center appropriate to any specific location shall be determined by the market served; the proximity and access provided to residential districts; and consistency with the Comprehensive Plan.

#### 4-202

### Purpose, Size and Location of Individual Districts.

- (A) **Neighborhood Center (NC).** This district is established to permit the development of small scale commercial centers which serve the convenience needs of residential neighborhoods immediately adjacent to or within walking distance of the center. Neighborhood centers shall be located on local access or two lane minor collector roads, and shall be designed, landscaped and buffered so as to be compatible with neighboring development. When mapped, each district shall be a minimum of 1.5 acres and a maximum of six (6) acres in area.
- (B) **Community Center (CC).** This district is established to permit the development of commercial centers which serve the retail shopping needs of the surrounding community. Community centers are centrally located on collector roads within a ten (10) minute drive to the community it is intended to serve. Such centers shall be sited so as to complement the character of the surrounding community, to include appropriate pedestrian linkages with adjacent land uses, and shall be designed, landscaped and buffered so as to be compatible with neighboring development. When mapped such district shall be a minimum of six (6) acres and a maximum of twenty (20) acres in area.
- (C) **Small Regional Center (SC).** This district is established to permit the development of [small regional centers consisting of individual large and small scale commercial uses selling a broad range of goods or services to

Section 4-200

Revision Date: May 5, 1999

[ ] Indicates Ordinance Amendment

a market area beyond the local community.] Specialty centers shall be located with controlled access to major collector roads and will be designed, landscaped, and buffered so as to be compatible with neighboring development. When mapped, such district shall be a minimum of twenty (20) acres and a maximum of sixty (60) acres.

- (D) **Regional Center (RC).** This district is established to permit the development of large scale commercial centers which provide a wide range of retail, office, and service uses, with one or more anchor stores, to the regional market. Transportation facilities, public services, and site design shall be carefully planned so as to insure regional centers promote and reinforce the identity of the community and commercial facilities in the surrounding area. This district may be mapped in specific locations provided in the Comprehensive Plan. When mapped, this district shall be located with controlled access to arterial roads, and shall be a minimum of sixty (60) acres.

#### **4-203**

**Permitted Uses.** The following uses shall be permitted in each type of shopping center subject to the requirements and limitations of these regulations.

(A) **Neighborhood Center.**

- (1) Adult day care center.
- (2) Bank or financial institution, excluding drive-through facilities.
- (3) Child care center, pursuant to Section 5-609.
- (4) Convenience food store without gas pumps, pursuant to Section 5-617.
- (5) Office, medical and dental.
- (6) Personal service establishment.
- (7) Pharmacy.
- (8) Recycling drop-off collection center, small, pursuant to 5-607 (A).
- (9) Restaurant.

- (10) Community center.
- (11) Office, administrative, business, and professional.
- (12) Agriculture, horticulture, forestry, and fishery.
- (13) Art gallery.
- (14) Business service establishment.
- (15) Commuter parking lot.
- (16) Facility for lessons in dance, gymnastics, judo, and sports training.
- (17) Food store.
- (18) Health and fitness center.
- (19) Home service establishment.
- (20) Medical care facility, outpatient only.
- (21) Park.
- (22) Post office, drop off and pick up.
- (23) Restaurant, carry-out only.
- (24) Retail sales establishment.
- (25) Studio space - artist, crafts person, writer, etc.
- (26) Utility substation, dedicated.
- (27) Water pumping station.
- (28) Printing service.
- (29) Sewage pumping station.
- [(30) Construction retail establishment.]
- (31) [Telecommunications antenna, pursuant to Section 5-618(A).]

Section 4-200

Revision Date: May 5, 1999

[ ] Indicates Ordinance Amendment

(B) **Community Center.**

- (1) All uses permitted in a Neighborhood Center, [excluding: the following:
  - (a) Construction retail establishment.]
- (2) Theater, indoor.
- (3) Bowling alley.
- (4) Library.
- (5) Recreation establishment, indoor.
- (6) Restaurant, dinner theatre.
- (7) Private club or lodge.
- (8) Public utility service center, without outdoor storage.
- (9) Radio and television recording studio.

(C) **[Small Regional Center.]**

- (1) All uses permitted in a Neighborhood or Community Center, [including a Construction retail establishment.]
- (2) Motor vehicle sales and accessory service.
- (3) Car Wash.
- (4) Motor vehicle service and repair, light.
- (5) Restaurant, with drive-through facility.
- (6) Restaurant, carry-out only.

(D) **Regional Center.**

- (1) Office, administrative, business and professional, medical and dental, but not to exceed twenty percent (20%) of the total floor space of the regional center.

- (2) All uses permitted in a Neighborhood or Community Center, [including a Construction retail establishment, but] excluding the following:
  - (a) Home service establishment.
- (3) Motor vehicle service and repair, light.
- (4) Car wash.
- (5) Restaurant, with drive-through facility.
- (6) Restaurant, carry-out only.

**4-204**

**Special Exception Uses.** The following uses may be permitted by the Board of Supervisors, and if approved, may be subject to certain conditions, pursuant to Section 6-1300.

**(A) Neighborhood Center.**

- (1) Any one permitted use in excess of (20,000) sq.ft. in gross floor area.
- (2) Any one permitted use which exceeds fifty percent (50%) of the gross floor area of the neighborhood center in which it is located.
- (3) Any compatible use which serves the immediate neighborhood [and is not a use already listed for any district in the Zoning Ordinance].
- (4) [Gas pumps accessory to a convenience food store, pursuant to Section 5-617.]
- (5) Automotive service station.
- (6) Outdoor sales area, accessory.
- (7) Recreation establishment, indoor.
- (8) Bank or financial institution, including drive through facility.
- (9) [Fire and/or rescue station.]
- (10) Mass transit facilities and stations.

Section 4-200

Revision Date: May 5, 1999

[ ] Indicates Ordinance Amendment

- (11) Public utility service center, without outdoor storage.
- (12) Veterinary service.
- (13) Animal hospital.
- (14) Water storage tank.
- (15) Water treatment plant.
- (16) Sewage treatment plant.
- (17) Crematorium.
- [(18) Car wash, accessory to a convenience food store, pursuant to Section 5-617.]
- [(19) Police station.]

**(B) Community Center.**

- (1) Any compatible use which serves the surrounding community [and is not a use already listed for any district in the Zoning Ordinance].
- (2) Automobile service station.
- (3) Office, administrative, business, professional, medical and dental, but not to exceed ten percent (10%) of the total floor space of the community center.
- (4) [Gas pumps accessory to a convenience food store, pursuant to Section 5-617.]
- (5) [Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- (6) Bank or financial institution, including drive-through facilities.
- (7) Outdoor sales area, accessory.
- (8) [Fire and/or rescue station.]
- (9) Mass transit facilities and stations.

- (10) Restaurant, with drive-through facilities.
- (11) Veterinary service.
- (12) Animal hospital.
- (13) Sewage treatment plant.
- (14) Water treatment plant.
- (15) Water storage tank.
- (16) Crematorium.
- [(17) Construction retail establishment.]
- [(18) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(19) Police station.]

(C) **[Small Regional Center.]**

- (1) Same as Community Center, [excluding the following:
  - (a) Construction retail establishment.]
- (2) Motel.
- (3) Hotel, pursuant to Section 5-611.
- (4) Motor vehicle rental, with outdoor storage only.

(D) **Regional Center.**

- (1) Same as [Small Regional Center].
- [(2) Kennel, Indoor, pursuant to Section 5-606.]

**4-205 Lot Requirements.**

- (A) **Size.** No minimum.
- (B) **Width.** No minimum.

(C) **Yards.** The following perimeter yard minimums shall be provided for each type of commercial center:

(1) **Adjacent to Roads.**

- (a) **Neighborhood Center (NC).** No building, parking, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than (25) feet to any road right-of-way, however if a structure's front entrance faces the street without an intervening parking area, the depth of such yard may be reduced to thirteen (13) feet except as provided in Section 4-206(E).
- (b) **Community Center (CC).** No building, parking, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than (35) feet to any road right-of-way, except as provided in Section 4-206(E). [No parking, outdoor storage, areas for collection of refuse or loading space shall be permitted in areas between buildings and streets where such uses are visible from any road.]
- (c) **[Small Regional Center (SC).]** No building, parking, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than (35) feet to any road right-of-way, except as provided in Section 4-206(E). [No parking, outdoor storage, areas for collection of refuse or loading space shall be permitted in areas between buildings and streets where such uses are visible from any road.]
- (d) **Regional Center (RC).** No building, parking, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than (50) feet to any road right-of-way, except as provided in Section 4-206(E). No parking, outdoor storage, areas for collection of refuse or loading space shall be permitted in areas between buildings and streets where such uses are visible from any road.

(2) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** (All Centers) No building, parking, outdoor storage, areas for collection of refuse or loading area shall be permitted closer than (100) feet to any

Section 4-200

Revision Date: May 5, 1999

[ ] Indicates Ordinance Amendment

agriculture districts, any existing or planned residential district, or land bays allowing residential uses. No parking, outdoor storage, areas for collection of refuse or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses or areas are visible from said agricultural and residential areas.

- (3) **Adjacent to Other Nonresidential Districts.** Thirty five (35) feet for buildings, parking, outdoor storage, and loading areas, except where a greater area is required by Section 5-1400.

#### 4-206

#### **Building Requirements.**

- (A) **Lot Coverage.** No maximum.
- (B) **Floor Area Ratio.** .40 maximum with surface parking lots; .60 maximum if parking structures are provided [; 2.0 maximum on individual lots within a commercial center, provided the commercial center is developed in accordance with a proffered concept development plan which limits the maximum overall FAR of the center to no more than .40 FAR].
- (C) **Building Height.** No building in any commercial center shall exceed 35 feet; except that in [small regional] and regional centers a building may be erected to a maximum of (50 feet in a [Small Regional Center] and (100) feet in a Regional Center district if it is set back from public streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than two (2) feet for each one (1) foot of height that it exceeds the thirty five (35) foot limit.
- (D) **Vehicular Access.** Primary access and through vehicular traffic impacting residential neighborhoods shall be avoided. Each commercial center shall provide a vehicular circulation plan that minimizes direct vehicular access to parking stalls from major cartways, and provides other on and off-site improvements to enhance pedestrian and vehicular circulation. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic. In addition, each commercial center shall provide convenient and coordinated vehicular access to public roadways only as follows:

- (1) **Neighborhood Centers.** Local access roads.
  - (2) **Community Centers.** Collector roads.
  - (3) **[Small Regional Centers.]** Major collector roads.
  - (4) **Regional Centers.** Controlled access onto arterial roads.
- (E) **Development Setback and Access from Major Roads.** In designing a planned shopping center development, the following requirements shall be observed:
- (1) **Setback.** No building shall be located any closer than 100 feet from the right-of-way of any arterial road and 75 feet from the right-of-way of a major collector.
  - (2) **Access.** No individual lot or use created after adoption of this Ordinance shall have direct access to an arterial or major collector road.
- (F) **Pedestrian Access.**
- (1) **Pedestrian Circulation Plan.** Each commercial center shall provide a pedestrian circulation plan identifying improvements that accomplish the following:
    - (a) Minimizes conflict between pedestrians and moving motor vehicles.
    - (b) Channelizes pedestrian flows to crossing areas and delineates paths across major cartways, such as striping and signage; and
    - (c) Connects internal pedestrian walkways to existing walkways and/or makes provision for connecting to future site walkways.
  - (2) In addition, each type of commercial center should be established with the following pedestrian facilities:
    - (a) **Neighborhood Center.** Walkways shall provide a convenient and safe access to surrounding residential neighborhoods, stores and shops.
    - (b) **Community Center.** Walkways shall provide convenient and safe access from adjacent residential or commercial areas to the center.

- (c) **[Small Regional] and Regional Center.** Each center shall provide a pedestrian circulation plan that includes walkways, crosswalks, and traffic control devices that create safe and convenient pedestrian paths from all parking areas to shopping areas.

4-207

**Use Limitations.**

- (A) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuter parking may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided for in Section 5-1100. Accessory structures and uses other than for commuters shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.
- (B) **Landscaped Open Space.** Minimum landscaped open space shall not be less than .20 times the buildable area of the commercial center.
- (C) **Site Planning - External Relationships.** Commercial and service uses and structures and their parking areas shall be oriented toward existing and planned major arterials, minor arterials, or collector streets and away from adjacent existing and planned minor streets in residential neighborhoods or from existing and planned adjacent residential neighborhoods not separated from the district by streets.
  - (1) Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets, agricultural and residential uses.
  - (2) At principal vehicular access points, service drives, and turn-out lanes, traffic separation devices and merging lanes may be required based on the anticipated flow of traffic. Such service drives, or turn-out and merging lanes may be allowed as part of the required yard adjacent to a collector or arterial street. No such service drive or lane, and no vehicular entrance or exits, shall be counted as part of any required landscaped area.
  - [(3) For individual lots subdivided within a commercial center that is developed in accordance with a proffered concept development plan, the buffer and screening requirements of Section 5-1400

Section 4-200

Revision Date: May 5, 1999

[ ] Indicates Ordinance Amendment

shall apply only to the perimeter area of the center and shall not be applicable internally between uses on adjacent lots developed within the center.]

- (D) **Site Planning - Internal Relationships.** Commercial buildings shall be so grouped in relation to parking areas that after customers arriving by automobile enter the center, establishments can be visited with a minimum of internal automotive movement. Facilities and access routes for shopping center deliveries, servicing and maintenance shall, so far as reasonably practicable, be separated from customer access routes and parking areas. Areas where deliveries to customers in automobiles are to be made or where services are to be provided for automobiles, shall be so located and arranged as to minimize interference with pedestrian traffic within the center.
- (1) All utility distribution lines located on PD-CC designated land shall be placed underground.
  - (2) Commercial and service uses and structures and their parking areas shall be oriented toward existing and planned major arterials, minor arterials, or collector streets and away from adjacent existing and planned minor streets in residential neighborhoods or from existing and planned adjacent residential neighborhoods not separated from the district by streets.
  - (3) Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets and agricultural and residential uses.
  - (4) At principal vehicular access points, service drives, turn-out lanes, traffic separation devices and merging lanes may be required based on the anticipated flow of traffic. Such service drives, or turn-out and merging lanes may be allowed as part of the required yard adjacent to a collector or arterial street. No such service drive or lane, and no vehicular entrance or exits, shall be counted as part of any required landscaped area.
  - [(5) For individual lots subdivided within a commercial center that is developed in accordance with a proffered concept development plan, the buffer and screening requirements of Section 5-1400

shall apply only to the perimeter area of the center to buffer adjacent public roads and properties and shall not be applicable internally between uses on adjacent lots developed within the center.]

- [(E) **Outdoor Storage.** Outdoor storage of waste materials and any other type of equipment and supplies shall be buffered and screened on the periphery of the storage area.]

## Section 4-300

### PD-OP Planned Development - Office Park.

- 4-301 Purpose.** A Planned Development - Office Park district is established primarily for administrative, business and professional offices and necessary supporting accessory uses and facilities, designed with a parklike atmosphere and environmentally sensitive design to accommodate and complement existing natural features including extensive landscaping, low ground coverage by buildings, buildings of moderate height, and careful attention to such aesthetic considerations as location and size of signs, lighting, parking and service areas and the like.
- 4-302 Size and Location.** When mapped, the district shall be no less than five (5) acres and shall be located:
- (A) On primary state highways, however, direct access onto arterial roads shall be limited to those consistent with adopted Corridor Plans.
  - (B) In areas served by public water and sewer facilities.
  - (C) In areas compatible with other commercial development.
  - (D) As envisioned in the Comprehensive Plan.
- Incremental and contiguous additions of a minimum of one (1) acre to an existing PD-OP zoning district shall be allowed. Incremental additions must demonstrate their relationship and compatibility with the previously approved district to which it is being added.
- 4-303 Permitted Uses.** The following uses shall be permitted in any PD-OP district, subject to the requirements and limitations of these regulations:
- (A) Office, administrative, business and professional.
  - (B) Bank or financial institution, excluding drive-through facilities.
  - (C) Commuter parking lot.
  - (D) Health and fitness center.
  - (E) Office, medical and dental.
  - (F) The following accessory uses shall be permitted provided they are located in the same building as the permitted principal uses primarily served, and provided they occupy in the aggregate not more than twenty percent (20%) of the floor area of such building:
    - (1) Central reproduction and mailing services, and the like.

Section 4-300

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (2) Quick print shop.
- (3) Restaurant, including carry-out, but excluding drive-through.
- (4) Establishments for sale of office supplies and service of office equipment.
- (5) News stand.
- (6) Pharmacies, laboratories, testing, engineering, and research, and establishments for the production, fitting or sale of optical or prosthetic appliances shall be permitted in buildings containing optical establishments or clinics.
- (7) Personal service establishment.
- (G) Post office.
- (H) Adult day care center.
- (I) Educational institution.
- (J) Recycling drop-off collection center, small, pursuant to Section 5-607.
- (K) Printing service.
- (L) Agriculture, horticulture, forestry, and fishery.
- (M) Business service establishment.
- (N) Conference or training center.
- (O) Library.
- (P) Park.
- (Q) Public utility service center, without outdoor storage.
- (R) Radio and television recording studio.
- (S) Research, experimental, testing or development activities.
- (T) Utility substation, dedicated.

- (U) Water pumping station.
- (V) Sewer pumping station.
- (W) Utility substation, distribution, pursuant to Section 5-616.
- (X) Church, synagogue and temple.
- (Y) Child care center, pursuant to Section 5-609.
- (Z) [Telecommunications antenna, pursuant to Section 5-618(A).]
- [(AA) Telecommunications monopole, pursuant to Section 5-618(B)(1).]

#### **4-304**

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors and, if approved, may be subject to conditions pursuant to the provisions of Section 6-1300.

- (A) Heliport, helistop.
- (B) Hospital, pursuant to Section 5-610.
- (C) Hotel, pursuant to Section 5-611.
- (D) [Radio, radar and/or television tower.]
- (E) Medical care facility, outpatient only
- (F) Uses auxiliary to permitted principal uses on a stand-alone basis such as, but not limited to, restaurants including carry-out, and drive-through facilities, personal service establishments, banks and financial institutions, and automobile service stations.
- (G) Utility substation, transmission, pursuant to Section 5-616.
- (H) Utility transmission lines, overhead.
- (I) [Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- (J) [Fire and/or rescue station.]
- (K) Golf course.
- (L) Mass transit facilities and stations.
- (M) Motel.

Section 4-300

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (N) Personal service establishment.
- (O) Restaurant.
- (P) Sewage treatment plant.
- (Q) Water treatment plant.
- (R) Water storage tank.
- (S) Facility for lessons in dance, gymnastics, judo, and sports training.
- (T) Bank or financial institution, including drive through facility.
- [(U) School, private, accessory to a church.]
- [(V) [Gas pumps accessory to a convenience food store, pursuant to Section 5-617.]
- [(W) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(X) Police station.]

#### 4-305

#### **Lot Requirements.**

- (A) **Size.** One (1) acre minimum, exclusive of major floodplain.
- (B) **Yards.**
  - (1) **Adjacent to roads.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than [one hundred (100) feet to the right-of-way of any arterial road, seventy-five (75) feet to any major collector road, and] (35) feet to the right-of-way from any [other] road. [Parking setback requirement removed pursuant to ZOAM 1993-0002.] No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and streets where such uses are visible from any road.
  - (2) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than (100) feet to any agricultural district, any existing or [zoned] residential district, or land bay allowing residential uses. No parking shall be permitted closer than fifty (50) feet to any such area. No parking, outdoor storage, areas for collection of

Section 4-300

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from said agricultural and residential areas. [When a PD-OP lot, parcel and/or landbay is developed adjacent to an agricultural district, an existing or zoned residential district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to the adoption of this zoning ordinance and subsequent to zoning of the subject property as PD-OP, the setback required in (B)(3) below shall apply.]

- (3) **Adjacent to Other Nonresidential Districts.** [Fifteen (15)] feet for buildings, parking, outdoor storage, and loading areas except where a greater area is required by Section 5-1400. [In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement shall be applied only at the property line and not at the zoning district line.]

- (4) **Yards Between Buildings.**

- (a) Where individual lots or building sites are provided, the minimum required yards between buildings on adjacent lots or building sites shall be [thirty (30)] feet, [unless a greater yard is required by Section 5-1414(A), Buffer Yard and Screening Matrix]. Driveways, parking, and covered entrances may be within such yards, however, no such facility may be closer than five (5) feet to lot lines. Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such yards.
- (b) Where there is more than one building on an individual lot or building site, spacing between such buildings shall be as required for fire protection, but if space is left between buildings, it shall be at least (25) feet in minimum dimension. Covered walkways connecting buildings, or connecting buildings with parking areas are permitted in such yards and may traverse such space.

**Building Requirements.**

- (A) **Lot Coverage.** .40 maximum for the district, unless modified in accordance with Section 4-306(C) below. As modified, lot coverage may not exceed .45 maximum.
- (B) **Building Height.** Thirty five (35) feet provided that a building may be erected to a maximum height of (100) feet if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than two (2) feet for each one (1) foot of height that it exceeds the (35) foot limit.
- (C) **Floor Area Ratio.** Total floor area permissible on an individual lot shall not exceed .40 times the gross land area of the lot. However the Board of Supervisors may permit a total floor area on an individual lot exceeding .40 times the gross land area of the lot as a part of approval of the Concept Development Plan, concurrent with the PD-OP amendment, or by amendment of an existing Concept Development Plan upon recommendation of the Planning Commission at any time after the original PD-OP amendment provided the following criteria are met.
- (1) The overall Floor Area Ratio for the planned development district does not exceed .40.
  - (2) The applicant submits a plan with evidence of unified control and identifying proposed land uses, their location, and Floor Area Ratios requested for specific land bays and their land area acreages.
  - (3) The applicant, provides a traffic analysis that shows no deleterious effects to the local or regional road network as a result of the increased concentration of development, unless such deleterious effects are mitigated.
  - (4) For any lot with a Floor Area Ratio other than .40, the Floor Area Ratio shall be shown on the approved record plat and site plan for the lot.
  - (5) In the event the Concept Development Plan for the PD-OP development does not provide the information set forth in Section 6-1505, the applicant may limit the development on an individual lot to an FAR of less than .40. Such a limitation shall be placed on the approved record plat and site plan for the lot.

The Board shall consider this limitation for future transfer to another portion of the PD-OP development as part of a Concept Development Plan amendment.

- (6) A revised Concept Development Plan shall be submitted with the preliminary site plan to illustrate the Floor Area Ratio for the entire district if individual lots are allowed to increase FAR following adoption of the rezoning.

**4-307**

**Use Limitations.**

- (A) **Accessory Uses.** Accessory uses exclusive of parking shall not occupy more than five percent (5%) of the land area of the individual lot.
- (B) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuter parking may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided for in Section 5-1100. Accessory structures and uses other than for commuter parking shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.
- (C) **Landscaped Open Space.** Landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot. Such open space shall be landscaped and maintained in accord with Section 5-1400.
- (D) **Utility Requirements.** All utility distribution lines located on PD-OP designated land shall be placed underground.
- (E) **Site Planning.** Within any PD-OP district, the site plan shall provide for efficient groupings of structures, uses and facilities, and for smooth and convenient traffic flow within the district and at points of entry and exit. To promote park-like character within such districts, particular care should be taken to organize the landscaping in such a way as to maximize the visual effects of green spaces as seen from public ways. Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets, agricultural and residential uses.

(F) **Development Setback and Access from Major Roads.** In designing a planned office park development, the following requirements shall be observed:

[(1)] **Setback.** Removed pursuant to ZOAM 1993-0002.]

[(1)] **Access.** No individual lots created after adoption of this Ordinance shall have direct access to an arterial or major collector road.

[(2)] Primary access and through vehicular traffic impacting residential neighborhoods shall be avoided. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic.

## Section 4-400

### PD-RDP Planned Development - Research and Development Park.

#### 4-401

**Purpose and Intent.** The Research and Development Park is a planned mixed employment park with a comprehensive development plan, which is designed to ensure compatibility between the land-use activities therein and the existing activities and character of the community in which the facility is located. The district objectives are to:

- (A) Provide an opportunity for mixed employment development character which allows the mixing of research and development firms, office complexes, certain types of manufacturing, and interrelated land uses.
- (B) Encourage linked industries to cluster in a section of the employment center.
- (C) Allow a Floor Area Ratio (FAR) of up to .60 for a district if specific guidelines contained herein are achieved to the satisfaction of the Board of Supervisors.
- (D) Allow an applicant/landowner to construct buildings in excess of the .60 FAR within the district; however, the overall district FAR approval cannot exceed .60.

#### 4-402

**Size and Location.** The PD-RDP District shall be located only within a Primary Highway Transportation Improvement District, within a keynote employment area and in accordance with locational criteria designated in the County's Comprehensive Plan. Each PD-RDP District shall be served by public water and sewer. Each district shall be a minimum of twenty (20) acres, except that a two (2) acre minimum shall be permissible for incremental and contiguous additions to a previously mapped district. Incremental additions must demonstrate their relationship and compatibility with the previously approved district to which it is being added.

#### 4-403

**Permitted Uses.** The following uses shall be permitted in any PD-RDP district, subject to the requirements and limitations of these regulations:

- (A) Office, administrative, business and professional.
- (B) Educational institution.
- (C) [Hotel/Motel], serving as an ancillary and interrelated component of the park.
- (D) Post office, drop off and pick up.

Section 4-400

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (E) Park or plaza.
- (F) Research, experimental, testing, and/or development activities where manufacturing, fabrication, production, testing, repair, storage, sale, or resale of materials, goods, and products [which are purchased and reassembled] are incidental to the principal use.
- (G) Uses [supportive and complementary to a specific] research and development park and intended primarily to serve businesses and employees therein, but not to exceed five percent (5%) of the total acres, excluding street rights-of-way, or five percent (5%) of the total floor space of the [research and development park]; including business service establishments, personal service establishments, banks and financial institutions, outpatient medical care facilities, health and fitness centers, child care centers, adult day care centers and restaurants, but excluding drive-through facilities; and provided such uses are not in free standing buildings.
- (H) Conference or training center.
- (I) Museum, cultural center, arboretum.
- (J) Commuter parking lot.
- (K) Adult day care center.
- (L) Recycling drop-off collection center, small, pursuant to Section 5-607.
- (M) Restaurant, dinner theatre.
- (N) Printing service.
- (O) Agriculture, horticulture, forestry, or fishery.
- (P) Art gallery.
- (Q) Bank or financial institution, excluding drive-through facilities.
- (R) Business service establishment.
- (S) College or university or other educational institution over (50,000) sq. ft. in floor area.
- (T) Health and fitness center.

- (U) Library.
- (V) Office, medical and dental.
- (W) Performance arts center.
- (X) Public utility service center, without outdoor storage.
- (Y) Radio and television recording studio.
- (Z) Restaurant, carry-out only.
- (AA) Utility substation, dedicated.
- (BB) Water pumping station.
- (CC) Sewer pumping station.
- (DD) Utility substation, distribution, pursuant to Section 5-616.
- (EE) Church, synagogue and temple.
- (FF) Child care center, pursuant to Section 5-609.
- (GG) [Telecommunications antenna, pursuant to Section 5-618(A).]

#### **4-404**

**Special Exception Uses.** The following uses, and increases in limits, may be approved by the Board of Supervisors, and if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

- (A) An increase in the maximum building height pursuant to 4-406(B).
- (B) An increase in the maximum floor area ratio pursuant to 4-406(C).
- (C) Heliport, helistop.
- (D) Hospital, pursuant to Section 5-610.
- (E) [Radio, radar and/or television tower.]
- (F) Utility transmission lines, overhead.
- (G) Uses of the type described in Section 4-403(G), but either exceeding the size or freestanding building limitation thereof.

- (H) [Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- (I) Utility substation, transmission, pursuant to Section 5-616.
- (J) [Fire and/or rescue station.]
- (K) Golf course.
- (L) Manufacture, processing, fabrication and/or assembly of products such as, but not limited to: scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceutical, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchases glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery.
- (M) Mass transit facilities and stations.
- (N) Medical care facility, outpatient only.
- (O) Motel.
- (P) Personal service establishment.
- (Q) Restaurant.
- (R) Sewage treatment plant.
- (S) Bank or financial institution, including drive-through facilities.
- (T) Water treatment plant.
- (U) Water storage tank.
- [(V) School, private, accessory to a church.]
- [(W) Car wash, accessory to a convenience food store, pursuant to Section 5-617.]
- [(X) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(Y) Police station.]

**Lot Requirements.**

(A) **Size.** Two (2) acres minimum, exclusive of major floodplain.

(B) **Yards.**

- (1) **Adjacent to roads.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to the right-of-way of any arterial road, seventy five (75) feet to any major collector road, and fifty (50) feet to any other roads. No parking shall be permitted closer than fifty (50) feet to any road. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and streets where such uses are visible from any road.
- (2) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to any agricultural district, any existing or [zoned] residential district, or land bay allowing residential uses. No parking shall be permitted closer than fifty (50) feet to any such districts and uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from the said agricultural and residential areas. [When a PD-RDP lot, parcel and/or landbay is developed adjacent to an agricultural district, an existing or zoned residential district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to the adoption of this zoning ordinance and subsequent to zoning of the subject property as PD-RDP, the setback required in (B)(3) below shall apply.]
- (3) **Adjacent to Other Nonresidential Districts.** [Fifteen (15)] feet for buildings, parking, outdoor storage, and loading areas, except where a greater area is required by Section 5-1400. [In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement shall be applied only at the property line and not at the zoning district line.]

(4) **Yards Between Buildings.**

- (a) Where individual lots or building sites are provided, the minimum required yards between buildings on adjacent lots or building sites shall be [thirty (30)] feet, [unless a greater yard is required by Section 5-1414(A), Buffer Yard and Screening Matrix]. Driveways, parking, and covered entrances may be within such yards, however, no such facility may be closer than five (5) feet to lot lines. Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such yards.
- (b) Where there is more than one building on an individual lot or building site, spacing between such buildings shall be as required for fire protection, but if space is left between buildings, it shall be at least 25 feet in minimum dimension. Covered walkways connecting buildings, or connecting buildings with parking areas are permitted in such yards and may traverse such space.

**4-406 Building Requirements.**

- (A) **Lot Coverage.** .55 maximum.
- (B) **Building Height.** Thirty five (35) feet provided that a building may be erected to a maximum height of one hundred feet if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than two (2) feet for each one (1) foot of height that it exceeds the 35 foot limit.
- (C) **Floor Area Ratio (FAR).**
  - (1) **Maximum FAR Permitted.** FAR shall not exceed .40 times the gross land area of the lot, unless allowed by the Board of Supervisors pursuant to paragraph (2) below.
  - (2) **FAR Increase.** Increases up to a maximum of .20 in the FAR may be approved by the Board of Supervisors, for a maximum district FAR of .60, concurrently with any PD-RDP amendment,

or by special exception at any time after such amendment, if the applicant complies with the following:

- (a) Provides public land dedication and/or improvements whose need is generated substantially by the project's increase in development intensity. Such improvements shall include, but not limited to, fire and rescue facilities and equipment, roads, sewer and water, and public open space.
- (b) Consideration for increases in FAR will also be given to public land dedications and off-site road improvements in excess of the established need generated by the proposed project, as well as financial contributions toward, or the actual acquisition and deeding of conservation easements to the County for important land resources outlined in the adopted Comprehensive Plan.
- (c) The maximum FAR on any individual lot or land bay within a district may be as much as 1.0, provided that the improvements on such lot or land bay are in conformance with all other regulations of this District. Increases of FAR above 1.0 on any individual lot may be permitted by special exception from the Board of Supervisors upon a finding that the intent of the PD-RDP District and the purpose of the district are furthered by such an increase.
- (d) For any application proposing an increase in Floor Area Ratio above .40, the applicant shall provide graphic, presentations and/or models at an appropriate scale showing the location and scale of structures, open space, parking areas and other features, and methods of mitigating any impacts of the increased density.
- (e) A revised Concept Development Plan shall be submitted with the preliminary site plan to illustrate Floor Area Ratio for the entire district if individual lots are allowed to increase FAR following adoption of the rezoning.

**Use Limitations.**

- (A) **Landscaped Open Space.** Landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot.
- (B) Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading area and parking from streets and agricultural and residential uses.
- (C) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuters may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided for in Section 5-1100. Accessory structures and uses other than for commuter parking shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.
- (D) **Loading Areas.** No loading area shall be permitted within the required yard of any building. All loading shall be placed at the rear or side of the building. Loading areas shall be screened from view of adjoining land not in the PD-RDP district and from public streets.
- (E) **Minimum Floor Space Mix.** At build-out, a minimum of thirty (30%) percent (30%) of total floor space in the park shall be committed to research and development uses. For greater than .40 FAR, a minimum of fifty (50%) percent of the total floor space shall be committed to research and development uses, and a minimum of ten (10%) percent shall be committed to educational institutions of higher learning above the secondary level, both public and private. At no time during construction of the park shall the total floor space of other types of development exceed the total floor space of research and development uses plus educational uses.
- (F) **Utility Requirements.** All utility distribution lines located on PD-RDP designated land shall be placed underground.
- (G) **Access from Major Roads.** In designing a planned research and development park development, the following requirements shall be observed:

[(1) **Setback.** Removed pursuant to ZOAM 1993-0002.]

[(1)] **Access.** No individual lots created after adoption of this Ordinance shall have direct access to an arterial or major collector road.

[(2)] Primary access and through vehicular traffic impacting residential neighborhoods shall be avoided. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic.

[(H)] **Outdoor Storage.** Outdoor storage of waste materials and any other type of equipment and supplies shall be buffered and screened on the periphery of the storage area.]

## Section 4-500

### PD-IP Planned Development - Industrial Park.

- 4-501 Purpose.** The district is established for light and medium industrial uses, and necessary supporting accessory uses and facilities, designed with a park-like atmosphere to complement surrounding land uses by means of appropriate siting of buildings and service areas, attractive architecture, and effective landscape buffering.
- 4-502 Size and Location.** PD-IP districts shall be located in areas served by one or more major arterial or collector roads, by public water and sewer, and consistent with locations identified in the Comprehensive Plan for industrial use. When mapped, the district shall be no less than twenty (20) acres in size. Incremental and contiguous additions of a minimum of one (1) acre to an existing PD-IP zoning district shall be allowed. Incremental additions must demonstrate their relationship and compatibility with the previously approved district to which it is being added.
- 4-503 Permitted Uses.** The following uses shall be permitted in any PD-IP district, subject to the requirements and limitations of these regulations.
- (A) Adult day care center.
  - (B) Agriculture, horticulture, forestry, or fishery.
  - (C) Commuter parking lot.
  - (D) Distribution facility.
  - (E) Flex industrial use, pursuant to Section 5-608.
  - (F) Manufacture, processing, fabrication and/or assembly of products such as, but not limited to: scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceutical, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchases glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery.
  - (G) Post office, drop off and pick up.
  - (H) Radio and television recording studio.

Section 4-500

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (I) Recycling drop off collection center, small, pursuant to Section 5-607.
- (J) Research, experimental testing, or development activities.
- (K) Wholesale trade establishment.
- (L) Uses which are supportive and complementary to (which serve the users of) existing permitted and principal uses [within a specific industrial park], such as, but not limited to restaurants excluding drive-throughs, business service establishments, personal service establishments, banks and financial institutions, health and fitness centers, and automobile service stations, not to exceed a total of five percent (5%) of the total [allowable] floor area of the [industrial] park [shown on a concept development plan].
- (M) Bakery, commercial.
- (N) Bank or financial institution, excluding drive-through facilities.
- (O) Dwelling, accessory to a permitted or special exception use.
- (P) Printing service.
- (Q) Warehousing facility.
- (R) Auction house.
- (S) Business service establishment.
- (T) Health and fitness center.
- (U) Park.
- (V) Postal service, including overnight courier collection and overnight mail distribution facility.
- (W) Restaurant, carry-out only.
- (X) Water pumping station.
- (Y) Utility substation, dedicated.
- (Z) Conference or training center.
- (AA) Sewer pumping station.

- (BB) Utility substation, distribution, pursuant to Section 5-616.
- (CC) Church, synagogue, and temple.
- (DD) Motor vehicle service and repair, light.
- [(EE) Removed pursuant to ZOAM 1995-0002.]
- (FF) [Telecommunications antenna, pursuant to Section 5-618(A).]
- [(GG) Telecommunications monopole, pursuant to Section 5-618(B)(1).]

#### 4-504

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors pursuant to the provisions of Section 6-1300.

- (A) Office, administrative, business and professional, provided:
  - (1) The specific site and size of each building or part thereof to be so used is identified as such on an approved development plan, and
  - (2) The plan for development demonstrates a coordinated relationship between planned industrial uses and the offices under consideration.
- (B) Civic, social, fraternal association meeting place.
- (C) Educational institution.
- (D) Facility for lessons in dance, gymnastics, judo and sports training.
- (E) Golf driving range.
- (F) Heliport, helistop.
- (G) Hospital, pursuant to Section 5-610.
- (H) Hotel, pursuant to Section 5-611.
- (I) Motel.
- (J) Public utility service center with or without storage yard.
- (K) Sewage treatment plant.

Section 4-500

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (L) Uses which are supportive and complementary to (which serve the users of) existing permitted and principal uses [within a specific industrial park], such as, but not limited to restaurants, excluding drive-throughs, business service establishments, personal service establishments, banks and financial institutions, health and fitness centers and automobile service stations; but not to include such uses [as car repair except] in conjunction with an automobile service station; in excess of five (5%) percent but not to exceed a total of 25% of the total [allowable] floor area of the [industrial] park [shown on a concept development plan].
- (M) Utility substation, transmission, pursuant to Section 5-616.
- (N) Utility transmission lines, overhead.
- (O) Water treatment plant.
- (P) [Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- (Q) Bank or financial institution, including drive-through facilities.
- (R) Medical care facility, outpatient only.
- (S) Motor vehicle service and repair, heavy.
- (T) Printing service plant.
- (U) Child care center, pursuant to Section 5-609(B).
- (V) Contractor service establishment, excluding retail sales and outdoor storage.
- (W) [Fire and/or rescue station.]
- (X) Dry cleaning plant.
- (Y) Automotive service station.
- (Z) Car wash.
- (AA) Golf course.
- (BB) Motor vehicle rental, with outdoor vehicle storage only.
- (CC) Personal service establishment.

- (DD) Recreation establishment, [outdoor].
- (EE) Recycling drop-off collection center, large, pursuant to Section 5-607.
- (FF) Mass transit facilities and stations.
- (GG) Water storage tank.
- (HH) Firearm range, archery range, indoor.
- [(II) School, private, accessory to a church.]
- [(JJ) Gas pumps accessory to a convenience food store, pursuant to Section 5-617.]
- [(KK) Storage, outdoor accessory.]
- [(LL) Parking Lot/Valet Service, Long-Term.]
- [(MM) Car wash, accessory to a convenience food store, pursuant to Section 5-617.]
- [(NN) School, private.]
- [(OO) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(PP) Police station.]

#### 4-505

#### **Lot Requirements.**

- (A) **Size:** One (1) acre minimum, exclusive of major floodplain.
- (B) **Yards.**
  - (1) **Adjacent to roads.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than [one hundred (100) feet to the right-of-way of any arterial road, seventy-five (75) feet to the right-of-way of a major collector, and] thirty five (35) feet to the right-of-way from any [other] road, except as provided in Section 4-505(C). [Parking setback removed pursuant to ZOAM 1993-0002.] No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and streets where such uses are visible from any road.

Section 4-500

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (2) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than seventy five (75) feet to any agricultural district, any existing or [zoned] residential district, or land bay allowing residential uses. No parking shall be permitted closer than sixty (60) feet to any such districts and uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from the said agricultural and residential areas. [When a PD-IP lot, parcel and/or landbay is developed adjacent to an agricultural district, an existing or zoned residential district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to the adoption of this zoning ordinance and subsequent to zoning of the subject property as PD-IP, the setback required in (B)(3) below shall apply.]
- (3) **Adjacent to Other Nonresidential Districts.** [Fifteen (15)] for buildings, parking, outdoor storage, and loading areas, except where a greater area is required by Section 5-1400. [In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement shall be applied only at the property line and not at the zoning district line.]
- (4) **Yards Between Buildings.**
- (a) Where individual lots or building sites are provided, the minimum required yards between buildings on adjacent lots or building sites shall be [thirty (30)] feet, unless a greater is required by Section 5-1414(A), Buffer Yard and Screening Matrix. Driveways, parking, and covered entrances may be within such yards, however, no such facility may be closer than five (5) feet to lot lines. Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such yards.
- (b) Where there is more than one building on an individual lot or building site, spacing between such buildings shall be as required for fire protection, but if space is left between buildings, it shall be at least 25 feet in minimum dimension. Covered walkways connecting buildings, or connecting buildings with parking areas are permitted in

such yards and may traverse such space.

**4-506 Building Requirements.**

- (A) **Lot Coverage.** .45 maximum.
- (B) **Building Height.** Thirty five (35) feet maximum provided that a building may be erected to a maximum height of one hundred feet if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than two (2) feet for each one (1) foot of height that it exceeds the 35-foot limit.
- (C) **Floor Area Ratio.** .40 maximum.

**4-507 Use Limitations.**

- (A) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuters may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided in Section 5-1100. Accessory structures and uses other than for commuter parking shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.
- (B) **Landscaped Open Space.** Landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot.
- (C) **Screening and Buffering.** Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading area, and parking from streets and agricultural and residential uses.
- [(D) **Accessory Outdoor Storage.**
  - (1) No storage of any kind shall be permitted within any front yard, except for underground bulk storage of gasoline or petroleum products.

- (2) Underground bulk storage of gasoline or petroleum products shall not be permitted, except for automobile service stations or as incidental to manufacturing and research and development operations or the servicing of company owned or lease vehicles within enclosed areas defined in (3) below.
- (3) Outdoor storage of new and reusable materials, equipment, and vehicles shall be permitted within enclosed areas which are composed of mixed wood, masonry walls, plantings, or other suitable barriers approved by the Zoning Administrator. Such areas must be buffered and screened on the periphery of the storage area.
- (4) Waste materials must be stored in a closed container. The burning of waste materials is prohibited.]
- (E) **Vehicular Access.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through traffic.
- (F) **Development Setback and Access from Major Roads.** In designing an industrial park development, the following requirements shall be observed:
  - [(1) **Setback.** Removed pursuant to ZOAM 1993-0002.]
  - [(1)] **Access.** No individual lots or housing unit created after adoption of this Ordinance shall have direct access to an arterial or major collector road.
  - [(2)] Primary access and through vehicular traffic impacting residential neighborhoods shall be avoided. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic.
- (G) **Utility Requirements.** All utility distribution lines located on PD-IP designated land shall be placed underground.

## Section 4-600

### PD-GI Planned Development - General Industry.

- 4-601**      **Purpose.** This district is established primarily for medium industrial uses with a public nuisance potential, and necessary accessory uses and facilities, built in a well coordinated and attractive manner to be compatible with surrounding land uses.
- 4-602**      **Size and Location.** Such districts shall be located primarily in the vicinity of Route 606, Dulles International Airport, or in areas served or to be served by public sewer and water, or alternate sewage facility systems approved by the County Health Department. Additional PD-GI districts may be permitted where consistent with the General Plan. When mapped, this district shall be no less than five (5) acres in size. Incremental and contiguous additions of a minimum of one (1) acre to an existing PD-GI zoning district shall be allowed. Incremental additions must demonstrate their relationship and compatibility with the previously approved district to which it is being added.
- 4-603**      **Permitted Uses.** The following uses shall be permitted in any PD-GI district; subject to the requirements and limitations of these regulations:
- (A)      Agriculture, horticulture, forestry or fishery.
  - (B)      Bakery, commercial.
  - (C)      Distribution facility.
  - (D)      Dry cleaning plant.
  - (E)      Heavy equipment and specialty vehicle sales, rental, repair and accessory service.
  - (F)      Manufacture, processing, fabrication and/or assembly, distribution of products, such as, but not limited to: Scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceutical, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchased glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery, mobile homes, prefabricated and modular housing and components, dairy products, feed and grain, baked and confectioners' goods, farm machinery, fruit and vegetable processing, canning, storage.

Section 4-600

Revision Date: December 1, 1999

[ ] Indicates Ordinance Amendment

- (G) Motor vehicle service and repair, light and heavy.
- (H) Post office, drop off and pick up.
- (I) Postal service, including overnight courier collection and overnight mail distribution facilities.
- (J) Printing service.
- (K) Park.
- (L) Public utility service center, with or without outdoor storage yard.
- (M) Radio and television broadcasting, relay station.
- (N) Recycling drop-off collection center, small, pursuant to Section 5-607.
- (O) Research, experimental, testing, or development activities.
- (P) Warehousing facility.
- (Q) Wholesale trade establishment.
- (R) Water pumping station.
- (S) Commuter parking lot.
- (T) Restaurant, carry-out only.
- (U) Business service establishment, excluding retail sales and outdoor.
- (V) Contractor service establishment, excluding retail sales.
- (W) Flex industrial use, pursuant to Section 5-608.
- (X) Farm supplies.
- (Y) Auction house.
- (Z) Fruit processing, storage.
- (AA) Home service establishment.
- (BB) Sewer pumping station.

- (CC) Storage, building material or contractors equipment, coal, lumber.
- (DD) Utility substation, distribution, pursuant to Section 5-616.
- (EE) Storage, outdoor accessory.
- (FF) Utility substation, dedicated.
- [(GG) Moving and storage company.]
- (HH) [Telecommunications antenna, pursuant to Section 5-618(A).]
- [(II) Telecommunications monopole, pursuant to Section 5-618(B)(1).]
- [(JJ) Telecommunications tower, pursuant to Section 5-618(C)(1).]
- [(KK) Vehicle wholesale auction, pursuant to Section 5-624.]

#### **4-604**

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

- (A) Asphalt mixing plant.
- (B) Auction facility, livestock.
- (C) Automobile graveyard, junk yard.
- (D) Borrow pit for road construction.
- (E) Storage, bulk gasoline, petroleum products, and natural gas.
- (F) Church, synagogue and temple.
- (G) Civic, social, fraternal association meeting place.
- (H) Concrete mixing plant.
- (I) Utility generating plant and transmission facility.
- (J) Storage, mini-warehouse.
- (K) Firearm range, indoor.
- (L) Sewage treatment plant.

- (M) Solid waste incinerator, landfill or transfer station.
- (N) Uses auxiliary to permitted principal uses, such as, but not limited to restaurants, including carry-out but excluding drive-through facilities, personal care services, banks and financial institutions, and automobile service stations, not to exceed a total of twenty percent (20%) of the total developed floor area of the zoning district.
- (O) Water treatment plant.
- (P) [Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- (Q) Utility transmission lines, overhead.
- (R) Outdoor sales area, accessory.
- (S) Sawmill, wood processing facility.
- (T) Stump processing plant.
- (U) Veterinary service.
- (V) Animal hospital.
- (W) Utility substation, transmission, pursuant to Section 5-616.
- (X) Bus terminal.
- (Y) [Fire and/or rescue station.]
- (Z) Kennel.
- (AA) Material recovery facility, pursuant to 5-607 (C).
- (BB) Recycling drop off collection center, large, pursuant to Section 5-607.
- (CC) Personal service establishment.
- (DD) Motor vehicle rental, with outdoor vehicle storage only.
- (EE) Mass transit facilities and stations.
- (FF) Golf course.

- (GG) Automobile service station.
- (HH) Printing service plant.
- (II) Water storage tank.
- (JJ) Health and fitness center.
- (KK) Crematorium.
- [(LL) School, private, accessory to a church.]
- [(MM) Gas pumps accessory to a convenience food store, pursuant to Section 5-617.]
- [(NN) Car wash, accessory to a convenience food store, pursuant to Section 5-617.]
- [(OO) Parking Lot/Valet Service, Long-Term.]
- [(PP) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(QQ) Police station.]
- [(RR) Storage, outdoor, of major recreational equipment.]

#### 4-605

#### **Lot Requirements.**

- (A) **Size.** One (1) acre minimum, exclusive of major floodplain.
- (B) **Yards.**
  - (1) **Adjacent to roads.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than [one hundred (100) feet to the right-of-way of any arterial road, seventy-five (75) feet to the right-of-way of any major collector road, and] thirty five (35) feet to any [other] road. [Parking setback removed pursuant to ZOAM 1993-0002.] No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and streets where such uses are visible from any road.
  - (2) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted

Section 4-600

Revision Date: December 1, 1999

[ ] Indicates Ordinance Amendment

closer than one hundred (100) feet to any agricultural district, any existing or [zoned] residential district, or land bay allowing residential uses. No parking shall be permitted closer than fifty (50) feet to any such districts and uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where vehicles in such uses are visible from the said agricultural and residential areas. [When a PD-GI lot, parcel and/or landbay is developed adjacent to an agricultural district, an existing or zoned residential district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to the adoption of this zoning ordinance and subsequent to zoning of the subject property as PD-GI, the setback required in (B)(3) below shall apply.]

- (3) **Adjacent to Other Nonresidential Districts.** [Fifteen (15)] feet for buildings, parking, outdoor storage, and loading areas, except where a greater area is required by Section 5-1400. [In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement shall be applied only at the property line and not at the zoning district line.]

(4) **Yards Between Buildings.**

- (a) Where individual lots or building sites are provided, the minimum required yards between buildings on adjacent lots or building sites shall be [thirty (30)] feet, unless a greater yard is required by Section 5-1414(A), Buffer Yard and Screening Matrix.] Driveways, parking, and covered entrances may be within such yards, however, no such facility may be closer than five (5) feet to lot lines. Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such yards.
- (b) Where there is more than one building on an individual lot or building site, spacing between such buildings shall be as required for fire protection, but if space is left between buildings, it shall be at least 25 feet in minimum dimension. Covered walkways connecting buildings, or connecting buildings with parking areas are permitted in such yards and may traverse such space.

**4-606****Building Requirements.**

- (A) **Lot Coverage.** .45 maximum.
- (B) **Building Height.** Thirty five (35) feet maximum, provided that a building may be erected to a maximum height of one hundred feet if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than two (2) feet for each one (1) foot of height that it exceeds the 35-foot limit.
- (C) **Floor Area Ratio.** .40 maximum.

**4-607****Use Limitations.**

- (A) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuters may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided for in Section 5-1100. Accessory structures and uses other than for commuter parking shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.
- (B) **Landscaped Open Space.** Minimum landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot. Such landscaped open space shall be used to enhance the appearance of the lot.
- (C) **Screening and Buffering.** Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets and agricultural and residential uses.
- (D) **Outdoor Storage.**
  - (1) No storage of any kind shall be permitted within any front yard, [except for underground bulk storage of gasoline or petroleum products].
  - (2) Underground bulk storage of gasoline or petroleum products shall not be permitted, except for automobile service stations or as incidental to manufacturing and research and

development operations or the servicing of company owned or leased vehicles within enclosed areas defined in (3) below.

- (3) Outdoor storage of [waste] materials, equipment, [supplies] and vehicles shall be [buffered and screened on the periphery of the storage area].
- (4) Waste materials must be stored in a closed container. The burning of waste materials is prohibited.

(E) **Vehicular Access.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through traffic.

(F) **Development Setback and Access from Major Roads.** In designing a general industrial development, the following requirements shall be observed:

[(1) **Setback.** Removed pursuant to ZOAM 1993-0002.]

[(1)] **Access.** No individual lots created after adoption of this Ordinance shall have direct access to an arterial or major collector road.

[(2)] Primary access and through vehicular traffic impacting residential neighborhoods shall be avoided. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic.

(G) **Utility Requirements.** All utility distribution lines located on PD-GI designated land shall be placed underground.

## Section 4-700

### PD-SA Planned Development - Special Activity.

- 4-701 Purpose.** The PD-SA District is established to accommodate those uses which by their nature require sizable land area, often operating and designed in a campus like atmosphere, and which may require functional separation from normal residential, commercial, or industrial development.
- 4-702 Size and Location.** A PD-SA district shall be a minimum of 100 contiguous acres, except that a minimum of 10 acres is permitted as a incremental and contiguous addition to an existing PD-SA district. Incremental additions must demonstrate their relationship and compatibility with the previously approved district to which it is being added. PD-SA districts shall be located in areas served by public water and sewer and by a road network appropriate to the contemplated use.
- 4-703 Permitted Uses.** The following uses are permitted in the PD-SA District, subject to the requirements and limitations of these regulations. Other complementary uses may be approved as part of a PD-SA rezoning if specifically identified by type, size and location as part of the approved Concept Development Plan.
- (A) Airport.
  - (B) College or university over 50,000 square feet of floor area.
  - (C) Hospital, pursuant to Section 5-610.
  - (D) Museum, cultural center, arboretum.
  - (E) Fairground.
  - (F) [Removed pursuant to ZOAM 1999-0003.]
  - (G) Sports stadium, complex, [arena] or sports field.
  - (H) Zoo.
  - (I) Commuter parking lot.
  - (J) Bus terminal.
  - (K) Agriculture, horticulture, forestry, fishery.
  - (L) Art gallery.
  - (M) Business service establishment.

Section 4-700

Revision Date: October 6, 1999

[ ] Indicates Ordinance Amendment

- (N) Conference or training center.
- (O) Country club.
- (P) Educational institution.
- (Q) [Fire and/or rescue station.]
- (R) Golf course.
- (S) Health and fitness center.
- (T) Hotel, pursuant to Section 5-611.
- (U) Library.
- (V) Mass transit facilities and stations.
- (W) Motel.
- (X) Park.
- (Y) Personal service establishment.
- (Z) Recreation establishment, [outdoor].
- (AA) Farm supplies.
- (BB) Restaurant, dinner theatre.
- (CC) [Telecommunications antenna, pursuant to Section 5-618(A).]
- (DD) Sewer pumping station.
- (EE) Utility substation, distribution, pursuant to Section 5-616.
- (FF) Water pumping station.
- (GG) Utility substation, dedicated.
- [(HH) Convention or exhibition facility.]
- [(II) Recreation Establishment, Indoor.]
- [(JJ) Golf Driving Range.]

- [(KK) Recreation Vehicle Park.]
- [(LL) Campground.]
- [(MM) Office, administrative, business or professional.]
- [(NN) Restaurant.]
- [(OO) Theatre, Indoor.]
- [(PP) Bowling Alley.]
- [(QQ) Amusement or Theme park.]
- [(RR) Performing Arts Center.]
- [(SS) Telecommunications monopole, pursuant to Section 5-618(B)(1).]
- [(TT) Police Station.]

**4-704**

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

- (A) Water treatment plant.
- (B) Utility substation, transmission pursuant to Section 5-616.
- (C) Utility transmission lines, overhead.
- (D) Sewage treatment plant.
- (E) Water storage tank.
- [(F) Schools.]
- (G) [Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- [(H) Radio, radar and/or television tower.]
- [(I) Radio and television recording studio.]
- [(J) Radio and television broadcasting, relay station.]
- [(K) Telecommunications tower, pursuant to Section 5-618(C)(2).]

**Lot Requirements.**

- (A) **Size.** Ten (10) acres, exclusive of major floodplain.
- (B) **Yards.**
  - (1) **Adjacent to roads.** No building, parking, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to the right-of-way of any road. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and streets where such uses are visible from any road.
  - (2) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** No building, parking, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to any agricultural district, any existing or planned residential district, or land bay allowing residential uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from the said agricultural and residential areas.
  - (3) **Adjacent to Other Nonresidential Districts.** Thirty five (35) feet for buildings, parking, outdoor storage, and loading areas, except where a greater area is required by Section 5-1400.
  - (4) **Yards Between Buildings.**
    - (a) Where individual lots or building sites are provided, the minimum required yards between buildings on adjacent lots or building sites shall be 25 feet. Driveways, parking, and covered entrances may be within such yards, however, no such facility may be closer than five (5) feet to lot lines. Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such yards.
    - (b) Where there is more than one (1) building on an individual lot or building site, spacing between such

buildings shall be as required for fire protection, but if space is left between buildings, it shall be at least 25 feet in minimum dimension. Covered walkways connecting buildings, or connecting buildings with parking areas are permitted in such yards and may traverse such space.

**4-706 Building Requirements.**

- (A) **Floor Area Ratio** .40 maximum on any lot.
- (B) **Building Height.** Forty five (45) feet maximum, however a special exception for an increase above the maximum building height regulations may be granted provided that the increase in height must not be detrimental to the existing and planned character of adjacent lands.

**4-707 Use Limitations.**

- (A) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuters may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided for in Section 5-1100. Accessory structures and uses other than for commuter parking shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.
- (B) **Landscaped Open Space.** Landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot.
- (C) **Screening and Buffering.** Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets and agricultural and residential uses.
- (D) **Access from Major Roads.** In designing special activity development, the following requirements shall be observed:
  - (1) **Setback.** No building shall be located any closer than 100 feet from the right-of-way of any arterial road and 75 feet from the right-of-way of a major collector, and thirty five (35) feet from any private access easement and prescriptive easement.

- (2) **Access.** No individual lots created after adoption of this Ordinance shall have direct access to an arterial road.
  - (3) Primary access and through vehicular traffic impacting residential neighborhoods shall not be permitted.
- (E) **Utility Requirements.** All utility distribution lines located on PD-SA designated land shall be placed underground.

## Section 4-800

### PD-TC Planned Development - Town Center.

#### 4-801

**Purpose.** This district is established to provide for a compatible mixture of commercial, cultural, institutional, governmental, and residential uses in compact, pedestrian oriented, traditional town centers, in areas consistent with the Comprehensive Plan serving as focal points for substantial residential areas. Specific objectives of such districts include:

- (A) Dwellings, shops, and workplaces generally located in close proximity to each other.
- (B) Generally rectilinear patterns of streets and blocks.
- (C) A hierarchy of public and/or private streets, with facilities for automotive vehicles, public transit, bicycles and pedestrians.
- (D) Well configured squares, greens, landscaped streets, and parks woven into the pattern of the town center and dedicated to collective social activity, recreation, and visual enjoyment.
- (E) Civic buildings for assembly, or for other civic purposes, that act as landmarks, symbols, and activity centers for community identity.
- (F) On-street parking and centralized parking facilities to collectively support principle uses in the Town Center.

#### 4-802

**Size, Location and Components.** This district, when mapped, shall be no less than thirty (30) acres nor more than sixty (60) acres in size, and shall be served by major collectors or arterials with capacity to handle the traffic generated. This district shall be located only in areas served by public water and sewer. No Town Center district shall be located within 10,000 feet of another Town Center. The Town Center district shall be divided into two parts:

- (A) **Town Center Core** - within which pedestrian oriented businesses and other pedestrian activity is encouraged, and shall generally be located within or near the geographic center of the development;
- (B) **Town Center Fringe** - within which pedestrian oriented businesses and activity are balanced with residential and other uses more dependent on vehicular access, located within one half mile from, but outside, the Town Center Core.

Section 4-800

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

**Permitted Uses.**

(A) The following uses are permitted within the Town Center Core:

- (1) Art gallery.
- (2) Theater, indoor.
- (3) Bank or financial institution, excluding drive-through facilities.
- (4) Business service establishment.
- (5) Child care center, pursuant to Section 5-609 (A).
- (6) Community center.
- (7) Conference or training center.
- (8) Congregate housing facility.
- (9) Restaurant, dinner theater.
- (10) Dwellings above first floor of permitted commercial uses.
- (11) Educational institution.
- (12) Facility for dance, gymnastics, judo and sports training.
- (13) Health and fitness center.
- (14) Hotel, pursuant to Section 5-611.
- (15) Library.
- (16) Office, medical and dental.
- (17) Dwelling, multi-family.
- (18) Commuter parking lot.
- (19) Performance arts center.
- (20) Personal service establishment.
- (21) Post office, drop off and pick up.

- (22) Park.
- (23) Recycling drop-off collection center, small, pursuant to Section 5-607 (A).
- (24) Restaurant.
- (25) Retail sales establishment.
- (26) Recreational establishment, [outdoor].
- (27) Convenience food store, without gas pumps, pursuant to Section 5-617.
- (28) Radio and television recording studio.
- (29) Pharmacy.
- (30) Printing service.
- (31) Adult day care center.
- (32) Agriculture, horticulture, forestry, or fishery.
- (33) Dwelling, single-family attached.
- (34) Food store.
- (35) Off-street parking facility, freestanding.
- (36) Public utility service center, without outdoor storage.
- (37) Restaurant, carry-out only.
- (38) Restaurant, with drive through facilities.
- (39) Studio space - artist, crafts person, writer.
- (40) Office, administrative, business, and professional.
- (41) Museum, cultural center, arboretum.
- (42) Water pumping station.
- (43) Utility substation, dedicated.

Section 4-800

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (44) Sewer pumping station.
- (45) Church, synagogue, and temple.
- (46) [Telecommunications antenna, pursuant to Section 5-618(A).]
- (B) The following uses are permitted within the Town Center Fringe:
  - (1) All uses permitted in the Town Center Core.
  - (2) Bowling alley.
  - (3) Motor vehicle service and repair, accessory to an approved use.
  - (4) Skating rink, indoor and outdoor.
  - (5) Dwelling, single family detached.
  - (6) Private club or lodge.
  - (7) Utility substation, distribution, pursuant to Section 5-616.
  - [(8) Construction retail establishment.]

**4-804**

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors pursuant to the provision in Section 6-1300.

- (A) Within the Town Center Core:
  - (1) Hospital, pursuant to Section 5-610.
  - (2) [Radio, radar and/or television tower.]
  - (3) [Telecommunications monopole, pursuant to Section 5-618(B)(2).]
  - (4) Recycling drop off collection center, large, pursuant to Section 5-607(B).
  - (5) [Fire and/or rescue station.]
  - (6) Mass transit facilities and stations.
  - (7) Medical care facility, outpatient only.

Section 4-800

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (8) Automotive service station.
- (9) Bank or financial institution, including drive-through facilities.
- (10) School.
- (11) Veterinary service.
- (12) Animal hospital.
- (13) Private club or lodge.
- (14) Sewage treatment plant.
- (15) Water treatment plant.
- (16) Water storage tank.
- (17) Crematorium.
- [18] School, private, accessory to a church.]
- [(19) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(20) Police station.]
- [(21) Hotel/Motel.]

(B) Within the Town Center Fringe:

- (1) Bank and financial institution, including drive-through facilities.
- (2) Car wash.
- (3) Funeral home or mortuary.
- (4) [Radio, radar and/or television tower.]
- (5) School.
- (6) Utility substation, transmission, pursuant to Section 5-616.
- (7) [Telecommunications monopole, pursuant to Section 5-618(B)(2).]

- (8) Automotive service station.
- (9) Congregate housing facility.
- (10) Child care center, pursuant to Section 5-609.
- (11) Hospital, pursuant to Section 5-610.
- (12) Church, synagogue, and temple.
- (13) [Gas pumps accessory to a convenience food store, pursuant to Section 5-617.]
- (14) [Fire and/or rescue station.]
- (15) Golf course.
- (16) Mass transit facilities and stations.
- (17) Medical care facility, outpatient only.
- (18) [Hotel/Motel].
- (19) Off-street parking facility, freestanding.
- (20) Restaurant, with drive-through facilities.
- (21) Veterinary service.
- (22) Animal hospital.
- (23) Water treatment plant.
- (24) Sewage treatment plant.
- (25) Water storage tank.
- (26) Crematorium.
- [(27) School, private, accessory to a church.]
- [(28) Car wash, accessory to a convenience food store, pursuant to Section 5-617.]

[(29) Telecommunications tower, pursuant to Section 5-618(C)(2).]

[(30) Police station.]

#### 4-805

#### Lot Requirements.

- (A) **Size.** 2,500 sq. ft. minimum, except 1,600 sq. ft. for single family attached dwellings exclusive of major floodplain.
- (B) **Width.** Twenty five (25) feet minimum, except 16 feet minimum for single-family attached dwellings.
- (C) **Depth.** 100 feet minimum.
- (D) **Yards, within the Town Center Core.**
  - (1) **Front.** No minimum; 25 ft. maximum.
  - (2) **Side.** No requirement, except 15 feet minimum for a side yard of a non-residential use abutting a lot used or planned for residential purposes.
  - (3) **Rear.** No requirement, except 30 feet minimum for a rear yard of a non-residential use abutting a lot used or planned for residential purposes.
- (E) **Yards, within the Town Center Fringe.**
  - (1) **Front.** Ten (10) feet minimum; no maximum.
  - (2) **Side.** No requirement, except 15 feet minimum for a side yard of a non-residential use abutting a lot used or planned for residential purposes.
  - (3) **Rear.** No requirement, except thirty (30) feet minimum for a rear yard of a non-residential use abutting a lot used or planned for residential purposes.
- (F) **Other yard requirements.**
  - (1) **Adjacent to roads.** No building shall be permitted closer than one hundred (100) feet to the right-of-way of any arterial or major collector road. No outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than thirty five (35) feet to the right-of-way for any road. No parking, outdoor

Section 4-800

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and streets where such uses are visible from any road.

- (2) **Adjacent to Agricultural Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to any agricultural district. No parking shall be permitted closer than fifty (50) feet to any such districts and uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts where such uses are visible from the said agricultural areas.
- (3) **Adjacent to Other Nonresidential Districts.** Thirty five (35) for buildings, parking, outdoor storage, and loading areas, except where a greater area is required by Section 5-1400.

**4-806 Building Requirements.**

- (A) **Lot Coverage.** No requirement within Town Center Core; .70 maximum within Town Center Fringe.
- (B) **Building Height.** Sixty (60) feet in the Town Center Core, forty (40) feet maximum in the Town Center Fringe, except that the towers and/or steeples of civic buildings may be erected to a maximum height of 100 feet if the building is set back from public streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than 2 feet for each 1 foot of height that exceeds the 35-foot limit.
- (C) **Floor Area Ratio.** No requirement.

**4-807 Land Assembly Requirements.** In order to qualify for rezoning to Town Center, an applicant must demonstrate control of an area no less than thirty (30) acres in size, of which a minimum of ten (10) acres shall be designated as the Town Center Core.

- (A) The maximum size of the Town Center Core shall be twenty (20) acres.
- (B) The maximum distance from one boundary of the Town Center Core to the farthest boundary shall not exceed 1,200 feet.

- (C) The maximum distance from one boundary of the entire Town Center to the farthest boundary shall not exceed 2,500 feet.

**4-808**

**Land Use Arrangement and Use Limitations.**

- (A) The Town Center shall be arranged in a generally rectilinear pattern of interconnecting streets and blocks, while maintaining respect for the natural landscape.
- (B) The perimeter of a full block should generally range from 1,400 to 1,600 feet measured at the property (right-of-way) line.
- (C) Each block in the Town Center should be designed to include an alley.
- (D) Each Town Center shall have a town green of no less than 40,000 sq. ft. located near the center of the Core. The required town green may be located within the Fringe and adjacent to the Core if a public plaza of no less than 10,000 sq. ft. is located within the Core.
- (E) At least seventy (70) percent of the total of all block frontages within the Town Center Core shall be occupied by pedestrian oriented businesses on the ground floor, preferably retail stores and shops.
- (F) A minimum of (25%), maximum of fifty (50%) of the total land area within the Town Center shall be residential use.
- (G) The principal entrance to all buildings in the Town Center Core shall be from the front sidewalk, public plaza, or town green.
- (H) At least (10%) of all land within the Town Center shall be for civic uses, such as government offices, public meeting halls, libraries, art galleries or museums, post office, churches, and like uses which generate pedestrian activity and act as visual focal points.
- (I) Generally on-street parking shall be provided throughout the Town Center.
- (J) Pedestrian linkages shall be established within and between blocks in the Town Center and between the Town Center and surrounding neighborhoods or activity centers.

Section 4-800

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (K) Sidewalks shall be provided adjacent to all streets. Such sidewalks shall be at least eight (8) feet wide within the Town Center Core and at least five (5) feet wide within the Town Center Fringe.
- (L) All off-street parking lots shall be landscaped and shall not interfere with the reasonable continuity of building facades and pedestrian activity. Within the Town Center Core, no surface parking lot space may be located closer than ten (10) feet from any street right-of-way line. Within the Town Center Fringe, no surface parking or space may be located closer than twenty five (25) feet from any street right-of-way line and district allowing residential uses.
- (M) Off-street parking facilities shall have access from alleys or from streets at locations which do not conflict with pedestrian circulation in the Core.
- (N) All above grade parking structures shall be designed in a manner that is integrated with nearby building architecture to minimize visual impact.
- (O) All utility distribution lines located on PD-TC designated land shall be placed underground.
- (P) Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets and agricultural and residential uses. [Outdoor storage of waste materials and any other type of equipment and supplies shall be buffered and screened on the periphery of the storage area.]
- (Q) **Access from Major Roads.** The following requirements shall be observed:
  - (1) Access. No individual lots created after adoption of this Ordinance shall have direct access to an arterial road. Individual lots in the Town Center Fringe area shall not have direct access to major collector roads.
  - (2) Primary access and through vehicular traffic impacting residential neighborhoods shall not be permitted.

- (R) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuters may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided for in Section 5-1100. Accessory structures and uses other than for commuter parking shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.

## Section 4-900

### PD-TT Planned Development - Traditional Town.

#### 4-901

**Purpose.** This district is established to provide for the development of planned Traditional Towns, at a scale anticipated to serve a resident population of between 10,000 and 25,000 persons, incorporating a compatible mixture of residential, employment, supporting business, civic, educational, and recreational uses in a manner that constitutes a unified, well-balanced community. Such Traditional Towns shall be permitted only in accordance with the policies of the Loudoun County Comprehensive Plan and in accordance with a detailed Concept Development Plan for each traditional town.

The PD-TT District regulations are designed to encourage developers, individually and/or collectively, to build liveable towns exhibiting excellence in physical, social and economic planning based on traditional community values, forms, and characteristics embodied in urban places. The applicant must demonstrate that its planning, design and development will achieve but not necessarily be limited to, the following specific objectives.

- (A) A strong sense of community identity based on a shared and functionally efficient physical economic, political, social and cultural environment.
- (B) An orderly and traditional arrangement of all land uses with respect to each other and the overall community form, including a town center, residential neighborhoods, employment areas, and open spaces.
- (C) A variety of housing types jobs, shopping, services, and public facilities.
- (D) Generally rectilinear pattern of interconnecting streets and blocks while maintaining respect for the natural landscape.
- (E) A coordinated transportation system with a hierarchy of appropriately designed facilities for automotive vehicles, public transit, bicycles, and pedestrians.
- (F) Civic buildings, open spaces, and other visual features that act as landmarks, symbols, and focal points for community identity.
- (G) Compatibility of buildings and other improvements as determined by their arrangement, bulk, form, character, and landscaping to establish a liveable and harmonious, yet diverse, environment hospitable to human occupants and users.

Section 4-900

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (H) The staging of development in a manner which can be accommodated by the coordinated provision of public utilities, facilities, and services, which maintains a reasonable balance between residential and non-residential development, and which nurtures a unified sense of community throughout all stages.

**4-902                   Size and Location.** The district when mapped, shall be no less than three hundred (300) acres nor more than two thousand (2,000) acres in size and shall be served by existing or planned public transit, and by existing public water and sewer, and arterial and collector road access.

**4-903                   Permitted Uses.** The following and similar uses, as may be approved by the Board of Supervisors, shall be permitted only in those locations designated on an approved Concept Development Plan, subject to the use limitations set forth in Section 4-908.

- (A) **Town Center:** All uses permitted in the Planned Development-Town Center District, as provided for in Sections 4-803(A) and 4-803(B), and the following additional uses:

- (1) Bowling alley.
- (2) Motor vehicle service and repair, accessory to an approved use.
- (3) Printing service plant.
- (4) Private club or lodge.

- (B) **Neighborhood Commercial:**

- (1) Library, branch.
- (2) Convenience food store, of less than 5,000 gross square feet, without gas pumps, pursuant to Section 5-617.
- (3) Food store.
- (4) Personal service establishment.
- (5) Pharmacy.
- (6) Post office, drop-off and pick up.
- (7) Recycling collection drop-off center, small, pursuant to Section 5-607(A).

Section 4-900

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (8) Sewer pumping station.
- (9) Water pumping station.
- (10) Commuter parking lot.
- (11) Adult daycare center.
- (12) Agriculture, horticulture, forestry, or fishery.
- (13) Art gallery.
- (14) Bank or financial institution, excluding drive-through facilities.
- (15) Business service establishment.
- (16) Community center.
- (17) Facility for lessons in dance, gymnastics, judo, and sports training.
- (18) Office, medical and dental.
- (19) Park.
- (20) Restaurant.
- (21) Restaurant, carry-out only.
- (22) Retail sales establishment.
- (23) Studio space - artist, crafts person, writer, etc.
- (24) Theater, indoor.
- (25) Printing service.
- (26) Utility substation, dedicated.
- [(27) Construction retail establishment.]

(C) **Industrial:** All uses permitted in the Planned Development - Industrial Park (PD-IP) District, and the following additional uses:

- (1) Farm machinery sales, repair, and service.

- (2) Home service establishment.
- (3) Motor vehicle sales and accessory service.
- (4) Motor vehicle service and repair, light.
- (5) Personal service establishment.
- (6) Excluding the following uses:
  - (a) Post office, drop-off and pick up.
  - (b) Bank or financial institution, excluding drive-through facilities.
  - (c) Dwelling, accessory to a permitted or special exception use.
  - (d) Church, synagogue, and temple.
  - (e) [Telecommunications antenna, pursuant to Section 5-618(A).]
- (D) **Low Density Residential.** All uses permitted in the R-1, R-2, and R-3 Single Family Residential District.
- (E) **Medium Density Residential.** All uses permitted in the R-4 and R-8 Single Family Residential District.
- (F) **High Density Residential.** All uses permitted in the R-16 and R-24 Multi-Family Residential District.

#### 4-904

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors, pursuant to the provisions of Section 6-1300.

- (A) **Town Center.** All special exception uses in the Planned Development-Town Center District, as provided for in Sections 4-804(A) and 4-804(B) and the following additional uses:
  - (1) Car wash.
  - (2) Funeral home or mortuary.

- (3) Excluding the following uses:
  - (a) [Telecommunications monopole.]
  - (b) [Radio, radar and/or television tower.]
  - [(c) Telecommunications tower.]

**(B) Neighborhood Commercial:**

- (1) Office, administrative, business, professional.
- (2) Automotive service station.
- (3) Bank or financial institution, including drive-through facilities.
- (4) Car wash.
- (5) Child care center, pursuant to Section 5-609(B).
- (6) Church, synagogue, and temple.
- (7) Funeral home or mortuary.
- (8) Recycling drop-off collection center, large, pursuant to Section 5-607(B).
- (9) Dwellings, above first floor commercial uses.
- (10) Water treatment plant.
- (11) Sewage treatment plant.
- (12) Fire, police, and rescue station.
- (13) Mass transit facilities and stations.
- (14) [Gas pumps accessory to a convenience food store, pursuant to Section 5-617.]
- (15) Restaurant, with drive-through facilities.
- (16) Public utility service center, without outdoor storage.
- (17) Veterinary service.

- (18) Animal hospital.
- (19) Water storage tank.
- (20) Crematorium.
- [(21) School, private accessory to a church.]
- [(22) Car wash, accessory to a convenience food store, pursuant to Section 5-617).]

(C) **Industrial.** All special exception uses in the Planned Development-Industrial Park (PD-IP) District, including the following additional uses:

- (1) Bank or financial institution, excluding drive-through facilities.
- (2) Cemetery, mausoleum, and memorial park.
- (3) Funeral home or mortuary.
- (4) Kennel, pursuant to Section 5-606.
- (5) Material recovery facility, pursuant to Section 5-607.
- (6) Outdoor sales area, accessory.
- (7) Private club or lodge.
- (8) [Radio, radar and/or television tower.]
- (9) Storage, mini-warehouse.
- (10) Utility generating plant and transmission facility.
- (11) Veterinary service.
- (12) Animal hospital.
- (13) Church, synagogue, and temple.
- (14) Crematorium.

(D) **Low Density Residential.** All special exception uses in the R-1, R-2, and R-3 Single Family Residential Districts.

- (E) **Medium Density Residential.** All special exception uses in the R-4 and R-8 Single Family Residential Districts.
- (F) **High Density Residential.** All special exception uses in the R-16 and R-24 Multi-Family Residential Districts.
- (G) **Special Activities.** All permitted and special exception uses in the Planned Development Special Activities Districts.

#### 4-905

#### **Lot Requirements.**

- (A) **Town Center.** As per the Planned Development, Town Center District
- (B) **Neighborhood Commercial.**
  - (1) **Size.** 5,000 square feet minimum, exclusive of major floodplain.
  - (2) **Width.** Fifty (50) feet minimum.
  - (3) **Yards.** No building shall be located within the following setbacks:
    - (a) **Front.** No minimum; no principal building shall be set back more than 25 feet;
    - (b) **Side.** No requirement for interior or corner side yard; 15 feet for side yard abutting a residential district or land bay allowing residential uses.
    - (c) **Rear.** No requirement abutting an alley or another neighborhood commercial lot; 30 feet abutting a residential district or land bay allowing residential uses.
- (C) **Industrial.** As per the Planned Development - Industrial Park (PD-IP) District.
- (D) **Low Density Residential.** As per the R-1, R-2, and R-3 Single Family Residential Districts.
- (E) **Medium Density Residential.** As per the R-4 and R-8 Single Family Residential Districts.

- (F) **High Density Residential.** As per the R-16 and R-24 Multi-Family Residential Districts.
- (G) **Special Activities.** As per the Planned Development-Special Activities Districts.
- (H) **Other yard requirements.**
  - (1) **Adjacent to roads.** No building shall be permitted closer than one hundred (100) feet to the right-of-way of any arterial or major collector road. No outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than thirty five (35) feet to the right-of-way for any road. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and streets where such uses are visible from any road.
  - (2) **Adjacent to Agricultural Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to any agricultural district. No parking shall be permitted closer than fifty (50) feet to any such districts and uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts where such uses are visible from the said agricultural areas.
  - (3) **Adjacent to Other Nonresidential Districts.** Thirty five (35) feet for buildings, parking, outdoor storage, and loading areas except where a greater area is required by Section 5-1400.

#### 4-906

#### **Building Requirements.**

- (A) **Town Center.** As per the Planned Development-Town Center District.
- (B) **Neighborhood Commercial.**
  - (1) **Lot Coverage.** 70% maximum.
  - (2) **Building Height.** 35 feet maximum.
- (C) **Industrial.** As per the Planned Development - Industrial Park (PD-IP) District.

Section 4-900

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (D) **Low Density Residential.** As per the R-1, R-2, and R-3 Single Family Residential Districts.
- (E) **Medium Density Residential.** As per the R-4 and R-8 Single Family Residential Districts.
- (F) **High Density Residential.** As per the R-16 and R-24 Multi-Family Residential Districts.
- (G) **Special Activities.** As per the Planned Development-Special Activities Districts.

**4-907 Land Assembly Requirements.** In order to qualify for rezoning to the Traditional Town District, an applicant and/or group of applicants collectively must demonstrate control of an area no less than three hundred (300) acres in size, including no less than thirty (30) acres designated for a Town Center.

**4-908 Land Use Arrangement and Use Limitations.**

- (A) **Town Center Criteria.**
  - (1) The Town Center shall generally be located within or near the geographic center of the development.
  - (2) The Town Center shall be arranged in a generally rectilinear pattern of interconnecting streets and blocks, while maintaining respect for the natural landscape.
  - (3) The perimeter of a full block should generally range from 1,400 to 1,600 feet measured at the property (right-of-way) line.
  - (4) Each block in the Town Center should be designed to include an alley.
  - (5) Each Town Center shall have a town green of no less than 40,000 sq. ft. located near its center. The town green may be located within residential neighborhoods and adjacent to the Town Center if no less than 10,000 sq. ft. is located within the Town Center.
  - (6) At least seventy (70) percent of the total of all block frontages within the Town Center Core shall be occupied by pedestrian oriented businesses on the ground floor, preferably retail stores and shops.

Section 4-900

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (7) A minimum of twenty-five (25) percent, maximum of fifty (50) percent of the total land area within the Town Center shall be residential use.
- (8) The principal entrance to all buildings in the Town Center shall be from the front sidewalk, public plaza, or town green.
- (9) At least ten (10) percent of all land within the Town Center shall be for civic uses, such as government offices, public meeting halls, libraries, art galleries or museums, post office, churches, and like uses which generate pedestrian activity and act as visual focal points.
- (10) Generally on-street parking shall be provided throughout the Town Center.
- (11) Pedestrian linkages shall be established within and between blocks in the Town Center, and between the Town Center and surrounding neighborhoods or activity centers.
- (12) Sidewalks shall be provided adjacent to all streets. Such sidewalks shall be at least eight (8) feet wide within the Town Center.
- (13) All off-street parking lots shall be landscaped and shall not interfere with the reasonable continuity of building facades and pedestrian activity. Within the Town Center, no surface parking space may be located closer than ten (10) feet from any street right-of-way line. Within the Neighborhood Commercial Center areas, no surface parking or space may be located closer than twenty five (25) feet from any street right-of-way line and district allowing residential uses.
- (14) Off-street parking facilities shall have access from alleys or from streets at locations which do not conflict with pedestrian circulation.
- (15) All above grade parking structures shall be designed in a manner than is integrated with nearby building architecture to minimize visual impact.

(B) **The Traditional Town shall include a mixture of land uses within the following ranges.**

Town Center	2.0 - 10.0%
Neighborhood Commercial	3.0 - 5.0%
Residential	50.0 - 70.0%
Industrial	5.0 - 10.0%
Public Schools, Open Spaces, Institutional & Civic	20.0 - 25.0%

(C) **Additional Traditional Town Criteria.**

- (1) Residential areas should be planned as traditional neighborhoods with neighborhood schools and playgrounds, and a compatible variety of housing types.
- (2) At least ten percent (10%) of the Traditional Town shall be reserved for open space and recreation available to the general public, including public school yards but not including privately owned open space and recreational areas.
- (3) On-street parking should be provided on all minor and collector streets throughout the Traditional Town, and parking on individual lots should be accessed from alleys rather than over front yards.
- (4) Sidewalks at least five (5) feet wide should be provided adjacent to all streets, except the minimum width may be reduced to four (4) feet in Low Density Residential areas.
- (5) No surface parking shall be permitted in front of a principal structure; all off-street surface parking in nonresidential areas shall be screened from views from public streets, provided that parking structures in the Town Center need not be screened.
- (6) Structures and land uses shall be arranged within the district so as to provide a perimeter setback around the outer edge of the Traditional Town. This setback may be made up of stream corridors, roads and other features, and of building setbacks, with the result that no structure shall be located within 250 feet of the district boundary.
- (7) All utility distribution lines located on PD-TT designated land shall be placed underground.

- (8) Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets and agricultural and residential uses. [Outdoor storage of waste materials and any other type of equipment and supplies shall be buffered and screened on the periphery of the storage area.]
- (9) **Access from Major Roads.** The following requirements shall be observed:
  - (a) Access. No individual lots created after adoption of this Ordinance shall have direct access to an arterial road. Individual lots within the Town Center Fringe shall not have direct access to major collector roads.
  - (b) Primary access and through vehicular traffic impacting residential neighborhoods shall not be permitted.
- (10) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuters may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided for in Section 5-1100. Accessory structures and uses other than for commuter parking shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.

## Section 4-1000

### PD-UC Planned Development - Urban Center

#### 4-1001

**Purpose.** This district is established to provide for a compatible mixture of commercial, cultural, institutional, governmental, recreational, and residential uses in compact, pedestrian oriented, urban centers serving as focal points for nearby related activity centers and residential areas with a market area in excess of 25,000 persons. Specific objectives of such districts include:

- (A) Dwellings, shops, and workplaces generally located in close proximity to each other.
- (B) Generally rectilinear patterns of streets and blocks.
- (C) A hierarchy of public and/or private streets with facilities for automotive vehicles, public transit, bicycles, and pedestrians.
- (D) Well configured plazas, squares, greens, landscaped streets, and parks woven into the pattern of the urban center and dedicated to collective social activity, recreation, and visual enjoyment.
- (E) Civic and institutional buildings for assembly, or for other compatible purposes, that act as landmarks, symbols, and activity centers for community identity.

#### 4-1002

**Size, Location, and Components.** This district, shall be no less than fifty (50) acres nor more than ninety (90) acres in size, and shall be served by major arterials with capacity to handle the traffic generated. The Urban Center district shall be mapped only in locations designated by the Comprehensive Plan served by public water and sewer. No two (2) such districts shall be located within four (4) miles of each other. The Urban Center District shall be divided into two (2) parts:

- (A) Urban Center Core -- within which pedestrian oriented businesses and other pedestrian oriented uses are encouraged, and;
- (B) Urban Center Fringe -- within which pedestrian oriented uses are balanced with other non-residential and residential uses more dependent on vehicular access located within one-half mile from, but outside, the Urban Center Core.

#### 4-1003

##### **Permitted Uses.**

- (A) The following uses are permitted within the Urban Center Core:
  - (1) Office, administrative, business and professional.
  - (2) Art gallery.

- (3) Theatre, indoor.
- (4) Bank or financial institution, excluding drive-through facilities.
- (5) Business service establishment.
- (6) Community center.
- (7) Conference or training center.
- (8) Dwelling, above other first floor permitted uses.
- (9) Educational institution.
- (10) Facility for lessons in dance, gymnastics, judo and sports training.
- (11) Health and fitness center.
- (12) [Hotel/Motel].
- (13) Library.
- (14) Office, medical and dental.
- (15) Museum, cultural center, arboretum.
- (16) Off-street parking facility, free-standing.
- (17) Performance arts center.
- (18) Personal service establishment.
- (19) Post office, drop-off and pick up.
- (20) Park, public.
- (21) Recycling drop-off collection center, small, pursuant to Section 5-607(A).
- (22) Restaurant.
- (23) Retail sales establishment.
- (24) Recreational establishment, [outdoor].

- (25) Convenience food store, without gas pumps, pursuant to Section 5-617.
- (26) Pharmacy.
- (27) Utility Substation, dedicated.
- (28) Adult day care.
- (29) Agriculture, horticulture, forestry, or fishery.
- (30) Church, synagogue and temple.
- (31) Commuter parking lot.
- (32) Congregate housing facility.
- (33) Dwelling, multi-family.
- (34) Dwelling, single family attached.
- (35) Food store.
- (36) Public utility service center, without outdoor storage.
- (37) Restaurant, carry-out only.
- (38) Restaurant, dinner theater.
- (39) Restaurant, with drive-through facilities.
- (40) Studio space-artist, crafts person, writer, etc.
- (41) Printing service.
- (42) Private club or lodge.
- (43) Water pumping station.
- (44) Sewer pumping station.
- (45) Radio and television recording studio.
- (46) Utility substation, dedicated.

(47) [Telecommunications antenna, pursuant to Section 5-618(A).]

(B) The following uses are permitted in the Urban Center Fringe, subject to the requirements and limitations of these regulations:

(1) All uses permitted in the Urban Center Core.

(2) Bowling alley.

(3) Motor vehicle service and repair, accessory to an approved use.

(4) Dwelling, single family detached.

(5) Utility substation, distribution, pursuant to Section 5-616.

[(6) Construction retail establishment.]

[(7)] Excluding the following uses permitted in the Urban Core Center:

(a) Congregate housing facility.

(b) Off-street parking facility, freestanding.

(c) Restaurant, with drive through facility.

#### **4-1004**

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

(A) Within the Urban Center Core:

(1) Child care center, pursuant to Section 5-609.

(2) [Radio, radar and/or television tower.]

(3) [Telecommunications monopole, pursuant to Section 5-618(B)(2).]

(4) Hospital, pursuant to Section 5-610.

(5) Medical care facility, outpatient only.

(6) [Fire and/or rescue station.]

- (7) Automotive service station.
- (8) Bank or financial institution, including drive-through facilities.
- (9) [Gas pumps accessory to a convenience food store, pursuant to Section 5-617.]
- (10) Mass transit facilities and stations.
- (11) School.
- (12) Veterinary service.
- (13) Animal hospital.
- (14) Sewage treatment plant.
- (15) Water treatment plant.
- (16) Water storage tank.
- (17) Crematorium.
- [(18) School, private, accessory to a church.]
- [(19) Car wash, accessory to a convenience food store, pursuant to Section 5-617.]
- [(20) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(21) Police station.]

(B) Within the Urban Center Fringe:

- (1) Bank or financial institution, including drive-through facilities.
- (2) Congregate housing facility.
- (3) Funeral home or mortuary.
- (4) [Radio, radar and television tower.]
- (5) School.

- (6) Utility substation, transmission, pursuant to Section 5-616.
- (7) Water treatment plant.
- (8) [Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- (9) Automotive service station.
- (10) Child care center, pursuant to Section 5-609.
- (11) Off-street parking facility, free standing.
- (12) [Gas pumps accessory to a convenience food store, pursuant to Section 5-617.]
- (13) [Fire and/or rescue station.]
- (14) Hospital.
- (15) Mass transit facilities and stations.
- (16) Medical care facility, outpatient only.
- (17) Motel.
- (18) Restaurant, with drive-through facility.
- (19) Veterinary service.
- (20) Animal hospital.
- (21) Sewage treatment plant.
- (22) Water storage tank.
- (23) Crematorium.
- [(24) School, private, accessory to a church.]
- [(25) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(26) Police station.]

**Lot Requirements.**

- (A) **Size.** 4,800 sq. ft. minimum, except 2,000 sq. ft. for single family attached dwellings, exclusive of major floodplain.
- (B) **Width.** 40 feet minimum, except 18 feet minimum for single-family attached dwellings.
- (C) **Depth.** 100 feet minimum.
- (D) **Yards. Within the Urban Center Core.**
  - (1) **Front.** No minimum; 25 feet maximum.
  - (2) **Side.** No requirement, except 15 feet minimum for side yard abutting a lot used for residential purposes.
  - (3) **Rear.** No requirement, except 30 feet minimum for rear yard abutting a lot used for residential district purposes.
- (E) **Other yard requirements.**
  - (1) **Adjacent to roads.** No building shall be permitted closer than one hundred (100) feet to the right-of-way of any arterial or major collector road. No outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than thirty five (35) feet to the right-of-way for any road. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and streets where such uses are visible from any road.
  - (2) **Adjacent to Agricultural Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to any agricultural district. No parking shall be permitted closer than fifty (50) feet to any such districts and uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts where such uses are visible from the said agricultural areas.
  - (3) **Adjacent to Other Nonresidential Districts.** Thirty five (35) feet for buildings, parking, outdoor storage, and loading areas except, where a greater area is required by Section 5-1400.

**4-1006****Building Requirements.**

- (A) **Lot Coverage.** No requirement within Urban Center Core; .70 maximum within Urban Center Fringe.
- (B) **Building Height.** 100 feet maximum in Urban Center Core; 60 feet in Urban Center Fringe, thirty five (35) maximum for all single family detached and single family attached units in both the Core and Fringe.
- (C) **Floor Area Ratio.** One (1.0) within the Core; (0.6) within the Fringe.

**4-1007****Land Assembly for the Urban Center.**

- (A) The Urban Center Core shall be no less than fifteen (15) acres, but no more than twenty (20) acres.
- (B) The maximum distance from one boundary of the Urban Center Core to the farthest boundary shall not exceed 1,200 feet.
- (C) The maximum distance from one (1) boundary of the entire Urban Center to the farthest boundary shall not exceed 3,000 feet.

**4-1008****Land Use Arrangement and Use Limitations.**

- (A) Total floor space devoted to principal land uses in the Urban Center should be balanced in the following ratios:

Retail	20.0-55.0%
Office	30.0-50.0%
Residential	10.0-25.0%
- (B) The Urban Center shall be arranged in a generally rectilinear pattern of interconnecting streets and blocks.
- (C) The Urban Center Core shall generally be located within or near the geographic center of the development.
- (D) The perimeter of a block should generally range from 1,100 to 1,800 feet measured at the property (right-of-way) line.
- (E) Each block in the Urban Center should be designed to include an alley.

- (F) Each Urban Center shall have a public plaza, including green space of no less than 20,000 sq. ft. located within the Core, plus public greens or parklands totaling no less than 100,000 sq. ft.
- (G) At least seventy (70%) percent of the total of all block frontages within the Urban Center Core shall be occupied by buildings with pedestrian oriented businesses on the ground floor, preferably retail stores and shops.
- (H) The principal entrance to all buildings in the Urban Center Core shall be from the front sidewalk, public plaza, or public greens.
- (I) At least ten (10%) percent of all land within the Urban Center shall be for civic uses, such as government offices, public meeting halls, libraries, art galleries or museums, post office, and churches, and like uses which generate pedestrian activity and act as visual focal points.
- (J) Generally, on-street parking shall be provided throughout the Urban Center.
- (K) Sidewalks shall be provided adjacent to all streets. Such sidewalks shall be at least eight (8) feet wide within the Urban Center Core and at least five (5) feet wide within the Urban Center Fringe.
- (L) Pedestrian linkages shall be established within and between blocks in the Urban Center, and between the Urban Center and surrounding neighborhoods or activity centers.
- (M) All off-street parking lots shall be landscaped and shall not interfere with the reasonable continuity of building facades and pedestrian activity. Within the Urban Center Core, no surface parking lot or space may be located closer than ten (10) feet from any street right-of-way. Within the Urban Center Fringe, no parking lot, or space may be located closer than twenty five (25) feet from any street right-of-way.
- (N) Off-street parking facilities shall have access from alleys or from streets at locations which do not conflict with pedestrian circulation in the Core.
- (O) All above-grade parking structures shall be designed in a manner that is integrated with nearby building architecture to minimize visual impact.

- (P) All utility distribution lines located on PD-TT designated land shall be placed underground.
- (Q) Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas, and parking from streets and agricultural and residential uses. [Outdoor storage of waste materials and any other type of equipment and supplies shall be buffered and screened on the periphery of the storage area.]
- (R) **Access from Major Roads.** The following requirements shall be observed:
  - (1) No individual lots created after adoption of this Ordinance shall have direct access to an arterial road. Individual lots located within the Urban Center Fringe shall not have direct access to major collector roads.
  - (2) Primary access and through vehicular traffic impacting residential neighborhoods shall not be permitted.
- (S) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuter may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided for in Section 5-1100. Accessory structures and uses other than for commuter parking shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.

## Section 4-1100

### PD-TRC Planned Development - Transit Related Center

#### 4-1101

**Purpose.** The Planned Development-Transit Related Center district is established to implement the General Plan, adopted Urban VISION, and to encourage the innovative and creative design of mixed-use development as identified in the General Plan or Area Management Plan. The district regulations are designed to accommodate a flexible mix of high density land uses for which the location and design is compatible with neighboring properties; to insure high standards in the design and construction of commercial developments, as well as fewer peak hour trips using arterial roads; and otherwise to implement the stated purpose and intent of this Ordinance. Planned rail facilities are integral to this mixed-use concept. These higher intensity, mixed-use development projects will serve to promote the linkage of employment and residential uses specifically identified as transit corridors in the General Plan.

Rezoning to and development under this district will be permitted in accordance with a Concept Development Plan, prepared and approved in accordance with the provisions of the adopted Comprehensive Plan. Flexibility in design options will be allowed.

#### 4-1102

**Size.** No less than fifty (50) and no more than 175 acres.

#### 4-1103

**Permitted Uses.** The following principal uses shall be permitted in any PD-TRC district:

- (A) Art gallery.
- (B) Health and fitness center.
- (C) Museum, cultural center, arboretum.
- (D) Motor vehicle service and repair.
- (E) Business service establishment.
- (F) Bank or financial institution, excluding drive-through facilities.
- (G) Civic, social and fraternal association meeting place.
- (H) Community center.
- (I) Conference, [convention] or training center.
- (J) Cultural amenities, e.g. fountains, ice rinks, reflecting pools.

Section 4-1100

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (K) Child or adult day care center, pursuant to Section 5-609.
- (L) Dwelling, above first floor commercial uses.
- (M) Educational institution.
- (N) Establishment for general research, scientific research, development and/or training where assembly, integration and testing of products in a completely enclosed building is incidental to the principal use of scientific research, development and training.
- (O) Exposition hall or sports facility to house cultural or civic events or conventions, or political, industrial, fraternal or sporting events and/or other similar uses.
- (P) [Fire and/or rescue station.]
- (Q) [Hotel/Motel].
- (R) Medical care facility, outpatient only.
- (S) Mass transit facilities or stations, including park and ride facilities.
- (T) Offices, administrative, business, and professional.
- (U) Off-street parking facility, freestanding.
- (V) Personal service establishment.
- (W) Rail facilities, including park and ride facilities.
- (X) Repair service establishment (freestanding).
- (Y) Restaurant.
- (Z) Dwelling, multi-family.
- (AA) Dwelling, single-family attached.
- (BB) Congregate housing facility.
- (CC) Retail sales establishment.
- (DD) Commuter parking lot.

- (EE) Theater, indoor.
- (FF) Church, synagogue, and temple.
- [(GG) Park, public, playground or athletic field.]
- (HH) [Telecommunications antenna, pursuant to Section 5-618(A).]
- [(II) Police Station.]

#### **4-1104**

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

- (A) Orphanage or similar institution.
- (B) Medical care facility, including hospital.
- (C) Private club or lodge.
- [(D) Removed pursuant to ZOAM 1993-0002.]
- (D) Dormitory, fraternity/sorority house, rooming/boarding house, or other residence hall.
- (E) Transportation or transit facilities, limited to:
  - (1) Heliport or helistop.
  - (2) DTRE facilities.
- (F) Commercial off-street parking in Metro Bus and Rail Station areas.
- (G) Restaurant, with drive-through facilities.
- (H) Recreation establishment, [outdoor].
- (I) Recycling drop off collection center, small, pursuant to Section 5-607.
- (J) Public utility service center.
- (K) Funeral home or mortuary.
- (L) Bank or financial institution, with drive-through facilities.
- (M) Crematorium.
- [(N) School, private, accessory to a church.]

Section 4-1100

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

(O) [Telecommunications monopole, pursuant to Section 5-618(B)(2).]

[(PP) Telecommunications tower, pursuant to Section 5-618(C)(2).]

#### 4-1105

##### **Lot Requirements.**

(A) **Size.** 4,800 sq. ft. minimum exclusive of major floodplain for single-family detached and duplex dwellings; 1,600 sq. ft. minimum exclusive of major floodplain for single family attached dwellings; 6,000 sq. ft. minimum exclusive of major floodplain for multi-family structures.

(B) **Width.** Forty (40) feet minimum for single family detached and duplex dwellings; sixteen (16) feet minimum for single family attached dwellings; eighty (80) feet minimum for multi-family structures.

(C) **Depth.** 75 feet minimum for single family attached dwelling units. 100 feet minimum for multi-family dwelling units;

(D) **Yards.**

(1) **Front.** No minimum; 25 feet maximum.

(2) **Side.** No requirement, except 15 feet minimum for a side yard abutting a lot used for residential purposes.

(3) **Rear.** No requirement, except 30 feet minimum for a rear yard abutting a lot used for residential district purposes.

(E) **Other yard requirements.**

(1) **Adjacent to roads.** No building shall be permitted closer than one hundred (100) feet to the right-of-way of any arterial or major collector road. No outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than thirty five (35) feet to right-of-way from any road. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and streets where such uses are visible from any road.

(2) **Adjacent to Agricultural Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to any agricultural district. No parking shall be permitted closer than fifty (50) feet to any

such districts and uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts where such uses are visible from the said agricultural areas.

- (3) **Adjacent to Other Nonresidential Districts.** Thirty five (35) feet for buildings, parking, outdoor storage, and loading areas, except where a greater area is required by Section 5-1400.

#### **4-1106 Building Requirements.**

- (A) **Building Height.** 100 feet maximum, unless a lower height restriction is imposed by Washington/Dulles International Airport authorities.
- (B) **Floor Area Ratio.** 1.0 maximum, unless increased by the Board of Supervisors up to a maximum of 2.0, in accordance with the General Plan or area management plans and when the proposed Concept Development Plan includes one or more of the following:
  - (1) Transit facilities are existing or committed for the subject property.
  - (2) Open space related to pedestrian plazas, walls, or other landscaped design elements which interrelate to the business/office uses.
  - (3) Unique design features and cultural amenities within the planned development such as, but not limited to, plazas, terraces, common areas, sculpture, reflecting pools and public fountains or other features as determined by the Board of Supervisors.
  - (4) Below-surface and/or off-street parking facilities.
  - (5) Above-surface, off-street parking facilities within an enclosed building or structure which is compatible with the architecture of surrounding structures.

#### **4-1107 Open Space Requirements.**

- (A) Ten (10%) percent of the gross parcel area shall be either passive or active open space.

- (B) In a PD-TRC development where dwelling units are proposed as a secondary use, there shall be a requirement to provide developed recreational facilities for the use of the residents within the planned development such as, but not limited to, plazas, green space, tot lots and other active recreation areas.

**4-1108 Land Assembly Use Requirements.** In order to qualify for rezoning to the PD-TRC district, the Board must find that the proposed development meets the following conditions:

- (A) The proposed development is located within an area designated as an Urban Center or Transit Related Urban Center in the adopted General Plan, or area management plan;
- (B) The proposed Concept Development Plan shall specify the uses and gross floor area for the proposed development and shall provide site and building designs that will complement existing and planned development by incorporating high standards of urban design, including provisions for pedestrian movement and access, and
- (C) Urban open spaces shall be designed into the project to integrate through use of pathways, gathering areas, landscape features, etc., all mixed use and transit related activities and structures.

**4-1109 Land Use Arrangement and Use Limitations.**

- (A) Total floor space devoted to principal land uses should be balanced in the following ratios:

	Min./Max.
Retail	5.0% /30.0%
Regional Office	30.0%/70.0%
Urban Neighborhood	10.0%/40.0%

- (B) Each development shall have a public plaza of no less than 20,000 sq. ft. and a minimum of three (3%) total land area devoted to public parks. Such plazas and public parks may be included in the calculations for open space required pursuant to Section 4-1107(A).
- (C) At least two (2%) percent of all land within this district shall be reserved for compatible civic uses, such as government offices, public meeting halls, libraries, art galleries, museums, or post office.
- (D) As a general principle, on-street parking shall be provided throughout the district.

Section 4-1100

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (E) All above-grade parking structures shall be landscaped and designed in a manner that is integrated with nearby building architecture to minimize visual impact.
- (F) Off-street parking facilities shall have access from alleys or from streets at locations which do not conflict with pedestrian circulation.
- (G) All utility distribution lines located on PD-TRC designated land shall be placed underground.
- (H) Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets and agricultural and residential uses. [Outdoor storage of waste materials and any other type of equipment and supplies shall be buffered and screened on the periphery of the storage area.]
- (I) **Access from Major Roads.** The following requirements shall be observed:
  - (1) No individual lots created after adoption of this Ordinance shall have direct access to an arterial road. Individual lots located within the Transit Related Center shall not have direct access to major collector roads.
  - (2) Primary access and through vehicular traffic impacting residential neighborhoods shall not be permitted.
- (J) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuters may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided for in Section 5-1100. Accessory structures and uses other than for commuter parking shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.

## Section 4-1200

### PD-RV Planned Development - Rural Village.

#### 4-1201

**Purpose.** This district is established to provide for the development of new rural villages at a scale intended to continue Loudoun's traditional rural land use pattern and to promote its traditional concept of villages. Each village will be serviced by its own public water and sewer facility. Villages shall be permitted only in accordance with the policies and design criteria in the Comprehensive Plan. The applicant must demonstrate that its planning, design and development will achieve, but not necessarily be limited to, all of the following specific objectives:

- (A) The preservation of agricultural land, open space, scenic vistas and natural resources found within Loudoun and to minimize the potential for conflict between agricultural and other land uses.
- (B) The creation of a distinct physical settlement surrounded by a protected rural landscape of generally open land for agricultural, forestal, recreational and environmental protection purposes.
- (C) Dwellings, shops and workplaces generally located in close proximity to each other; the scale of which accommodates and promotes pedestrian travel for trips within the village.
- (D) Modestly sized buildings fronting on, and aligned with, streets in a disciplined manner, uninterrupted by parking lots.
- (E) A generally rectilinear pattern of streets, alleys, and blocks reflecting the street network in existing rural villages which provides for a balanced mix of pedestrians and automobiles.
- (F) Squares, greens, landscaped streets and parks woven into street and block patterns to provide spaces for social activity, parks and visual enjoyment.
- (G) Provision of civic buildings for assembly or other civic purposes.
- (H) A recognizable, functionally diverse, visually unified village center, focused on a village green or square.
- (I) A development size and scale which accommodates and promotes pedestrian travel rather than vehicle trips within the village.

#### 4-1202

**District Size and Location.** This district, when mapped, shall be no less than three hundred (300) acres in size. No less than eighty percent (80%) of the gross land area shall be subject to a permanent open space easement and no more than twenty percent (20%) of the gross land area shall constitute the Village Center.

Section 4-1200

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

This district may be mapped only in locations in conformance with the Comprehensive Plan.

**4-1203**

**Design of the Concept Development Plan.** The Concept Development Plan, submitted pursuant to Section 6-1505, shall demonstrate conformance with the design requirements noted below and in the Comprehensive Plan. The Concept Development Plan shall include a plan of the Village Conservancy and Village Center subdistricts, areas, blocks and streets. It may also include a plan for a Satellite Conservancy subdistrict, if proposed. Typical sections and drawings demonstrating satisfaction of other design requirements shall be allowed as support documentation.

The Rural Village shall have at least two (2) types of subdistricts; a Village Conservancy and Village Center. A Satellite Conservancy subdistrict is optional. Within the Village Center subdistrict there are three (3) designated land use areas (See Figure 1):

- (A) Village Conservancy and/or Satellite Conservancy subdistricts.
- (B) Village Center subdistrict.
  - (1) Designated residential area.
  - (2) Designated commercial area.
  - (3) Designated workplace subarea.

**4-1204**

**Transportation Requirements.** The Concept Development Plan of a Village Center shall demonstrate that the following transportation requirements are satisfied:

- (A) The Village Center shall have at least two (2) points of access onto paved two (2) lane roadways designated in Table 1 below as part of the Significant Rural Transportation Route & Corridor Network. This requirement may be modified pursuant to Section 4-1218(B) subject to County approval in cases where one (1) access point to a paved road is found to be sufficient and a secondary means of access is provided for emergency vehicles.
- (B) Additional points of access to Significant Rural Transportation Routes maintained through State Primary Funds are discouraged. County approval of all access points to such streets shall be judged on the safety merits of the proposed road network design.
- (C) Other significant transportation routes and corridors, found to be acceptable to the County, may be utilized provided that such roads are

Section 4-1200

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

paved with a minimum twenty (20) foot section or that the applicant has secured and improved, or has agreements with off site property owners to secure and improve, the right-of-way necessary to develop a paved twenty (20) foot section, which meets County standards, from the property to the nearest intersecting road listed in Table 1.

- (D) Any secondary road improved to a minimum twenty (20) foot paved section through the County Six Year Secondary Road Improvement Program after the adoption of this ordinance, meeting all County standards for horizontal and vertical geometry and design speed shall be, upon completion of construction, considered to be included on Table 1.
- (E) Neighborhood streets serving a Village Center should not have direct access to any Significant Rural Transportation Route or Corridor road.
- (F) Significant Rural Transportation Route and Corridor Network roads shall not serve as through roads or neighborhood streets within a Village Center unless a new bypass road of similar function is provided.
- (G) All roads, streets and alleys, internal and external to the Village Center, and all improvements required for the proper design and safe function of the Village Center shall be provided by the applicant and maintained, in a manner approved by the County, either by the applicant, the Village Homeowner Association, or VDOT.
- (H) All private streets, not accepted as public streets by VDOT, must meet the standards for private streets in the Facilities Standards Manual (FSM), and must be maintained either by the applicant or the Village Homeowner Association.
  - (1) All residences served by a private street shall be subject to a recorded covenant expressly requiring private maintenance of such street in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such street.
  - (2) The record plat and protective covenants for such a Rural Village shall expressly state that the County and VDOT have no, and will have no, responsibility for the maintenance, repair, or replacement of private streets.

- (3) Sales brochures, or other literature and documents, provided by the seller of lots served by such private streets, shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such streets, including a statement that the County has no, and will have no, responsibility for the maintenance, repair, or replacement of private streets.
- (I) Lots in the Village Conservancy may be served by private access easements designed and constructed to standards in the Facilities Standards Manual.

**TABLE 1**

**SIGNIFICANT RURAL TRANSPORTATION ROUTE & CORRIDOR NETWORK**

1. The following road maintained through State Primary Funds:  

Routes 7, 9, 15, 50, 287, 340
2. The following roads and corridors maintained through State Secondary Funds:  

Routes and corridors 673/681, 621, 655, 671, 672, 704, 734  
719/743/623, 626/736, 733/745, 731/728/722, 690/673  
623/725, 662/665/668, 662/657/661, 626, 662, 663, 860  
658, 615, 659, 682, 705, 620, 710, 709

**4-1205 Purpose and Intent of Subdistricts and Areas.** (See Figure 2)

- (A) **Village Conservancy and Satellite Conservancy subdistricts.** To surround the Village Center subdistrict with open land affording rural views, to provide significant buffering of neighboring properties and to provide a land base for agricultural, forestal and open space uses.
- (B) **Village Center Subdistrict - Residential Area.** To provide for a compact settlement of single family homes in a residential neighborhood environment, complemented by compatible civic, business and residential uses, parks, squares and greens. (See Figure 3)

- (C) **Village Center Subdistrict - Commercial Area.** To provide a variety of retail shops and services to support the needs of village and neighboring residents, complemented by other compatible civic, business and residential uses, which would be housed in buildings with commercial uses on the ground floor consistent with a small downtown or central market place of a community.
- (D) **Village Center Subdistrict - Workplace Area.** To provide employment opportunities for rural village and neighboring residents and to provide sites for compatible small, light industrial uses which support the rural area without undue adverse impact on the village, surrounding lands, and neighboring residents.

#### 4-1206

#### **Size and Location of Subdistricts.**

- (A) **Village Conservancy Subdistrict.** The Village Center shall be ringed by a buffer of land, described hereafter as the Village Conservancy, which shall create a visual and physical distinction between the settlement, the surrounding countryside and any neighboring hamlets, villages and towns. The Village Conservancy subdistrict shall be:
  - (1) A contiguous and generally compact block of land.
  - (2) A minimum of eighty percent (80%) of the Rural Village district, exclusive of any Satellite Conservancy subdistrict land area.
  - (3) Subdivided into lots with an average size of 50 acres or more.
  - (4) No less than 800 feet in depth at all points along the perimeter of the Village Center, except as modified by the County (See Section 4-1218(B)).
  - (5) Placed under permanent open space conservation easement limiting uses to those listed in Sections 4-1209 and 4-1210 and prohibiting further subdivision.
- (B) **Rural Village Satellite Conservancy Subdistrict.** A Rural Village district may include detached parcels constituting a Satellite Conservancy subdistrict. Transfer of development potential from a Satellite Conservancy may increase the total development potential of the balance of the Rural Village District, provided that such development potential is not increased by more than twenty percent (20%). Such Satellite Conservancy subdistricts shall:

- (1) Be located so that at least one boundary of the Satellite Conservancy is no further than one and one-half (1.5) miles from the nearest point of the Conservancy subdistrict unless these provisions are specifically modified by the County, pursuant to Section 4-1218(B).
  - (2) Be at least fifty (50) acres in size.
  - (3) If subdivided, be larger than 100 acres in size, and be subdivided into lots with an average size of no less than 50 acres.
  - (4) Be placed under permanent open space conservation easement limiting uses to those listed in Section 4-1209 and 4-1210 and prohibiting further subdivision.
- (C) **Village Center Subdistrict.** The Village Center including residential, commercial and workplace areas, shall:
- (1) Not exceed a maximum of twenty percent (20%) of the district.
  - (2) Be contiguous and generally compact in shape.
  - (3) Contain no more than 300 dwelling units, exclusive of conservancy lots units or accessory dwelling units, at a density of no less than 1.5 dwellings per acre and no more than 5.0 dwellings per acre of the village center.
  - (4) Identify the location of all required civic lots and greens.
- (D) At a minimum, the location of the Village Center shall conform to the following general criteria:
- (1) It shall be located at least one (1) mile from the boundary of an existing town, and at least one (1) mile from the boundary of an existing village, as defined in the General Plan, and at least one (1) mile from the boundary of another approved Village Center.
  - (2) In any case, Rural Village districts shall not be located within an Urban Growth Area (UGA) as defined in the General Plan.

- (3) It shall be located at least three (3) miles from the boundary of the Waterford National Historic Landmark unless specifically modified by the County pursuant to Section 4-1218(B).
- (4) In the event that the County modifies the minimum one (1) mile and/or three (3) mile Village Center distance rules, the buffering and landscaping requirements of this Ordinance may be modified and additional requirements may be imposed, at the discretion of the County, in order to ensure that the identity of the existing town or village and its setting are preserved.
- (E) If located in a Mountainside Development Overlay district, the Village shall be designed to comply with performance standards and criteria in the Mountainside Development Overlay district (Section 4-1600).

**4-1207**

**Land Use Mix.** Village Conservancy, Satellite Conservancy and Village Center subdistricts, residential, commercial, workplace areas and civic lots shall conform with the land allocation requirements in Table 2. (See Figures 4 and 5)

**TABLE 2****RURAL VILLAGE - LAND ALLOCATION REQUIREMENTS**

SUBDISTRICT/AREA	PERCENT OF RURAL VILLAGE DISTRICT LAND AREA
<u>Village Conservancy (VC)</u>	Minimum 80% *
<u>Satellite Conservancy (SC)</u>	None Required
<u>Village Center</u>	Maximum 20%
Civic Lots**	Minimum .6%
Greens, Parks and Squares	Minimum 1.0%
House Lots	No minimum or maximum
Commercial & workplace lots	Minimum 3,000 sq. ft. Maximum 5 acres
*Note: Inclusive of any greens, parks and squares.	
**Note: For purpose of applying the percentages in the above table, land designated for use as a private or public school for more than 9 children shall be excluded from these calculations as a civic use.	

**Development Potential in the Rural Village District.****(A) Designated Residential Areas.**

- (1) The maximum residential development potential of the Rural Village district, shall be calculated upon a base density of one (1) dwelling unit per three (3) net acres, excluding roads, steep slopes, and major floodplain, as adjusted by application of the following bonuses:
  - (a) The base number of proposed residential units in the village may be increased by 35 percent in all rural villages.
  - (b) The base number of proposed residential units in the village may be increased by an additional fifteen percent (15%) if the proposed village includes a mix of both single-family detached and single-family attached dwelling units.
  - (c) The base number of proposed residential units in the village may be increased by four (4) dwelling units for each Village Conservancy lot created greater than 100 acres in size.

In any case, the maximum number of residential units within the Village district shall not exceed 300 dwelling units, exclusive of dwelling units developed on conservancy lots and accessory dwelling units.

- (2) The total number of residential units permitted in a village, as determined above, shall not include those residential units established on lots which are created in the Village Conservancy and Satellite Conservancy subdistricts.
- (3) The maximum residential development potential of a Satellite Conservancy subdistrict, which may be transferred to the Village Center, shall be limited by the provisions of Section 4-1206(B).
- (4) Additional accessory dwelling units are permitted on lots three (3) acres in size or greater, pursuant to Section 5-613 of this Ordinance.

(B) **Designated Commercial and Workplace Areas.**

- (1) The County will permit non-residential uses in the Village Center subdistrict subject to Sections 4-1209 Permitted Uses, 4-1210 Special Exception Uses, 4-1207 Land Allocation, and 4-1213 Lot and Building Requirements.
- (2) Accessory dwellings and apartments associated with commercial and workplace uses shall be permitted, provided that all accessory units on commercial and workplace lots are located above the first floor. Such accessory units are not included in calculating the maximum residential development potential provided for above in Section 4-1208(A).

**4-1209 Permitted Uses.**

(A) **Village Conservancy and Satellite Conservancy Subdistricts.** The following uses shall be permitted in both the Village Conservancy and Satellite Conservancy subdistricts:

- (1) Agriculture, horticulture, forestry or fishery.
- (2) Open space.
- (3) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area and game preserve.
- (4) Watershed and water impoundment protection areas.
- (5) Nature and recreation trails.
- (6) Stormwater management structures and ponds.
- (7) Home occupation, pursuant to Section 5-400.
- (8) Child or adult day care home, pursuant Section 5-609.
- (9) Private school for less than nine (9) pupils.
- (10) Bed and breakfast homestay, pursuant section 5-601(A).
- (11) Active recreation space.
- (12) Public or private playground, or neighborhood park.

- (13) Convent, monastery, or seminary.
- (14) Dwelling, single family detached.
- (15) Accessory apartment or dwelling unit, pursuant to Section 5-613.
- (16) Public water and wastewater facilities including land application fields, identified on the approved Concept Development Plan.
- (17) Equestrian facility, on lots of fifty (50) acres or more, with frontage on a state maintained road.
- (18) Farm machinery sales and service, pursuant to Section 5-615.
- (19) Guest farm or ranch, leasing no more than three (3) guest rooms.
- (20) Guest house, pursuant to Section 5-612.
- (21) Nursery, production, with frontage on a state maintained road, pursuant to Section 5-605.
- (22) Recycling drop-off collection center, small, pursuant to Section 5-607.
- (23) Dwelling, single family detached, including doublewide manufactured housing.
- (24) Small business, pursuant to Section 5-614.
- (25) Stable, neighborhood, on lots of twenty five (25) acres or more, with frontage on a state maintained road.
- (26) Stable, private.
- (27) Tenant dwelling, pursuant to Section 5-602(A) & (C).
- (28) Wayside stand, pursuant to Section 5-604.
- (29) Portable dwelling/trailer during construction of a primary residence, pursuant to Section 5-500.
- (30) Utility substation, dedicated.

- (31) Veterinary service.
- (32) Bus shelter.
- (33) Commuter parking lot, with less than 50 spaces.
- (34) Construction and/or sales trailer, during period of construction activity.
- (35) Sewer pumping station.
- (36) Mill, feed and farm supply center.
- (37) Water pumping station.

**(B) Village Center - Residential Area.**

- (1) Dwelling, single family detached.
- (2) Home occupation.
- (3) Child or adult day care home.
- (4) Private school for less than nine (9) pupils.
- (5) Bed and breakfast homestay.
- (6) Office, as an accessory use and occupying no more than 1,200 square feet of floor area per lot.
- (7) One accessory building and/or dwelling, on lots greater than three acres in size, pursuant to Section 5-613.
- (8) Greens, parks and squares.
- (9) Dwelling, single family attached.
- (10) Studio space - artist, crafts person, writer, etc.
- (11) Bed and breakfast inn.
- (12) Retail sales, accessory to residential use and occupying no more than 600 square feet of floor area per lot.

(C) **Village Center - Commercial and Workplace Areas.**

- (1) Church, synagogue and temple.
- (2) Convent, monastery, or seminary.
- (3) Library.
- (4) Post office.
- (5) Museum, historical and cultural center.
- (6) Child or adult day care home.
- (7) Community center.
- (8) Theater.
- (9) Greens, parks and squares.
- (10) Accessory apartment or dwelling units, located above the ground floor.
- (11) Retail sales, occupying no more than 5,000 square feet of floor area per lot.
- (12) Personal service establishment.
- (13) Business service establishment.
- (14) Banks or financial institution, without drive-through facilities.
- (15) Structures or use for federal, state or local government purposes.
- (16) Office, occupying no more than 10,000 square feet of floor area per lot.
- (17) Restaurant.
- (18) Studio space - artist, crafts person, writer, etc.
- (19) Country inn.
- (20) Bed and breakfast inn.

- (21) Office, medical and dental.
- (22) Continuing care facility, with less than 20 rooms.
- (23) Veterinary service.
- (24) [Fire and/or rescue station.]
- (25) Farm market.
- (26) Contractor service establishment, without outdoor storage.
- (27) Convenience food store, without gas pumps.
- [(28) Telecommunications antenna, pursuant to Section 5-618(A).]
- [(29) Police Station.]

**4-1210 Special Exception Uses.**

- (A) **Village Conservancy and Village Satellite Conservancy Subdistrict.**  
The following uses shall be permitted by special exception in both the Village Conservancy and Satellite Conservancy subdistricts unless otherwise designated:
  - (1) Golf course, clubhouse and supporting uses including restaurant, pro-shop, maintenance structures, tennis/racquet ball courts and parking lots in the Village Conservancy subdistrict.
  - (2) Supporting recreational uses for hotels, rural retreats, community recreation facilities including restaurants, swimming pools and changing facilities, maintenance structures, tennis/racquet ball courts and parking lots in the Village Conservancy subdistrict.
  - (3) Schools in the Village Conservancy subdistrict.
  - (4) Child and/or adult day care center in the Village Conservancy subdistrict.
  - (5) Public water and wastewater facilities including land application fields, not identified on the approved Concept Development Plan, in the Village Conservancy subdistrict.

- (6) Cemetery.
- (7) Park, regional.
- (8) Museum, historical and cultural center, arboretum.

**(B) Village Center - Residential Area.**

- (1) Church, synagogue and temple.
- (2) Convent, monastery, or seminary.
- (3) Library.
- (4) Post office.
- (5) Museum, historical and cultural center, arboretum.
- (6) Child and/or adult day care center.
- (7) Community center.
- (8) Theater.
- (9) School.
- (10) Structures or uses for federal, state or local government purposes.
- (11) Art gallery.
- (12) Continuing care facility.
- (13) Retail sales, occupying less than 3,000 square feet of floor area per lot.
- (14) Office, less than 6,000 square feet of floor area per lot.
- (15) Hotel, with more than twenty (20) guest rooms.
- (16) Personal service establishment.
- (17) Business service establishment.

(C) **Rural Village Center - Commercial and Workplace Areas.**

- (1) Retail sales, occupying more than 5,000 and less than 10,000 square feet of floor area per lot.
- (2) Office, occupying more than 10,000 and less than 20,000 square feet of floor area per lot.
- (3) Hotel.
- (4) Rural retreat.
- (5) School.
- (6) Continuing care facility, with more than 20 rooms.
- (7) Bank or financial institution with drive-through facilities.
- (8) Car wash.
- (9) Automobile service station.
- (10) Storage, outdoor.
- (11) Sale and storage of building materials and garden supplies.
- (12) Motor vehicle storage, outdoor.
- (13) Convenience food store, with gas pumps.
- (14) Warehousing facility.
- (15) Establishments for assembly, fabrication, processing, production and/or manufacturing of goods or products.
- (16) Farm machinery sales and service.
- (17) Utility substation, communal water and wastewater treatment facilities and other utilities to serve the Rural Village district.
- (18) Animal hospital.
- (19) Nursery, commercial.

- (20) Repair service establishment, with accessory outdoor storage.
- (21) Contractor service establishment, with accessory outdoor storage.
- (22) Stone cutting, welding, blacksmith, tinsmith and woodworking shops with accessory enclosed storage.
- (23) Storage, mini-warehouse.
- (24) Private club or lodge.

**4-1211 Permitted Uses on Civic Lots.** The following uses are permitted on Civic Lots in this district:

- (A) Church, synagogue and temple.
- (B) Convent, monastery, or seminary.
- (C) Library.
- (D) Post office.
- (E) Museum, historical and cultural center, arboretum.
- (F) Community center.
- (G) Theater.
- (H) School.
- (I) Structures or uses for federal, state or local government purposes.
- (J) Art gallery.
- (K) Greens, parks and squares.
- (L) Recreational structure or use primarily for village residents.

**4-1212 Use Limitations.**

- (A) No off-street parking shall be permitted in front yards within the Village Center.

- (B) Automobile service stations shall be limited to one (1) per block and one (1) per street intersection.
- (C) No workplace use shall be permitted which, because of its nature, location, or manner of operation, is dangerous or noxious because of odor, fumes, gas, smoke, emission of particulate matter or effluent, or for other reasons.
- (D) Outdoor Storage.
  - (1) No storage of any kind shall be permitted within any front yard.
  - (2) Underground bulk storage of gasoline or petroleum products shall not be permitted, except for automobile service stations or as incidental to manufacturing and research and development operations or the servicing of company owned or leased vehicles within enclosed areas defined in (3) below.
  - (3) Outdoor storage of materials, equipment, and vehicles shall be permitted within enclosed areas which are composed of mixed wood, masonry walls, plantings, or other suitable barriers approved by the Zoning Administrator, as required by Section 5-1400 of this Ordinance.
  - (4) Waste materials must be stored in a closed container. The burning of waste materials is prohibited.

**4-1213 Lot and Building Requirements.**

- (A) **Village Conservancy and Satellite Conservancy Subdistricts.**
  - (1) **Average Lot Size.** Fifty (50) acres minimum.
  - (2) **Minimum Lot Size.** Ten (10) acres, exclusive of major floodplain and steep slopes.
  - (3) **Minimum Lot Width.** 300 feet.
  - (4) **Length/Width Ratio.** 5:1 maximum.
  - (5) **Perimeter Yard.** Sixteen (16) feet minimum.
  - (6) **Lot Building Area.** 7,500 sq. ft. minimum; 30,000 sq. ft. maximum.

- (7) **Building Height.** Three (3) stories or forty (40) feet maximum whichever is less.

(B) **Village Center - Residential Area.**

(1) **Single-Family Detached Lots**

- (a) **Lot Size.** 5,000 sq. ft. minimum, exclusive of major floodplain and steep slopes.
- (b) **Lot Width.** 60 feet minimum.
- (c) **Length/width ratio.** 5:1 maximum.
- (d) **Front yard.** Six (6) feet minimum and thirty (30) feet maximum. (See Figure 6B)
- (e) **Side yard.** Eight (8) feet minimum.
- (f) **Rear yard.** Sixteen (16) feet minimum.
- (g) Detached garages located at the rear of a lot and attached to a similar garage on a contiguous lot may be located within the side yard setback and within six (6) feet of the rear property line. No minimum rear yard shall be required for garages which are accessed from the front of a lot.
- (h) **Front Sidewalk Width.** Six (6) feet minimum, which may include a minimum four (4) foot wide sidewalk and planting strip of two (2) feet at the curb. Sidewalks shall be provided on both sides of the street.
- (i) **Lot Coverage.** 40% maximum.
- (j) **Building Height.** Three (3) stories or 40 feet maximum whichever is less.

(2) **Single-family attached Lots.**

- (a) **Lot Size.** 1,600 square feet minimum, exclusive of major floodplain and steep slopes.
- (b) **Lot Width.** Sixteen (16) feet minimum; 48 feet maximum.

- (c) **Length/Width Ratio.** 9:1 maximum for lots less than 32 feet in width; 5:1 maximum for lots of 32 feet in width or greater.
- (d) **Front Yard.** Four (4) feet minimum; sixteen (16) feet maximum. (See Figure 6A)
- (e) **Lot Coverage.** 70% maximum.
- (f) **Front Sidewalk Width.** Six (6) feet minimum, which may include a minimum four (4) foot wide sidewalk and planting strip of two (2) feet at the curb. Sidewalks shall be provided on both sides of the street.
- (g) **Building Height.** Three (3) stories or forty (40) feet maximum, whichever is less.
- (h) **Access.** Off-street parking for single family attached dwellings of less than 32 feet frontage shall be provided at the rear of the lot and shall be accessed either from an alley or from a side street. This requirement may be modified if a block of parking is provided within 200 feet of the townhouse units served.

(3) **Greens, Parks and Squares.**

- (a) **Lot Size.** 20,000 sq. ft. minimum for the main village green minimum; 10,000 sq. ft. minimum for other greens, parks and squares. (See Figure 4)
- (b) **Lot Width.** 96 feet minimum for the main village green minimum; 64 feet minimum for other greens, parks and squares.
- (c) **Length/Width Ratio.** 5:1 maximum.

(4) **Commercial/Workplace Lots.**

- (a) **Lot Size.** 1,600 square feet minimum, exclusive of major floodplain and steep slopes.
- (b) **Lot Width.** Sixteen (16) feet minimum; 48 feet maximum.

- (c) **Length/Width Ratio.** 9:1 maximum.
- (d) **Front Yard & Entrance.** A minimum of 60% of any building shall abut the front property line (See Figure 7B). The principal entrance of a commercial building shall be from the front.
- (e) **Side Yard.** Storefront buildings fronting on the same street and located on the same block shall be attached except where pedestrian ways are located between buildings.
- (f) **Lot Surface Coverage.** 70% maximum.
- (g) **Building Height.** Three (3) stories or 40 feet maximum, whichever is less.
- (h) **Front Sidewalk.** Eight (8) feet minimum width, which may include a minimum six (6) foot wide sidewalk and planting strip of two (2) feet wide at the curb. (See Figure 7A) Open colonnades constructed over a sidewalk which adjoins storefront buildings may be permitted subject to an appropriate easement.
- (i) **Alleys.** Off-street parking for storefront buildings may be provided at the rear of the lot and may be accessed either from an alley or from a side street perpendicular to that on which the townhouses enfront.
- (j) **Pedestrian Access.**
  - (i) Temporary paths shall be constructed, extending across undeveloped land designated for commercial development and linking other portions of the Village Center, by the developer at the same time as adjoining areas are developed. Such paths shall be a minimum of three (3) feet in width, constructed of gravel, sand, woodchips, or other similar type materials.
  - (ii) Paths linking land designated for commercial development with residential areas shall be constructed concurrent with development of the individual commercial lots.

(k) **Parking.** Off-street parking for commercial and workplace lots shall not be provided in the front of the lot.

(l) **Buffering.**

(i) Village Workplace Areas shall have a continuous buffer, fifty (50) feet minimum in width, planted with a Type 2 Buffer pursuant to Section 5-1414(B), adjacent to residential areas.

(ii) Village Workplace Areas shall have a continuous buffer, thirty (30) feet minimum in width, planted with a Type 2 Buffer pursuant to Section 5-1414(B), adjacent to public streets and open space areas.

(iii) Workplace lots used for open storage shall have either an additional fifty (50) foot wide planted buffer (for a total width of 100 feet if located on a workplace subdistrict boundary) or a masonry wall no less than six (6) feet minimum in height.

**4-1214**

**Utility Design and Financing Requirements.** The applicant shall demonstrate to the satisfaction of the Board of Supervisors, the technical and financial ability to provide an appropriately sized water treatment and sewage collection system for both immediate and long term needs. The location of the water and wastewater treatment facilities, or connections to public water and sewer mains, proposal shall be shown in the Concept Development Plan and shall be accompanied with a financing plan designed to obtain sufficient revenue from the system users to pay all construction, operating, service and replacement costs incurred by the LCSA. All proposals must meet State and Local Health Department requirements for water and wastewater treatment facilities.

(A) Lots within the Village Center shall be served by appropriately sized public water and wastewater collection facilities provided and constructed by the applicant and dedicated to the Loudoun County Sanitation Authority (LCSA), the public body which will be ultimately responsible for utility operation, control and maintenance.

(B) Lots in the Village Conservancy and Satellite Conservancy subdistricts, which are not adjacent to the Village Center, may be served by private water supply and sewage disposal systems meeting all State and Local Health Department criteria.

**4-1215**            **Utilities.** All utilities in the Village Center shall be located underground. All above ground utility boxes and other facilities shall be co-located and screened from road and street view. (Typical drawings permitted.)

**4-1216**            **Land Use Arrangement.**

(A)            **Overall Form.** (See Figures 2-8)

- (1)            The boundaries of Village Conservancy and Satellite Conservancy subdistrict lots should be designed to follow natural features whenever possible and such lots should seek to provide for an agricultural, forestal, or open space use of the land.
- (2)            The Village Center shall be distinguished from the Village Conservancy by a well defined "hard edge" of closely spaced buildings in contrast with the open, largely unbuilt farm, forestal and open space character of the conservancy.
- (3)            The village should be sited so as to best preserve natural vistas and the existing rural topography.
- (4)            The Village Center should be designed in a generally rectilinear pattern of blocks and interconnecting streets and alleys, defined by buildings, street furniture, landscaping, pedestrian ways and sidewalks.
- (5)            A hierarchy of parks and squares shall be distributed strategically for maximum benefit and convenience throughout the Village Center and shall include a central civic park, called the main village green.

(B)            **Spatial Relationship of Village Subdistricts and Areas.**

- (1)            The Village Conservancy subdistrict shall surround the Village Center subdistrict unless explicitly modified pursuant to Section 4-1218(B) upon a finding that unique topographical or other natural features or pre-existing boundary constraints require an alternative arrangement.
- (2)            Village Center commercial and workplace areas shall be surrounded by the residential lots or, where applicable, by a combination of residential lots and civic areas.
- (3)            Higher density residential lots should generally be located between the designated commercial area and lower density

Section 4-1200

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

residential lots, providing a transition between the business and residential uses of each.

- (4) The designated workplace area should generally abut the designated commercial area, shall be located in no more than two (2) geographic places at the periphery of the Rural Village Center subdistrict and shall be buffered to have the least impact on residences within the Rural Village District or on adjacent properties.
- (5) Every Village Center shall be provided with a centrally located main village green. The main village green should abut the designated commercial and civic areas.

(C) **Block Design.**

- (1) Blocks of a generally rectangular shape should be the main organizing feature of the Village Center subdistrict. While topography, existing vegetation, hydrology and design intentions should influence block shape and size, the perimeter of such blocks should range between 1,100 and 1,800 feet in length as measured along lot frontage lines, between intersections of streets.
- (2) The blocks of the Village Center subdistrict may be subdivided into lots, having frontage on a street, whose generally rectangular shape should respond to environmental factors, the proposed use and design intentions. This Ordinance is best served by Village Center lot design which includes a variety of sizes.
- (3) Village Center subdistrict lots should minimize both front and side yards, garage aprons and entrances and blank walls and should generally have as narrow a width as is practical in order to encourage pedestrian movement. (Typical drawings permitted.)
- (4) Townhouse lots of less than thirty two (32) feet in width shall not be developed with garage doors on their principal facade.

(D) **Additional Criteria.**

- (1) Road, street and alley layouts in the Village Center subdistrict shall be designed in a hierarchical, rectilinear pattern with geometrical variation as required by traffic safety, environmental factors and design intentions. Village Center

roads, streets and alleys should terminate on other roads and streets.

- (2) Roads, streets and alleys should be designed to:
  - (a) Parallel and preserve existing fence lines, tree lines, hedgerows and stone walls.
  - (b) Minimize alteration of natural site features.
  - (c) Secure the view to prominent natural and man made vistas.
  - (d) Minimize the area devoted to motor vehicle travel.
  - (e) Promote pedestrian movement so that it is generally more convenient and safe to walk than to drive.
- (3) Village roads and streets should be designed as a set of parallel zones:
  - (a) A zone of moving vehicles.
  - (b) A buffer area of street trees, planting and parked cars.
  - (c) A sidewalk or pedestrian path zone.
  - (d) A yard adjacent to residential buildings or an entrance adjacent to other buildings. (Typical drawings permitted.)
- (4) **Parking.**
  - (a) Parking for residential, civic, commercial, workplace and recreational uses in Village Center should generally be located at the rear of lots and no off-street parking shall be permitted in front yards. Adjacent off-street parking lots shall have off-street vehicular and pedestrian ways. Continuous parallel parking for additional cars and visitors should be provided on the streets. (Typical drawings permitted.)

- (b) Access for off-street parking in Village Center subdistrict shall generally be achieved by means of alleys, off-street vehicular connections between adjacent parking lots and side streets. Driveway curb cuts on neighborhood streets serving residential lots may be allowed if spaced to allow parallel parking for at least two (2) cars (a minimum of 36 feet) between successive driveways. (Typical drawings permitted.)
- (c) Off-street parking areas, carports, and garages in a Village Center should be designed to have low visibility and consequently shall not be located at the visual termination of roads and streets and shall not be the principal use of corner lots. To this same end, garages and carports should offset from direct view and should be located a minimum of six (6) feet behind the principal building facade. Any parking lot which abuts a street shall be buffered by a landscaped strip no less than ten (10) feet wide and planted with a continuous row of shrubs no less than 3 1/2 feet high, and/or shielded by a wall no less than 3 1/2 feet and no more than six (6) feet high.

(5) **Landscaping.**

- (a) The applicant shall submit a conceptual Landscape Master Plan as part of the Concept Development Plan which identifies design intentions, the general location and size of both existing vegetation to be retained and proposed new vegetation, typical landscape sections and drawings, typical planting materials, and the phasing of landscape installation and planting methods.
- (b) Roads and streets in Village Center residential areas should generally be planted on both sides with street trees spaced, according to species, at regular intervals. The width of sidewalks required pursuant to Section 4-1213 should account for such street trees. Streets in the storefront areas of the Village Center shall be planted on at least one (1) side with street trees spaced, according to species, at regular intervals. (Typical drawings permitted.)

**4-1217 Village Governance.** Every rural village shall have an established homeowners association with documents reviewed and approved by the County prior to first Record Plat approval. The Rural Village Homeowner Association documents shall provide for maintenance of street trees, and other community landscaping such as in village greens, parks and squares, private streets, stormwater management systems, water and sewer facilities. In addition, all roads, streets and alleys, and infrastructure improvements shall be provided by the applicant and maintained in a manner approved by the County either by the applicant or the Village Homeowner Association unless accepted for maintenance by a public entity.

**4-1218 Modification of Regulations.**

- (A) **Precedence.** Where there are explicit differences between provisions of the Rural Village Ordinance and general zoning, subdivision or other County regulations, the provisions of the Rural Village Ordinance shall apply.
- (B) **Locational Requirements.** The Board of Supervisors may grant modifications permitted pursuant to Section 6-1504.

## Section 4-1300

### PD-AAAR Planned Development - Active Adult/Age Restricted

#### 4-1301

**Purpose.** The purpose and intent of the PD-AAAR district is to provide for the establishment of planned adult residential communities that provide important housing opportunities for a population 55 years of age or older, in accord with Virginia Code Section 36-96.7, as amended. The PD-AAAR district is intended to be located in urban and suburban areas of the County where high density residential uses would otherwise be consistent with the County's Comprehensive Plan policies. Development shall occur in accordance with an approved Concept Development Plan. The district will be designed to provide a safe and convenient environment which compliments the surrounding uses and other amenities for the residents of the district. In addition, the district shall be designed to provide adequate open space within the development, and have minimum impact on the surrounding land by providing open space adjacent to the exterior boundaries.

#### 4-1302

**Size and Location.** This district shall have no less than 25 acres. It shall only be located as follows:

- (A) In areas served by one or more major arterial or major collector roads;
- (B) Consistent with the locations identified in the Comprehensive Plan for high density, Urban Residential Neighborhoods;
- (C) In areas served by public water and sewer;
- (D) No more than 100 acres shall be developed residentially.

#### 4-1303

**Required Uses.** The following uses shall be required in the PD-AAAR district, subject to the requirements and limitations of these regulations:

- (A) Active Adult/Age Restricted Community, which shall consist of:
  - (1) Dwelling units, (multi-family, single-family detached, and single-family attached) for an active adult, age-restricted population.
  - (2) Clubhouse, solely for the residents, employees and their guests, including meeting rooms, auditorium, theater, business office, and recreational facilities and other uses related to adult community living.

- (3) Ancillary retail uses only for the development, such as grocery/convenience food store, pharmacy, medical services, barber shop, beauty shop, personal care facilities, eating and drinking establishments, library, bank, business services, laundry, cleaners, and other similar retail uses. The floor area for retail and community service uses shall not exceed 10 percent of the gross residential floor area of the buildings.
- (4) Swimming pool.
- (5) Health or fitness center.
- (6) Recreation space, active.
- (7) Bus stops/shelters with bus service;

**4-1304**

**Permitted Uses.** The following uses shall be permitted in the PD-AAAR district, subject to the requirements and limitations of these regulations:

- (A) Public utility buildings and structures.
- (B) Park.
- (C) Utility substation, dedicated.
- (D) Sewer pumping station.
- (E) Water pumping station.
- (F) [Telecommunications antenna, pursuant to Section 5-618(A).]
- (G) Church, synagogue, and temple.
- (H) Golf course (minimum 18 holes).
- (I) Chapel.
- (J) Medical care facility, outpatient only.
- (K) Recreation space, passive.
- [L) Telecommunications monopole, pursuant to Section 5-618(B)(1).]
- [(M) Telecommunications tower, pursuant to Section 5-618(C)(1).]

**4-1305**

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300:

- (A) Nursing home or like type of convalescent facility.
- (B) Congregate care facility.
- (C) Assisted living facility.
- (D) Heliport and/or helistop.
- (E) [Fire and/or rescue station.]
- (F) Water storage tank, elevated.
- [(G) Telecommunications monopole, pursuant to Section 5-618(B)(2).]
- [(H) Telecommunications tower, pursuant to Section 5-618(C)(2).]
- [(I) Police Station.]

**4-1306**

**Maximum Residential Density.** The number of dwelling units in an active adult/age-restricted community shall not exceed 30 dwelling units per net acre of the developable area as set out in Section 4-1302(D). Such number does not include dwelling units which may be required under Article 7 of this ordinance.

**4-1307****Lot Requirements.**

- (A) **Size.** 6,000 sq. ft. minimum for single family detached dwellings; 3,000 sq. ft. minimum for duplex dwellings; 2,200 sq. ft. minimum for triplex end units or quadruplex dwellings; 1,800 sq. ft. minimum for triplex interior dwellings; 1,600 sq. ft. minimum for townhouse dwellings; 8,000 sq. ft. minimum for a multi-family structure; each exclusive of major floodplain.
- (B) **Width.** 50 feet minimum for single family detached dwellings; 40 feet for duplex dwellings; 30 feet for triplex end unit dwellings; 18 feet for triplex interior dwellings; 35 feet for quadruplex dwellings; 26 feet for townhouse end unit dwellings; 16 feet for interior townhouse dwellings; 80 feet minimum per lot for multi-family structures.

(C) **Yards.** Each lot shall provide the following yards:

(1) **Single Family Detached Dwellings.**

- (a) **Front.** 25 feet minimum.
- (b) **Side.** 8 feet minimum if two side yards are provided; 16 feet if only one side yard is provided. In no case shall the distance between dwellings be less than 16 feet.
- (c) **Rear.** 25 feet minimum.

(2) **Single Family Attached Dwellings.**

- (a) **Front.** 40 feet minimum from centerline of travelway which does not include parking. 45 feet minimum from the centerline of travelway which does include parking.
- (b) **Side.** No requirement for interior lot with common wall; minimum side yard on end unit shall be 8 feet.
- (c) **Rear.** 25 feet minimum.

(3) **Multi-Family Dwellings.** Each multi-family structure shall provide the following yards:

- (a) 100 feet from edge of adjoining residential, commercial, institutional, or industrial district.
- (b) 50 feet from edge of adjoining office district.
- (c) 40 feet from any internal private street or road, not including service entrances.
- (d) 60 feet between buildings.

(4) **Adjacent to roads.** No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and streets where such uses are visible from any road.

(5) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted

Section 4-1300

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

closer than (100) feet to any agricultural district, any existing or planned residential district, or land bay allowing residential uses. No parking shall be permitted closer than (50) feet to any such area. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from said agricultural and residential areas.

- (D) **Length/Width Ratio.** 6:1 maximum

**4-1308 Building Requirements.**

- (A) **Lot Coverage.**

- (1) Single-family detached and single-family attached, 50 percent maximum.
- (2) Multi-family not to exceed a maximum of 30 percent.

- (B) **Building Height.** Sixty (60) feet maximum provided that a building may be erected to a maximum height of one hundred feet if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions a distance of not less than two (2) feet for each one (1) foot of height that it exceeds the 60 foot limit, except where it adjoins a non residentially zoned district, the building height shall be 100 feet maximum.

**4-1309 Common Open Space, Including Recreational Spaces.** Not less than 50 percent of the gross area of the development.

**4-1310 Utility Requirements.** All utility distribution lines in the PD-AAAR district shall be placed underground.

**4-1311 Development Setback and Access from Major Roads.** In designing residential development, the following requirements shall be observed:

- (A) **Setback.** No building shall be located any closer than 100 feet from the right-of-way of any arterial road, and 75 feet from the right-of-way of a major collector.

- (B) **Access.** No individual lot or housing unit created after adoption of this Ordinance shall have direct access to arterial or major collector roads.
- (C) **Private Streets.** Internal roads may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met:
  - (1) All facilities served by the private road shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat or site plan of a reserve fund for repairs to such road.
  - (2) The record plat, site plan, and/or protective covenants for such development shall expressly state that the County and VDOT have no and will have no responsibility for the maintenance, repair, or replacement of private roads.
  - (3) Sales brochures or other literature and documents, provided by the seller whose development is served by such private roads, shall include information regarding responsibility for maintenance, repair, replacement, and covenants including a statement that the County has no and will have no responsibility for the maintenance, repair, or replacement of private roads. Roads serving other uses shall be designed and constructed to VDOT standards for inclusion in the State highway system.

**4-1312 Development Criteria.** The following recreational, educational, and cultural facilities solely for the residents, employees and their guests shall 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 shall be provided.

- (A) Golf course (minimum 18 holes).
- (B) Chapel.
- (C) Medical care facility, outpatient only.
- (D) Recreation space, passive.

**4-1313**

**Age of Residents.** The development of an active adult/age restricted community shall include homeowners documentation reviewed by the County that specifies the age restricted nature of the proposed use. A development designated for an active adult/age-restricted development community shall be in accord with Virginia Code, Section 36-96.7, as amended, and shall include in the homeowners association documentation policies and procedures which:

- (A) Ensure that at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and
- (B) Demonstrate an intent by the owner or manager to providing housing for persons 55 years of age or older.

**4-1314****Common Areas, Recreational Facilities.**

(A) **Ownership, Operation and Management of Common Open Space and Common Facilities.**

- (1) All common open space and common facilities shall be preserved for its intended purpose as expressed in the Concept Development Plan. The developer shall choose prior to approval of the first record plat or final site plan, one (1) or a combination of the following methods of administering common open space:
  - (a) Establishment of a non-profit association, corporation, trust, or foundation of all owners of residential property within the planned development. Such organization shall conform to the following requirements:
    - (i) The organization must be established prior to approval of the first record plat or final site plan in the proposed development. The documents establishing such organization shall be reviewed and approved by the County.
    - (ii) Membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community and said organization shall not discriminate in its members or shareholders.

- (iii) The organization shall manage, maintain, administer and operate all common facilities, open space and improvements and other land not publicly or privately owned, and shall secure adequate liability insurance on the land and such improvements.
- (iv) Sales brochures or other literature and documents provided by the seller of all lots within a PD-AAAR district shall include information regarding membership requirements and responsibilities of such organizations.
- (b) Retention of ownership, control, and maintenance of common open space and improvements by the developer.
- (2) All common open space shall be subject to restrictive covenants running with the land restricting its use to that specified in the approved Development Plan. Such restrictions shall be for the benefit of, and enforceable by, all present or future residential property owners and the Board of Supervisors of Loudoun County.
- (3) All common open space, as well as public recreational facilities, shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

**4-1315 Site Planning - External Relationships.** Site planning within the PD-AAAR district shall provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development. In particular and without limitation, the proposed development shall demonstrate the following features:

- (A) Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. In general, minor streets shall not be connected with streets outside the district and the use of such minor streets by substantial amounts of through traffic shall be discouraged.

- (B) **Protection of visibility - pedestrian/cyclist.** Where there is pedestrian or bicycle access to a street, no impediment to visibility more than 2-1/2 feet above the level of the center of the street shall be allowed within the visibility triangle required in Section 5-300(B) or VDOT standard, whichever is greater.

**4-1316**

**Site Planning - Internal Relationships.** The PD-AAAR district shall provide the following

- (A) Streets, drives, parking and service areas shall provide immediate, safe and convenient access and circulation for dwelling units and project facilities and for service and emergency vehicles including fire fighting equipment, furniture moving vans, fuel trucks, garbage collection, deliveries, and snow removal.
- (B) Vehicular access from off-street parking and service areas shall be designed to minimize the number of curb cuts and to promote safe traffic flow.
- (C) **Ways for pedestrians and cyclists; use by emergency or service vehicles.** Ways shall be provided to all dwelling units, project facilities and principal off-site destinations. Street crossings shall be held to a minimum on such walkways. Pedestrian ways may be combined with other easements and used only by emergency or service vehicles.
- (D) **Protection of visibility - cyclists and pedestrians.** Visibility clearance at intersections shall be as provided in Section 5-300.

**Section 4-**

**PD-CV Planned Development - Countryside Village - [RESERVED]**

**Section 4**

**Revision Date: June 17, 1998**

**[ ] Indicates Ordinance Amendment**

**ARTICLE IV**  
**DIVISION B: HISTORIC DISTRICTS**

The individual district guidelines for each County designated historic district; Aldie Historic Cultural Conservation District, Waterford Historic Cultural Conservation District, Bluemont Historic Cultural Conservation District, Taylorstown Historic Cultural Conservation District, Oatlands Historic Cultural Conservation District, and Goose Creek Historic Cultural Conservation District, are hereby incorporated and adopted as part of this Ordinance.

**ARTICLE IV**  
**DIVISION C: ENVIRONMENTAL IMPACT DISTRICTS**

**Section 4-1400      AI-Airport Impact Overlay District**

**4-1401      Purpose.** This district is established to acknowledge the unique land use impacts of airports, regulate the siting of noise sensitive uses, ensure that the heights of structures are compatible with airport operations, and complement Federal Aviation Administration regulations regarding noise and height.

**4-1402      District Boundaries.**

(A)      The Airport Impact (AI) Overlay District boundaries shall be based on the 60 and 65 Ldn noise contours and an area that extends one (1) mile beyond the 60 Ldn contours. The Board shall use as a basis for delineating the Ldn noise contour the following sources:

(1)      Washington Dulles International Airport: The FAA Part 150 Noise Compatibility Programs, Washington Dulles International Airport, August, 1992, and

(2)      Leesburg Municipal Airport: Environmental Assessment Report, October, 1985.

(B)      For the purpose of administering these regulations the Airport Impact Overlay District shall have three (3) components:

(1)      Ldn - 65 or higher.

(2)      Ldn 60 - Ldn 65.

(3)      Within the A-I overlay district, but outside the Ldn 60 contour.

**4-1403      Overlay District Established.** The Airport Impact (AI) Overlay District is hereby established as an overlay district, meaning that it is a district overlaid upon other districts. Land within the Airport Impact (AI) Overlay District may be used as permitted in the underlying district, subject to the additional regulations of this district.

**4-1404      Use Limitations.** In addition to the use limitations and regulations for the zoning district over which an Airport Impact (AI) Overlay District is located, the following use limitations shall apply:

Section 4-1400

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (A) For areas outside of, but within one (1) mile of the Ldn 60.
- (1) **Full Disclosure Statement.** For all residential dwelling units to be constructed outside of, but within one (1) mile of the Ldn 60. The applicant shall disclose in writing to all prospective purchasers that they are located within an area that will be impacted by aircraft overflights and aircraft noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the *Illustrative Site Plan(s)* on display within any sales related office(s), as well as in Homeowner Association Documents, and by inclusion on all subdivision and site plans, and within all *Deeds of Conveyance*.
- (B) For areas between the Ldn 60-65 aircraft noise contours:
- (1) **Full Disclosure Statement.** For all residential dwelling units to be constructed between the Ldn 60-65 aircraft noise contours, the applicant shall disclose in writing to all prospective purchasers that they are located within an area that will be impacted by aircraft overflights and aircraft noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the *Illustrative Site Plan(s)* on display within any sales related office(s), as well as in Homeowner Association Documents, and by inclusion on all subdivision and site plans, and within all *Deeds of Conveyance*.
- (2) **Acoustical Treatment.** For all residential units located between the Ldn 60-65 aircraft noise contours, the applicant shall incorporate acoustical treatment into all dwelling units to insure that interior noise levels within living spaces (not including garages, sunrooms, or porches) do not exceed [an average sound level of 45 db(A) Ldn. Compliance with this standard shall be based upon a certification from an acoustical engineer licensed in the Commonwealth of Virginia, submitted at the time of zoning permit issuance, that the design and construction methods and materials to be used in the construction of the dwelling are such that the foregoing standard will be met, assuming exterior noise levels between 60-65 Ldn].

- (3) **Avigation Easements.** For all residential dwelling units to be constructed between the Ldn 60-65 aircraft noise contours. Prior to the approval of a Record Plat creating residential lots or for existing lots of record, prior to the issuance of a zoning permit, the owner(s) of such parcel or parcels shall dedicate an *avigation easement* to the Metropolitan Washington Airports Authority, indicating the right of flight to pass over the property, as a means to securing the long-term economic viability of Washington Dulles International Airport.
- (C) In Airport Noise Impact areas of Ldn 65 or higher, residential dwellings shall not be permitted. However, new dwelling units and additions to existing dwellings may be permitted, provided that:
  - (1) The lot was recorded or had record plat approval prior to the effective date of adoption of this Ordinance.
  - (2) The new dwelling unit or addition complies with the acoustical treatment requirements for residential districts set forth in the [Virginia Uniform Statewide Building Code].
- (D) No building or other structure shall be located in a manner or built to a height which constitutes a hazard to aerial navigation. Where a structure is proposed in a location or to be built to a height which may be hazardous to air traffic such structure shall not be erected without certification from the Federal Aviation Administration that it will not constitute a hazard to air traffic.

**4-1405**      **Disclosure.** A disclosure statement shall be placed on all subdivision plats, site plans, and deeds to any parcel or development within the AI District, clearly identifying any lot which is located within the AI District and identifying the component of the AI District (i.e., Section 4-1402(B)(1), 4-1402(B)(2), or 4-1402(B)(3)) in which the lot is located.

**[4-1406**      **Definitions.** Unless otherwise specially provided, or unless clearly required by the context, the words and phrases defined in this subsection shall have the following meanings when used in Section 4-1400.

- (A) Ldn: The symbol for "yearly day-night average sound level", which means the 365-day average, in decibels, for the period from midnight to midnight, obtained after the addition of ten decibels to sound levels for the periods between 10 p.m. and 7 a.m., local time.

- (B) 45 db(A) Ldn: The symbol for the required level of noise attenuation in residential structures constructed within the area between airport noise contour 60 and airport noise contour 65, expressing a required yearly interior day-night average sound level of 45 decibels or less.]

## Section 4-1500

## FOD - Floodplain Overlay District

### 4-1501

**Purpose and Intent.** These provisions are created to regulate and restrict land use in areas within the County which are subject to severe periodic inundation, in such a manner as to: (1) protect life and prevent or minimize property damage; (2) reduce public costs for flood control, rescue and relief efforts occasioned by unwise use or occupancy of such areas; (3) conserve the natural state of watercourses and watersheds, and minimize the damaging effects which development has on drainage conditions, pollution of streams, and other environmental impacts on the County's water sources; (4) comply with Federal and State laws and regulations that address the need for floodplain management and protection; and (5) qualify Loudoun residents for the insurance and subsidies provided by the National Flood Insurance Program. Only those uses set forth in Section 4-1505 and 4-1506 shall be permitted by right or special exception within the Floodplain Overlay District, and land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the overlay district.

### 4-1502

**Authority.** Authority for these provisions includes:

- (A) Flood Damage Reduction Act, Va. Code Sections 62.1-44.108 et seq.
- (B) Chapter 11, Title 15.1, Code of Virginia (Planning, Subdivision of Land and Zoning).
- (C) Soil Conservation Districts Law, Va. Code Sections 21-2(c), 21-2(d).
- (D) Virginia Environmental Quality Act, Va. Code Section 10-178.
- (E) Erosion and Sediment Control Act, Va. Code Section 21-89.2.
- (F) Potomac River Basin Compact, Va. Code Section 62.1-69.1.
- (G) National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq.

### 4-1503

**Definitions.** Unless otherwise specially provided, or unless clearly required by the context, the words and phrases defined in this subsection shall have the following meanings when used in Section 4-1500.

- (A) **Alteration.** A development action which will change the cross section of the floodplain and will increase either the erosive velocity or height of floodwaters either on-site or off-site. Alterations include, but are not

limited to, land disturbing activities such as clearing, grading, excavating, transportation and filling of land.

- (B) **Base Flood.** The flood having a one (1) percent chance of being equalled or exceeded in any given year. Also known as the 100-year flood.
- (C) **Cross section.** Shape and dimensions of a channel and valley of the floodplain perpendicular to the line of flow.
- (D) **Floodplain.** Any land area susceptible to being inundated by water from the base flood and having a drainage area greater than one hundred (100) acres. For purposes of regulation under this Ordinance, a distinction is made between floodplains in watersheds of greater than 640 acres, and those in watersheds of less than 640 acres.
- (E) **Road, Crossing of the Floodplain.** Any improved right-of-way traversing a floodplain generally perpendicular to the flow of the drainageway. Driveways serving one (1) lot shall not be considered road crossings.
- (F) **Stormwater Management Improvements.** Surface drainage improvements, storm sewers, detention and retention ponds and other such improvements as required under authority of the Loudoun County Erosion Control Ordinance and Plan, Chapter 1220 of the Loudoun County Code.
- (G) **Utility Lines in the Floodplain.** Storm sewers, sanitary sewers, water lines and similar lines running generally parallel and perpendicular to the flow of the drainageway; and other public utility lines traversing a floodplain generally perpendicular to the flow of the drainageway.

#### 4-1504

##### **Administration.**

- (A) The sources of delineation of the floodplain shall include, but shall not be limited to:
  - (1) Flood Insurance Study of Loudoun County, Virginia, unincorporated areas by the Federal Emergency Management Agency (FEMA) (November, 1985, as amended) (This study shall represent the minimum identification of the floodplain. Any changes to the Flood Insurance Rate Map data contained in this study shall have the prior approval of the Federal Insurance Administration);

Section 4-1500

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (2) Flood hazard studies by USDA-Soil Conservation Service;
  - (3) Floodplain studies by other Federal agencies such as the Corps of Engineers or the U.S. Geological Survey (USGS);
  - (4) Detailed site-specific floodplain studies conducted by consulting engineering firms or government agencies; and
  - (5) For the Potomac River, the flood of 1936 known elevations along with a hydraulic gradient established by past flood events and ground topography.
  - [(6) For the main stem of the Broad Run, from the Potomac River to the confluence of the North and South Forks, The Floodplain Study of the Broad Run Watershed, prepared by GKY and Associates, Inc. dated December 1990, as amended.]
- (B) The watershed map of Loudoun County shall show the approximate floodplain elevations and boundaries of watersheds greater than 100 acres and of watersheds greater than 640 acres. The Zoning Administrator, in consultation with the Director of Environmental Resources, is charged with making necessary cartographic interpretations of those maps.
- (C) The provisions of this Section shall apply to all land within a floodplain. As used in this Section 4-1500, "floodplain" refers to certain areas whose boundaries are determined and can be located on the ground by reference to the definition of that term. The boundaries of the floodplain as shown on the Floodplain Map of Loudoun County are intended to correspond to the actual physical location of the floodplain. The Zoning Administrator, in consultation with the Director of Environmental Resources, is authorized to make necessary interpretations as to the exact location of the boundaries of floodplains if there appears to be a conflict between the mapped floodplain boundary, elevations and actual physical conditions. Such interpretations may be appealed to the Board of Zoning Appeals in accordance with the provisions of Section 6-1700. The Zoning Administrator may require information from any applicant, including, but not limited to a topographic survey and/or an engineering study of the floodplain in conformance with the provisions of the Facilities Standards Manual.

#### 4-1505

**Permitted Uses.** The following uses, having a low flood damage potential and causing no obstruction of flood flows, shall be permitted within the Floodplain Overlay District. Uses allowed in the underlying district shall be prohibited to the extent not permitted by right or by special exception in the Floodplain Overlay District. Where any uses, structures or improvements will result in an alteration to

Section 4-1500

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

the floodplain, applications for alterations must be submitted to the Zoning Administrator in accordance with subsection 4-1508, and any alteration must meet the criteria contained in that subsection.

- (A) Permitted uses in the floodplain of streams draining greater than 640 acres.
  - (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, wildcrop harvesting, vegetable gardens, truck farming and sod farming. In addition, timber harvesting is permitted upon submission of a Timber Management Plan that has been approved by the Virginia Division of Forestry.
  - (2) Fishery uses such as fish hatcheries, fish harvesting.
  - (3) Public or private recreational uses such as golf courses and driving ranges, archery ranges, picnic grounds, wildlife and nature preserves, target ranges, trap and skeet ranges, hunting and fishing areas, swimming areas (except for swimming pools) hiking and horseback riding trails, play areas of a natural, permeable nature, including ball fields and polo fields, and other similar park and open space uses. [Tennis courts, basketball courts, and similar type courts are permitted provided impervious surfaces do not exceed three percent (3%) of the floodplain within the development, and are not located within the floodway.]
  - (4) Stormwater management improvements associated with uses permitted by right or special exception in the Floodplain Overlay District.
  - (5) Utility lines, road crossings, private drives, serving up to seven (7) lots and private access easements serving low density development, [and Private Lanes serving up to twenty-five (25) lots in the A-25 District as provided for in Section 2-107].
  - (6) Repair, reconstruction or improvement of existing residences, so long as the footprint of the existing residence is not increased [and is not considered a substantial improvement. "Substantial Improvement" means any repair, reconstruction or improvement

the cost of which equals or exceeds fifty percent (50%) of the market value of the existing structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage has occurred, regardless of the actual repair work performed.]

- (7) Parking areas accessory to uses permitted by right or special exception in Floodplain Overlay District.
- (8) Incidental structures, not exceeding 840 square feet of floor area, associated with permitted or approved special exception uses in the Floodplain Overlay District. Such structures include storage sheds, maintenance sheds, backstops, bath houses and locker rooms. Provided, however, bulk storage of gasoline, chemicals, fuels or similar substances are prohibited in the Floodplain Overlay District.
- (9) Temporary storage of material or equipment necessary in the construction of uses or structures permitted by right or special exception in the Floodplain Overlay District.
- (10) Alterations of the floodplain associated with any permitted or special exception uses in the Floodplain Overlay District. However, no channelization shall occur except to protect existing habitable structures subject to periodic flooding. Applications for alterations of the floodplain must be submitted in accordance with Section 4-1508. To the extent that the elevations and boundaries of the floodplain change as a result of the alteration action, any areas no longer within the floodplain may be used for any use in the underlying district, subject to the provisions of the applicable district regulations and conditions of any approved special exception.
- (11) Restoration and rehabilitation of historic structures included or eligible for inclusion on a federal, state or local historic register.
- (12) Road crossings subject to the procedures and standards in Section 4-1508. If such a development action results in an off-site increase in the water surface elevation of the base flood as shown on the Floodplain Map of Loudoun County, it is subject to the following criteria and provisions:

- (a) The procedures and standards for alterations in Section 4-1508 shall apply; provided, however, the proposed crossing may result in a rise in the water surface elevation of the base flood of no more than one (1) foot.
- (b) The proposed crossing must be a feature shown on the Comprehensive Plan.
- (c) A floodplain alteration in accordance with the Facilities Standards Manual shall be submitted delineating all increases in the base flood, and the new floodplain limits shall be approved by FEMA, [where a FEMA designated floodplain or floodway will be altered. There shall be no increase allowed by FEMA in the base flood elevation within FEMA designated floodway.]
- (d) The road crossing shall be designed and constructed in accordance with the standards and regulations of the Virginia Department of Transportation and/or the FSM, whichever shall apply.
- (e) An instrument describing the increase in the floodplain limits, and executed by each affected property owner, shall be recorded upon approval of the alteration for the road crossing.
- (f) The proposed crossing shall not result in an increase in the water surface elevation of the base flood affecting existing buildings and structures.
- (g) Affected off-site property owners may at any time mitigate impacts on their land as a result of an increase in the water surface elevation of the base flood by:
  - (i) Including all, or a portion of, the land subject to the increase in the base flood elevation for purposes of calculating the permitted density or intensity of use on the lot subject to such increase; and/or
  - (ii) Alterations in accordance with Section 5.440B of the Facilities Standards Manual to reclaim that portion of their land subject to the increase in water surface

elevation of the base flood as a result of the road crossing, provided there is no additional offsite rise in the 100-year water surface elevation; or

- (iii) An affected landowner may request the following by special exception granted by the Board of Supervisors, in accordance with Section 4-1506 of the Zoning Ordinance, in conjunction with subsection 4-1505(A)(12)(g)(i):
    - (a) Adjustment of the building setback or parking setback requirements on specific lots or parcels of land affected by the increase in the elevation of the base flood; and/or
    - (b) Allocation of the density provided for in subsection 4-1505(A)(12)(g)(i) to other lots within the proposed development not directly subject to the increase in the base flood elevation. This provision is in addition to other density transfer provisions established by the Loudoun County Zoning Ordinance.
- (B) Permitted uses in the floodplain of streams draining less than 640 acres.
- (1) Uses allowed under Section 4-1505(A).
  - (2) Alterations. Applications for alterations whether or not associated with a permitted or special exception use must be submitted in accordance with Section 4-1508 and any alteration must meet the criteria contained in that section. To the extent that the boundaries of the floodplain change as a result of the alteration, any areas no longer within the floodplain may be used for any use in the underlying district, subject to the provisions of the applicable district regulations and conditions of any approved special exception.
  - (3) Stormwater management improvements whether or not associated with uses permitted by right or special exception in the Floodplain Overlay District.
  - (4) Farm ponds designed by the Soil Conservation Service.

- (5) Basketball or tennis courts, and swimming pools.
- (6) Parking areas less than 5,000 square feet not otherwise permitted. Such parking areas shall not be subject to 100-year flooding greater than one foot in depth, shall be equipped with best management practices maintained by the property owner, and shall not require major fill.

**4-1506 Special Exception Uses.** The following uses and structures may be permitted in the floodplain by the Board of Supervisors by special exception, subject to Section 6-1300 and subsection 4-1507.

- (A) Marinas, boat rentals, docks, piers, wharves, water ski jump facilities, and incidental structures associated with such uses, such as bath houses and locker rooms.
- (B) Carnivals, circuses and similar transient amusement enterprises.
- (C) Riding stables.
- (D) Structures or uses required for the operation of a public utility, road crossings and stormwater management improvements not otherwise permitted by this Ordinance; provided, however, that stormwater management ponds shall not be allowed in floodplains in watersheds of greater than 640 acres, except as provided in paragraph (E), below.
- (E) Those roads, as permitted under the provisions of the Zoning Ordinance and Land Subdivision and Development Ordinance, and ponds in the Potomac River floodplain. Due to the extensive watershed drained by the Potomac River in the States of Virginia, Maryland, and Pennsylvania, the Potomac River floodplain is unique in comparison to all other floodplains in Loudoun County. The Potomac River floodplain located in Loudoun County does not represent a significant portion of the entire Potomac floodplain, and accordingly, these less restrictive use regulations will apply to that area.
- (F) Incidental structures, greater than 840 square feet of floor area, associated with uses permitted by right or special exception in the Floodplain Overlay District.

**4-1507 Standards For A Special Exception.** In considering applications for a special exception, the Board of Supervisors must be satisfied that the following standards and those of Section 6-1300 have been met:

- (A) The proposed use will not increase the danger to life and property due to increased flood heights or velocities.
- (B) The proposed use will not increase the danger that materials may be swept downstream to the injury of others.
- (C) The proposed water supply and sanitation systems are designed to prevent disease, contamination, and unsanitary conditions.
- (D) The proposed use or structure must be located and designed to limit its susceptibility to flood damage, and available alternative locations, not subject to flooding, for the proposed use must be considered.
- (E) The proposed use is compatible with existing and planned development.
- (F) The proposed use is in harmony with the comprehensive plan.
- (G) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site should not cause significant damage.

#### **4-1508**

#### **Alterations.**

- (A) **Procedures for Alterations to the Floodplain.** Applications for alterations to the floodplain shall be subject to the following procedures:
  - (1) A Type I floodplain alteration application shall be submitted concurrently with Construction Plans and Profiles, preliminary/record plat, record plat, final site plan, or subdivision waiver applications. A Type II floodplain alteration application shall be submitted after preliminary subdivision or preliminary site plan approval. Approval of floodplain alteration applications will be required prior to approval of construction plans and profiles, record plats, or final site plans, whichever comes first.
  - (2) The applicant shall submit to the Zoning Administrator detailed studies in accordance with Section 5.400 of the Facilities Standards Manual.
  - (3) The Zoning Administrator shall refer the submitted studies to the appropriate agencies for review and recommendations based on Subsection 4-1508(B), below. The Zoning Administrator

Section 4-1500

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

shall notify the Virginia Water Control Board and the Federal Emergency Management Agency [and any adjacent community which may be impacted] prior to [the approval of] any alteration or relocation of a watercourse [that is designated as a FEMA floodplain or floodway.]

- (4) Following review of the application, the Zoning Administrator shall approve or disapprove the application and notify the applicant.

(B) **Engineering and Environmental Criteria for Proposed Alterations to the Floodplain.** All proposed alterations to the floodplain shall be reviewed by the Zoning Administrator, in consultation with appropriate agencies, to determine whether the following criteria have been met:

- (1) Alterations to the floodplain shall result in no off-site increase in the water surface elevation of the base flood, except as otherwise provided for in Section 4-1505(A)(12). Alterations in the floodway shall result in no rise in the water surface elevation of the base floodplain consisting of the water channel and overbank areas capable of conveying the deep and fast moving water discharge of the base flood as defined in the Federal Emergency Management Agency [Flood Insurance] study.
- (2) Alterations to the floodplain shall not create erosive water velocity on or off-site (where erosive water velocity is based on analysis of the surface material and permissible velocities for specific cross sections affected by the proposed alteration, using standard engineering tables as a general guide), and the mean velocity of stream flow at the downstream end of the site after alteration shall be no greater than the mean velocity of the stream flow under existing conditions.
- (3) Relocation or alteration of the natural stream channel shall not be permitted on streams that drain greater than 640 acres. Relocation or alteration proposals for streams that drain less than 640 acres shall include a stream rehabilitation program depicted on a floodplain alteration plan.
- (4) The maximum allowable slope of any filled area on the floodplain alteration plan shall be 2:1.

- (5) The floodplain alteration plan shall further include plans for erosion control of cut and fill slopes and restoration of excavated areas. The site plan should incorporate the use of natural materials (earth, stone, wood) on cut and fill slopes and provide for tree protection.
- (6) Alterations to the floodplain shall be in conformance with the provisions of Chapter 1220 of the Codified Ordinances of Loudoun County and the Erosion and Sediment Control Law, Va. Code Section 21-89.1 et seq.
- (7) The flood carrying capacity within the altered floodplain shall be maintained.

**4-1509 Grading Plans and Construction Plans and Profiles Required.**

- (A) Grading plans and/or construction plans and profiles are required for all uses in the floodplain overlay district, except for agricultural, forestry or fisheries uses not requiring the erection of structures. Alterations may be approved as part of either a subdivision or site plan application, or grading plan.
- [(B) All structures built in the Floodplain Overlay District must conform to the requirements of the Uniform Statewide Building Code, including the floodproofing provisions of that code.]

**4-1510 Floodplain Information To Be Submitted With Land Development Actions.** Floodplain information shall be included as part of rezoning, special exception, commission permit and site plan applications, and other land development applications, in accordance with Chapter 5 of the Facilities Standards Manual.

**4-1511 Density Calculations.** For purposes of calculating the permitted floor area and number of residential units in the underlying zoning district, the land area in any portion of the Floodplain Overlay District shall be treated as follows:

- (A) Any portion of the Floodplain Overlay District in a watershed of a stream draining less than 640 acres shall be included as part of the land area for such calculations.
- (B) Except to the extent permitted in approved County Flood Plain Studies, any portion of the regulatory floodplain within the Floodplain Overlay District in a watershed of 640 or more acres shall be excluded as part of the land area for such calculations.

## Section 4-1600

### MDOD - Mountainside Development Overlay District

#### 4-1601

**Purpose and Intent.** These provisions are created to regulate land use and development on the mountainsides of the County, in such a manner as to provide for low density residential development in remote areas and to: (1) assure mountainside development will not result in substantial damage to significant natural resource areas, wildlife habitats or native vegetation areas; (2) assure that mountainside development is compatible with the slope of the land; (3) assure proper design is utilized in grading and in the development of structures, roadways and drainage improvements; (4) assure mountainside conditions are properly identified and incorporated into the planning process for subdivision and site development; (5) prevent erosion and minimize clearing and grading; (6) ensure that all development is compatible with the existing topography and soils conditions; and (7) implement the intent of the Comprehensive Plan.

#### 4-1602

### Mountainside Development Overlay District Established

- (A) The Mountainside Development Overlay District is hereby established as an overlay district, meaning that this district is overlaid upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the overlay district.
- (B) Mountainsides will be defined by the presence of certain natural features such as elevation, forests, steep slopes, unstable soils, and groundwater recharge areas that are commonly associated with these areas.
- (C) The limits of this district shall be shown on the Loudoun County Mountainside Protection Area Map, which is adopted as a part of this Ordinance. The Zoning Administrator is charged with making necessary cartographic interpretations of that map with recommendation and referral from the [County Soil Scientist].
- (D) The following categories of mountainside area are established within the Mountainside Development Overlay District as shown on the Mountainside Protection Area Map:
  - (1) **Somewhat Sensitive Areas.** Areas with potentially slight or limited environmental and/or public safety impacts from development.
  - (2) **Sensitive Areas.** Areas with moderate environmental and/or public safety impacts from development.

Section 4-1600

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (3) **Highly Sensitive Areas.** Areas with potentially severe environmental and/or public safety impacts from development.

#### 4-1603

##### **Uses in the Mountainside Development Overlay District.**

- (A) **Permitted Uses.** All uses and structures permitted by right in the underlying zoning district are permitted subject to the performance standards listed in Section 4-1604, except that permitted uses involving land disturbing activity in highly sensitive areas shall meet the criteria of Section 4-1605 and shall require special exception approval granted in accordance Section 6-1300 of this ordinance prior to issuance of a zoning permit.
- (B) **Special Exception Uses.** All uses and structures permitted by special exception in the underlying zoning district may be permitted subject to the performance standards listed in Section 4-1604, except that special exception uses involving land disturbing activity in highly sensitive areas shall meet the criteria set forth in Section 4-1605 and shall require special exception approval granted in accordance with Section 6-1300 of this ordinance prior to issuance of a zoning permit.
- (C) **Exemptions.** Agricultural, horticultural, forestry, or silvicultural uses are exempt from the application of the performance standards in Sections 4-1604 and 4-1605 except that, (1) agricultural operations shall be conducted only in conformance with a Farm Management Plan approved by the Loudoun County Soil and Water Conservation District, and (2) timber harvesting shall be conducted only in conformance with a plan approved by the Virginia Division of Forestry. [Furthermore, any addition to a single family detached dwelling which existed within a highly sensitive area prior to October 4, 1995 shall be permitted by right, subject to the criteria in Sections 4-1604 and 4-1605, and provided that such addition does not increase the total floor area of the dwelling, as existed on October 4, 1995, by more than fifty percent (50%)].

#### 4-1604

**Performance Standards in Somewhat Sensitive and Sensitive Areas.** All uses and structures permitted by right or special exception in Somewhat Sensitive and Sensitive Areas of the Mountainside Development Overlay District, shall comply with the following standards:

- (A) In somewhat sensitive areas, land disturbing activities exclusive of house, driveway, drainfield and wells shall be permitted subject to the following:

- (1) Selective clearing, to the extent necessary to locate the use, of up to fifty percent (50%) of forestal areas on [existing] slopes less than fifteen percent (15%).
  - (2) Selective clearing, to the extent necessary to locate the use, of up to 25 percent of forestal areas on [existing] slopes of fifteen (15) to 25 percent.
  - (3) No clearing of [existing] slopes greater than 25 percent except the minimum necessary to locate the use.
  - (4) The limits of land disturbing activities shall be reduced by fifty percent (50%) in the following soil conditions associated with major groundwater recharge areas: soil mapping units 27, 48, 50, 52, 54, 55 and 89.
- (B) On lots in sensitive areas containing ten (10) acres or less, no more than one (1) acre of land disturbing activity shall be permitted, exclusive of house, driveway, drainfield and well. On lots containing more than ten (10) acres, land disturbing activities shall not exceed ten percent (10%) of the lot exclusive of house, driveway, drainfield and well. In addition to the above area constraints, in areas where [the existing] slope is over fifteen percent (15%), land disturbing activity limits shall be reduced by fifty percent (50%) and shall be permitted only after the applicant has demonstrated that no suitable alternative locations exist on areas with [existing] slopes less than fifteen percent (15%). In all such cases, a grading plan shall be submitted to demonstrate methods of minimizing the extent of erosion.
- (C) No land disturbing activity shall be permitted on soil mapping units 59 or 88 except for access roads and drives when no alternatives exist.
- (D) Prior to any land disturbing activity on existing slopes of 25 percent or more, or in soil mapping units 27, 59, 88 or 89, the applicant shall provide a Type I Preliminary Soils Review concurrent with zoning permit application. The review shall follow the procedures found in The Loudoun County Facilities Standards Manual.
- (E) No land disturbing activities shall be permitted within 100 feet of springs.
- (F) Prior to any land disturbing activity, the applicant shall provide a sketch plan which shows how the disturbed area will be restored; including [existing and proposed] slope contour and ground cover.

**4-1605**

**Performance Standards in Highly Sensitive Areas.** Land disturbing activity in Highly Sensitive Areas of the Mountainside Development Overlay District shall comply with the following criteria in addition to the standards set forth in Section 4-1604. Where there is a conflict between these sections, the more restrictive standard shall apply.

- (A) Roads, drives, and dwellings shall not be placed on [existing] slopes greater than 25% or placed in Soil Mapping Unit 59 without a geotechnical study approved by the [Department of Building and Development].
- (B) [The centerline grade of private roads and drives shall not exceed 16%. Under drainage and culvert design shall conform to the requirements of the Loudoun County Facilities Standards Manual.]
- (C) Land disturbing activities, [exclusive of utility easements], such as clearing and grading shall be minimized, but shall be allowed as necessary for building sites and related improvements, not to exceed one (1) acre, exclusive of house, driveway, drainfield and well, [and existing cleared areas] and shall require a grading permit. Special exception conditions limiting clearing may include, but are not limited to:
  - (1) Selective clearing up to a maximum 50% of existing forest areas on [existing] 0-15% slopes.
  - (2) Selective clearing up to a maximum 25% of existing forest areas on [existing] 15-25% slopes; and
  - (3) Minimal clearing for roads and drives on [existing slopes] of greater than 25%.
- (D) [Standards and criteria set out in Sections 4-1605(A), (B), and (C) may be modified by Special Exception procedures set forth in Section 6-1300 provided that the application satisfies the public purpose of those standards and criteria to an equivalent degree.]
- (E) Where a site is to be served by groundwater, a proven supply approved by the County Health Department shall be provided as follows:
  - (1) **Existing lots.** Prior to issuance of a zoning permit.
  - (2) **Lots created after the effective date of this Ordinance.** Prior to approval of a record plat.

Section 4-1600

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (F) Such other standards which are relevant, including Section 6-1310 Issues for Consideration and Section 1-102, Purposes of Zoning.

**4-1606**

**Procedures.**

- (A) **Permitted Uses.** Application for approval of a location clearance permit shall be made to the Department of Environmental Resources prior to or concurrent with the initial submission for approval of a zoning permit, subdivision, or site plan application.
- (1) **Single Family Dwellings on Existing Lots.** Application for approval of a location clearance permit shall be made concurrent with the initial submission for approval of a Zoning Permit. No Zoning Permit shall be issued unless the location clearance permit has been approved.
- (2) **[Additions to Existing Single Family Dwellings.** Application for approval of additions to single family dwellings, existing as of October 4, 1995 within highly sensitive areas, shall apply for approval of a location clearance permit concurrent with the initial submission for approval of a Zoning Permit. No Zoning Permit shall be issued unless a locational clearance, confirming compliance with the standards in Section 4-1604 and 4-1605, has been approved.]
- (3) **Preliminary Subdivision Plans and Preliminary Site Plans.** An application for preliminary subdivision or preliminary site plan within the MDOD shall clearly identify the portion of the site within the MDOD and the location of springs, steep slopes, moderately steep slopes, somewhat sensitive, sensitive and highly sensitive areas, soil mapping units 27, 59, & 88, forest cover, along with the existing and proposed building sites, roads, driveways, drainfields, wells, and limits of clearing and grading. A note should be placed on that plan that also identifies the acreage of land proposed to be disturbed by clearing and grading on each proposed lot. The preliminary subdivision or site plan shall be approved only if the County determines that the preliminary plan is in compliance with the performance standards listed in Section 4-1604 of this ordinance.
- (B) **Special Exceptions.** Application for special exceptions shall be submitted prior to or concurrently with the initial submission for approval of a subdivision or site plan proposing land disturbing activity in a Highly Sensitive Area. If the proposed use or structure does not require the subdivision of land or the approval of a site plan, but involves land

Section 4-1600

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

disturbing activity in a Highly Sensitive Area, a special exception must be applied for separately. Applicable permits shall not be issued until approval of a special exception application. Special exception applications shall be made and processed in accordance with the provisions of Section 6-1300 of this ordinance.

In addition to the requirements for a special exception application established in Section 6-1300 of this ordinance, the following information must be submitted:

- (1) Existing conditions map, prepared at a scale of 1 inch = 200 feet and including planimetric detail with 5 foot contour intervals. This map shall include the location of existing wells, drainfields, and springs within 100 feet of the property boundary to the extent available from existing records.
- (2) Concept plan of proposed development including proposed roads, lot lines, buildings, wells, drainfield location, and limits of clearing, grading or other land disturbing activity.
- (3) Soil map approved by the Department of Environmental Resources.
- [(4) Removed pursuant to ZOAM 1993-0002.]

**Section 4-1700**

**TI Transportation Impact Overlay District [RESERVED]**

**[Section 4-1800      QN - Quarry Notification Overlay District.]**

**4-1801      Purpose.** This district is established to acknowledge the unique land use impact of a quarry on neighboring land uses and the need to notify the owners of the presence of a neighboring quarry.

**4-1802      District Boundaries.** The Quarry Notification (QN) Overlay District boundaries shall be based on the presence of quarrying operations at any location in the County. The district shall include all parcels within 3,000 (three thousand) feet of any property approved for quarrying operations regardless of whether or not blasting operations occur on such property.

**4-1803      Overlay District Established.** The Quarry Notification (QN) Overlay District is hereby established as an overlay district, meaning that it is a district overlaid upon other districts. Land within the Quarry Notification (QN) Overlay District may be used as permitted in the underlying district, subject to the additional regulations of this district.

**4-1804      Use Limitations.** In addition to the use limitations and regulations for the zoning district over which a Quarry Notification (QN) Overlay District is located, the following use limitation shall apply:

**Full Disclosure Statement.** For all residential and/or non-residential structures constructed within the Quarry Notification (QN) Overlay District, the owner shall disclose in writing to all prospective purchasers that they are located within an area that may be impacted by quarry operations and blasting. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the *Illustrative Site Plan(s)* on display within any sales related office(s), as well as in homeowner association documents, and displayed on all subdivision and site plans, and within all *Deeds of Conveyance*.]

**ARTICLE V**  
**ADDITIONAL REGULATIONS AND STANDARDS**

**Division A: Supplemental District Regulations**

**Section 5-100**

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

**5-101**

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

**(A) Residential.**

- (1) Above ground deck.
- (2) Clothesline.
- (3) Dog houses and pens.
- (4) Fence or wall.
- (5) Freestanding air conditioning machinery.
- (6) Patio, porch, gazebo.
- (7) Play equipment and playhouses.
- (8) Private garage, carport.
- (9) Private greenhouse.
- (10) Private swimming pool.
- (11) Private tennis or outdoor recreational court.
- (12) Radio or satellite/TV antennas, free standing or on roof, setback from required yards a minimum of one (1) foot for each one (1) foot in height, except in Historic Districts designated by the County pursuant to Section 6-1800.
- (13) Storage shed for personal, non-commercial use.

Section 5-100

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (14) Studios and workshops without outdoor display for personal use.
- (15) Utility substation, dedicated.
- (16) Solar power panels.
- (17) Enclosed areas devoted to collection of recyclables generated by the principal use.
- (18) Bus shelter or bus stand.
- (19) Communications tower for public facilities, up to a maximum height of 100 feet and no closer to the property line than the height of the tower.

**(B) Commercial and Industrial.**

- (1) Dumpsters and dumpster pads.
- (2) Emergency power generators.
- (3) Fence or wall.
- (4) Freestanding air conditioning machinery.
- (5) Parking uses and structures.
- (6) Recycling facilities pursuant to 5-607(B).
- (7) Storage sheds not exceeding 200 square feet.
- (8) Stormwater management/BMP facilities.
- (9) Utility substation, dedicated.
- (10) Bus shelter or bus stand.
- (11) Accessory living quarters for watchman, guard or custodian.
- (12) Sculpture, fountain, etc.
- (13) Public utility or communication tower, setback a minimum of one (1) foot for each one (1) foot in height.

**5-102**

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

- (A) Accessory uses or structures shall be located on the same lot as the principal structure or use.
- (B) Accessory structures shall be included in the calculation required by this ordinance for the purpose of complying with height, bulk and coverage regulations.
- (C) Except as permitted in Section 5-200, no accessory use or structure shall be located in a required yard.
- (D) No accessory use or structure shall create a nuisance or hazard.
- (E) No accessory structure referenced in Section 5-100 shall be used as a dwelling or for lodging, except as otherwise provided.
- (F) Home occupations shall not exceed 25% of the total floor area of an accessory structure.
- (G) Except in the case of home occupations conducted within a tenant house, an accessory use or structure shall be operated and maintained under the same ownership as the principal use.
- (H) No accessory use shall be established until the principal use is established.

## **Section 5-200**

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

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

- (1) Fences, provided that no fence in a required residential front yard shall exceed 3 1/2 feet in height.
- (2) Ground level terraces or decks not over thirty (30) inches high which do not include a permanently roofed-over terrace or porch.
- (3) Awnings or canopies provided they do not project more than four (4) feet from the existing building face.
- (4) Bay windows and overhanging eaves and gutters projecting 30 inches or less into the yard.
- (5) Architectural features, chimneys or the like projecting a maximum of 24 inches into a side or rear yard or three (3) feet into a front yard provided that such projection does not reduce the width of a yard to less than three (3) feet.
- (6) Covered entry porches, enclosed or unenclosed, may project a maximum of three (3) feet provided such projection does not reduce the width of the yard to less than three (3) feet.
- (7) Arbors and trellises.
- (8) Flag poles.
- (9) Recreational equipment.
- [(10) Signs, pursuant to Section 5-1200.]

**(B) In any yard except a front yard.**

- (1) Clotheslines.
- (2) Fences shall not exceed eight (8) feet in height in residential areas.

- (3) Balconies projecting a maximum of four (4) feet provided they do not reduce the width of the yard to less than three (3) feet.
- (4) Air conditioners rated at 24,000 BTU or less which do not discharge air within five (5) feet of any lot line and air conditioners over 24,000 BTU which do not discharge air within twelve (12) feet of any lot line.
- (5) In conjunction with a single family dwelling only, [any non-habitable, one-story accessory structure which] is not within five (5) feet of a rear or side property line or a common wall in portions of required yards which are located as follows:
  - (a) On regular lots, at least sixty (60) feet from street rights-of-way or private access easement lines at the front of the lot, and at least twenty-five (25) feet from any street rights-of-way or private access easement lines at the side of the lot.
  - (b) On irregular lots, at least forty (40) feet behind the front line of any building adjacent to the lot line, and at least twenty-five (25) feet from any access easement.
- [(6) In conjunction with a single family detached dwelling only, an attached garage that is not within five (5) feet of a rear or side property line, subject to the following standards:
  - (a) In no case shall the distance between the attached garage and structures, [excluding detached, non-habitable structures], on the adjacent property be less than 16 feet.
  - (b) No windows or doors shall be permitted on the side of the attached garage that is located within the required yard.
  - (c) No portion of the principal structure other than the attached garage shall be permitted within the required yard.
  - (d) The attached garage shall not be converted into habitable space.

- (e) No second story addition over the attached garage shall be permitted which extends into the minimum required yard for the district, except as provided herein.]

[(7) Detached garage located at the rear of a lot which has been developed following lot requirements for the Traditional Design Option which is attached to a similar garage on a contiguous lot may be located within the side yard setback and within two (2) feet of the rear property line. No rear yard shall be required on such lots for garages which are accessed from the front of the lot.]

[(8) Removed pursuant to ZOAM 1997-0004].

**[(C) In the rear yard only.**

- (1) For single family detached houses, decks exceeding thirty (30) inches in height may be permitted in rear yard setbacks, but no closer than fifteen (15) feet to a rear property line.
- (2) For attached dwellings, decks exceeding thirty (30) inches in height may extend to the side lot line for interior units and no closer than fifteen (15) feet to the rear property line for both interior and end units.]

## Section 5-300

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

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

## **Section 5-400**

**Home Occupations.** Home occupations are permitted within single family detached, duplex, and townhouse residential dwellings, or tenant dwellings permitted pursuant to Section 5-602, provided they comply with the following restrictions:

- (A) Members of the family residing on the premises are permitted to be engaged in such occupation.
- (B) One employee (one full-time equivalent), other than members of the family residing on premises, shall be permitted given one additional off-street parking space is provided. Such parking space shall not be located in the required front yard, unless located on an existing driveway.
- (C) The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. Not more than 25 percent of the gross floor area of the dwelling unit nor 25 percent of said gross floor area if conducted in an accessory structure, shall be used in the conduct of the home occupation.
- (D) There shall be no change in the outside appearance of the building or lot, nor other visible evidence of the conduct of such home occupation other than [signage as permitted in Section 5-1200 of this Ordinance.]
- (E) There shall be no retail sales, other than items handcrafted on the premises, in connection with such home occupation.
- (F) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be met by off street parking and other than in a required front yard.
- (G) No equipment or process used in such home occupation shall create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Section 5-400

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

## Section 5-500

### Temporary Uses/Zoning Permits.

- (A) **Construction.** Temporary buildings and storage of materials are permitted in conjunction with the construction of a building when located on the same parcel where the construction is taking place and when limited to the duration of the construction. However, the erection and occupancy of a temporary dwelling for up to twelve (12) months during the construction of a dwelling on the same lot requires a zoning permit, to be issued concurrently with or after the issuance of the building permit. Construction of a house displayed for advertising purposes, not intended to be sold or occupied as a dwelling, whether in connection with a residential development or otherwise, shall not commence until a performance bond adequate to ensure the removal of the structure has been posted.
- (B) **Temporary Sales.** Temporary sales of produce, Christmas trees, fireworks, and other seasonal goods, may be permitted on application for a temporary zoning permit to the Zoning Administrator. Such permit may impose conditions necessary to alleviate any adverse impacts such as provisions for adequate parking, traffic safety, fire safety, hours of operation, provision for sewage disposal, and other health and safety concerns the Zoning Administrator may deem necessary, and the posting of a bond to ensure timely removal of structures and materials and restoration of the area. A temporary zoning permit shall be valid for a period not to exceed 45 days, unless extended, and shall require that all structures and materials are to be removed within such time period. At a minimum:
- (1) Structures for temporary sales shall not exceed 400 square feet in floor area nor be closer than 35 feet to a right of way or prescriptive easement of a road.
  - (2) Entrances and exits to roads shall be clearly delineated.
  - (3) Entrances and exits shall be so located as to provide safe ingress and egress from roads and shall be channeled to prevent unrestricted access to and from the premises.
  - (4) No more than two (2) signs consistent with Section 5-1203(S) of this Ordinance shall be permitted.

(C) **Other Temporary Uses.** Temporary activities for compensation may be permitted upon application for a temporary permit to the Zoning Administrator. Such permit may impose conditions regarding the hours of operation, the volume of amplified music, the type and intensity of outdoor lighting, and similar matters affecting health, safety, and the public welfare, provided such conditions are necessary to alleviate any adverse impact of the activity upon neighboring roads and properties. Activities permitted by temporary permits must be clearly incidental and subordinate to the permitted principal use of the property. At a minimum, the following conditions shall be met:

- (1) Temporary permits shall be applied for ten (10) days in advance of the event or function.
- (2) A separate permit shall be obtained for each event.

## **Section 5-600**

**Additional Regulations for Specific Uses.** The following additional regulations apply to specific uses as set forth below. These are intended to serve as the minimum standards for these uses, and are not intended to be in substitution for other provisions of this ordinance that may apply, or for additional conditions that may be imposed in connection with special exception or rezoning approvals.

### **5-601**

**Bed and Breakfast and Rural Guest Establishments.** These establishments may be located in accord with the lists of permitted and special exception uses for the individual zoning districts subject to the following criteria:

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

- (1) The owner of the premises shall reside in and manage the establishment.
- (2) The establishment shall not contain restaurant facilities, but may provide food service for transient guests only.
- (3) Outdoor events (e.g. weddings, receptions, parties) or similar activities conducted for compensation shall be permitted pursuant to Section 5-500(C).
- (4) A zoning permit is required.
- [(5) For any establishment which is not located on a state maintained road, a copy of the deed establishing the ingress/egress easement shall be provided to the Zoning Administrator. The deed shall demonstrate that the easement may be used to support the establishment.]

#### **(B) Bed And Breakfast Inn.**

- (1) The owner or manager shall provide full-time management of the establishment at all times when the facility is occupied by guests.
- (2) The establishment shall not contain restaurant facilities but may provide food service for transient guests only.
- (3) Outdoor events (e.g. weddings, receptions, parties) or similar activities conducted for compensation shall be permitted pursuant to Section 5-500(C).

- (4) A zoning permit is required after approval of the special exception.
- [(5) For any establishment which is not located on a state maintained road, a copy of the deed establishing the ingress/egress easement shall be provided to the Zoning Administrator. The deed shall demonstrate that the easement may be used to support the establishment.]
- (6) Entrances and exits from the state-maintained road shall be clearly delineated, shall provide safe ingress and egress from roads, and shall be channelled to prevent unrestricted access to and from the premises.

(C) **Country Inn.**

- (1) The owner or manager shall provide full-time management of the premises at all times when the establishment is occupied by guests.
- (2) The establishment may contain a full-service restaurant, in addition to guest rooms, that provides meal service to guests and the general public.
- (3) The establishment shall meet the standards contained in Section 5-601(B)(3) through (6).

(D) **Rural Retreats and Resorts.**

- (1) The establishment shall be located on parcels greater than fifty (50) acres in size, except when located within the buffer area of a Planned Development-Rural Village (PD-RV) district.
- (2) When not located within a Planned Development - Rural Village (PD-RV) district, rural retreats shall be appropriately sited so as not to infringe on the character of any existing village or the natural topography of the area. At a minimum, rural retreats shall be located at least one (1) mile from the boundaries of an existing village.
- (3) All new buildings, active recreational areas, parking, and lighted areas shall be set back a minimum of 200 feet from adjacent properties.

- (4) All establishments shall have safe and reasonable access.
- (5) The establishment shall be served by public water and sewer if located in a PD-RV district. Otherwise, the establishment shall be served by a communal water system and a communal wastewater collection and treatment system.
- (6) For the purposes of this section, existing villages are those villages and towns listed in the General Plan.
- (7) A minimum of 75% of the site, excluding major floodplain and steep slopes shall remain as open space. Recreational uses customarily incidental and subordinate to the rural resort or retreat permitted in the open space area may include: swimming pools and related facilities, boating facilities, tennis and other sports courts, equestrian facilities, picnic areas, golf courses and related facilities, ballfields, children's play equipment and passive recreation facilities. Driveways and parking areas supporting these recreational facilities may also be located in the open space area.
- (8) These establishments may be open to the general public for patronage.

**5-602**

**Tenant Dwellings.** Tenant dwellings may be located in agricultural districts in accord with the list of permitted and special exception uses for the individual zoning districts, subject to the following additional criteria:

- (A) One (1) tenant dwelling shall be permitted by right subject to the following criteria:
  - (1) The tenant dwelling shall be located on a parcel with an area of ten (10) acres or more.
  - (2) One additional tenant dwelling shall be permitted for each twenty-five (25) acres of a parcel in excess of the minimum area of ten (10) acres.
- (B) In addition to those structures permitted under Section 5-602(A) above, tenant dwellings for seasonal labor may be permitted by special exception.

- (C) Tenant dwellings shall meet the following additional criteria:
- (1) Portable dwellings shall be screened from view from public roads and neighboring properties.
  - (2) Structures for multi-family dwelling units shall be located on internal farm roads, shall not have direct access to public roads, and shall be screened from public roads and neighboring properties in accord with the landscaping and buffering requirements for multi-family dwellings.
  - (3) For the purposes of 5-602(A) (1) and (2) above, each unit of a multiple dwelling structure shall constitute a separate tenant dwelling.
  - (4) Occupants of tenant dwellings may conduct home occupations subject to the provisions of 5-400.
  - (5) No tenant dwelling unit shall exceed 2,500 square feet in floor area.
  - (6) Tenant dwellings shall be occupied only by persons or families that derive all or part of their income from labor performed on the farm.

**5-603**

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

- (A) A minimum of 25% of the gross sales receipts must be derived directly from agricultural products produced on site or other property owned by the operator. An annual report verifying the portion of sales derived from products produced on site shall be submitted on request to the Zoning Administrator.
- (B) Farm markets shall be located on a hard surfaced Class I or Class II road having a minimum paved width of eighteen (18) feet. The entrance to the farm market shall have safe sight distance and may be required to have right and left turn lanes.
- (C) Sales area for accessory products shall be limited to ten (10) percent of the total area devoted to sales. The calculation of total sales area shall include areas devoted to the display of items for sale.

- (D) Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other items directly related to the culture, care, use of, or processing of a principal use. Products not related to the principal permitted use such as lawn mowers and tractors shall not be allowed.

**5-604**

**Wayside Stands.** Wayside stands are permitted where specifically identified in the use lists of agricultural districts, subject to the following provisions:

- (A) Wayside stands are for retail sales provided the principal sales items sold are farm and garden products produced [principally] on-site. [The term site shall be defined as all locations (separate parcels) used by the owner or tenant for farming.]
- (B) Permanent retail sales areas within structures shall not exceed, in the aggregate, 600 square feet in floor area.
- (C) Sales areas for accessory products shall be limited to 25% of the gross sales area or 150 square feet, whichever is less.
- (D) 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) Entrances and exits to the wayside stand from public roadways shall be clearly delineated, shall provide safe ingress and egress from roads, and shall be channelled to prevent unrestricted vehicular access to and from the premises.
- (F) The sale of seasonal produce harvested on the farm may occur throughout the area of actual production.
- [(G) Wayside stands may erect signs in compliance with Section 5-1203 (L).]
- [(H) A zoning permit shall be obtained in accordance with Section 6-1000, et seq.]

**5-605**

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

- (A) In calculating the percentage of plants grown on-site, plants must be cultivated at the subject nursery facility for at least one (1) full season of new growth for that plant.

- (B) Plant production may be certified by the County Extension Agent, if requested by the Zoning Administrator.
- (C) Plants brought to the subject nursery for immediate resale are included in calculations for non-site produced plants and accessory products.
- (D) Accessory products include those related to the culture and care of plants sold such as pottery, baskets, garden accessories, baked goods, and floral supplies. [The sale of bulk products shall be permitted subject to screening requirements for outdoor storage in Section 5-1414(A). Propane, firewood] lawn and garden tractors, or machine or other equipment sales are not accessory products.
- (E) The sales area for accessory products shall be limited to twenty five percent (25%) of the gross sales area.
- (F) Nurseries shall be located on a state-maintained road, but shall have not have direct access to arterials or major collectors.

#### **5-606**

**[Kennels/Indoor Kennels.** Nothing herein shall relieve a kennel from complying with the provisions of Section 808 of the Codified Ordinances of Loudoun County. For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- (A) Kennels.
  - (1) Kennel shall mean any place in or at which, for a fee, dogs, cats, or other household pets are trained, boarded or handled in numbers greater than the following as provided for in this Ordinance:
    - (a) Two (2) dogs upon any lot less than 15,000 square feet in size.
    - (b) Four (4) dogs upon any lot which is at least 15,000 square feet in size but less than 20,000 square feet in size; when four dogs are kept on a lot of 15,000 square feet or more, such dogs shall be kept not less than twenty five (25) feet from all property lines.
    - (c) Six (6) dogs upon any lot which is at least 20,000 square feet in size; when six dogs are kept on a lot of 20,000 square feet or more, such dogs shall be kept not less than twenty five (25) feet from all property lines.

Section 5-600

Revision Date: December 1, 1999

[ ] Indicates Ordinance Amendment

More than six dogs may be kept on lots larger than 20,000 square feet, provided that dogs are kept as follows:

- (i) The required twenty five (25) foot setback shall be increased by an additional ten (10) feet, not to exceed a maximum of one hundred (100) feet, for each additional two (2) dogs, and
  - (ii) The lot size shall be increased 10,000 square feet for each additional two (2) dogs.
- (2) The word "kept", as used in this Section, shall mean any enclosure or structure used to house, shelter, restrain or exercise dogs, pets, but shall not mean a dwelling or a fence constructed to demarcate a property line.
- (3) This Section shall not apply to any establishment whose principal use is grooming or any animal hospital.

(B) Indoor Kennel.

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

**Recycling Drop-Off Centers and Material Recovery Facilities.**

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

- (8) All recycling drop-off centers shall be screened from residential uses by an opaque fence at least 6 feet in height. When a recycling drop-off center is located on a lot with another principal use on the lot, then, in addition to the landscape/buffer requirements of the other principal use, the recycling drop-off center must be screened from adjoining residential, public or private school, shopping center, community center, church, park, fire station, or library uses. When a recycling drop-off center is a sole principal use on the lot, landscaping shall be in conformance with the requirements of Section 5-1400 of this Ordinance for commercial and light industrial uses abutting a residential use.
- (9) Recycling containers shall be at least 150 feet from any residential dwelling.
- (10) The recycling drop-off center shall be situated so that vehicular ingress and egress do not pose traffic hazards. A minimum of one (1) stacking or parking space per 500 square feet of the recycling drop-off center, or the anticipated peak customer load as determined by the Zoning Administrator, whichever is higher, shall be required on-site. Stacking and parking spaces shall not be located within the road right-of-way or setbacks.
- (11) Occupation of any parking spaces by the recycling drop-off center may not reduce required parking spaces for the principal use below the required minimum number, unless the following conditions exist:
  - (a) A parking study shows that existing parking capacity is not fully utilized during the hours of operation of the principal use and the recycling drop-off center, or
  - (b) Hours of normal operation of the principal use do not overlap those of the recycling drop-off center.

- (12) Signs may be provided as follows:
  - (a) Sizes of signs must be in conformity with Section 5-1200 of this Ordinance.
  - (b) Signs must be consistent with the character of the location.
  - (c) Directional signs, bearing no advertising message, may be installed with the approval of the Zoning Administrator if necessary to facilitate traffic movements on site, or if the facility is not visible from the public right-of-way.
- (13) No portion of any recycling drop-off center shall be located in any major floodplain or setbacks cited herein.
- (14) No noxious odors shall be emitted beyond any boundary lines of the recycling drop-off center.
- (15) Operation of recycling drop-off centers shall occur during daylight hours, unless located within commercial or industrial areas which are equipped with lighting capable of illuminating the center during periods of darkness.

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

- (1) Public recycling drop-off centers shall be set back at least fifty (50) feet from the right-of-way of any street or as otherwise specified in Section 5-900; and at least fifty (50) feet from any lot or land bay zoned, used, or planned for residential uses, and shall not obstruct pedestrian or vehicular circulation.

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

- (1) The center shall meet the setback requirements for PD-GI uses adjacent to a lot or land bay zoned, used, or planned for residential use.
- (2) In commercially and industrially zoned districts, a center may utilize electric power-driven processing equipment to

sort, clean, or compact recyclable materials between the hours of 7AM and 7PM. Use of such equipment is not permitted in residentially zoned districts.

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

- (1) Neither an MRF nor the lot on which the MRF is located shall abut a property in residential land use. All processors shall operate in an entirely enclosed building except for incidental storage, except when:
  - (a) The operation is within an area enclosed on all sides by an opaque fence or wall not less than eight (8) feet in height and landscaped on all property lines; and
  - (b) The operation is located at least 300 feet from any property zoned, used, or planned for residential uses.
- (2) Processing in MRF's is limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable materials, construction debris, and repairing of reusable materials.
- (3) Power-driven processing equipment shall be permitted, provided that the noise level requirements of Section 5-1507 and any special exception conditions are met.
- (4) MRF's shall not exceed 45,000 square feet in building area and shall have no more than an average of three (3) outbound truck shipments per material per day.
- (5) All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition at all times, or shall be baled or palletized. No such storage shall be visible from any adjacent road or other property.
- (6) MRF sites shall be maintained free of litter, shall be cleaned of loose debris on a daily basis and shall be secured from unauthorized entry and removal of materials when unattended.
- (7) MRF sites located within 500 feet of an occupied residential dwelling shall not be in operation between the hours of 7:00 p.m. and 8:00 a.m. The MRF will be administered by on-site personnel during all hours of operation.

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

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

- (A) No building shall exceed two (2) stories in height.
- (B) All buildings shall have a minimum of two (2) loading bays.
- (C) All loading bays shall be located so that vehicles using such bays shall not be visible from public streets. All loading bays shall be screened from view by the building, landscaping, walls or decorative fencing. Except during the process of loading or unloading, trucks and trailers shall not be parked outside the building, unless parked in screened areas not visible from adjacent roads or properties.

Section 5-600

Revision Date: December 1, 1999

[ ] Indicates Ordinance Amendment

- (D) At least 50 percent of the total gross floor space in any building shall have a floor load capacity of at least 125 pounds per square live foot load.
- (E) No more than 49 percent of the gross floor space of each building shall be used for non-accessory office uses.
- (F) Office uses recognized as appropriate in flex-industrial/office buildings shall be associated with permitted and special exception uses and shall not include professional office uses with high-turnover or high intensity traffic, such as but not limited to corporate headquarters (unless associated with a permitted use), law offices, architectural offices, insurance offices, medical offices and health maintenance organizations.
- (G) No outdoor storage is permitted.
- (H) All sources of emission of noise and/or vibration shall meet the performance standards of Sections 5-1505.

**5-609**

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

(A) **Child Care Homes:**

- (1) All homes shall be registered with the County pursuant to the County Code.
- (2) When calculating the total number of children cared for, resident children under the age of fourteen (14) shall be included.
- (3) The home shall be the principal residence of the operator of the child care home.
- (4) The home shall comply with any and all requirements of the County and State Codes.
- (5) Unless exempted by (6) below, a minimum of 75 square feet per child of outdoor play space shall be provided on the lot the child care home is located and shall be shown on a schematic plat of the lot at the time of issuance of a zoning permit. Such play area shall be fenced, as per Section 5-609(B)(1)(a), unless the applicant can show that the play area provides proper protection from traffic and other hazards and to neighboring yards.

- (6) No play area shall be required on-site when it is demonstrated that the child care home is located within 1,000 feet of an existing park or play space of at least two (2) times the size required for the Child Care Home, providing that such park or play space may be accessed without crossing an arterial or collector road. Such park or play space shall either be a public park or play space, or shall be dedicated to such uses as part of a local community association or planned unit development.
- (B) **Child Care Centers** shall meet the criteria of Sections 5-609(A)(1), (4), (5), and (6) above, and the following:
  - (1) Outdoor play areas shall meet the following standards:
    - (a) A fence at least three and one half (3 1/2) feet in height shall completely enclose the play area so that children are safely contained inside, and that all persons entering the play area are within direct line of sight from the child care center classroom areas.
    - (b) No play equipment shall be located within the required yard setback of any district.
    - (c) Outdoor play areas shall be safely segregated from parking, loading, or service areas (such as dumpster pads or delivery sites).
  - (2) Parking areas and vehicular circulation patterns shall meet the following standards:
    - (a) Parking areas shall be designed to enhance the safety of children as they arrive at and leave the facility.
    - (b) A designated pickup and delivery zone, providing at a minimum one (1) parking space per twenty (20) children, shall be located adjacent to the child care structure in such a way that children do not have to cross vehicular travelways to enter or exit the center.

**5-610**

**Hospitals.** The following standards shall apply to the development of hospitals:

(A) **Locational Criteria**

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

(B) **Site Development Criteria.**

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

**5-611**

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

(A) **Locational Criteria.**

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

(B) **Site Development Criteria.**

- (1) [Hotel/Motel] uses shall be served by a public water and sewerage disposal system.

- (2) [Hotel/Motel] uses shall be separated from agricultural, residential, or institutional uses by a landscape buffer with a minimum width of 100 feet, or the minimum width required by Section 5-1400 of this Ordinance, whichever is greater.

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

- (A) Only temporary guests or occupants of the principal residence shall use the guest house.
- (B) Temporary guests may stay no longer than three (3) months within any twelve (12) month period.
- (C) Guest houses may not be rented, operated for gain, or otherwise used as a separate dwelling.
- (D) The floor area of any guest house shall not exceed 1,500 square feet.

**5-613 Accessory Apartments and Dwelling Units.** Accessory units are subject to the following additional standards:

- (A) No such accessory apartment or dwelling unit shall exceed [1200] square feet in floor area.
- (B) Accessory apartments and dwelling units shall be permitted only on lots exceeding 20,000 square feet in area. Such lot size restrictions shall not apply in Rural Villages, Rural Hamlets, Countryside Hamlets and Traditional Towns. Further, in R-4 and R-8 zoning districts, accessory apartments and dwelling units shall be permitted on cluster or traditional design option lots, on lots [less than] 10,000 square feet in area.
- (C) In districts other than A-25, A-10, and A-3, accessory apartments and dwelling units shall be located only on lots served by public sewer.
- (D) Only one (1) accessory dwelling unit or apartment shall be permitted on a lot meeting the minimum lot requirements of the zoning district in which it is located.
- (E) Accessory units may be located within an accessory building, agricultural structure, or in the principal structure.
- (F) All of the use limitations of Section 5-102 shall be met.

(A) **Purpose and Intent.**

- (1) The purpose of this section is to allow rural residents in the A-3, A-10 and A-25 zoning districts to locate and operate small-scale service and contracting businesses which preserve the rural and historic character of the districts and agriculture as an industry. It is the general intent of this Ordinance that commercial uses locate in and around existing urban areas which have adequate roads, public facilities and utilities. However, some small businesses may locate within the rural area in order to provide economical and convenient services to the rural area, to supplement farming as a source of income and to operate a home-based business where feasible. Some small businesses can operate in the rural areas with special designs and conditions that mitigate impacts on neighboring rural residential properties.
- (2) The intent of this Section is to allow local, small-scale businesses to locate and operate at the owner's principal place of residence. It is not intended to permit franchises, branch facilities or other partial elements of larger enterprises which have other business facilities in other locations. Such larger scale enterprises, including expanding businesses which initially located in rural areas under the provisions of this Section, must locate in the County's industrial and commercial zoning districts where they will not adversely impact residential neighborhoods or agricultural activities.
- (3) The uses approved under the provisions of this section shall be considered temporary for the purpose of starting new businesses. Once a small business needs to expand its area, number of employees, or commercial and customer traffic beyond the capacity and character of the rural area, the business should relocate to a location appropriately zoned for commercial, business or employment uses. The Board of Supervisors may impose appropriate conditions limiting the duration or transfer of special exceptions granted under the provisions of this Ordinance.

- (B) **Definitions.** For the purposes of Section 5-614, Small Businesses in the A-3, A-10, and A-25 Districts, terms used are defined under "Small Business" in Article 8 of this ordinance.

(C) **Permitted Small Business Uses.**

- (1) Small businesses are permitted in A-3, A-10 and A-25 districts, subject to the definition of "*Home Occupation*" contained in Section 5-400.
- (2) In addition, small business uses, as listed in subsection D, which meet all of the conditions in Section 5-614(E) shall be allowed on lots of ten (10) acres or greater, subject to approval of a zoning permit/sketch plan, as defined in Section 5-614(H).

(D) **Small Business Uses Permissible by Special Exception.** Small businesses not meeting the criteria of Section 5-614(C) may be allowed by special exception, granted by the Board of Supervisors upon recommendation of the Planning Commission. Special exception applications made pursuant to this Section are subject to the procedures and standards established in Section 6-1300 as well as to the uses, standards and restrictions that follow. The following uses may be approved as "small businesses" in the A-3, A-10, and A-25 zoning districts:

- (1) Business service occupations.
- (2) Personal service occupations.
- (3) Repair service occupations.
- (4) Contractors and contracting.
- (5) Professional office-based services.
- (6) Studios for fine arts and crafts.
- (7) Antique sales and the sale of any goods or items produced on the premises.

Except as provided above, no retail or wholesale commercial businesses are permitted.

(E) **Small Business Site Development Criteria.**

(1) **Standards and restrictions for small business uses.**

<b>Acreage</b>	<b>No. of Employees</b>	<b>Heavy Equip. (On-site)</b>	<b>Business Vehicles (On-site)</b>
(a) 0-3	1 maximum*	none	2 maximum*
(b) 3 but <10	2 maximum*	none	2 maximum*
(c) 10 but <20	2 maximum	2 maximum	2 maximum
(d) 20 but <50	3 maximum	2 maximum	4 maximum
(e) 50 but <100	4 maximum	4 maximum	5 maximum
(f) 100 or greater	5 maximum	5 maximum	6 maximum

\* If approved by special exception, pursuant to Section 6-1300.

(2) **Regulations for accessory buildings.**

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

\* If approved by special exception, pursuant to Section 6-1300.

(3) **Regulations for storage yards.**

<b>Acreage</b>	<b>Size of Storage Yards</b>
(a) 3-5	2,000 sq. ft. maximum*
(b) 5 but <10	2,500 sq. ft. maximum*
(c) 10 or greater	5,000 sq.ft. maximum for the initial 10 acres, plus an additional 1,000 sq. ft. for each additional 10 acres, not to exceed 15,000 sq. ft. maximum.
(d)	Storage yards shall be screened with a year round visual screening a minimum of eight (8) feet in height.

\* If approved by special exception, pursuant to Section 6-1300.

- (4) All business equipment and supplies associated with the business use must be stored within a building or storage yard.

(5) **Setback requirements.**

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

- (F) **Conveyance.** Approval of a special exception or zoning permit pursuant to this section does not convey with the sale of the business or the property, except to a member of the immediate family, as defined in Article 8 of this ordinance.

- (G) **Modifications.** Those standards contained in Section 5-614(E) may be modified by the special exception procedures set forth in Section 6-1300 provided that the Board of Supervisors finds that the applicant's proposal satisfies the public purposes of that standard to an equivalent degree. The Board may impose appropriate conditions to assure that the public

Section 5-600

Revision Date: December 1, 1999

[ ] Indicates Ordinance Amendment

purposes are satisfied to an equivalent degree.

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

[(1) A sketch is required as part of a zoning permit application for permitted small businesses. Sketches shall include a drawing of all aspects of the business operations including the size and dimensions of the residence; the size and dimensions of areas within the residence to be used for the business; size, dimensions, and location of any accessory structures, outdoor storage yards, and screening and buffering; size and dimensions of parking areas and signs if any; and the approximate location of any on-site major floodplain as determined from the County floodplain map. In addition, the sketch shall include the required off-site information needed to illustrate conformance with the small business regulations, (Section 5-614), such as distances between storage yards, accessory buildings and adjacent residential structures and other buildings, the location and width of adjacent right-of-way, adjoining properties, and easements. The sketch need not be drawn to scale.]

(2) Special exceptions may contain a condition for a site plan, in lieu of a sketch plan as defined herein, when the Board of Supervisors finds such a condition is necessary to mitigate potential off-site impacts of the proposed use. The requirements for submission, review and approval of all site plans shall be in accordance with the specifications of the Land Subdivision and Development Ordinance (LSDO). Small business site plans for parcels greater than five (5) acres shall follow the preliminary/final site plan process set forth in Section 1244.05.

(I) **Signs.** Signs for permitted and special exception small businesses approved under Section 5-614 are subject to the regulations contained in [Section 5-1200 of this Ordinance for "Business in A-3, A-10, A-25, RR, and CR Districts."]

(J) **Applicability of District Regulations to Small Business Uses**

(1) The A-3, A-10, and A-25 district regulations and the general regulations which are consistent with these provisions shall apply to small business uses located in those districts.

- (2) To the extent permitted by other provisions of the Loudoun County Zoning Ordinance, any use accessory and subordinate to a principal agricultural use shall not be affected by Section 5-614. In addition, nothing herein shall affect any legal nonconforming use as provided for in Article I.

**5-615**

**Farm Machinery Sales and Service.**

- (A) The establishment shall be located on a paved, state-maintained road not more than 1,000 feet from a primary state road.
- (B) The structures, storage, and parking areas and/or the perimeter of the property shall have a Type Three (3) Buffer Yard to screen such areas from adjacent residential buildings.
- (C) Buildings shall be set back a minimum of 75 feet from all property lines.
- (D) Parking, driveways (other than entrance) and storage yards shall be set back a minimum 75 feet from the property line along any road frontage, and a minimum of 50 feet from all other property lines.
- (E) Sites for such establishments shall not be less than three (3) nor more than ten (10) acres.
- (F) Establishments shall be located in any of the following areas: (1) In the Rural Fringe Areas as designated by the Loudoun County Comprehensive Plan, or (2) within an Urban Growth Area, or (3) Within 1000 feet of an Urban Growth Area.
- (G) Accessory retail sales shall be limited to farm and garden equipment parts and related tools and accessories. In no case shall the floor area devoted to the display and sale of such related tools and accessories be more than 15% of the floor area of the building site. No other non-farm equipment sales shall be permitted, including, but not limited to, lumber, hardware, building materials, or like items.
- (H) No structure shall be located within 500 feet of an existing residential structure.
- (I) The total Floor Area Ratio for all structures shall not exceed 0.1.

**5-616**

**Utility Substations.** The following standards shall apply to the development of utility substations.

**(A) Utility substation, transmission.**

- (1) In all agricultural and residential districts, utility substations shall be located on lots of three (3) acres or more.
- (2) In all commercial and industrial districts, utility substations shall be located on at least the minimum lot size of the district.

**(B) Utility substation, distribution.**

- (1) In all agricultural and residential districts, utility substations shall be located on lots of one (1) acre or more.
- (2) In all commercial and industrial districts, utility substations shall be located on lots of one (1) acre or more.

(C) All utility substations shall be located in areas consistent with the adopted Comprehensive Plan. A Commission Permit shall be required unless the utility substation is specially delineated in the Comprehensive Plan.

(D) All utility transmission and distribution substations and accessory storage yards shall have a minimum Type Four (4) Buffer Yard.

[E] Such utilities may be accessed by a private access easement.]

**[5-617**

**Freestanding Convenience Food Stores.** Except to the extent permitted on smaller lots in the Rural Commercial (RC) zoning district.

- (A) Convenience food stores shall be located on lots of 50,000 square feet or greater.
- (B) If a convenience food store is located at the intersection of two streets, the lot must have at least 200 feet of frontage on each street.
- (C) Any convenience food store located within 200 feet of a residentially zoned, used, and/or planned district or land bay must provide an acoustical barrier, such as landscaping, berms, fences and/or walls, to attenuate noise to levels required by Section 5-1507.]

Section 5-600

Revision Date: December 1, 1999

[ ] Indicates Ordinance Amendment

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

- (A) **Antennas.** Structure mounted and roof top mounted antennas and related unmanned equipment may be developed subject to the performance standards below to the extent permitted by right in the district use lists.
- (1) Antennas and related unmanned equipment are permitted on an existing telecommunications monopole, telecommunications tower, or structure forty (40) feet or greater in height in all zoning districts subject to the performance standards outlined in this section.
  - (2) Notwithstanding the height requirements in Section 5-618(A)(1), antennas and related unmanned equipment are permitted in all zoning districts on buildings and structures owned or controlled by a public use or fire and/or rescue company.
  - (3) Such antennas and related equipment may exceed the maximum building height limitations, provided the use is in accordance with the development criteria herein.
  - (4) Omnidirectional or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter and shall be of a material or color which matches the exterior of the building or structure.
  - (5) Directional or panel antennas shall not exceed five (5) feet in height or two (2) feet in width and shall be of a material or color which matches the exterior of the building or structure.
  - (6) Satellite and microwave dish antennas shall not exceed six (6) feet in diameter and shall be screened from public view.
  - (7) No commercial advertising shall be allowed on any antenna.
  - (8) Signals or lights or illumination shall not be permitted on any antenna, unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County.

- (9) The related unmanned equipment structure(s) shall not contain more than 500 square feet of total gross floor area per user on each site. Structures shall not exceed 12 feet in height. If located within the structure upon which the antennas are mounted, they may be located in the areas which are excluded from the determination of net floor area without changing the exclusion of those areas from the calculation of the density of the structure. The structure shall be of a material or color which matches the exterior of the building or structure.
  - (10) If the equipment structure is located on the roof of a building, the area of the equipment and structures shall not occupy more than twenty-five (25) percent of the roof area.
- (B) **Monopoles.** Monopoles and related unmanned equipment structure(s) may be developed as a permitted or special exception use, as listed below:
- (1) **Monopoles, Permitted By Right.** Monopoles shall be permitted by right subject to the performance criteria listed in Section 5-618(B)(3), in the following situations:
    - (a) In all zoning districts, if located within an overhead utility transmission line right of way with existing structures greater than eighty (80) feet in height.
    - (b) In the PD-OP, GB, PD-GI, PD-SA, PD-IP, PD-RDP, or MR-HI zoning districts provided it is located 750 feet or greater from an adjoining residential district.
    - (c) In the A-25, A-10, A-3, CR-1, CR-2, CR-3, CR-4, and RC zoning districts, when accessory to a fire or rescue station.
  - (2) **Monopoles, Special Exception Required.** Except as provided above, telecommunications monopoles shall be permissible subject to approval of a special exception and subject to the performance standards listed in Sections 5-618(B)(3) and 5-618(B)(4), in the following situations:
    - (a) In the A-25, A-10, A-3, CR-1, CR-2, CR-3, CR-4, and RC zoning districts, except as provided in Section 5-618(B)(1)(c), and in the CLI, PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-TC, PD-UC, and PD-TRC zoning districts.

- (b) In the PD-OP, GB, PD-GI, PD-SA, PD-IP, PD-RDP, and MR-HI zoning districts when located 750 feet or closer from an adjoining residential district.
  - (c) In all zoning districts, except PD-H, R-districts, PD-AAAR, PD-TT, and PD-RV, as an accessory use to a fire and rescue station, except as provided in Section 5-618(B)(1)(c).
  - (d) In all zoning districts, within the right of way of a private toll road.
- (3) **Monopoles, General Performance Criteria.** All telecommunications monopoles, whether permitted by right or permissible with the approval of a special exception application, shall be subject to the following criteria:
- (a) The proposed telecommunications monopole shall be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. In addition, the facility shall be located in the interior of the property and areas of existing vegetation, if applicable, shall be used to screen the facility.
  - (b) New telecommunications monopoles shall be designed to accommodate at least three (3) providers, unless:
    - (i) Doing so would create an unnecessary visual impact on the surrounding area; or
    - (ii) No additional need is anticipated for any other potential user in the vicinity; or
    - (iii) There is some valid economic, technological, or physical justification as to why co-location is not possible.

The applicant shall identify the conditions under which future co-location by other service providers is permitted.
  - (c) The height of such monopole, including antennas, shall not exceed 199 feet, as measured from the natural ground elevation.

- (d) Satellite and microwave dishes attached to monopoles shall not exceed two (2) feet in diameter.
- (e) Except as provided in Section 5-618(B)(3)(o) and Section 5-618(B)(4)(d), telecommunications monopoles shall not be located any closer than one (1) foot for every five (5) feet in height to any property line. Structures and buildings may be constructed within the setback areas of the monopole, provided other zoning standards are met.
- (f) The related unmanned equipment structure(s) shall not contain more than 500 square feet of total gross floor area per telecommunications provider on each site. Structures shall not exceed 12 feet in height.
- (g) Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, monopoles shall blend with the background.
- (h) No signals or lights or illumination shall be permitted on a monopole, unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the County.
- (i) No commercial advertising or signs shall be allowed on a monopole.
- (j) A commission permit shall be required.
- (k) No monopole shall be located within a County designated historic district.
- (l) No monopole shall be located within a PD-H, PD-RV or PD-TT zoning district except as provided in Section 5-618(B)(1)(a) and Section 5-618(B)(2)(d).
- (m) All unused equipment and facilities from a commercial public telecommunications site shall be removed within 90 days of cessation of commercial public telecommunication use and the site shall be restored as closely as possible to its original condition.

- (n) Applicants for any commercial public telecommunications facility shall demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding from the FAA that the proposed facility is not a hazard or obstruction to aviation is necessary prior to the issuance of a zoning permit. If a proposed telecommunications facility is higher than 199 feet or within five (5) miles of the property boundary of either Dulles or Leesburg Airports, the applicant shall provide verification that: 1) the appropriate airport authority (Metropolitan Washington Airports Authority or the Town of Leesburg) has been notified in writing; and 2) the FAA has determined that the proposed facility is neither a hazard nor an obstruction to aviation.
- (o) When locating on a Loudoun County or Loudoun County Sanitation Authority site or fire and/or rescue company site: 1) the telecommunications equipment shall not interfere with the existing telecommunications equipment of the primary use; and 2) the setback provisions of Section 5-618(B)(3)(e) shall not apply. In addition, the landscaping/buffering provisions of the Ordinance may be reduced or waived if the site has been developed in accordance with Section 5-1409(G).
- (p) Applicants proposing a new telecommunications monopole within one (1) mile of a County designated historic district or a Virginia Byway shall submit a minimum of three (3) visual simulations and written justification as to why the monopole could not be sited elsewhere. This requirement shall also be applied if a telecommunications monopole is proposed on a property listed on the National Register of Historic Places.
- (q) Telecommunications monopoles shall not be located along ridge lines, but downslope from the top of ridge lines, to protect views of the Catoctin, Bull Run, Hogback, Short Hill, and Blue Ridge Mountains.
- (r) Applicants shall submit documentation, in written and graphic form, regarding the service area to be provided by the proposed telecommunications monopole.

(4) **Monopoles, Additional Submission Requirements.** The following additional information shall be submitted by applicants for monopoles required to be approved by special exception.

- (a) The applicant shall provide photoimagery or other visual simulation of the proposed telecommunications monopole shown with the existing conditions of the site. This simulation shall be provided from a minimum of three (3) perspectives. The applicant shall address how the facility can be designed to mitigate the visual impact on area residents, facilities, and roads.
- (b) Except for areas where permitted by right, an applicant for a new commercial public telecommunication monopole shall demonstrate that location on an existing telecommunications facility or structure greater than 40 feet in height is not feasible. The applicant shall evaluate telecommunications facilities and structures greater than 40 feet in height within a one (1) mile radius of the proposed facility within the Eastern Loudoun Urban Growth Area. Elsewhere in the County, the applicant shall evaluate these locations within a two (2) mile radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining infeasibility.

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

- (i) Planned equipment would exceed the structural capacity of existing and approved telecommunications facilities, considering existing planned use of those facilities, and such facilities cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
- (ii) Planned equipment will cause interference with other existing or planned equipment for that telecommunications facility, and that interference cannot be prevented at a reasonable cost;

- (iii) Existing or approved telecommunications facilities do not have space on which planned equipment can be placed so as to provide adequate service; and
    - (iv) Existing and approved telecommunications facilities will not provide adequate signal coverage.
  - (c) In addition to those entitled to notice under the provisions of Section 6-600 of this Ordinance, all owner(s), or their agent(s), of all properties abutting or immediately and diagonally across the street or road from those properties whose owners are entitled to notice under Section 6-600, shall be provided with the same written notice. The applicant is also encouraged to meet with community and homeowners association groups in the area.
  - (d) Telecommunications monopoles permissible by special exception pursuant to Section 5-618(B)(2)(d) shall not be subject to the lot requirements, building requirements, and open space requirements, if applicable, of the zoning district in which they are located.
- (C) **Telecommunications Towers.** Telecommunications towers with related unmanned equipment structure(s) may be developed as a permitted or special exception use as listed below, subject to the performance standards of this section.
- (1) **Telecommunications Towers, Permitted By Right.** Transmission towers shall be permitted by right subject to the performance criteria listed in Section 5-618(C)(3):
    - (a) In the MR-HI and PD-GI zoning districts if the tower is forty (40) feet or less in height and is mounted on an existing structure.
  - (2) **Telecommunications Towers, Special Exception Required.** Telecommunications towers shall be permissible by special exception subject to the performance standards listed in Sections 5-618(C)(3) and 5-618(C)(4) in the following situations:

- (a) In the A-25, A-10, A-3, CR-1, CR-2, CR-3, CR-4, RC, CLI, PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-TC, PD-UC, and PD-TRC zoning districts.
  - (b) In the PD-OP, GB, PD-GI, PD-SA, PD-IP, PD-RDP, and MR-HI zoning districts.
  - (c) In all zoning districts, except PD-H, R-districts, PD-AAAR, PD-TT, and PD-RV, as an accessory use to a fire and rescue station.
- (3) **Telecommunications Towers, General Performance Criteria.** All telecommunications towers, whether permitted by right or permissible with the approval of a special exception application, shall be subject to the following criteria:
- (a) The telecommunications tower shall be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. In addition, the facility shall be located in the interior of the property and areas of existing vegetation, if applicable, shall be used to screen the facility.
  - (b) New telecommunications towers shall be designed to accommodate at least three (3) providers, unless:
    - (i) Doing so would create an unnecessary visual impact on the surrounding area; or
    - (ii) No additional need is anticipated for any other potential user in the vicinity; or
    - (iii) There is some valid economic, technological, or physical justification as to why co-location is not possible.

The applicant shall identify the conditions under which future co-location by other service providers is permitted.
  - (c) Telecommunications towers, including antennas, shall not exceed 199 feet, as measured at the natural ground elevation, unless the applicant can clearly demonstrate that the facilities of 199 feet or less cannot render needed services. At the applicant's expense, the County may have an independent analysis performed on the applicant's proposal.

- (d) Satellite and microwave dishes attached to the towers shall not exceed six (6) feet in diameter.
- (e) Except as provided in Section 5-618(C)(3)(o), towers shall be set back one (1) foot for every five (5) feet in height from the property line. Structures and buildings may be constructed within the setback area of the tower, provided other zoning standards are met.
- (f) The related unmanned equipment structure(s) shall not contain more than 500 square feet of total gross floor area per telecommunications provider on each site. Structures shall not exceed 12 feet in height.
- (g) Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, telecommunications towers shall blend with the background.
- (h) No signals or lights or illumination shall be permitted on a monopole, unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the County.
- (i) No commercial advertising shall be allowed on the tower.
- (j) A commission permit shall be required.
- (k) No transmission tower shall be located within a County designated historic district.
- (l) No tower shall be located within a PD-H, PD-TT, or PD-RV zoning district.
- (m) All unused equipment and facilities shall be removed from a commercial public telecommunications site within 90 days of cessation of commercial public telecommunication use and the site shall be restored as closely as possible to its original condition.

- (n) Applicants for any commercial public telecommunications facility shall demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding from the FAA that the proposed facility is not a hazard or obstruction to aviation is necessary prior to the issuance of a zoning permit. If a proposed telecommunications facility is higher than 199 feet or within five (5) miles of the property boundary of either Dulles or Leesburg Airports, the applicant shall provide verification that: 1) the appropriate airport authority (Metropolitan Washington Airports Authority or the Town of Leesburg) has been notified in writing; and 2) the FAA has determined that the proposed facility is neither a hazard nor an obstruction to aviation.
- (o) When locating on a Loudoun County or a Loudoun County Sanitation Authority site or fire and/or rescue company site: 1) the telecommunications equipment will not interfere with the existing telecommunications use of the primary use; and 2) the setback provision of Section 5-618(C)(3)(e) does not apply. In addition, the landscaping and buffering provisions of the Ordinance may be reduced or waived if the site is developed in accordance with Section 5-1409(G).
- (p) Applicants proposing a new telecommunications tower within one (1) mile of a County designated historic district or Virginia Byway shall provide a minimum of three (3) visual simulations and written justification as to why the tower could not be sited elsewhere. This requirement shall also be applied if a telecommunications tower is proposed on a property listed on the National Register of Historic Places.
- (q) Telecommunications towers shall not be located along ridge lines, but downslope from the top of ridge lines, to protect views of the Catoctin, Bull Run, Hogback, Short Hill, and Blue Ridge Mountains.
- (r) Applicants shall submit documentation, in written and graphic form, regarding the service area to be provided by the proposed telecommunications tower.

- (4) **Telecommunications Towers, Additional Submission Requirements.** The following additional performance standards shall apply to transmission towers when approved by special exception:

- (a) The applicant shall provide photoimagery or other visual simulation of the proposed facility shown with the existing conditions of the site. This simulation shall be provided from a minimum of three (3) perspectives. The applicant shall address how the facility can be designed to mitigate the visual impact on area residents, facilities, and roads.
- (b) Except for areas where permitted by right, an applicant for a new commercial public telecommunication monopoles shall demonstrate that location on an existing telecommunications facility or structure greater than 40 feet in height is not feasible. The applicant shall evaluate telecommunications facilities and structures greater than 40 feet in height within a one (1) mile radius of the proposed facility within the Eastern Loudoun Urban Growth Area. Elsewhere in the County, the applicant shall evaluate these locations within a two (2) mile radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining infeasibility.

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

- (i) Planned equipment would exceed the structural capacity of existing and approved telecommunications facilities, considering existing planned use of those facilities, and such facilities cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
- (ii) Planned equipment will cause interference with other existing or planned equipment for that telecommunications facility, and that interference cannot be prevented at a reasonable cost;
- (iii) Existing or approved telecommunications facilities do not have space on which planned equipment can be placed so as to provide adequate service; and

- (iv) Existing and approved telecommunications facilities will not provide adequate signal coverage.
- (c) In addition to those entitled to notice under the provisions of Section 6-600 of this Ordinance, all owner(s), or their agent(s), of all properties abutting or immediately and diagonally across the street or road from those properties whose owners are entitled to notice under Section 6-600, shall be provided with the same written notice. The applicant is also encouraged to meet with community and homeowners association groups in the area.
- (d) Applicants for new telecommunications towers shall demonstrate that a telecommunications monopole, of comparable transmission capabilities, can not be utilized or can not provide an equivalent level of service.]

**[5-619 Rural Agricultural Corporate Retreat.**

**(A) Purpose and Intent.**

- (1) The purpose of this section is to provide for rural agricultural corporate retreat facilities which will be compatible with, and supportive of the primary land use of agriculture, forestry, open space and/or historic preservation.
- (2) The Rural Agricultural Corporate Retreat use is oriented toward the "think tank" facilities typically affiliated with today's high technologies and development. These facilities often require the quiet and tranquility associated with rural settings.
- (3) The location of the Rural Agricultural Corporate Retreat use in the agricultural zoning districts will afford the opportunity to preserve the rural and historic character of the agricultural zoning districts and will promote agriculture as an industry. The Corporate Retreat use will provide a means for agricultural activities to continue through an economic partnership.

- (4) It is intended to promote the rural amenities of the agricultural districts as an ideal work place for "think tank" operations and to utilize the environmental, cultural, and aesthetic qualities to lure corporate users. Likewise, the Rural Agricultural Corporate Retreat user is encouraged to incorporate existing structures, which could be restored and maintained into the retreat facilities to preserve the existing rural character.
- (5) The proximity of Loudoun's rural areas to excellent air transportation services has the potential to attract world wide corporate users. It is intended to utilize this asset to encourage the location of Rural Agricultural Corporate Retreats.
- (6) Rural Agricultural Corporate Retreats shall be permitted in the agricultural districts on the basis of land size and average daily users. Permitted Rural Agricultural Corporate Retreats shall meet specific development criteria outlined in subsection 5-619(C) below. Any Rural Agricultural Corporate Retreat which does not meet the criteria of subsection 5-619(C) may be permitted subject to special exception approval.
- (7) The Rural Agricultural Corporate Retreat use shall not involve the handling or processing of hazardous or toxic materials. The Rural Agricultural Corporate Retreat use shall comply with the applicable performance standards of Section 5-1500.
- (B) **Definitions.** For the purposes of Sections 5-619, "Rural Agricultural Corporate Retreat, Accessory to Agricultural Uses, in the A-3, A-10, and A-25 Districts", is defined under "Rural Agricultural Corporate Retreat, Accessory to Agricultural Uses" in Article 8 of this Ordinance.
- (C) **Rural Agricultural Corporate Retreat, Accessory to Agricultural Uses, Development Criteria.**
  - (1) The minimum acreage shall be 50 acres.
  - (2) A minimum of 75% of the total property acreage shall be kept in an agricultural, forestry, open space, and/or historic preservation use.

- (3) The property on which the Rural Agricultural Corporate Retreat is located shall have frontage and access on a state-maintained road.
- (4) The maximum FAR shall be .01. The total acreage shall be utilized for determining the permitted floor area.
- (5) The retreat facilities may provide on-site food service for employees, trainees, and business visitors, but may not contain restaurant facilities open to the general public.
- (6) All retreat facilities buildings shall be set back a minimum of 200 feet from adjacent properties.
- (7) No outdoor storage related to the retreat facilities shall be permitted.
- (8) The retreat facilities use may include associated training programs, seminars, and related activities.
- (9) No products shall be sold on-site except those which are clearly incidental and integral to the training programs and seminars.
- (10) No more than one principal dwelling unit shall be permitted. Tenant dwellings shall be permitted in accord with Section 5-602.
- (11) The retreat facilities may provide on-site recreation facilities to be used solely by employees, trainees, and business visitors, but not by the general public.
- (12) Average Daily User and Acreage Ratio: 25 users per 50 acres. Notwithstanding, there shall be no more than 100 users on greater than 200 acres without first securing special exception approval. The term Average Daily Users includes employees, trainees, and business visitors to the site. Service trips, such as food or supply deliveries, package delivery, and similar trips are in addition to the average daily users.
- (13) The portion of the property utilized as a Rural Agricultural Corporate Retreat shall be removed from the Land Use Program (Special Assessment for Land Preservation) for taxation purposes.

- (14) Buildings or structures used exclusively for agricultural use, the principal dwelling unit, and tenant dwellings are excluded from these requirements and from the FAR calculations.

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

- (1) A sketch is required as a part of a zoning permit application for permitted Rural Agricultural Corporate Retreats. Sketches shall include an accurate drawing of all aspects of the Rural Agricultural Corporate Retreat including the size and dimensions of buildings; the size and dimensions of land area devoted to the Rural Agricultural Corporate Retreat use; the size and dimensions of the land to be maintained in agricultural, forestry, open space, and/or historic preservation use; the size and dimensions of parking areas; building setbacks; the size, dimension, and location of any signs; and the approximate location of any on-site major floodplain as determined from the County floodplain map. In addition, the sketch shall include the required information needed to illustrate conformance with the Corporate Retreat regulations.
- (2) For Rural Agricultural Corporate Retreats which do not meet the development criteria contained in this subsection, special exception review, and approval, is required to determine the appropriateness of the use. Special exceptions may contain a condition for a site plan in lieu of a sketch as defined herein when the Board of Supervisors finds such a condition is necessary to mitigate potential off-site impacts of the proposed use.
- (3) For all Rural Agricultural Corporate Retreats, a statement of use shall be filed in conjunction with the sketch or site plan. The statement of use shall define the operations of the Rural Agricultural Corporate Retreat and shall outline how the use meets the development criteria.

- (E) **Modifications.** Those standards contained in Section 5-619(C) may be modified by the special exception procedures set forth in Section 6-1300 provided that the Board of Supervisors finds that the applicant's proposal satisfies the public purpose of these standards to an equivalent degree. The Board may impose appropriate conditions to assure that the public purposes are satisfied to an equivalent degree.

**Manufactured Housing.** The following standards shall apply to the development of manufactured housing in urban residential districts (R-8 and R-16):

- (A) Homes shall be a minimum of 900 square feet in floor area, and a minimum of 19 feet in width.
- (B) Roofs shall be pitched with a minimum vertical rise of four inches for each twelve inches of horizontal run.
- (C) Exterior materials shall be of a color, material and scale compatible with site-built, single family construction.
- (D) Homes shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile or slate or other products as used in surrounding areas.
- (E) All homes shall have a pitched roof with a minimum of either a 6" overhang and a 4" gutter or 12" overhang on the front and back and a minimum of 6" on the sides.
- (F) Perimeter non-load bearing foundation enclosures shall be compatible with foundation materials on site-built residential structures, and shall be limited to masonry, stone or concrete.
- (G) Homes shall have wheels, axles, transporting lights, and removable towing apparatus removed from the site, and shall be placed on a permanent foundation.
- (H) Storage areas for RV unit shall be provided on a separate lot. If such lot is exterior to the development it shall be effectively buffered from the street and adjacent dwellings. If the storage area is located on an interior lot, the buffering shall not be required.
- (I) Manufactured Homes in the A-3, A-10 and A-25 Districts shall not be subject to this section, pursuant to Code of Virginia Section 15.1-486.4.
- (J) Nothing in this subsection shall be deemed to supersede valid restrictive covenants of record, except that a manufactured home built in accordance with the HUD code shall not be deemed a mobile home.]

[5-621

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

- (A) In all zoning districts, public utilities shall be located on lots of one (1) acre or more.
- (B) All utility facilities shall have a minimum Type Four (4) Buffer Yard.
- (C) Such utilities may be accessed by private access easement.]

[5-622

**Magazine Contained Explosives Facilities.**

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

Section 5-600

Revision Date: December 1, 1999

[ ] Indicates Ordinance Amendment

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

[5-623

**PD-IP Private School Notification Standards.**

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

[5-624

**Vehicle Wholesale Auction.**

- (A) **Locational Criteria.**
  - (1) Vehicle wholesale auctions shall be located on a public, paved road capable of accommodating the traffic generated by the use.
  - (2) Vehicle wholesale auctions shall be located on parcels where at least a portion of the parcel is located within the noise contour

Section 5-600

Revision Date: December 1, 1999

[ ] Indicates Ordinance Amendment

areas of the Airport Impact Overlay District, as existing at the time of initial site plan approval.

- (3) Vehicle wholesale auctions shall be located on a parcel with an area of 50 acres or more.

**(B) Site Development Criteria.**

- (1) Any car-carrier loading/unloading area and vehicle storage areas shall be located separately from the customer parking areas, and such areas shall be identified with directional signage.
- (2) The use shall be served by public sewer.
- (3) Car washing associated with the use shall utilize recycled water.
- (4) The sale and/or storage of vehicles that are not in operating condition shall not be permitted.
- (5) Outdoor vehicle storage, parking spaces, and loading spaces shall be specifically identified on an approved site plan and shall be limited to such areas.
- (6) Outdoor vehicle storage shall be setback at least 100 feet from any road right-of-way.
- (7) The test driving of all vehicles shall be conducted on-site.
- (8) Notwithstanding the requirements of Section 5-1400, no structure shall be required in the rear or side Type 4 Buffer Yards when adjacent to areas of Dulles Airport.
- (9) Vehicle wholesale auctions shall not be conducted before 8:00 a.m., after 6:00 p.m., or on Saturdays or on Sundays.]

## Section 5-700

### Regulations for Optional Development Types.

#### 5-701

**Low Density Development Option.** Low Density Development on lots of various sizes at a density of one (1) lot per 25 acres (gross acreage, including all floodplain) shall be permitted by subdivision waiver in accordance with the Land Subdivision and Development Ordinance. Such Low Density Developments shall be subject to the following standards and criteria:

- (A) **Minimum Eligible Size.** The minimum size parcel eligible for the low density development option is fifty (50) acres, which may include floodplain. Conservation easement requirements shall apply only to the portions of the parcel for which the low density development is sought so long as the remaining lot meets the minimum zoning and subdivision requirements.
- (B) **Minimum Lot Area.** The minimum lot size may be five (5) acres excluding floodplain.
- (C) **Density.** A density of one (1) unit per 25 acres shall be maintained for each tract. All lots and any residual land used toward the 25 acre density calculation will be placed under permanent open space easement to preclude further subdivision. [Structures and accessory units which existed prior to the approval of the subdivision shall not be included in the density calculations.]
- (D) **Yard Requirements.**
  - (1) **Front Yard.** 35 feet minimum.
  - (2) **Side Yard.** 35 feet minimum.
  - (3) **Rear Yard.** 35 feet minimum.
  - (4) All structures shall be set back at least 200 feet from the edge of the right-of-way of a State maintained road and 100 feet from any private access easement.
- (E) **Length/Width Ratio.** For lots hereafter created, length shall not exceed seven (7) times width.
- (F) **Minimum Lot Width.**

Fronting Class I, II, III Roads. As for A-3.  
Fronting Private Access Easements. 175 feet.

Section 5-700

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

(G) **Road Requirements.**

[(1) Removed pursuant to ZOAM 1997-0004].

[(1)] Lots may be accessed by private access easements, subject to the standards set forth in the Land Subdivision and Development Ordinance and the Facilities Standards Manual.

**Section 5-702**

**Rural Hamlet Option.**

(A) **Purpose and Intent.** The primary purpose of the Rural Hamlet Option is to provide an alternative to conventional A-3, A-10, and A-25 district subdivision in rural areas. Such clustered development is intended to better harmonize rural development with surrounding agricultural activities recognizing that it is the County's primary goal to preserve and enhance farming and farmland in rural Loudoun by the most feasible, effective, and equitable methods available. This option is intended to conserve agricultural, forestal and open space land, historic and natural features at the time that such land realizes the development potential currently allowed in the agricultural zoning district. Such clustered development is intended to permit the compact grouping of homes located so as to blend with the existing landscape, such as the rise and fall of the topography, hedgerows and wooded areas, and to preserve to a greater extent the agricultural, forestal and visual character of the landscape.

(B) **Rural Hamlet Permitted.** Rural hamlets are permitted in the A-3, A-10, and A-25 districts. The district regulations shall apply to the extent not in conflict with the regulations contained herein.

(C) **Rural Hamlet Defined.** A rural hamlet is characterized by the configuration of all or a portion of the density permitted on a tract of land under the district regulations, into a grouping of small residential lots on a portion of the tract. More than one rural hamlet may be located on a tract. A rural hamlet may consist of the following categories of land:

(1) **Hamlet Lots.** Smaller residential lots located in a contiguous group, with adjacent and fronting lots oriented towards each other as on a street, a green or a paved square. No fewer than five (5) and no more than twenty five (25) hamlet lots may be grouped together as a rural hamlet. Hamlet lots shall have a designated building area.

All land not designated as building area, private access easements, and road rights-of-way shall be placed in a permanent open space easement.

- (2) **Open Space.** Residual land contiguous to a rural hamlet, which is subject to a permanent open space easement.
  - (3) **Hamlet Green/Square.** Land located in the interior of a rural hamlet, owned in common by hamlet lot owners and which is in a permanent open space easement.
  - (4) **Conservancy Lots.** A lot, excluding the hamlet lots, open space and/or hamlet green/square, which will remain as large parcel(s), the bulk of which is in permanent open space easement and a portion of which is designated a building area.
- (D) **Permitted Uses.** The following uses are permitted in the various categories of rural hamlet land. These uses shall supersede the permitted or permissible uses that would otherwise apply in the underlying zoning district.
- (1) **Building Area of Hamlet and Conservancy Lots.**
    - (a) Dwelling, single family detached.
    - (b) Bed and breakfast homestay.
    - (c) Home occupation.
    - (d) Guest house.
    - (e) Water supply systems.
    - (f) Wastewater disposal systems.
    - (g) Accessory uses and structures, as per Section 5-101 of this Ordinance.
    - (h) Dwelling unit, accessory.

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

- (a) Agriculture, horticulture, forestry, and fishery uses including barns, stables and other structures accessory or incidental to such uses.
- (b) Conservation of open land in its natural state, i.e., woodland, fallow fields, grasslands, wetlands, floodplains, and the like.
- (c) Passive open space or passive recreation, including but not limited to trails, picnic areas, community gardens.
- (d) Active recreation space, including golf courses.
- (e) Equestrian uses of any kind.
- (f) Easements and improvements for drainage, access, sewer or water lines, or other public purposes.
- (g) Stormwater management facilities for the proposed development or for a larger area in compliance with a watershed stormwater management plan.
- (h) Water supply systems.
- (i) Accessory uses, such as swimming pools, tennis courts, and other accessory uses and structures pursuant to Section 5-101.
- (j) Sewage disposal systems.

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

(F) **Lot Requirements.**

(1) **Hamlet Lot.**

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

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

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

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

(e) **Front Yard.** [(as defined in Article VIII)

6 feet minimum.  
40 feet maximum, provided that  
all principal buildings shall be  
located so that the maximum  
deviation for adjacent front  
facades shall not exceed 15 feet,  
and provided further that this  
maximum Front Yard  
requirement shall not apply to  
lots located within subdivisions  
approved under the zoning  
ordinance in effect prior to June  
16, 1993, and subject to the  
provisions of Section 1-103(H)  
of this Ordinance.]

(f) **Rear Yard.** 20 feet minimum.

(g) **Side Yard.** 8 feet minimum.

(h) **Building Height.** 35 ft. maximum.

- (i) **Building side yard restriction line.** Dwellings, guest houses, garages and other such structures shall not trespass into minimum side yards. However, detached garages located at the rear of a lot (i.e., behind the rear building line) and attached to a similar garage on a contiguous lot may be located within the side yard setback.
- (2) **Hamlet Green/Square.** Maximum distance between building areas of cluster lots facing across a hamlet green/square: 350 feet.
- (3) **Conservancy Lots.**

	<u>A-3 District</u>	<u>A-10 and A-25 Districts</u>
(a) <b>Lot Size.</b>	10 acres minimum	30 acres minimum
(b) <b>Lot Width.</b>	300 feet minimum	500 feet minimum
(c) <b>Length/Width Ratio.</b>	5:1 maximum	5.1 maximum
(d) <b>Building Area.</b>	7,500 sq.ft. minimum	15,000 sq.ft. max.
(e) <b>Front and Side Yard.</b>	25 feet minimum	
(f) <b>Rear Yard.</b>	20 feet minimum	
(g) <b>Building Height.</b>	35 feet maximum	
- (G) **Determination of Density.** The potential number of hamlet and conservancy dwelling units shall be based on either of the following, at the option of the landowner:
  - (1) In the A-3 District, one (1) dwelling unit per five (5) net acres. In the A-10 District, one dwelling unit per ten (10) acres. In the A-25 District, one dwelling unit per twenty five (25) acres. The net acreage of the tract shall exclude major floodplain and steep slopes.
  - (2) The number of dwelling units permitted at a minimum lot size of three (3), ten (10) or twenty-five (25) acres in the A-3, A-10 or A-25 zoning districts respectively is based on topography, floodplain and availability of septic drainfields. Drainfields shall be submitted to the Loudoun County Health Department for approval [in accord with the Land Subdivision and Development Ordinance (LSDO)].

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

(H) **Open Space Requirements.**

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

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

- (1) **Water.** Hamlet lots shall be served either by:
  - (a) Individual wells on or off each lot, or
  - (b) A communal water system constructed by the developer, or

- (c) A municipal water system if located within an area designated for such connection in the Comprehensive Plan, or
- (d) Connection with an existing rural village or other public water system.

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

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

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

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

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

(4) **Roads.** Seven (7) rural hamlet lots or less may be served by a private access easement. Twenty-five (25) rural hamlet lots or less may be served by a VDOT fixed generation, tertiary Class II road. All other roads shall be VDOT Class II roads.

All other Rural Hamlet roads shall be built to VDOT secondary road standards. Roads serving two or more hamlets, with a combined traffic loading exceeding 250 vehicles per day, shall generally have two (2) access points to the existing rural road network.

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

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

(i) Whether granting of the proposed waiver will adequately provide for access by public safety service (police, fire and rescue services).

(ii) Whether granting of the proposed waiver will protect to the greatest extent possible topographic or physical, natural, scenic, archaeological or historical features of significant importance.

(iii) Whether the granting of the proposed waiver will be in the public's best interest, specifically with regard to future road maintenance considerations.

(iv) Whether the granting of the proposed waiver will meet engineering standards with regard to steep slopes, storm water control, drainage, soil erosion control; mitigate floodplain impacts; assure

adequate dust control measures; and will minimize, to the greatest extent possible, the impact on water and air quality on adjoining properties.

(v) Whether the granting of the proposed waiver will facilitate orderly and safe road development.

(vi) Whether the granting of the proposed waiver will minimize the impact of traffic on the existing roadway network.]

[(vii) Waiver requests shall be considered by the Planning Commission at a public meeting held within sixty (60) days of receipt of such request.]

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

(J) **Home Owner's Association.**

(1) Each rural hamlet or group of rural hamlets comprising a common development shall have an incorporated Home Owner's Association ("HOA") which shall have the right and responsibility to maintain the following areas and improvements:

(a) Common open space.

(b) Private roads, if any, within or serving the rural hamlet.

(c) Any stormwater management ponds or areas,

(d) Fire protection pond, dry mains, or other improvements; and

(e) Such other common facilities or improvements as may be designated in the HOA Bylaws.

- (2) Easements for septic drainfields and wells located off of the lot shall be established at the time of the record plat for such lot, and shall run to the benefit of the lot served. The responsibility for maintaining or replacing such septic fields or wells shall be borne by the lot owner served by such easement.
  - (3) The permanent open space easement required in the rural hamlet shall be enforced by the County. Such easement shall be in a form approved by the County, and shall provide that, notwithstanding such easement, the eased portion of conservancy lots or hamlet lots shall be maintained by the owners of such lots, and that the County should bear no responsibility or liability for such maintenance. However, nothing contained herein shall prevent such landowners from leasing such open space for agricultural or other purposes as allowed in Section 5-702(D)(2) Open Space Use.
  - (4) The Home Owner's Association documents shall be submitted as part of the initial record plat application and shall provide for adequate initial funding and assessments to fund the maintenance of common property and improvements.
- (K) **Plat and Deed Notations.** Record plats and deeds for rural hamlet subdivisions shall include a statement that agricultural operations enjoy the protection of the Right to Farm Act, Va. Code Section 3.1-22.28 et seq.
- (L) **Modification of Regulations.**
- (1) Where there are conflicts between the rural hamlet provisions herein and the general zoning, subdivision or other regulations and requirements, the rural hamlet regulations shall apply.
  - (2) In addition, the Board of Supervisors may allow reasonable modifications to other applicable regulations as follows:
    - (a) These other regulations serve public purposes to a lesser degree than the rural hamlet, or

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

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

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

- (1) **Siting.** Rural hamlets should be sited so as to nestle, or blend in a subordinate way, into the existing landscape. Rural hamlets should not be placed on the crest of a ridge but rather should be located in a dip or depression or on the side of a hill.
- (2) **Landscaping.** Rural hamlet designs should incorporate a mix of evergreen trees, generally located to the north and west for winter wind protection, and deciduous trees, located to the west and south, for summer shade. Given the time required for trees to attain maturity, existing stands of trees and hedgerows should be incorporated in the new hamlets whenever possible. New plantings of evergreen and deciduous trees should be native to the northern Piedmont, such as yellow poplar, northern red and white oak, hickory, white ash, black gum, hemlock, spruce and eastern red cedar among others.

- (3) **Ground Modeling and Screening.** In those circumstances where natural contours, subsurface conditions and tract boundaries prevent discreet hamlet placement, hamlet designers should seek to reduce the development's apparent presence by locating earth berms near adjacent roadways and/or planting screens of trees adjacent to existing roads and tract boundaries.
- (4) **Grouping of Structures.** Dwellings in rural hamlets should be placed in proximity to one another and to common wells or facilities.

**Countryside Hamlet Option.**

- (A) **Purpose and Intent.** The primary purpose of the Countryside Hamlet Option is to provide an alternative to conventional CR-1 district subdivision in rural areas. Such clustered development is intended to better harmonize rural development with surrounding agricultural activities recognizing that it is the County's primary goal to preserve and enhance farming and farmland in rural Loudoun by the most feasible, effective, and equitable methods available. This option is intended to conserve agricultural, forestal and open space land, historic and natural features at the time that such land realizes the development potential currently allowed in the agricultural zoning district. Such clustered development is intended to permit the compact grouping of homes located so as to blend with the existing landscape-such as the rise and fall of the topography, hedgerows, and wooded areas-and to preserve to a greater extent the agricultural, forestal, and visual character of the landscape.
- (B) **Countryside Hamlet Permitted.** Countryside Hamlets are permitted in the CR-1 district. The respective district regulations shall apply to the extent not in conflict with the regulations contained herein.
- (C) **Countryside Hamlet Defined.** A Countryside Hamlet is characterized by the configuration of all or a portion of the density permitted on a tract of land under standard district regulations, into a grouping of small residential lots on a portion of the tract. More than one Countryside Hamlet may be located on a tract. A Countryside Hamlet may consist of the following categories of land:
- (1) **Hamlet lots.** Smaller residential lots located in a contiguous group, with adjacent and fronting lots oriented towards each other as on a street, a green or a paved square. No fewer than five (5) and no more than sixty (60) hamlet lots may be grouped together as a Countryside Hamlet. Hamlet lots shall have a designated building area. All land not designated as building area, private access easements, and road rights-of-way shall be placed in a permanent open space easement.
  - (2) **Open space.** Residual land contiguous to a Countryside Hamlet which is in a permanent open space easement.
  - (3) **Hamlet Green/Square.** Land located in the interior of a Countryside Hamlet is owned in common by hamlet lot owners and which is in a permanent open space easement.

- (4) **Conservancy lots.** A lot, excluding the Hamlet lots, open space and/or hamlet green/square, which will remain as large parcel(s), the bulk of which is in permanent open space easement and a portion of which is designated a building area.
- (D) **Permitted Uses.** The following uses are permitted in the various categories of Countryside Hamlet land. These uses shall supersede the permitted or special exception uses that would otherwise apply in the underlying zoning district.
  - (1) **Building Area of Hamlet and Conservancy Lots.**
    - (a) Dwelling, single family detached.
    - (b) Bed and breakfast homestay.
    - (c) Home occupation.
    - (d) Guest house.
    - (e) Water supply systems.
    - (f) Wastewater disposal systems.
    - (g) Accessory uses and structures, as per Section 5-101 of this ordinance.
    - (h) Dwelling, unit, accessory.

- (2) **Open Space Use.** All areas of the tract of land devoted to the Countryside Hamlet Option other than the building areas, private access easements, and road rights-of-way, shall be subjected to a permanent open space easement. Such open space may be used for the following uses:
- (a) Agriculture, horticulture, forestry and fishery uses including barns, stables and other structures accessory or incidental to such uses.
  - (b) Conservation of open land in its natural state, i.e., woodland, fallow fields, grasslands, wetlands, floodplains, and the like.
  - (c) Passive open space or passive recreation, including but not limited to trails, picnic areas, community gardens.
  - (d) Active recreation space, including golf courses.
  - (e) Equestrian uses of any kind.
  - (f) Easements and improvements for drainage, access, sewer or water lines, or other public purposes.
  - (g) Stormwater management facilities for the proposed development or for a larger area in compliance with a watershed stormwater management plan.
  - (h) Water supply systems.
  - (i) Sewage disposal systems.
  - (j) Accessory uses, such as swimming pools, tennis courts, and other accessory uses and structures pursuant to Section 5-101.
- (E) **Minimum Tract Size.** A Countryside Hamlet shall be located on a tract, or portion thereof, at least ten (10) acres in size.

(F) **Minimum Lot Requirements.**

(1) **Hamlet lots.**

- (a) **Lot size.** [10,000] square feet minimum.  
1 acre maximum.
- (b) **Building area.** [5,000] square feet minimum.  
15,000 square feet maximum.
- (c) **Lot width.** 64 feet minimum.  
175 feet maximum.
- (d) **Length/width Ratio.** 5:1 maximum.
- (e) **[Front Yard** (as defined in Article VIII).  
6 feet minimum.  
40 feet maximum, provided that  
all principal buildings shall be  
located so that the maximum  
deviation for adjacent front  
facades shall not exceed 15 feet,  
and provided further that this  
maximum Front Yard  
requirement shall not apply to  
lots located within subdivisions  
approved under the zoning  
ordinance in effect prior to June  
16, 1993, and subject to the  
provisions of Section 1-103(H)  
of this Ordinance.]
- (f) **Rear Yard.** 20 feet minimum.
- (g) **Side Yard.** 8 feet minimum.
- (h) **Building Height.** 35 feet maximum.
- (i) **Building side yard restriction line.** Dwellings, guest  
houses, garages and other such structures shall not  
trespass into minimum side yards. However, detached  
garages located at the rear of a lot (i.e., behind the rear  
building line) and attached to a similar garage on a  
contiguous lot may be located within the side yard  
setback.

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

(3) **Conservancy Lots.**

- (a) **Lot Size.** 10 acres minimum.
- (b) **Lot width.** 300 feet minimum.
- (c) **Length/width Ratio.** 5:1 maximum.
- (d) **Building Area.** 7,500 square feet minimum.  
15,000square feet maximum
- (e) **Front and Side Yards.** 25 feet minimum.
- (f) **Rear Yard.** 20 feet minimum.
- (g) **Building Height.** 35 feet maximum.

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

- (1) In the CR-1 District, one (1) dwelling unit per two (2) net acres. The net acreage of the tract shall exclude major floodplain and steep slopes.
- (2) The number of dwelling units permitted at a minimum lot size of one (1) acre in the CR-1 zoning district is based on topography, floodplain, and the availability of septic drainfields. Drainfields shall be submitted to the Loudoun County Health Department for approval.
- (3) For each conservancy lot of thirty (30) acres or greater in size, one (1) additional dwelling unit shall be included in the determination of density.

(H) **Open Space Requirements.**

- (1) **Minimum Open Space.** The minimum amount of land in a Countryside Hamlet devoted to open space and subject to permanent open space easements shall be no less than eighty-five (85%) of the total land area in the Countryside Hamlet. All land not designated building areas, private access

easements, and rights-of-ways for roads shall be permanent open space.

- (2) **Minimum Open Space Widths Surrounding the Hamlet.** There shall generally be a minimum of 200 feet width of land in open space between the outside boundary of hamlet lot building areas and the tract boundary. There shall be a minimum of 800 feet between the hamlet lot building area boundaries of two (2) hamlets on the same tract. Reduction of these dimensions may be permitted by the County Board of Supervisors pursuant to Section 5-703(L), upon recommendation of the Planning Commission, based upon a finding that due to the topography, forestation, or presence of prime agricultural soils or environmentally sensitive areas, such reductions will preserve rural vistas, rural vistas, preserve farmland, screen dwellings from existing roads or adjacent properties, or preserve environmentally sensitive areas.
- (3) **Maximum Hamlet Building Area Depth.** The outside boundaries of the building areas of hamlet lots facing one another across a street shall not exceed 300 feet. The outside boundaries of the building areas of hamlet lots facing one another across a hamlet green/square shall not exceed 550 feet.

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

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

All water systems shall comply with applicable town, County, State, and/or LCSA standards and requirements, including a Commission Permit if required by applicable law. As for (a) and (b) above, the Health Department approval of both

a safe and adequate water supply system and designated backup well sites based on hydrogeological studies, shall be a precondition to recordation of a record plat establishing a rural hamlet.

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

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

- (3) **Fire Protection.** Every hamlet shall satisfy the fire protection standards set forth in the Facilities Standards Manual (FSM), or if no such standards are in effect, shall have all weather access for a pump truck to an adequate pond with a water withdrawal main or to a water tank of sufficient capacity for fire protection.
- (4) **Roads.** Seven (7) Countryside Hamlet lots or less may be served by a private access easement. Twenty-five (25) Countryside Hamlet lots or less may be served by a VDOT fixed generation, tertiary Class II roads. All other Countryside Hamlet roads shall be built to VDOT secondary road standards. Roads serving two (2) or more hamlets, with a combined traffic loading exceeding 250 vehicles per day, shall generally have two (2) access points to the existing rural road network.
- (a) The Planning Commission may waive the two (2) access requirement upon finding special topographic or other circumstances which preclude implementation, but may in this eventuality require

alternative configurations of road design, such as a divided median.

- [(b) Further, the Planning Commission may waive the public road standards, thereby allowing up to twenty-five (25) rural hamlet lots to be served by private access easements, should the Planning Commission find that the waiver provisions contained in this section are met. This alternative roadway design option must be requested as part of the subdivision application, and shall not be granted for the sole purpose of circumventing the previously referenced public roadway design criteria. In reviewing any proposed waiver, the Planning Commission shall consider the following:
- (i) Whether granting of the proposed waiver will adequately provide for access by public safety service (police, fire and rescue services).
  - (ii) Whether granting of the proposed waiver will protect to the greatest extent possible topographic or physical, natural, scenic, archaeological or historical features of significant importance.
  - (iii) Whether the granting of the proposed waiver will be in the public's best interest, specifically with regard to future road maintenance considerations.
  - (iv) Whether the granting of the proposed waiver will meet engineering standards with regard to steep slopes, storm water control, drainage, soil erosion control; mitigate floodplain impacts; assure adequate dust control measures; and will minimize, to the greatest extent possible, the impact on water and air quality on adjoining properties.
  - (v) Whether the granting of the proposed waiver will facilitate orderly and safe road development.
  - (vi) Whether the granting of the proposed waiver will minimize the impact of traffic on the existing roadway network.]

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

(J) **Home Owner's Association.**

- (1) Each Countryside Hamlet or group of Countryside Hamlets comprising a common development shall have an incorporated Home Owner's Association ("HOA") which shall have the right and responsibility to maintain the following areas and improvements:
- (a) Common open space.
  - (b) Private roads, if any, within or serving the Countryside Hamlet.
  - (c) Any stormwater management ponds or areas,
  - (d) Fire protection pond, dry mains, or other improvements; and
  - (e) Such other common facilities or improvements as may be designated in the HOA Bylaws.
- (2) Easements for septic drainfields and wells located off of the lot shall be established at the time of the record plat for such lot, and shall be enforced by the County. The responsibility for maintaining or replacing such septic fields or wells shall be borne by the lot owner served by such easement.
- (3) The permanent open space easement required in the Countryside Hamlet shall run to the benefit of the County. Such easement shall be in a form approved by the County, and shall provide that, notwithstanding such easement, the eased portion of conservancy lots or hamlet lots shall be maintained by the owners of such lots, and that the County should bear no responsibility or liability for such maintenance. However, nothing contained herein shall prevent such landowners from leasing such open space for agricultural or other purposes as allowed in Section 5-703(D)(2), Open Space Use.

- (4) The Home Owner's Association documents shall be submitted as part of the initial record plat application and shall provide for adequate initial funding and assessments to fund the maintenance of common property and improvements.
- (K) **Plat and Deed Notations.** Record plats and deeds for Countryside Hamlet subdivisions shall include a statement that agricultural operations enjoy the protection of the Right to Farm Act, Va. Code Section 3.1-22.28 et seq.
- (L) **Modification of Regulations.**
- (1) Where there are conflicts between the Countryside Hamlet provisions herein and the general zoning, subdivision or other regulations and requirements, the countryside hamlet regulations shall apply.
- (2) In addition, the Board of Supervisors may allow reasonable modifications to other applicable regulations as follows:
- (a) These other regulations serve public purposes to a lesser degree than the Countryside Hamlet, or
- (b) The designs or solutions proposed by the applicant, although not literally in accord with these other regulations, satisfy public purposes to a greater degree, or
- (c) The strict implementation of these other regulations would prevent well designed countryside hamlet development.
- Such modifications may be granted by the Board of Supervisors by special exception. Such modifications may be sought prior to filing a preliminary plan of subdivision. The landowner shall include a sketch plan of the proposed hamlet as part of the application for modification and shall demonstrate the reasons for the request.
- (M) **Advisory Countryside Hamlet Siting And Design Guidelines.** Loudoun County recognizes that every Countryside Hamlet design will be a custom response to the unique assets and constraints of each tract. As a consequence, the County has only incorporated within the Countryside Hamlet Ordinance those siting and design rules required to preserve open space and to allow the clustering of dwellings. However,

the County does wish to encourage design consistent with Loudoun's past and appends the following general design guidelines for Countryside Hamlet designers.

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

**5-704**

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

- (A) Common open space shall be designed to constitute a contiguous and cohesive unit of land which may be used for active or passive recreation by residents.
- (B) Common open space shall be accessible to all permitted uses and all residential units within the subject development and shall be located within a reasonable walking distance of such units.

Section 5-700

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (C) All common open space shall be permanently reserved, managed, and maintained as open space by a means acceptable to the Board of Supervisors, and at no cost to the County.
- (D) No major floodplain shall be included in calculating the amount of common open space required.

**5-705**

**Hardship Lots in A-3 (Agricultural-Residential), A-25, and A-10 Agriculture Districts.** In cases where a one (1) acre minimum lot requirement would avoid hardship or otherwise be meritorious, the Board of Supervisors will entertain specific applications to change the three (3) acre minimum lot or ten (10) or twenty five acre minimum lot requirement to a one (1) acre minimum lot requirement with width, length/width ratio, and yard requirements as for R-1 districts and will act on such applications in conformity with the provisions of Section 6-1200 of this Ordinance; provided, however, that the Zoning Administrator shall require such greater area or other additional requirements dictated by the County Health Department; and provided further that in any case where a Commission Permit, or Special Exception is required by the provisions of this Ordinance, the lot area shall conform to the area stipulated in such authorization.

**Limitations on Vehicles in Residential Districts.**

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

## **Section 5-900**

**Setbacks From Specific Roads and the W&OD Trail.** Certain roads within Loudoun County because of their function, location and capacity require that uses be set back a certain minimum distance from them. All other provisions of this Ordinance notwithstanding, all buildings and parking, except for agricultural structures and structures located within Village limit lines as identified in the General Plan, shall be set back as provided below, or the setback provided in an approved corridor study whichever setback is greater, from the planned rights-of-way, including the fillets or connectors between rights-of-way lines at planned or existing intersections [and interchanges]. [Residences, accessory structures, and accessory uses built before June 16, 1993 are exempt from this provision pursuant to Section 1-403(D). The following roads are subject to this provision:]

### **(A) Building Setbacks From Roads.**

#### **(1) Route 7.**

- (a) Fairfax County line, west to Broad Run. 100 feet.
- (b) Broad Run west to east corporate limit of Leesburg. 300 feet.
- (c) Route 7 Bypass from the west corporate limit of Leesburg west to Clarke County. 200 feet.
- (d) [Route 9 bridge over Route 7] west to Clarke County on business Route 7. 100 feet.

#### **(2) Dulles Toll Road Extension. 150 Feet.**

#### **(3) Route 50.**

- (a) Fairfax County line, west to Rt. 659. 100 ft.
- (b) Rt. 659 west to Fauquier County line. 200 ft.

#### **(4) Route 15. 200 Feet.**

#### **(5) Route 28. 200 Feet.**

#### **(6) Route 9. 100 Feet.**

#### **(7) Route 287. 100 Feet.**

#### **(8) Route 606. 100 Feet.**

Section 5-900

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (B) **Building Setback From W&OD Trail.** 25 Feet.
- (C) **Parking Lot Setbacks From Roads.** 100 feet, landscaped in accordance with the requirements of Section 5-1414(B)(3).

## Section 5-1000

### Scenic Creek Valley Buffer.

#### 5-1001

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

#### 5-1002

**Scenic Creek Valley Buffer Established.** The following setbacks are established along scenic rivers and major streams in areas where the major 100 year floodplain is less than the setbacks provided below.

- (A) 250 feet measured along the slope of the ground from the channel scar line on the Potomac River.
- (B) 200 feet on each side of the creek measured along the slope of the ground from the channel scar line of the Scenic River designated portions of Goose Creek and Catoctin Creek.
- (C) 150 feet on each side of the creek measured along the slope of the ground from the channel scar line of each creek or stream where the watershed is greater than 640 acres.
- (D) The above setbacks may be reduced as follows:
  - (1) A reduction of 100 feet shall be allowed for the retention of an existing forested area or the creation of a forested area, as approved by the Area Forester as part of a management plan which may not constitute reforestation of an existing area, between the ultimate setback line and the channel scar line; or
  - (2) A reduction of 100 feet shall be allowed for the use of and retention of stormwater management/BMP practices in accordance with the FSM at time of development within any developed area on the lot or site.

Section 5-1000

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (E) The above setback does not apply to agricultural, horticultural, or forestal uses where a farm plan approved by the Loudoun County Soil and Water Conservation District or other County approved agency is kept continuously in place.

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

## ARTICLE V

### Division B: Off-Street Parking and Loading

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

##### 5-1101 Compliance Required.

- (A) **General Requirement.** Except as provided elsewhere in this Ordinance, there shall be provided, at the time of the erection of any building, or at the time any principal building is enlarged or increased by adding dwelling units, guest rooms, seats or floor area, or before conversion from one type of use or occupancy to another, permanent parking and off-street loading space in the amount specified and pursuant to the requirements of this Section. Parking space may be provided in a garage or properly surfaced open area.
- (B) **Application to Addition or Change in Use.** When a change in intensity of use of any building or structure would increase the required parking by ten (10) or more spaces, cumulatively from the date of this Ordinance, through an addition or change in the number of dwelling units, gross floor area, gross leasable area, seating capacity, or other units of measurements specified herein, the increment of additional required parking shall be provided in accordance with this Section unless a special exception permit is granted by the Board of Supervisors in accordance with Section 6-1300. If fewer than ten (10) spaces are required by a change or series of changes in use, the Zoning Administrator may waive up to the incremental required number of parking spaces, after determining that the granting of the waiver will not be detrimental to the public welfare and will be consistent with the County of Loudoun Comprehensive Plan.
- (C) **Review of Parking and Loading Facilities Plan.** Certification of Minimum Parking Requirements. Each application for a subdivision, site plan, zoning permit, or certificate of occupancy submitted to the Zoning Administrator shall include information as to the location and dimensions of parking and loading space; and the means of ingress and egress to such spaces. This information shall be in sufficient detail to determine if the requirements of this Ordinance are met and shall contain such information as is required by applicable provisions of the Land Subdivision and Development Ordinance.

- (D) **Procedures for Reduction of Parking.** No existing parking or loading space, and no parking or loading space hereafter provided, which meets all or part of the requirements for parking or loading space set forth in these regulations, shall be reduced or eliminated so as to create a parking and loading space not meeting the criteria contained herein. Reductions in parking and loading spaces may be permitted by the Zoning Administrator where spaces are no longer required by these regulations or alternative spaces meeting the requirements of these regulations are provided.

**5-1102 Number of Parking and Loading Spaces Required.**

(A) **Standards for Computation.**

- (1) **Floor Area.** Gross Floor Area (GFA) [GLA Removed pursuant to ZOAM 1993-0002] as used in this section shall be as defined in Article VIII of this Ordinance.
- (2) **Building Capacity.** The capacity of the building expressed in number of persons shall be determined by the Fire Prevention Code adopted by the County of Loudoun.
- (3) **Fraction of a Space.** When the calculation of the number of required parking and loading spaces results in a requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and fractions of over one-half (1/2) shall be interpreted as one (1) whole parking or loading space.
- (4) **Commercial Vehicles.** In addition to the requirements in the tables below, one (1) off-street parking space shall be required for each commercial vehicle which is directly associated with permitted and special exception uses, and which is to be parked on the premises during normal business hours. Required loading spaces may be credited as part of the total space needed for commercial vehicles.

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

(1) **Residential Uses.**

- (a) **Single Family Dwellings,** detached houses and duplexes, townhouses and other single family attached dwelling units.

- (b) **Multi Family Dwellings**, includes condominium and apartment buildings where common vehicular entrances, parking areas etc., are provided for more than one unit.
- (c) **Elderly Housing**, any multifamily building that is occupied not less than 90% by persons 60 years of age or older.
- (d) **Accessory Dwelling Units**, associated with any other use, including living quarters for each caretaker, watch keeper, servant and tenant.
- (e) **Sleeping Rooms**, including boarding, lodging, and bed and breakfast homestays, rectories and convents which are rented or used on an individual basis by non-family members.
- (f) **Commercial Lodgings**, including hotels, motels, motorlodges and motor courts.
- (g) **Congregate, Convalescent & Nursing Homes**, where unrelated persons reside under supervision for special care, treatment, training or other purposes, on a temporary or permanent basis.
- (h) **Child Care Centers**, where unrelated persons are cared for during limited periods each day in a supervised facility.

(2) **Retail/Service Uses.**

- (a) **General Retail**, including antiques, art, art supplies, bicycles, books, camera and photographic supplies, china and glassware, clothing, coin and stamp, crafts/needlework, discount/mass merchandising, drapery/curtain/window coverings, dry goods, fabrics and sewing accessories, floor coverings, furriers and fur apparel, gifts/novelty/souvenirs, hobby, jewelry, linens/sheets/towels, leather/luggage/ suitcases, musical instruments, optical shops, newspapers and magazines, retail florist (no greenhouse), paint and wall coverings, pet shops, records/audio/ stereo/TV, school and office supplies, second hand and resale, shoes, small electrical

appliances, specialty, stationary, tobacco, toys, and other such retail uses as determined by the Zoning Administrator.

- (b) **Convenience Retail**, including bakeries and confectioneries (non-manufacturing), butchers/meatshops, dairy products, eggs and poultry, fish and seafood, fruit and vegetables, frozen desserts (without tables), grocery/supermarkets, liquor, laundry/dry cleaning (pickup station only), pharmacy/drug, not to exceed 10,000 sq. ft. GFA each.
- (c) **Service Retail**, including drapery services, direct selling, appliance repair, tool and appliance rentals, mail order, merchandise vending, film/video rentals, printing/ copy, shoe repair, pawn shops, photographic studios, key and lock, tailoring and dressmaking, upholstery, optical shops.
- (d) **Hard Goods Retail**, automotive parts and supplies (without repair facilities), furniture, hardware, wholesale florists, garden supply, greenhouses, lumber and building supplies, household appliances, lighting and electrical supplies, medical appliances and supplies, pool and patio furniture, and sales display and showrooms for any building product (including millwork, cabinets, plumbing, glass and mirror, fencing, swimming pools/spas/hot tubs, etc.).
- (e) **Shopping Centers**, with two or more individual stores, GFA provided in the same building or attached buildings totalling more than 10,000 square feet.
- (f) **Personal Care Services**, including barber and beauty shops, cosmetology and cosmetic salons, diet counseling centers, electrolysis/hair removal salons, and fingernail salons.
- (g) **Coin Operated Laundry and Coin Operated Dry Cleaning Facilities**, with or without attendant services and/or a pickup station for outside dry cleaning service.
- (h) **Other Retail/Service Uses**, including animal clinics/ veterinarian offices, kennels and pounds.

- (i) **Temporary Retail**, including wayside stands and outdoor markets.
  - (j) **Motor Vehicle Sales & Service**, including automotive sales, gasoline and/or diesel fuel stations, automotive rental agency, marine craft sales and service, engine and motor repair shops, automotive glass/muffler/painting/tire/upholstery repair shops, recreational and sports vehicle sales and service.
- (3) **Food and Beverage Services.**
- (a) **Restaurant**, including restaurants, and banquet rooms, with or without dancing and entertainment facilities, which provide only seated table service.
  - (b) **Family Restaurant**, without a bar or lounge area, which provides seated service at tables, or counters, and only incidental carryout service.
  - (c) **Fast Food**, including delicatessens, carryout, drive-in, etc., which provides quickly or previously prepared foods from a counter and which may or may not have a separated indoor or outdoor seating area.
- (4) **Office and Business Services.**
- (a) **General Business Services**, including accounting, advertising, architectural/ engineering/urban planning, auditing, bookkeeping, business and management consulting, charitable, collection services, commodity or security broker/dealer, consumer protection, corporate, credit reporting, currency exchanges, data processing, detective services, employment agencies, employment services, exterminating services, financial counseling, general business offices, income tax preparation, insurance agencies/brokers/ service offices, interior decorating (without furniture showrooms), loan companies, labor unions, legal offices, newspaper and news, newspaper distribution, philanthropic or professional membership business associations, publishing offices (without printing plants), public relations, real estate offices, religious, research labs, social service agencies, stenographic services, syndicator offices, title abstracting, travel agencies and window cleaning services.

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

(12) **Miscellaneous Uses.**

- (a) **Public Assembly**, including churches, synagogues, temples, funeral homes, mortuaries, crematoria, civic/social/ fraternal association meeting places.
- (b) **Hospitals**, including sanitariums, and residential alcoholic, psychiatric and narcotic treatment facilities.

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

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

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

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

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required</u>
<u>Residential</u>		
Single Family Dwelling Unit	2/dwelling unit in agricultural districts; 2.5/dwelling unit in all other districts. Garage and driveway parking spaces count towards required spaces.	None
Multi/Family Dwelling Unit		
Studio	1.25/dwelling unit	None
1 bedroom	1.5/dwelling unit	None
2 or 3 bedrooms	2/dwelling unit	None
4 or more bedrooms	2.5/dwelling unit	None
[Active Adult/Age Restricted Dwelling Unit		
	1.75/dwelling unit for buildings 4 stories or less in height	None
	1.25/dwelling unit for buildings 4 stories or more in height]	
Elderly Housing/Independent Living Unit	.25/Independent living unit	None
Accessory Dwelling Unit	1/accessory apartment or dwelling unit	None
Sleeping Rooms	1/unit or room plus 2 for owners/managers	None
Commercial Lodgings	2 for owners/managers plus 1/sleeping room or unit plus any spaces required for restaurant/restaurant/banquet and meeting rooms	As required for restaurant/lounge and meeting rooms; minimum one for lodgings with 50 or more rooms.
Congregate, Continuing Care & Congregate Housing Facilities	.33/resident plus 1.5/day shift employee	One
Child Care Facilities	.2/person in licensed capacity plus one per employee not residing on the premises	None

<b><u>Use</u></b>	<b><u>Parking Spaces Required</u></b>	<b><u>Loading Spaces Required</u></b>
<b><u>Retail/Service</u></b>		
General and Convenience Retail	4/1,000 sq ft of GFA; minimum of 4 spaces per establishment	None for the first 10,000 sq. ft. then one/30,000 sq.ft. up to 70,000 sq. ft. plus one/80,000 sq. ft. thereafter
[Wayside Stands/ Christmas Tree Stands]	[Any parking provided shall be on-site]	None
[Nurseries/ Farm Markets]	[Minimum of 10 spaces shall be provided for the first five acres of outdoor sales area with one additional space for each ten acres over five acres. Off-site parking is prohibited.]	
Bed and Breakfast Homestay	2.5/dwelling unit 1/guest room	None
Bed and Breakfast Inn	2.5/dwelling unit 1/guest room 1/employee	None
Country Inn	1/guest room 15/1,000 sq. ft. of GFA for restaurants & kitchen area only	None
Service Retail	2.5/1,000 sq ft of GFA; minimum of 3 spaces per establishment	Same as general retail
Hard Goods Retail	3.5/1,000 sq ft of GFA interior sales space plus 1.5/1,000 feet of interior storage and/or exterior display/sales area; minimum of 4 spaces per establishment	Same as general retail

<b><u>Use</u></b>	<b><u>Parking Spaces Required</u></b>	<b><u>Loading Spaces Required</u></b>
<b><u>[Shopping Centers]</u></b>		1/50,000 sq ft up 100,000 sq ft plus one/ 100,000 sq ft up to 500,000 sq ft plus one/200,000 sq ft thereafter
Smaller Shopping Centers (Small strip-type centers)	4/1,000 sq. ft. of GFA for centers with up to 100,000 sq. ft.	
Larger Integrated Shopping Centers (Non-enclosed centers)	4/1,000 sq. ft. of GFA for centers over 100,000 sq. ft.	
Shopping Centers (Mall-type centers)	3.5/1,000 sq. ft. of GFA for centers with up to 400,000 sq. ft.  3.8/1,000 sq. ft. of GFA for centers with 400,000 to 600,000 sq. ft.  4.25/1,000 sq. ft. of GFA for centers with over 600,000 sq. ft.]	
Personal Care Services	2/treatment station but not less than 1/1,000 sq. ft. GFA	None
Coin Operated Laundries	1 space/ 2 machines	None
Other Retail/Service Uses	As determined by the Zoning Administrator	Same as general retail
Temporary Retail	As determined by the Zoning Administrator	None
Motor Vehicle Sales & Service	2.5/1,000 sq ft of GFA interior sales space plus 1.5/1,000 sq ft of external display (but not including stock areas not open to the public) plus 3/service bay	Same as industrial

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required</u>
<u>Food and Beverage</u>		
Restaurant	20/1,000 sq. ft. of GFA minimum of 1 space	1/40,000 sq ft of GFA;
Fast Food	20/1,000 sq. ft. of GFA kitchen, counter and waiting areas plus 0.5/seat provided	With indoor seating area, one; with no seating area; none
<u>Office and Business Services</u>		
General Offices	4/1,000 sq. ft. of GFA for up to 30,000 sq. ft.; 3.3/1,000 sq. ft. GFA thereafter	None for the first 30,000 sq ft then one/100,000 sq ft thereafter
Financial Institutions	2.5/1,000 sq. ft. of GFA; stacking space for drive- through windows to be determined by Zoning Administrator	None for the first 10,000 sq ft GFA then one/50,000 sq ft up to 110,000 sq ft plus one/10,000 sq ft thereafter
Medical Offices	6.0/1,000 sq. ft. of GFA for the first 5,000 sq. ft. plus 3.5/1,000 sq. ft. GFA thereafter	None for the first 5,000 sq ft then one for each 100,000 sq ft GFA thereafter
<u>Industrial/Manufacturing</u>	2/1,000 sq. ft. of GFA plus any required spaces for office, sales or similar space	1/25,000 sq ft GFA up to 500,000 sq ft plus one for the next 50,000 sq ft plus one/ 100,000 sq ft there- after
<u>Storage/Processing/ Wholesaling</u>	0.5/1,000 sq. ft. GFA plus any required spaces for office, sales, etc.	One the first 50,000 sq ft GFA plus one space/100,000 sq ft thereafter

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required</u>
Mini Warehouse	Three spaces at the office plus 1 space/25 storage units	None
[Vehicle Wholesale Auction	1/3 employees 1/60 vehicle storage space	1/25,000 sq.ft. of GFA]
<u>Materials Supply and Construction</u>	0.5/1,000 sq. ft. GFA plus any required spaces for office, sales, etc.	1/25,000 sq. ft. GFA up to 500,000 sq. ft. plus one for the next 50,000 sq ft plus one/100,000 sq ft thereafter.
<u>Communication and Private Utility</u>	1/1.5 employees on the major shift.	1/25,000 sq. ft. GFA up to 500,000 sq. ft. plus one for the next 50,000 sq. ft.plus one/100,000 sq. ft. thereafter.
<u>Governmental</u>	4/1,000 sq. ft. of G.F.A. administrative offices; other as determined by Zoning Administrator	As determined by Zoning Administrator
<u>Educational</u>	1/Classroom and other room used by students plus .2/student over driving age	1/100,000 sq.ft.GFA
<u>Cultural/Recreational/Entertainment</u>		
Public Assembly	.25/person in permitted occupancy approved by the Fire Marshal plus 1 space/employee	1/100,000 sq.ft. GFA
Public Recreation	.33/person in permitted occupancy approved by the Fire Marshal plus 1 space/employee	1/100,000 sq.ft. GFA
Private Club or Lodge	.33/person in permitted occupancy approved by the Fire Marshal plus 1 space/employee	1/100,000 sq.ft. GFA

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required</u>
<u>Miscellaneous</u>		
Public Assembly	.25/person in permitted capacity	1/100,000 sq ft GFA
Hospitals	1.5/employee on main shift; plus 1/doctor on staff; plus 1/2 beds for in-patient services; plus 1.5/250 square feet for out patient services	1/100,000 sq ft GFA up to 500,000 sq ft plus one/200,000 sq ft. thereafter.

(F) **Adjustments to Parking Requirements.**

- (1) **Procedure.** In the specific instances set forth in Paragraphs 2 through 5 below, the Board of Supervisors may by special exception approve a reduction in required parking spaces. Applications for such a reduction shall include the following information in addition to those requirements of Section 6-1300.
  - (a) A parking demand analysis which substantiates the need for a reduced number of spaces.
  - (b) A plan showing how the parking spaces shall be provided on the site.
  - (c) A covenant must be executed guaranteeing that the owner will provide the additional spaces if the Zoning Administrator, upon thorough investigation of the actual utilization of parking spaces at the building or complex, recommends to the Board of Zoning Appeals that the approved reduction be modified or revoked. Said covenant shall meet the same requirements for covenants set forth in Section 5-1103. The Zoning Administrator will review the above completed application and make a recommendation to the Board of Zoning Appeals. The Board of Zoning Appeals may impose such additional conditions as are deemed necessary to protect and to assure compliance with the objectives of this section.

- (2) **Shared Parking and Loading Facilities.** In the case of mixed uses (not qualifying as accessory or complementary uses) or two or more buildings upon a single lot or unified parcel, the total requirements for parking and loading facilities shall be the sum of the requirements of the various uses computed separately. However, cumulative parking requirements for mixed-use occupancies may be reduced where it can be determined by the Zoning Administrator that the peak requirement of the several occupancies occurs at different times (either daily or seasonally), and the parking demand can be provided on the premises.
- (3) **Captive Market.** Parking requirements for retail and restaurant uses may be reduced where it can be determined that some portion of the patronage of these businesses comes from other uses (i.e., employees of area offices patronizing restaurants) located within the same building or a maximum walking distance of 400 feet.
- (4) **Availability of Public Parking.** Parking requirements may be reduced if a property has available to it a sufficient supply of existing under-utilized public parking spaces in both off-street public parking lots and/or on-street public parking spaces, and where the applicant adequately demonstrates that such availability will continue in the future.
- (5) **Alternative Transportation Reductions.**
  - (a) **Transit.** A reduction of up to 20% of the required parking may be granted for any use, building or complex within 1,000 feet of any regularly scheduled bus stop, equal to the substantiated and verifiable projections of use of public transportation by users of the building or complex.
  - (b) **Carpooling/Vanpooling.** A reduction of up to 20% of required parking, based on substantiated and verifiable projections of reduction in parking demand, may be granted for any building or complex exceeding 50,000 square feet GFA that institutes and maintains a carpooling/vanpooling program.

- (c) **Shuttle Service.** A reduction of up to 10% of required parking, based on substantiated and verifiable projections of reduction in parking demand, may be granted for any building or complex that provides and maintains a regular shuttle service.
- (d) **Maximum Reduction.** A combination of the reductions allowed pursuant to (a), (b), and (c) above may be granted provided that the total reduction of required parking does not exceed 35%.

## 5-1103 General Location Requirements.

- (A) **Parking Facilities.** All parking facilities, shall be provided on the same lot or parcel of land being served, or on a separate lot or parcel of land within [five hundred (500)] feet of the principal entrance of the building lot being served, if the zoning classification of such separate lot or parcel of land is the same as or less restrictive than the classification of the lot upon which the use is located.
- (B) **Loading Spaces.** All required loading spaces shall be located on the same lot or parcel as the uses being served.
- (C) **Requirements For Multiple Property Ownership.** Wherever required off-street parking facilities are proposed to be provided elsewhere than on the lot or parcel of land on which the principal use served is located, when such facilities are collectively or jointly provided and used, and/or when the parcels or lots are owned by different parties, the facilities shall be in the same possession, either by deed or long term lease, as the property occupied by the principal use. A certified true copy of the recorded deed or long term lease must be filed with the County of Loudoun prior to site plan or subdivision approval. There shall further be a covenant on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of said principal use. Said covenant shall:
  - (1) Be executed by the owner of said lot or parcel of land and the parties having beneficial use thereof;
  - (2) Be enforceable by either the parties having beneficial use thereof or both;

- (3) Be enforceable against the owner, the parties having beneficial use, and their heirs, successors and assigns or both; and
- (4) Be first recorded in the Office of the Clerk of the Circuit Court.

## ARTICLE V

### Division C: Sign Regulations

#### Section 5-1200

#### Sign Regulations.

##### 5-1201

**Purpose.** It is determined that the primary purpose of signage is to help people find what they need without difficulty or confusion, and without adverse impact on the visual character of an area. Thus, while not restricting the freedom of expression, regulations are hereby established for controlling the number, design, and location of signs, for treating similar types of signs consistently, and for preventing an overload of graphic messages or displays in the environment of Loudoun County. Signs are subordinate to the structures and land use functions they reference. Signs are to be considered accessory components of an overall composition of architectural elements, not as freestanding or dominant architectural elements by themselves. This Section establishes standards for the erection, display, safety, and maintenance of signs which are intended to convey graphic messages; encourage the general attractiveness, historic quality, and unique character of Loudoun County, and protect property values therein.

##### [5-1202

#### General Provisions.

- (A) **Signs Prohibited.** Signs with any of the following characteristics are prohibited:
- (1) **Other than on property or structure to which it directs attention.** Is located anywhere other than on the property or structure to which it directs attention or to which it is appurtenant, except (a) any sign erected or maintained by or under the supervision of county or other governmental authority or the Virginia Department of Transportation, and (b) any other off-site sign which is specifically provided for in this article.
  - (2) **Outlines any building with neon or other permanent lights.** Outlines any building or part thereof with neon or other permanent lights.
  - (3) **On trees, fences, public utility pole, etc.** Is fastened, placed, painted, pasted or attached in any way to, in or upon any tree, fence, public utility pole, rock, curbstone, sidewalk, lamp post, hydrant, bridge, highway marker or another sign except such as may be (a) required by law, (b) so placed by a duly authorized

Section 5-1200

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

governmental agency, (c) so placed not as an advertisement, but as a warning against hunting, fishing or trespassing, (d) not visible from any public road, (e) a farm sign, and (f) a residential name sign.

- (4) Illuminated signs which reflect or cast glare, directly or indirectly, on any public roadway or adjacent property.
- (5) Balloons, banners, pennants or inflated devices with the intent to draw attention to a place of business, unless otherwise permitted as a "Temporary Sign", in Section 5-1204(D), The Sign Requirements Matrix.
- (B) **Signs Permitted.** Only signs as listed or otherwise provided for in Section 5-1204(D), Signs Requirements Matrix, shall be permitted, and these shall be subject to such regulations as are specifically set forth in each case and to all other regulations in this ordinance. No other signs shall be permitted.
- (C) **Nonconforming Signs and Removal.** Any sign lawfully in existence at the time of the effective date of this ordinance may be maintained although it does not conform with the provisions of this ordinance, except that any such nonconforming sign, which was required to be removed under the prior ordinance, shall be removed.
- (D) **Traffic Hazards.** No sign shall be located or illuminated in such a manner as, in the opinion of the Zoning Administrator, to cause a traffic hazard. Where a permit is required, the permit shall not be issued until the location and illumination, if any, of the sign are approved by the Zoning Administrator.
- (D) **Modification to Sign Regulations.** Modifications to the sign regulations may be made in accordance with Section 6-1504 during a rezoning to Planned Development (PD) Districts. Any modifications to the sign regulations, subsequent to a rezoning to PD Districts may be done in accordance with Section 6-1511(B). A request for sign modifications shall include the submission of a Comprehensive Sign Package for the Planned Development District that clearly addresses how the proposed requirements satisfy the public purpose to an equivalent degree. The Comprehensive Sign Package shall include, as a minimum, the following: 1) a statement of justification; 2) a comparison chart of the proposed sign regulations in relation to the ordinance regulations; 3) the various sign types proposed for the PD District, including the design, materials, colors, and illumination to be utilized to achieve a complementary system of signs and graphics; and 4) a sign plan, depicting the location of the various proposed sign types within the PD District.

**5-1203****Administration and Enforcement.**

- (A) **Sign Permits.** No sign, with the exception of "Government Signs/Official Notices", "Historical Markers", "Danger, Aviation, Railroad, Bridge, Ferry Transportation, Red Cross, and Other Similar Signs", "Hunting, Fishing or Trespassing Signs", and "Residential Name Signs", shall be erected without first obtaining a sign permit from the Zoning Administrator. No such permit shall be issued unless a fee, if required, and as set by the Board of Supervisors, is paid and unless the proposed sign conforms with the requirements of this ordinance.
- (B) **Removal of Signs.** Whenever a sign becomes structurally unsafe or endangers the safety of a structure or premise or the public, or is erected or maintained in violation of this ordinance the Zoning Administrator shall order such sign to be made safe or comply with the ordinance, as the case may be, or be removed. Only one such order shall be sent by registered mail, return receipt requested, to the owner of the land on which the sign is located and the violator who is responsible for the sign. Within five working days of the receipt or refusal of the order, the owner or violator must correct the sign based on the Zoning Administrator's order. The Zoning Administrator may grant one extension, not to exceed ten (10) working days, based on written justification for the need of an extension. Failure to comply shall constitute grounds for the Zoning Administrator to issue a civil summons pursuant to Section 6-504 and to take other appropriate actions to have the sign removed.

**5-1204****Sign Requirements.**

- (A) **Sign Requirements Matrix Contents.** Signs shall be permitted in accordance with the Sign Requirements Matrix set forth in Section 5-1204(D) which governs the following: 1) maximum aggregate sign area; 2) maximum number of signs; 3) maximum area of any one sign; 4) illumination permitted; 5) minimum setback from road right-of-way; 6) height; 7) sign type permitted: freestanding (to include ground mounted and pole mounted) or building mounted; and 8) other additional requirements.

- (B) **Ground Mounted Sign Bonus Multiplier.** The Sign Requirements Matrix provides for the use of a bonus multiplier, for certain uses, allowing an increase in the maximum area of a ground mounted sign. This provision is not to allow an increase in the total aggregate sign area permitted by the Matrix.
- (C) **Ground Mounted Sign Background Structure Bonus Multiplier.** The Sign Requirements Matrix provides for the use of a bonus multiplier, for certain uses, allowing an increase in the maximum area of the background structure of a ground mounted sign.]

## ARTICLE V

### Division D: Landscaping, Buffering and Tree Preservation

#### Section 5-1300 Tree Planting and Replacement.

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

#### **5-1302 General Standards.**

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

#### **5-1303 Canopy Requirements.**

- (A) **Site Planning.** A Final Site Plan, [or Construction Plans and Profiles for single family attached units in those districts where applicable,] required under Section 6-701, shall include the planting and replacement of trees on site to the extent that, at maturity of ten (10) years, minimum tree canopy shall be provided as follows:
  - (1) Ten (10) percent tree canopy for sites zoned business, commercial, or industrial in the GB, PD-IP, PD-OP, PD-GI, [MR-HI], PD-CC, PD-RDP, PD-SA, PD-TRC, PD-TC, PD-TT, PD-UC, CLI, RC, and PD-H Districts.

Section 5-1300

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

- (2) Ten (10) percent tree canopy for sites zoned PD-H and R-24 with densities of twenty (20) or more units per acre.
- (3) Fifteen (15) percent tree canopy for sites zoned PD-H and R-16 for multi-family and single family attached units with densities of eleven (11) to nineteen (19) units per acre.
- (4) Twenty (20) percent tree canopy for sites zoned PD-H and R-8 for multi-family and single family attached units with densities of three (3) to ten (10) units per acre.

(B) **For development requiring a plan of subdivision, but not a site plan, property not zoned A-3, A-10, A-25, i.e. single family and duplex dwellings.** When a plan of subdivision is required under the Land Subdivision and Development Ordinance and the property is not zoned A-3, A-10, A-25, a landscape plan shall be included at Record Plat or construction drawings, whichever shall occur first, that provides for the planting or replacement of trees on the site to the extent that, at maturity of ten (10) years, minimum tree canopies will be provided as follows:

- (1) If the site has a tree canopy coverage of 20% or more, the plan shall provide for the preservation, or planting and replacement of trees on site so as to result in a tree canopy of at least 20%, calculated at 10 years maturity.
- (2) If the site has a tree canopy coverage of less than twenty (20%) prior to recordation of the subdivision, the plan shall provide for the preservation or planting and replacement of an equivalent percentage of tree canopy coverage as existed prior to development, calculated at 10 year maturity.
- (3) Every platted lot shall have a minimum tree canopy coverage of 2.5%, or 3,000 square feet, whichever is less, calculated at 10 years maturity, exempting lots for which no permits for new structures will be sought and the designated parent tract. Such trees shall be counted toward the minimum tree canopy requirements in (1) and (2) above.
- (4) Trees shall be planted at a density of one tree per 50 linear feet along all areas dedicated for use for vehicular access. Such trees shall have a minimum caliper of 1" and a height at maturity of 15 feet or more. Such trees shall be counted toward the minimum tree canopy requirements in (1), (2) and (3) above.

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

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

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

## **Section 5-1400**

### **Buffering and Screening.**

#### **5-1401**

**Purpose.** The purpose and intent of this Section is to facilitate the creation of a convenient, attractive and harmonious county; to conserve natural resources including adequate air and water; to preserve the character of an area by preventing or mitigating the harmful effects of one use on another use; and to preserve and promote the health, safety and general welfare to the public. More specifically, this Section is intended to mitigate the effects of uses on adjacent uses by requiring a screen and/or buffer between the uses in order to minimize the harmful impacts of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use. Also, this Section is intended to require the landscaping of parking lots in order to reduce the harmful effects of heat and noise and the glare of motor vehicle lights; to preserve underground water reservoirs and to permit the return of precipitation to the ground water strata; to enhance the natural drainage system and ameliorate storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent soil erosion; and to provide shade.

#### **5-1402**

#### **Applicability.**

- (A) The provisions of this Section shall apply to all development where site plans and/or subdivisions are filed in accordance with the provisions of Section 6-700 of this Ordinance or the Land Subdivision and Development Ordinance.
- (B) The provisions of this Section are intended to complement the regulations of Section 5-1300 of this Ordinance. Trees planted to fulfill the Canopy requirements of Section 5-1300 may also fulfill the Buffering and Screening requirements of this Section. However, where any provision of this Section imposes restrictions or standards different from those of Section 5-1300 or any other County ordinance or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control, unless the intent is clearly otherwise.

#### **5-1403**

**Standards.** The following standards shall apply to the installation and maintenance of all landscaping and screening required by the provisions of this Section.

- (A) The planting and maintenance of all trees and shrubs shall be in accordance with the provisions of Facilities Standards Manual, and the following requirements:

Section 5-1400

Revision Date: December 1, 1999

[ ] Indicates Ordinance Amendment

- (1) The installation of all landscaping shall be done following the procedures established by the American Association of Nurserymen.
- (2) At the time of planting, all canopy trees shall have a minimum caliper of one (1) inch dba, and all understory trees shall have a minimum height of six (6) feet. Evergreen trees shall be a minimum of six (6) feet in height. Evergreen shrubs shall have a minimum height of thirty (30) inches. Dwarf deciduous shrubs shall have a minimum height of eighteen (18) inches.
- (B) Existing vegetation which is suitable for use in compliance with the requirements of this Section, when supplemented by new vegetation, if needed, so as to provide buffering and screening in accordance with the purpose and intent of this Section, may and should be used as required planting.
- (C) In addition to the standards set forth in this Section, the Board of Supervisors or the Board of Zoning Appeals may require more stringent requirements as part of an approval action of a special exception, variance, or as part of proffered conditions.
- (D) All landscaping shall permit site distances consistent with all current code requirements of Loudoun County and VDOT.

#### **5-1404**

#### **Landscaping Plan.**

- (A) Except as permitted by the provisions of Section 5-1305 below, a landscaping plan, including a parking lot landscape and screening plan, shall be submitted as part of every final site plan required by the provisions of Section 6-701.
- (B) Such landscaping plans shall be drawn to scale, including dimensions and distances, and shall delineate existing and proposed buildings, parking spaces or other vehicle areas, access aisles, driveways, and the location, size, and description of all landscaping materials and the installation schedule if materials are to be installed in phases extending beyond 90 days from the date of occupancy of the building or structure to which they are appurtenant.
- (C) The landscaping measures, as required by this Section shall be shown on such initial plan and shall be completed or bonded in accord with current County policy according to specifications prior to approval of any Certificate of Occupancy.

Section 5-1400

Revision Date: December 1, 1999

[ ] Indicates Ordinance Amendment

**5-1405****Buffer Yards and Screening, General Provisions.**

- (A) Buffer yards and screening shall be provided in accordance with the Buffer Yard and Screening Matrix set forth in Section 5-1414(A), and in accordance with the provisions of this Section and Section 5-1407 and 5-1408 below.
- (B) Buffer yards and screening shall be provided within the zoning district and on the lot whose use is indicated in the left column of the matrix where it is contiguous or across the street from land used or zoned for uses indicated across the top of the matrix.
- (C) Where the structure or lot or development is to contain more than one use or category of uses as presented in the matrix, the more stringent requirements of the matrix shall apply; provided, however, that the Zoning Administrator may reduce and/or modify the requirements of the matrix upon a finding that the need for the more stringent requirements has been partially mitigated or eliminated by the arrangement of uses.
- (D) The uses in the matrix are listed in abbreviated form. Other similar uses, as may be included in a listing presented in the district regulations, shall be subject to the same regulations as are presented for a use listed on the matrix.
- (E) In those instances where a proposed use and/or an existing use on the abutting property is not listed in the matrix, the Zoning Administrator, using the matrix as a guide, shall determine to what extent buffering and screening shall be provided.
- (F) In addition to the standards set forth in herein for a particular use, all uses allowed by special exception, or variance in a given district, shall be required to provide buffer yards as determined by the BZA or Board of Supervisors, as the case may be, using the matrix as a guide.

**5-1406**

**Determination of Buffer Yard Requirements.** To determine the type of buffer yard required between two (2) adjacent parcels or between a parcel and a use across the street, refer to the buffer yard and screening matrix, and identify the buffer yard required pursuant to one of the following procedures:

- (A) **Proposed development adjacent to an improved property that is a pre-existing use which existed prior to the effective date of this Ordinance.**

- (1) If the proposed use is in the same land use category or is a more intensive than the pre-existing use, the proposed use must provide the buffer yard type as required by the Buffer Yard and Screening Matrix.
  - (2) If the proposed use is less intensive than the pre-existing use, the proposed use must provide the buffer yard type that would have been provided by the existing more intensive use as if it were subject to the requirements herein.
  - (3) The Zoning Administrator may waive reduce and/or modify the requirement if it presents a substantial hardship or is considered unnecessary as identified in Section 5-1409.
- (B) **Proposed development adjacent to a use developed subsequent to the effective date of this Ordinance.** The proposed use must install plant units in order to bring the total buffer yard required between the two uses into conformance with the Buffer Yard and Screening Matrix.
- (C) **Proposed Development Adjacent to a Vacant Property.** To determine the buffer yard type for a proposed development which will be constructed adjacent to vacant land, the Zoning Administrator must first make a determination on the probable future use of the adjacent vacant land, using the Comprehensive Plan, Zoning Ordinance and Zoning District Map.
- (1) If the proposed use is more intensive than the probable future use of adjacent vacant land, as determined by the Zoning Administrator, then the proposed use must provide a buffer as required by the Buffer Yard and Screening Matrix.
  - (2) If the subsequent use of the adjacent vacant land is more intensive than the probable use determined by the Zoning Administrator, and the subsequent use is required to provide a buffer prescribed in the Buffer Yard and Screening Matrix, the buffer yard installed by the first use may be taken into consideration by the Zoning Administrator in considering a reduction of required buffer.
  - (3) If the subsequent use of the adjacent vacant land is less intensive than the probable use determined by the Zoning Administrator, the subsequent use must install the difference between the plant units installed by the pre-existing adjacent use and the number of plant units required by the Buffer Yard and Screening Matrix.

- (4) If the proposed use is less intensive than the probable future use of the vacant land, as determined by the Zoning Administrator, no buffer yard shall be required of the proposed use.

(D) **Contractual Reduction of Buffer Yard Abutting Vacant Land.** When a land use is proposed adjacent to vacant land, the owners of both parcels may enter into a contractual relationship to provide for a buffer yard equivalent to the buffer yard which shall ultimately be required. Such a contract shall include:

- (1) A statement by the owner of the vacant land of an intent to develop at no greater than a specified land use category consistent with reduced buffer yards.
- (2) An agreement that the owner of the vacant land assumes all responsibility for additional buffer yards required by the development of his parcel with a more intense use than had been agreed upon.
- (3) The contract shall be in the form of a covenant or deed restriction, recorded in the Office of the Clerk of the Circuit Court of Loudoun County, Virginia, which shall run with the land.

(E) **Special Situations.**

- (1) When the adjacent land is used for a wayside stand or other temporary use, the buffer yard type shall be determined as if the adjacent property were vacant as provided in Section 5-1406(C).
- (2) If any property adjoins any existing or planned arterial road, [except in the A-3, A-10 or A-25 district,] the required buffer yard shall be in accordance with Buffer Yard Type 3, however, such buffer yard landscaping shall be supplemented by a landscaped earthen berm at least four (4) feet in height and not to exceed a slope of 2:1. This requirement may be waived modified, and/or reduced, or the location of the required berm may be adjusted by the Zoning Administrator, where necessary to preserve existing mature trees. [No buffer yard shall be required for the A-3, A-10 or A-25 districts where such property adjoins any existing or planned arterial road.]

- (3) If any adjoining property is located within a zoned municipality, the Zoning Administrator shall investigate the applicable municipal zoning district regulations and shall determine which district established by this Ordinance is most equivalent. Requirements for buffer yards shall then be the same as if the adjoining property were zoned in the equivalent County zoning district.

**5-1407**

**Buffer Yard and Screening Requirements.**

- (A) **Location.** Buffer yards shall be located along the perimeter of a lot or parcel. Where a parcel extends into the center line of an existing road, the buffer yard shall begin at and extend inward from the ultimate right-of-way line of said road. Buffer yards shall extend to the lot line, parcel boundary or rights-of-way line, except where easements, covenants or natural features may require the buffer yard to be set back from the property line, in which event the buffer yard shall be in addition to such easements, covenants or natural features. Buffer yards shall be provided within the required minimum yard setback areas. If the minimum buffer width is larger than the yard setback, the minimum buffer width must be provided.
  - (1) In the case of driveways, parking areas, and accessory structures permitted within required yard setbacks, at least fifty (50) percent of the area of the required minimum yard setback area shall consist of permeable materials.
  - (2) If parking and/or loading is permitted within the required minimum yard setback area, then Section 5-1413 "Parking Lot Landscaping and Screening Requirements" shall prevail.
- (B) **Screening Requirements in Buffer Yards.**
  - (1) Buffer yard requirements are stated in Section 5-1414(B).
  - (2) Those plant materials identified in Section 5-1414(C) or their equivalents shall satisfy the requirements of this Section.
  - (3) Whenever a wall, fence, and/or berm is required within a buffer yard, they shall be provided in addition to the plant units required.

**5-1408**      **Use of Buffer Yards.** A buffer yard may be used for passive recreation and it may contain pedestrian, bicycle or equestrian trails, provided that: a) minimal plant materials are eliminated, b) the total width of the buffer is maintained, and c) all other regulations of this Ordinance are met. Utility easements may be included within buffer yards provided that the utility requirements and buffer yard requirements are compatible and canopy trees are not planted within said easement. Vehicular entrances may cross a buffer yard. [Signs, pursuant to Section 5-1200, may be located in the buffer yards.]

**5-1409**      **Buffer Yard Waivers and Modifications.** Buffer yard requirements may be waived or modified by the Zoning Administrator in any of the following circumstances. The Zoning Administrator may attach conditions to any waiver or modification in order to assure that the results of the waiver or modification will be in accordance with the purpose and intent of this Section.

- (A)      Where the strict provisions of this Section would reduce the usable area of a lot configuration or size to a point which would preclude a reasonable use of the lot, buffer yards may be waived, reduced and/ or modified by the Zoning Administrator, upon showing that the building and/or the yard has been designed to minimize adverse impact through a combination of architectural, landscape and/or other design techniques.
- (B)      The Zoning Administrator may waive, reduce and/or modify buffer yard requirements if in his opinion the topography of the lot providing the buffer yard and the lot being protected is such that the required buffer yard would not be effective.
- (C)      The Zoning Administrator may waive, reduce and/or modify buffer yard requirements for single family attached dwelling units where a six (6) foot permanent fence has been provided to enclose a privacy yard (for rear yards and side yards) and such fence is architecturally designed and coordinated with landscape techniques to minimize adverse impact to adjacent properties.
- (D)      The Zoning Administrator may waive, reduce or modify buffer yard requirements for any public use when such use has been specifically designed to minimize adverse impact on adjacent properties.
- (E)      **Buffer Yard Exceptions.** When a land use is proposed adjacent to a lake, wetland, or other natural area, which is to remain undeveloped, and which is at least three hundred (300) feet in width, the Zoning

Administrator may waive, reduce, and/or modify the buffer requirements provided the intent of these regulations are preserved.

- (F) The Zoning Administrator may waive, reduce and/or modify buffer yard requirements for side and rear yards where lots zoned MR-HI, GB, PD-IP, PD-GI, MR-HI or CLI abut, upon finding that such waiver, reduction and/or modification is designed to complement proposed development of existing or proposed uses. In any case, a screen wall of a minimum six (6) foot in height or buffer yard shall be constructed where such side or rear yard is visible from the public right-of-way.
- [(G) The Zoning Administrator may waive, reduce and/or modify buffer requirements for a telecommunications monopole which is co-located on a facility which is owned or controlled by a public use or fire and/or rescue company, or in areas planned or zoned for employment and industrial uses where such use is permitted by right, provided the site is architecturally designed and coordinated with landscape techniques to minimize adverse impacts to adjacent properties.]

**5-1410 Maintenance.**

- (A) The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all required landscape materials and screening and buffering as may be required by the provisions of this Section.
- (B) All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris.
- (C) Fences and walls shall be maintained in good repair. Openings within the barriers may be required by the Zoning Administrator for accessibility to an area for necessary maintenance.

**5-1411 Bond/Cash Deposit Requirements.** In lieu of installation of the landscape materials prior to occupancy, the applicant may post a bond acceptable to the County, conditioned upon satisfactory installation of the landscaping proposed in the landscape plan.

**5-1412 Appeals.** Any person aggrieved by a decision of the Zoning Administrator may appeal such decision in accordance with the provisions of Section 6-1700.

**Parking Lot Landscaping and Screening Requirements.**

- (A) General. Parking lot landscape and screening plan shall comply with the general standards in Section 5-1403 and 5-1404.
- (1) Existing vegetation which is suitable for use in compliance with the requirements of this Section when supplemented so as to provide planting and screening in accordance with the purpose and intent of this Section, may and should be used as required planting. Additionally, vegetation which fulfills the requirements set forth herein for exterior parking lot screening may also be counted toward fulfilling the requirements for buffer yards set forth in other sections of these regulations.
  - (2) When non-residential parking lots, travelways, alleys, loading spaces and like uses adjoin land zoned or planned for residential use, there shall be an opaque barrier constructed to provide a separation between the two uses. This can be achieved by a solid type fence no less than six (6) feet in height, or with densely planted shrubs and berms to provide a visual barrier. Berms shall not exceed a slope of 2:1.
- (B) **Interior Parking Lot Landscaping.**
- (1) Any parking lot, excepting single bay parking lots of twenty (20) spaces or less, shall be provided with landscaped open space along the perimeter of the parking area or areas, in the minimum rate of one (1) canopy tree per ten (10) spaces which shall be so located that no parking space is more than eighty (80) feet from a portion of the landscaped open space or parking island more than eighty (80) feet from a canopy tree. Landscaped areas between parking areas and buildings shall not be considered as interior landscaping.
  - (2) The primary landscaping materials used in parking lots shall be canopy trees. Where possible, grouping of such trees is encouraged. Shrubs and other live planting materials may be used to complement the tree landscaping, and shall count towards the required landscaping.
  - (3) The landscaping areas shall be reasonably dispersed throughout the parking lot, and shall have a minimum width of six (6) feet measured from back of curb. There shall be a minimum six (6)

foot wide (back of curb to back of curb) curbed landscape island at the end of every row of parking - equal in length to the adjoining parking space.

- (4) There shall be a minimum of one (1) canopy tree per required landscape island. Where more than one island is combined in a linear configuration, canopy trees shall be provided at a minimum equal to the number of required landscape islands.
- (5) The interior dimensions of any planting area shall be sufficient to protect all landscaping materials planted therein; in any case a landscaped island shall be protected with a six (6) inch minimum curb.
- (6) Areas used principally for storage of vehicles do not require interior islands if such areas are screened from adjacent properties and public streets in accord with Section 5-1406 and 5-1407.

(C) **Peripheral Parking Lot Landscaping.** If any parking lot contains ten (10) or more spaces peripheral parking lot landscaping shall be required as follows:

- (1) **When the property line abuts land other than street right-of-way.**
  - (a) Except where otherwise stated in this Ordinance, a landscaping strip ten (10) feet in width measured from the edge of pavement, shall be located between the parking lot and the abutting property lines, except where driveways or other openings may necessitate other treatment.
  - (b) Parking and vehicular traffic circulation lanes shall be screened with either berming, landscaping, or a combination of both to a minimum height of thirty (30) inches. Berming height of thirty inches shall not exceed a minimum slope of 2:1.
  - (c) All service areas shall be screened from view through the use of evergreen plant materials and screen walls, compatible with the building design. Service area screen walls, solid fences or fences shall be softened with climbing vines, shrubs, or other plant materials. Plantings shall be a minimum height of six (6) feet and totally screen at least 75% of any one wall surface (exclusive of gates).

Section 5-1400

Revision Date: December 1, 1999

[ ] Indicates Ordinance Amendment

- (d) All utility equipment (i.e. meters, pedestals, transformers, etc.) not within the screened service area shall have a natural evergreen planting screen provided, but such plantings shall be planned and installed so as not to hinder the installation or maintenance of such utility equipment.
- (e) Peripheral plantings shall include six (6) shrubs per forty (40) linear feet of abutting land, and one of, or a combination of the following, which need not necessarily be installed on center:
  - (i) One understory tree per fifteen (15) linear feet;
  - (ii) One canopy tree per thirty-five (35) linear feet.

(2) **Where the property line abuts the street right-of-way.**

- (a) Except where otherwise stated in this Ordinance, a landscaping strip ten (10) feet in width, exclusive of a required sidewalk or trail, shall be located between the parking lot and right-of-way line.
- (b) Parking and vehicular traffic circulation lanes shall be screened with either berming, landscaping, or a combination of both to a minimum height of thirty (30) inches. Berming shall not have a slope steeper than 2:1.
- (c) All service and loading areas shall be screened from view through the use of evergreen plant materials and six (6) foot solid fences or screen walls compatible with the building design. Service and loading area screen walls or fences shall be softened with climbing vines, shrubs, or other plant materials. Plantings shall be a minimum mature height of six (6) feet at time of installation and totally screen at least seventy five percent (75%) of any one wall surface (exclusive of gates).
- (d) All utility equipment (i.e. meters, pedestals, transformers, etc.) not within the screened service area shall have a natural evergreen planting screen provided,

but such planting shall be planned and installed so as not to hinder the installation or maintenance of such utility equipment.

- (e) At least one (1) tree for each twenty-five (25) linear feet of land abutting any right-of-way shall be planted in the landscaping strip; however, this requirement shall not be construed as requiring the planting of trees on twenty-five (25) foot centers.
- (f) Where peripheral landscaping required by this Section conflicts with street planting regulations of the Virginia Department of Transportation, the more restrictive standards shall apply.

(D) **Requirements for Parking Lots in Residential Districts.** Where parking lots for more than ten (10) cars are permitted or required in residential districts, the following provisions shall be complied with:

- (1) The lot may be used only for parking and not for any type of commercial loading, sales, dead storage, repair work, dismantling or servicing.
- (2) A ten (10) foot wide landscaped open space area adjoining any street line or any lot zoned or planned for residential uses shall be provided, guarded with wheel bumpers or curb and gutter and planted in grass and/or shrubs.

**SECTION 5-1414(A) - BUFFER YARD AND SCREENING MATRIX**

PROPOSED LAND USE GROUPS	ADJACENT LAND USE GROUPS												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Group 1	N/A												
Dwelling, Single Family Detached													
Group 2	1	1	1	2	2	2	3	3	4	4	4	4	2
Dwelling, Single Family Attached													
Group 3	1	1	1	2	2	2	3	3	4	4	4	4	2
Dwelling, Multi-Family													
Congregate Housing Facility													
Continuing Care Facility													
Orphanage or other similar institutions													
Group 4	2	2	2	2	2	2	3	3	4	4	4	4	2
Day Care Center													
Church, Chapel													
Nursery School													
Elementary School													

**SECTION 5-1414(A) - BUFFER YARD AND SCREENING MATRIX**

PROPOSED LAND USE GROUPS	ADJACENT LAND USE GROUPS												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Group 5	2	2	2	2	2	2	3	3	4	4	4	4	N/A
Middle and High School Community & Recreation Center, and Library Auditorium, Performing Arts Center and Assembly Hall, and Theater (indoor) Municipal and Governmental Building and Structure Fire, Police, and Rescue Station Medical Care Facility Hospital													
Group 6	2	2	2	2	2	N/A	N/A	N/A	3	4	4	4	N/A
Financial Institution Office Business Service Establishment Retail Sales Establishment Health & Fitness Center Funeral Home, Mortuary, Crematory Personal Service Establishment													
Group 7	3	3	3	3	3	N/A	N/A	N/A	3	4	4	4	N/A
Restaurant Hotel and Motel													

**SECTION 5-1414(A) - BUFFER YARD AND SCREENING MATRIX - ATTACHMENT A**

ADJACENT LAND USE GROUPS													
PROPOSED LAND USE GROUPS	1	2	3	4	5	6	7	8	9	10	11	12	13
Group 8	3	3	3	3	3	2	N/A	N/A	N/A	4	4	4	N/A
Drive-in Bank Facility													
Fast Food Restaurant													
Drive Through Restaurant													
Auto Service Station													
Car Wash													
Mobile Home Sales and Service													
Motor Vehicle Sales and Service													
Parking Lot/Valet Service													
Group 9	4	4	4	4	4	4	4	N/A	N/A	4	4	4	N/A
Utility Transmission Facility													
Public Utility Service Center,													
Storage Yard													
Telecommunication Facility													
Radio & Television Broadcasting Station,													
including Recording Studio													
Municipal or Governmental Storage													
Yards & Related Facility													
Water Treatment and Distribution													
Facility													
Kennel, outdoor													

**SECTION 5-1414(A) - BUFFER YARD AND SCREENING MATRIX - ATTACHMENT A**

ADJACENT LAND USE GROUPS													
PROPOSED LAND USE GROUPS	1	2	3	4	5	6	7	8	9	10	11	12	13
Group 10	4	4	4	4	4	4	4	4	4	4	4	4	4
Bus, Rail, and Truck Terminal													
Long Term Vehicle Storage													
Warehousing & Storage Facility													
Newspaper Offices and Distribution Service													
Lumber & Building Material Yard and Storage Facility													
Wholesale Trade Office and Storage Facility													
Heavy Equipment Sale, Rental, and Service													
Sand, Gravel, Coal & Earth Sales and Storage Facility													
Boat Sales, Storage and Service													
Recycling Center													
[Vehicle Wholesale Auction]													
Group 11	4	4	4	4	4	4	4	4	4	4	4	4	4
Wholesale Printing													
Laundry, Cleaning, and Dyeing Plant													
Facilities for Manufacturing, Processing, Assembly, Packaging, Bottling, and Canning													

**SECTION 5-1414(A) - BUFFER YARD AND SCREENING MATRIX - ATTACHMENT A**

PROPOSED LAND USE GROUPS	ADJACENT LAND USE GROUPS												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Group 12	4	4	4	4	4	4	4	4	4	4	4	4	4
Asphalt or Concrete Mixing Plant													
General Construction Company, including													
Hauling, Road Paving, Roofing, and Sewer													
Metal Fabrication Shop													
Metal Salvage and Open Storage Yard													
and Operation													
Agriculture Processing Facility													
Outdoor Movie Theater													
Wood Processing Facility or Sawmill													
Forging Plant													
Rifle and Pistol Range, outdoor													
Sewage Treatment Facility													
Sanitary Landfill													
Rendering or Tanning Plants													
Petroleum or Chemical Refining													
or Production													
Ship Yards and Boat Manufacture													
Junk Yard													
Fuel Sales													
Group 13	2	2	2	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Farming, including livestock and													
horticultural activity													
Fur Bearing Animal Raising													
Stable and Equestrian Center													

**SECTION 5-1414 B(1)**  
**BUFFER YARD TYPE 1**

<u>FRONT YARD BUFFER WIDTH</u>	<u>REQUIRED PLANT UNITS</u> <u>PER 100 LINEAL FEET</u>
10' Minimum	2 Canopy Tree(s) 0 Understory Trees 0 Shrubs 0 Evergreen Trees
<u>REAR YARD BUFFER WIDTH</u>	
10' Minimum	1 Canopy Tree(s) 4 Understory Trees 6 Shrubs 0 Evergreen Trees
<u>SIDE YARD BUFFER WIDTH</u>	
5' minimum	0 Canopy Tree(s) 4 Understory Trees 6 Shrubs 0 Evergreen Trees

**SECTION 5-1414 B(2)**  
**BUFFER YARD TYPE 2**

<u>FRONT YARD BUFFER WIDTH</u>	<u>REQUIRED PLANT UNITS</u> <u>PER 100 LINEAL FEET</u>
15' Minimum	3 Canopy Tree(s) 2 Understory Trees 10 Shrubs 0 Evergreen Trees
<u>REAR YARD BUFFER WIDTH</u>	
20' minimum	2 Canopy Tree(s) 6 Understory Trees 10 Shrubs (75% of which must be evergreens) 0 Evergreen Trees
<u>SIDE YARD BUFFER WIDTH</u>	
15' minimum	2 Canopy Tree(s) 3 Understory Trees 8 Shrubs (75% of which must be evergreens) 0 Evergreen Trees

**SECTION 5-1414 B(3)**  
**BUFFER YARD TYPE 3**

<u>FRONT YARD BUFFER WIDTH</u>	<u>REQUIRED PLANT UNITS</u> <u>PER 100 LINEAL FEET</u>
20' Minimum	3 Canopy Tree(s) 3 Understory Trees 24 Shrubs 0 Evergreen Trees
<u>REAR YARD BUFFER WIDTH</u>	
25' minimum	4 Canopy Tree(s) 7 Understory Trees 30 Shrubs (75% of which must be evergreens) 0 Evergreen Trees
<u>SIDE YARD BUFFER WIDTH</u>	
20' minimum	2 Canopy Tree(s) 5 Understory Trees 20 Shrubs 0 Evergreen Trees
<u>STRUCTURE REQUIRED IN REAR YARD</u>	A six foot high stockade fence, providing a minimum opacity of 95%, or a six foot high masonry wall.
<u>BERM REQUIRED ADJACENT TO AN ARTERIAL ROAD</u>	An earthen berm with a minimum height of four feet with a slope not to exceed 3:1 planted with turf or ground cover material.

**SECTION 5-1414 B(4)**  
**BUFFER YARD TYPE 4**

<u>FRONT YARD BUFFER WIDTH</u>	<u>REQUIRED PLANT UNITS</u> <u>PER 100 LINEAL FEET</u>
20' Minimum	4 Canopy Tree(s) 3 Understory Trees 20 Shrubs 0 Evergreen Trees
<u>REAR YARD BUFFER WIDTH</u>	
30' minimum	4 Canopy Tree(s) 7 Understory Trees 15 Shrubs 10 Evergreen Trees
<u>SIDE YARD BUFFER WIDTH</u>	
20' minimum	2 Canopy Tree(s) 3 Understory Trees 25 Shrubs 6 Evergreen Trees
<u>STRUCTURE REQUIRED IN REAR AND SIDE YARD</u>	* A six foot high masonry wall (poured concrete, cement block, brick, etc.) providing a minimum opacity of 95%, or a stockade fence.

\* Note structures are required only where a use abuts a use of a lower intensity as defined on the Buffer Yard and Screening Matrix. Structures are not required between uses of equal intensity.

## **SECTION 5-1414(C)(1)**

### **CANOPY TREE:**

A deciduous tree, usually single trunked, with a definitely formed crown of foliage, which attains a mature height of at least 30 feet. Preferred species include, but are not limited to:

#### **Common Name**

American Sycamore  
Bradford Pear  
Crimson King Maple  
English Oak  
Ginkgo (Male)  
Japanese Pagoda  
Japanese Zelkova  
Japonica Regent  
Littleleaf Linden  
London Plane  
Norway Maple  
Pin Oak  
Red Oak  
Red Maple  
Silver Linden  
Sugar Maple  
Sweet Gum  
Thornless Honey Locust  
Willow Oak  
Yellowwood

#### **Botanical Name**

Platanus occidentalis  
Pyrus calleryana bradford  
Acer plantanoides Crimsom King  
Quercus robur  
Ginkgo bilboa  
Sophora japonica  
Zelkova serrata  
Sophora japonica regent  
Tilia cordata  
Plantanus acerifolia  
Acer platanoides  
Quercus palustris  
Quercus borealis  
Acer rubrum  
Tilia tomentosa  
Acer saccharum  
Liquidambar styraciflua  
Gleditsia triacanthos inermis  
Quercus phellos  
Cladrastis lutea

**SECTION 5-1414(C)(2)**

**EVERGREEN TREES:**

A non-deciduous tree used for the purposes of screening, weather barrier, or accent planting. Preferred species include, but are not limited to:

**Common Name**

**Botanical Name**

American Holly	Llex opaca
Austrian Pine	Pinus nigra
Dark American Arborvitae	Thuja occidentalis nigra
Eastern Red Cedar	Juniperus virginiana
Norway Spruce	Picea abies
White Pine	Pinus strobus

## **SECTION 5-1414(C)(3)**

### **UNDERSTORY TREE:**

A deciduous or evergreen tree which attains a mature height of no greater than 30 feet. Understory trees often times prefer shade and grow naturally under a canopy of larger trees. Preferred species include, but are not limited to:

#### **Common Name**

American Plum  
Amur Maple  
Dogwood  
Downy Serviceberry  
Flowering Cherry  
Flowering Crabapple  
Golden Raintree  
Golden Chain  
Purple Leaf Plum  
Red Bud  
Shadblow  
Washington Hawthorne

#### **Botanical Name**

Prunus americana  
Acer griseum  
Cornus florida  
Amelanchier arborea  
Prunus (various species)  
Malus (various species)  
Koelreuteria  
Laburnum Vossi  
Prunus cerasifera bliricana  
Cercus canadensis  
Amelanchier canadensis  
Crataegus plaenopyrum

## **SECTION 5-1414(C)(4)**

### **SHRUB:**

An evergreen multi-trunked woody plant that usually attains a mature height of no greater than 10 feet. Preferred species include, but are not limited to:

<b><u>Common Name</u></b>	<b><u>Botanical Name</u></b>
Azalea	various species
Cotoneaster	various species
Chinese Holly	Llex cornuta
English Yew	Taxus baccata
Euonymus	various species
Japanese Holly	Llex crenata
Japanese Yew	Taxus cuspidata
Rhododendron	various species
Viburnum	various species
Winged Euonymus	various species

## ARTICLE V

### DIVISION E: Performance Standards

#### Section 5-1500

#### Performance Standards.

##### 5-1501

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

##### 5-1502

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

##### 5-1503

#### Applicability.

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

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

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

**5-1504****Light And Glare Standards.**

- (A) **General Requirements.** All sources of glare (direct or reflected artificial light) from any source (other than in connection with operating motor vehicles and/or street lighting) must not cause illumination in excess of 0.25 foot candles above background light levels measured at the boundary of any commercial or industrial use abutting any residential use or at the lot line with any residential district, or, in residential or agricultural districts, at the lot line of any adjacent lot. In addition, in the A-3, A-10, A-25, RR, and CR districts, lights shall be shielded so that the direct glare of the bulb is not visible beyond the property line of the parcel.
- (B) **Method of Measurement.** Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the Internal Commission on Illumination.

**5-1505****Earthborn Vibration Standards.**

- (A) **Required Performance Level.** No use, operation or activity shall cause or create earthborn vibrations in excess of the peak particle velocities prescribed below.
- (B) **Method of Measurement.**
  - (1) Measurements shall be made at or beyond the adjacent lot line, the nearest residential district boundary line, or the nearest district boundary line as indicated below. Ground transmitted vibration shall be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in three (3) mutually perpendicular directions.
  - (2) The maximum particle velocity shall be the maximum vector sum of three (3) mutually perpendicular components recorded simultaneously. Particle velocity may also be expressed as 6.28 times the displacement in inches multiplied by the frequency in cycles per second.
  - (3) For the purpose of this Ordinance, steady state vibrations are vibrations which are continuous or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

(C) **Light Intensity Land Uses.**

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

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

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

(D) **Heavy Intensity Land Uses.**

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

(3) **Maximum Permitted Steady State Vibration Levels.**

<u>Type of vibration</u>	<u>Area of Measurement</u>	
	<u>At residential district boundaries</u>	<u>At other lot lines within district</u>
Continuous	.003	.030
Impulsive (100 per minute or fewer)	.006	.060
Fewer than 8 pulses per 24 hours	.015	.150

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

**5-1506**

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

- (A) No permit for an extraction and mining use shall be issued for any tract of land containing less than fifty (50) acres. This requirement, however, shall not preclude the approval of a permit to enlarge or extend an existing extraction and mining use onto contiguous parcels.
- (B) All blasting shall be limited to the hours of 7 a.m. to 6 p.m. or such lesser time as may be established by special exception.
- (C) All vehicles used to transport excavated material shall be required to be loaded in such manner that the material may not unintentionally be discharged from the vehicle. Trucks shall be cleaned of all material not in the load-bed prior to entering the public streets.

(D) **Landscaping and Screening Requirements.**

- (1) All areas within 100 feet of an adjacent public road or a zoning district on land bay allowing or planned to allow residential uses shall meet the standards of Section 5-1400, and shall be landscaped, bermed, screened and maintained with natural vegetation to buffer and screen such areas.
- (2) In addition to Section 5-1400 existing trees and ground cover along all other boundary lines shall be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and other ground cover for the depth of the setback.
- (3) The type, time of planting, design and spacing of planting screen shall be in accordance with Section 5-1400. Approval of maintenance of landscape areas by the Zoning Administrator shall be required for zoning permit extension and zoning permit renewal.

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

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

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

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

**5-1507**

**Noise Standards.** It shall be unlawful for any person to operate or permit to be operated any stationary noise source in such a manner as to create a sound level which exceeds the limits set forth in the following tables, except for extraction and mining special exception operations otherwise regulated herein. In addition, before 7 a.m. and after 7 p.m., the permissible sound levels, at residential district boundaries where they adjoin nonresidential districts, shall be reduced by 5 dba in the table for impact noises.

(A) **Methods of Measurement.**

- (1) Noise levels shall be measured with a sound level meter and shall meet or exceed performance standards for a "Type Two" meter, as specified by the American National Standards Institute.
- (2) Noise levels shall be recorded as A-weighted sound pressure level. The level so read shall be postscripted dBA.

- (B) **Maximum Sound Levels (dBA).** Measurements of noise levels shall be taken at the property boundary of the noise source. Where differing zoning districts abut, the more restrictive limit shall apply.

(1) **Maximum dBA, Continuous Noise.**

Residential	55
Commercial	60
Industrial	70

Continuous noise shall be measured using the slow meter response of the sound level meter.

(2) **Maximum dBA, Impact Noise.**

Residential	60
Commercial	70
Industrial	80

Impact noise shall be measured using the fast meter response of the sound level meter. Impact noises are intermittent sounds of a single pressure peak or a single burst (multiple pressure peaks) for a duration usually less than one second. Examples of impact noise sources are a punch press, drop forge hammer, or explosive blasting.

(C) **Exemptions.**

- (1) The limitations stated above shall not apply within any district nor within any area subject to a Noise Exposure Forecast in excess of the 30 level as indicated on the "Noise Exposure Forecast (NEF) Areas in the Vicinity of Dulles International Airport for 1975 Operations, September 1969" as prepared by FAA. The boundaries of such noise areas within Loudoun County are indicated on the Zoning Map.
- (2) Sound created by the operation of power equipment, such as power lawn mowers, chain saws, and similar equipment, between the hours of 7 a.m. and 9 p.m. shall not be regulated by these noise standards.

**[5-1508 Steep Slope Standards.**

- (A) **General Requirements.** All activities, structures and uses shall be located so as to minimize the disturbance of land with moderately steep slopes, and to avoid the disturbance of land on steep slopes.

- (B) For the purposes of this section of the Ordinance, the following terms shall be defined as follows:
- (1) **Moderately steep slopes.** Equal to or exceeding 15%, but less than 25%, and
  - (2) **Steep slopes.** Exceeding 25%.
- (C) **Methods of Measurement.** The source of delineation of moderately steep slopes and steep slopes shall be on the County Steep Slope Map or a field-prepared or aerial topographic survey of greater accuracy, certified by a licensed surveyor or engineer. The Zoning Administrator, based upon the available information, shall determine the slope of any land in question.
- (D) **Required Performance Standards Moderately Steep Slope Areas.** No zoning permit shall be issued for any use, structure or activity on any parcel of land which includes within its boundaries moderately steep slopes unless and until the following standards have been met:
- (1) The applicant shall obtain a locational clearance from the [Department of Building and Development]. The applicant shall submit a map, [plan], or plat showing the location and extent of moderately steep slopes [within the area to be disturbed,] as well as the location and extent of land disturbing activities [and mitigation measures] including the proposed building sites, paved areas, drainfields, well locations, and other uses.
  - (2) The applicant shall obtain a grading permit in accord with the Codified Ordinance for all land disturbing activities on all slopes.
  - (3) The applicant shall incorporate storm water management Best Management Practices and erosion and sedimentation control practices as defined by the Facilities Standards Manual into the permit application, and such practices shall be approved by the [Department of Building and Development].
- (E) **Required Performance Standards for Steep Slope Areas.** No zoning permit shall be issued for any use, structure or activity for any parcel of land which includes steep slopes within its boundaries until the following standards have been met:

- (1) The applicant shall obtain a locational clearance from the Department of [Building and Development]. The applicant shall submit a map, [plan], or plat showing the location and extent of steep slopes [within the area to be disturbed,] as well as the location and extent of land disturbing activities [and mitigation measures,] including the proposed building sites, paved areas, drainfields, well locations, and other uses.
- (2) No land disturbing activities shall be permitted on steep slopes, except [when it is demonstrated that the following criteria have been met, except as approved by the Zoning Administrator in accordance with good soil, tree and other environmental protection measures and good engineering practice and in consultation with the Department of Building and Development, Loudoun County Soil Scientist, Loudoun County Soil and Water Conservation District and /or the area forester as may be necessary for review of such land disturbing activities and mitigation measures.
  - (a) Roads, drives, and dwellings shall not be placed on existing slopes greater than 25% or placed in Soil Mapping Units 59 and 88 without a geotechnical study approved by the Department of Building and Development when no alternatives exist.
  - (b) The centerline grade of private roads and drives shall not exceed 16%. Under drainage and culvert design shall conform to the requirements of the Loudoun County Facilities Standards Manual.
  - (c) Land disturbing activities, exclusive of utility easements, such as clearing and grading shall be minimized, but shall be allowed as necessary for building sites and related improvements, not to exceed one (1) acre, exclusive of house, driveway, drainfield and well, and shall require a grading permit. Special conditions which may be imposed by the Zoning Administrator limiting clearing may include, but are not limited to:
    - (i) Selective clearing up to a maximum 50% of existing forest areas on existing 0-15% slopes.

- (ii) Selective clearing up to a maximum 25% of existing forest areas on existing 15-25% slopes; and
- (iii) Minimal clearing for roads and drives on existing slopes of greater than 25%.
- (d) No land disturbing activities shall be permitted within 100 feet of springs.
- (e) Prior to any land disturbing activity, the applicant shall provide a sketch plan which shows how the disturbed area will be restored; including existing and proposed slope contours and ground cover.
- (f) Prior to any land disturbing activity on existing slopes of 25 percent or more, or in soil mapping units 27, 59, 88 or 89, the applicant shall provide a Type I Preliminary Soils Review concurrent with zoning permit application. The review shall follow the procedures found in The Loudoun County Facilities Standards Manual.]

#### 5-1509

#### Administration of Performance Standards.

- (A) **Zoning Permit Procedure.** Before the Zoning Administrator issues a zoning permit, the applicant shall furnish sufficient information to enable the Zoning Administrator to ensure that all performance standards and site development standards set forth in this ordinance can and will be complied with. The Zoning Administrator, in order to determine whether or not the applicant will meet such standards, may require the applicant to submit the following information:
  - (1) A plot plan signed by the applicant and drawn to scale showing the location of all existing and proposed structures, drives, parking lots, waste disposal areas, bulk storage areas, streets, streams, or other significant features on or within two hundred (200) feet of the proposed site, not including public right-of-ways or easements.
  - (2) A description of the activity to be conducted regarding waste products, external effects or other conditions which are regulated herein; provided however, that the applicant shall not be required to reveal any trade secrets or sufficient detail with regard to a process which would cause any secret process or manufacturing procedure for a closely guarded proprietary compound or product to become public knowledge and be available to competitors.

- (3) The type and location of abatement devices to control, or recording instruments to measure, conformance with required standards, not including devices and instruments which are inherent in the manufacturing process.
  - (4) Such other data and certification as may reasonably be required, in addition to the informational requirements of Section 6-1000, by the Zoning Administrator to reach a determination.
- (B) All information and evidence submitted in applications to indicate conformity to performance standards shall constitute a certification and an agreement on the part of the applicant that the proposed use can and will conform to such standards at all times.

**5-1510 Enforcement of Performance Standards.**

- (A) **Intent Concerning Determinations Involved in Administration and Enforcement of Performance Standards.** Determinations necessary for administration and enforcement of performance standards set forth in this article range from those which can be made by a reasonable person using normal senses and no equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this ordinance that:
- (1) Where determinations can be made by the Zoning Administrator or other County employee using equipment normally available to the County or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued.
  - (2) Where technical complexity or extraordinary expense makes it unreasonable for the County to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for protecting individuals from arbitrary and capricious administration and enforcement of performance standard regulations and for protecting the general public from unnecessary costs for administration and enforcement.
- (B) **Simple Determinations.** If the Zoning Administrator finds that determinations of the nature indicated in Section 5-1510(A)(1) are adequate to demonstrate violations of performance standards in

particular cases and if such violations exist, he shall take, or cause to be taken, such lawful action as is appropriate to cause correction of such violations. Failure to obey lawful orders concerning correction of such violations shall be punishable as provided generally for violations herein and in other laws or regulations affecting the case.

(C) **Complex Determinations.** If the Zoning Administrator finds that determinations of the nature indicated in Section 5-1510(A)(2) are required to make precise measurements regarding potential violations of performance standards set forth herein and, if in his considered judgment, he believes there is violation of such performance standards, the following procedures shall be followed:

- (1) **Notice and Answer.** The Zoning Administrator shall give notice by registered mail or other means insuring a signed receipt for such notice to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator within a time limit set by him, but not to exceed 60 days. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the time limit set constitutes cause for the Zoning Administrator to proceed with enforcement, as provided in Section 6-500. The notice shall further state that, upon request of those to whom it is directed, technical determinations, as described in this ordinance, will be made and that if violations, as alleged, are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate. However, if it is determined that no violation exists, the cost of the determination will be paid by the County.
- (2) **Correction of Violation.** If there is no reply within the time limit set, but the alleged violation is corrected to the satisfaction of the Zoning Administrator, he shall note "violation corrected" on his copy of the notice, shall retain it among his official records and shall send a copy to the alleged violator, in addition to taking such other action as may be warranted.

- (3) **Action--Continuation of Violation.** If there is no reply within the time set (thus establishing admission of violation, as provided in Section 5-1510(C)(1)) and the alleged violation is not corrected to the satisfaction of the Zoning Administrator within the time limit set, he shall proceed to take, or cause to be taken, such action as is warranted by continuation of a violation after notice to cease.
- (4) **Time Extension.** If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Zoning Administrator but requesting additional time, the Zoning Administrator may grant an extension if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health, or property. If the extension is not granted, the Zoning Administrator shall proceed to bring legal action, as provided in Section 6-500 of this Ordinance.
- (5) **Costs of Determinations--Responsibility.** If a reply is received within the time limit set requesting technical determination, as provided in this Ordinance, and if the alleged violations continue, the Zoning Administrator may call in properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards, the costs of the determinations shall be assessed against the properties or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Section 6-500. If no violation is found, the costs of the determinations shall be paid by the County without assessment against the properties or persons involved.

**ARTICLE VI  
DEVELOPMENT PROCESS AND ADMINISTRATION**

**Division A: Boards and Commissions**

**Section 6-100**

**Planning Commission.**

**6-101 Purpose.** The Planning Commission shall advise the Board of Supervisors on all matters relating to the orderly growth and development of Loudoun County.

**6-102 Establishment.** The Planning Commission heretofore established pursuant to the provisions of the Code of Virginia shall continue as the Planning Commission for the purpose of this Ordinance.

**6-103 Membership.**

- (A) The Planning Commission shall consist of not fewer than five (5) nor more than fifteen (15) members, appointed by the Board of Supervisors, all of whom shall be residents of the County, qualified by knowledge and experience to make decisions on questions of community growth and development; provided that at least one-half (½) of the members so appointed shall be freeholders.
- (B) Members shall be appointed for four (4) years and terms of appointment shall run concurrently with those of the Board of Supervisors. Members of the Commission may receive such compensation as may be authorized by the Board of Supervisors.
- (C) Any vacancy in the membership shall be filled by appointment by the Board and shall be for an unexpired term only.
- (D) Members may be removed by the Board of Supervisors for malfeasance in office.

**6-104 Meetings.**

- (A) Regular meetings of the Planning Commission shall be held at least once every two (2) months or as otherwise set by the Commission as its work may require, at a time and place to be designated by the Commission.
- (B) Special meetings of the Commission may be called by the Chairman or by two (2) members upon written request to the Secretary.

- (1) The Secretary shall cause to be mailed or delivered to all members, in writing at least five (5) days in advance of a special meeting, a written notice fixing the time and place and purpose of the meeting.
- (2) Notice of a special meeting shall not be required if the time of the special meeting has been fixed at a previous regular meeting or if all members are present at the special meeting or if they file a written waiver of the required notice.
- (C) A majority of the membership of the Commission shall constitute a quorum.
- (D) No action of the Commission shall be valid unless a quorum is present and the action is authorized by a majority vote of those present and voting.

**6-105       Records.** The Planning Commission shall keep minutes of all its proceedings, showing evidence presented, the names and addresses of all persons giving testimony, findings of fact by the Commission, and the vote of each member upon each question, or if absent or failing to vote, such fact.

**6-106       Duties.** The Planning Commission shall have the duty and authority to do the following:

- (A) Prepare and recommend a comprehensive plan for the physical development of the County, and review said plan at least once every five (5) years.
- (B) Prepare and recommend amendments to the Zoning Ordinance.
- (C) Prepare and recommend amendments to the Land Subdivision and Development Ordinance.
- (D) Prepare and recommend amendments to the Capital Improvement Program.
- (E) Review and make recommendations on all proposals for amendments to the Zoning Ordinance including, but not limited to; map amendments, text amendments, and proposals for rezoning specific properties.
- (F) Review and make recommendations on applications for special exceptions.
- (G) Approve or disapprove applications for commission permits.

- (H) Elect officers from its own membership.
- (I) Exercise general supervision of and make regulations for the administration of its own affairs.
- (J) Adopt rules, bylaws and procedures, consistent with the ordinances of the County and the general laws of the State, for the administration of its affairs.
- (K) Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the Board.
- (L) Conduct public hearings on specific items.
- (M) Hear and decide all matters referred to and upon which it is required to pass by the ordinances of the County and the Code of Virginia.
- (N) Prepare, publish and distribute reports, ordinances, and other material relating to its activities.
- (O) Prepare and present to the Board of Supervisors an annual report concerning the operation of the Commission and the status of planning within the County.
- (P) Establish advisory committees when deemed advisable to perform specific functions.

## **Section 6-200**

### **Board of Zoning Appeals.**

- 6-201 Purpose.** The Board of Zoning Appeals is established to perform those duties as set forth in Subtitle II, Chapter 22, Title 15.2 of the Code of Virginia.
- 6-202 Authority and Establishment.** The Board of Zoning Appeals heretofore established shall continue as the Board of Zoning Appeals for the purpose of this Ordinance. Such body shall be known by the abbreviation "BZA".
- 6-203 Membership.**
- (A) The BZA shall consist of five (5) residents of the County, appointed by the Circuit Court of Loudoun County, Virginia.
  - (B) The term of office of the membership shall be for five (5) years, with the term of one (1) member expiring each year.
  - (C) The Secretary of the BZA shall notify the court at least thirty (30) days in advance of the expiration of any term of office and shall also notify the court promptly of any vacancy. Appointments to fill such vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves.
  - (D) A member whose term expires shall continue to serve until his successor is appointed and qualifies.
  - (E) Members of the BZA shall hold no other public office in the County, except that one (1) member may be a member of the Planning Commission.
  - (F) Any BZA member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause by the court which appointed him, after a hearing held on at least fifteen (15) days notice to the member sought to be removed.
  - (G) Any member of the BZA shall be disqualified to act upon a matter before the BZA with respect to their own property, pursuant to Section 2.1-636.11 of the Code of Virginia.

**6-204**

**Officers.**

- (A) The BZA shall elect, from its own membership, a Chairman who shall serve an annual term and who may succeed himself.
- (B) The Secretary to the BZA shall prepare minutes of meetings, keep all records and conduct official correspondence. A court stenographer may be employed to record such proceedings as the Board of Zoning Appeals may direct.

**6-205**

**Meetings and Hearings.**

- (A) Meetings or hearings of the BZA shall be held at the call of the chairman, or acting chairman, or at the request of any two (2) members, provided that notice thereof has been mailed or delivered to each member of the BZA at least seven (7) days before the time set, or that a waiver or notice is obtained from each member.
- (B) For the conduct of a hearing, the taking of any action, or the transaction of any official business, a quorum shall be necessary. No less than a majority of all members of the BZA shall constitute a quorum.
- (C) The Zoning Administrator may not vote on matters before the BZA.
- (D) The presiding chairman may administer oaths, for the benefit of the BZA, and compel the attendance of witnesses.
- (E) Every person before the rostrum shall abide by the order and direction of the chairman or acting chairman. Discourteous or disorderly or contemptuous conduct shall be regarded as a breach of the privileges extended by the BZA and shall be dealt with as the chairman deems proper.
- (F) All hearings of the BZA shall be open to the public.
- (G) A request for a rehearing of a BZA decision shall be in writing, shall be delivered to the Zoning Administrator within fifteen (15) days after the date of the relevant decision, and shall recite the reasons for the rehearing. A rehearing may then be granted by the chairman or upon the affirmative vote of any two (2) members. If granted, the rehearing shall stay the finality of the decision until a decision is rendered on rehearing.
- (H) All witnesses and speakers presenting facts and evidence before the BZA, including the Zoning Administrator when a party, shall give oath or affirmation regarding the truth of their statements.

**6-206**

**Powers and Duties.** The BZA shall have the following powers and duties:

- (A) To hear and decide appeals as provided in Section 6-1700 of this Ordinance.
- (B) To authorize upon application in specific cases variances from the terms of this Ordinance as provided in Section 6-1600 of this Ordinance.
- (C) To hear and decide appeals from decisions of the Zoning Administrator regarding interpretation of the official Zoning Map where there is uncertainty as to the location of a zoning district boundary. After notice to the owners of the property affected by any such interpretation, and after a public hearing thereon, the BZA shall interpret the map in such a way as to carry out the purpose and intent of this Ordinance for the particular district in question and shall be guided by the provisions of Section 1-300 of this Ordinance. The BZA shall not have the power, however, to rezone property or to change the location of zoning district boundaries as established by this Ordinance.
- (D) To hear and approve special exceptions for errors in building location in accordance with Section 6-1612 of this Ordinance, including, but not limited to, structures erroneously erected within required yards, setbacks and open space.
- (E) To hear and decide all other matters referred to and upon which it is required to pass by this Ordinance.
- (F) To make, alter and rescind rules and forms for its procedures, consistent with the ordinances of the County and the general laws of the State.
- (G) To prescribe procedures for the conduct of public hearings that it is required to hold.

**6-207**

**Records.** The BZA shall keep written records and minutes of all its proceedings, showing evidence presented, findings of fact by the BZA, and the vote of each member upon each question, or if absent or failing to vote, such fact. All such records shall be filed in the office of the Zoning Administrator.

- 6-208**      **Periodic Report.** The BZA shall report to the Board of Supervisors periodically, at intervals of not greater than twelve (12) months, summarizing all appeals and applications made to it since its last previous report and summarizing its decisions on such appeals and applications. At the same time that each such report is filed with the Board, copies thereof shall also be filed with the Zoning Administrator, the Planning Commission, the County Attorney, and the Planning Director.
- 6-209**      **Limitations.** All provisions of this Ordinance relating to the BZA shall be strictly construed. The BZA, as a body of limited jurisdiction, shall act in full conformity with all provisions and definitions in this Ordinance and in strict compliance with all limitations contained therein.
- 6-210**      **Decisions Subject to Judicial Review.** All decisions and findings of the BZA shall be final decisions, and shall, in all instances, be subject to judicial review in the following manner:
- (A)      Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board or bureau of the County, may present to the Circuit Court of Loudoun County a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the BZA.
  - (B)      Upon the presentation of such petition, the court shall allow a Writ of Certiorari to review the decision of the BZA and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the BZA and on due cause shown, grant a restraining order.
  - (C)      The BZA shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
  - (D)      If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which a determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

- (E) Costs shall not be allowed against the BZA, unless it shall appear to the court that the BZA acted in bad faith or with malice in making the decision appealed from. In the event the decision of the BZA is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making a return of the record pursuant to the Writ of Certiorari.

## **Section 6-300**

### **Historic District Review Committee.**

- 6-301 Purpose.** The purpose of the Historic District Review Committee (HDRC) shall be to administer the provisions of this ordinance relating to Historic Districts and to advise the Board of Supervisors in its efforts to preserve and protect historic places and areas in the County.
- 6-302 Authority and Establishment.** The Historic District Review Committee (HDRC) established heretofore pursuant to Section 15.2-2306 of the Virginia Code shall continue as the Historic District Review Committee for the purposes of this Ordinance. Such body shall also be known by the abbreviation "HDRC."
- 6-303 Membership.**
- (A) The HDRC shall be composed of a minimum of five (5) voting members who shall be residents, at least three (3) of whom shall be freeholders, of the County with a demonstrated knowledge of and interest in the preservation of historical and architectural landmarks.
  - (B) Members shall be appointed by the Board of Supervisors and should include, if possible, an architect with experience dealing with historic structures, an architectural historian, an owner of property listed on either the state or national register of historic landmarks or owners of property within an historic district established pursuant to Section 6-1800 of this Ordinance.
  - (C) Members shall be appointed to serve a term of three (3) years or until their successor has been appointed. Terms shall be staggered such that two (2) members shall be appointed every year. An appointment to fill a vacancy shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves.
  - (D) Members shall exempt themselves from voting on any action in which their financial interests or those of their immediate family are directly involved.
- 6-304 Officers.** A chairman, secretary and any other officers of the HDRC shall be elected by majority vote of the entire membership.
- 6-305 Meetings.**
- (A) Meetings of the HDRC shall be held on a regular basis as the work of the HDRC may require and shall be held at a time and place to be designated by the Chairman.

- (B) The presence of a quorum of the members of the HDRC is required for consideration of any matter, and any action taken shall require the affirmative vote of a majority of the members present and voting.

**6-306**           **Records.** The HDRC shall keep records of all its proceedings, and such records shall be made available upon request for public inspection.

**6-307**           **Powers and Duties.** The HDRC shall have the following powers:

- (A) In an Historic Overlay district, pursuant to Section 6-1900 of this Ordinance, to hear and decide applications for a permit to raze or demolish or a certificate of appropriateness for the erection, reconstruction, exterior alteration or restoration of any building or structure, including signs, or for the demolition, razing or moving, or relocation of any historic landmark, building or structure so designated pursuant to Section 6-1800 of this Ordinance.
- (B) To adopt design guidelines regarding the criteria to be employed in assessing applications for certificates of appropriateness.
- (C) To review and make recommendations on all applications for rezoning, special exception, variance, and any site plan or subdivision plat in an Historic Overlay district.
- (D) To propose the establishment of additional Historic Overlay districts and revisions to existing Historic Overlay districts.
- (E) To assist and advise the Board of Supervisors, the Planning Commission, and other County departments and agencies in matters involving historically significant sites, buildings, and areas, such as land usage, parking facilities, and signage.
- (F) To advise owners of historic landmarks, buildings, or structures on issues of preservation.
- (G) To make recommendations concerning the establishment of a system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers.
- (H) To cooperate with and enlist assistance from the local historical societies, the Virginia Department of Historic Resources, the National Trust for Historic Preservation, and other interested parties, both public and private, in its efforts to preserve, restore, and conserve historic landmarks, buildings, sites, or areas of the County.

- (I) To make annual reports to the Board of Supervisors reviewing the activities of the previous year, and upon request, to disseminate these reports to other agencies within the State and nearby states which are responsible for historical preservation activities. At the same time that each such report is filed with the Board, copies thereof shall also be filed with the Zoning Administrator, the Planning Commission, the County Attorney, and the Director of Planning.

**Division B: Administration and  
Enforcement of Ordinance and Notice of Public Hearings**

**Section 6-400**

**Administration.**

**6-401**

**Zoning Administrator.** It shall be the responsibility of the Zoning Administrator to administer, interpret and enforce the provisions of this Ordinance. The Zoning Administrator shall be guided in all of his actions pursuant to this Ordinance by the terms, purposes, intent and spirit of this Ordinance. The Zoning Administrator may be assisted in the enforcement of this Ordinance by the Health Officer, Sheriff and all other officials of Loudoun County, Virginia, pursuant to their respective fields. Specifically, his duties and powers shall include:

- (A) To receive and/or review:
  - (1) Applications for variances.
  - (2) Notices of appeal to the BZA.
  - (3) Applications for certificates of occupancy.
  - (4) Applications for zoning permits.
  - (5) All other applications, certifications, or materials required by this Ordinance to be submitted to the Zoning Administrator.
- (B) To issue zoning permits where the requirements of this Ordinance have been met.
- (C) To issue interpretations of this Ordinance upon proper application. Such interpretations shall be binding as to the applicant and as to the specific facts presented in the application for interpretation after the completion of the thirty (30) day appeal period. In administering this Ordinance and rendering determinations as to the uses permitted or allowed by special exception in the various zoning districts, the Zoning Administrator shall have the power and authority to render decisions as to whether a specific proposed use, although not listed as permitted or allowed by special exception, is so substantially similar in substance and effect to a permitted use or a use allowed by special exception, that it should be allowed as if expressly permitted or allowed by special exception. Such interpretations shall include notification of appeal procedures and timelines.

- (D) To conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this Ordinance.
- (E) To maintain accurate records of proffered conditions as required by Section 6-1209 of this Ordinance.
- (F) To enforce the provisions of this ordinance, the decisions of the BZA and conditions and proffers subject to which approvals of the BZA, Planning Commission and Board of Supervisors were made.
- (G) To perform such other duties and functions as may be required by this Ordinance and the Board of Supervisors.
- (H) To maintain the inventory of buildings and structures within an Historic Site or Historic and Cultural Conservation district as required by Section 6-1808.
- (I) To maintain and make available for public inspection and copying the official Zoning Map, the Zoning Ordinance, and the minimum submission requirements adopted by Board of Supervisors resolution.
- (J) To maintain a compilation of the interpretations and opinions of the Zoning Administrator for public review.

**6-402**

**Fees.** The County Administrator shall recommend and the Board of Supervisors shall adopt a schedule of fees to be paid upon the filing of each application specified in this Ordinance. Application fees are hereby waived for the following:

- (A) Applications for a requested amendment from any district to an Historic Overlay district.
- (B) Applications for requested amendment from any district to an A-25 district.
- (C) Application for requested amendment from any district to an A-10 district, except when the existing district is zoned A-25.
- (D) Applications for amendment, special exception, or commission permit sought by the following governmental agencies:
  - (1) Loudoun County School Board.
  - (2) Loudoun County Sanitation Authority.
  - (3) Fire and rescue companies serving Loudoun County.

- (4) Any agency, board or division acting in the name of the Board of Supervisors of Loudoun County.

**6-403**

- (A) **Submission Requirements.** The Board of Supervisors shall adopt by resolution regulations enumerating those materials required to be included with each application provided for in this Ordinance, which materials shall constitute the minimum submission requirements for such application and be consistent with the requirements of this Ordinance. Such submission requirements shall include a letter signed by the applicant and by the owner of the property granting the right of entry upon the property to the Zoning Administrator, law enforcement agents, and County inspectors for the purpose of inspecting, and bringing law enforcement to the property, during the term of any permit which may be issued. Such submission requirements shall also include, in the case of any application for a Zoning Map Amendment, Zoning Ordinance Modification, Zoning Concept Plan Amendment, Special Exception, Variance, Site Plan or Zoning Permit, the provision of satisfactory evidence from the Treasurer's Office that any real estate taxes due and owed to the County which have been properly assessed against the property have been paid. Revisions to the list of those materials required necessitated by an amendment to this Ordinance shall be attached to such amendment for concurrent consideration and adoption by resolution of the Board of Supervisors.
- (B) **Rezoning Plat.** If the application is a reclassification to a non-planned development district, a rezoning plat shall be required.

**6-404**

**Speakers at Public Hearings.** All witnesses and speakers presenting facts and evidence at any public hearing shall provide their name and address and affiliation, if any, for the record. At the discretion of the person presiding over the hearing, witnesses or speakers may be required to give oath or affirmation regarding the truth of their statements.

**6-405**

**Inactive Applications.** Any Zoning Map Amendment application, Zoning Modification application, or Concept Plan Amendment application officially accepted by the County for processing but which has had processing suspended either by request of the applicant or by having no contact or activity occur in regards to the application by the applicant for a period of twelve months or any Special Exception application officially accepted by the County for processing but which has had such processing suspended either by request of the applicant or by having no contact or activity occur in regards to the application by the applicant for a period of six months shall be deemed inactive.

An application may remain inactive for up to three (3) years at the end of which period it will be processed to a final decision. If an applicant wishes to reactivate their application prior to the end of this three (3) year period, they must notify the County in writing of their intent to proceed with their application, grant the County an appropriate timeline extension and pay a reactivation fee as established by the Board of Supervisors.

**6-406**

**Full Disclosure of Development Plans.** Prior to the execution of an offer to buy a new home, sellers of new homes, or their agents, shall provide to home buyers access to current copies of the following:

- (A) Approved subdivision record plat;
- (B) All development plans approved for the property as part of a Zoning Map Amendment, Zoning Concept Plan Amendment, Zoning Ordinance Modification, or Special Exception;
- (C) All proffered conditions accepted by the Board of Supervisors as part of the zoning approval for the development; and
- (D) The applicable Comprehensive Plan for the area of the County.

Such documents shall be located on the site of the property encompassed by the subdivision, plat, or development in which the property for sale is located, or at an office in its immediate vicinity. The sellers of the new home, or their agents, shall notify the prospective home buyers of the location of these documents and provide a reasonable opportunity for such prospective buyers to inspect these documents. Prospective home buyers shall sign a statement stating that they have reviewed or have been offered the opportunity to review these documents. Said statements shall be kept on file with the builder for a period of three years.

## **Section 6-500**

### **Enforcement and Penalties.**

**6-501           Zoning Administrator.** The Zoning Administrator shall have the authority and the duty to ensure that all buildings and structures and the use of all land complies with the provisions of this Ordinance.

### **6-502           General Provisions.**

- (A) Any building or structure erected contrary to any of the provisions of this Ordinance and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this Ordinance or the provisions of any approval granted by the County under this Ordinance shall be a violation of this Ordinance and the same is hereby declared to be unlawful.
- (B) Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building, structure or land in violation of the provisions of this Ordinance or the provisions of any approval granted by the County under this Ordinance shall be subject to the enforcement provisions of this Section.
- (C) In addition to the remedies provided in this Section, the Zoning Administrator may initiate injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove any unlawful building, structure or use.
- (D) Upon his becoming aware of any violation, the Zoning Administrator shall serve notice of such violation on the person committing or permitting the same, and the land owner, and if such violation has not ceased within such reasonable time as the Zoning Administrator has specified in such notice, he shall institute such action as may be necessary to terminate the violation.
- (E) If the person responsible for the alleged violation denies that a violation exists, he may appeal the decision of the Zoning Administrator pursuant to the provisions of Section 6-1700 of this Ordinance.
- (F) Whenever a violation occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record such complaint, investigate, and take action thereon as provided by this Ordinance.

**6-503****Criminal Violations.**

- (A) Any violation of the provisions of this Ordinance that results in physical harm or injury to any person shall be deemed a Class 2 criminal misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than \$1,000.00 for each separate offense. Each day during which the violation is found to have existed shall constitute a separate offense.
- (B) The designation of a particular violation of this Ordinance as a civil violation shall preclude criminal prosecution or sanctions.

**6-504****Civil Violations.**

- (A) Any violation of the provisions of this Ordinance other than those set forth in Section 6-503(A) shall be deemed a civil violation and, upon an admission of liability or finding of liability, shall be punishable by a fine of \$100.00 for the first charge and \$150.00 for each additional charge. Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall specified violations arising from the same operative set of facts be charged more frequently than once in any ten (10) day period, and in no event shall a series of specified civil violations rising from the same operative set of facts result in civil penalties which exceed a total of \$3,000.00. Nothing in this subsection shall be construed as to prohibit the Zoning Administrator from initiating civil injunction procedures in cases of repeat offenses.
- (B) After having served a notice of violation on any person committing or permitting a violation of the Zoning Ordinance provisions enumerated in Section 6-504(E) and if such violation has not ceased within such reasonable time as is specified in such notice, the Zoning Administrator shall cause two (2) copies of a summons and/or ticket to be personally served upon such person or posted in a conspicuous location at the site of the violation. If a person complies in writing to a notice of violation, and agrees to cease said violation, no further fines shall be levied after the date of such agreement, provided such agreement is complied with.

- (C) The summons shall provide that any person summoned for a violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the County Treasurer's office at least 72 hours prior to the time and date fixed for trial and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such summons shall provide that a signature to an admission of liability shall have the same force and effect as a judgment of court, however, an admission shall not be deemed a criminal conviction for any purpose.
- (D) If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law. A finding of liability shall not be deemed a criminal conviction for any purpose.
- (E) Removed pursuant to ZOAM 2000-0001.

## **Section 6-600**

### **Notice Required For Public Hearings.**

#### **6-601**

**Required Notice.** Each public hearing involving planning and zoning matters before the Planning Commission, the Board of Supervisors and the Board of Zoning Appeals, requires notice as set forth below.

#### **(A) Written Notice.**

##### **(1) Cases Involving Less Than 25 Tax Map Parcels**

- (a) First Notice.** For a zoning map amendment, special exception, variance, appeals pursuant to §15.2-2301 or §15.2-2311 of the Code of Virginia, as amended, hardship petition, or commission permit that involves less than 25 tax map parcels, the Planning Commission, Board of Supervisors or Board of Zoning Appeals, or designee as appropriate, shall provide written first notice of the public hearing to the owner or owners, or their agent, of each parcel involved and to the owner or owners or their agent, of all abutting property and all property immediately and diagonally across the street or road from the property affected. In addition, if any portion of the property which is the subject of the zoning map amendment is within a planned development district then, written notice of a public hearing shall also be given to such incorporated property owners' association existing within the planned development district that has members owning property within 2,000 feet of the subject property. Notice shall be sent by registered or certified mail to the last known address of the registered agent, as listed by the State Corporation Commission, of such incorporated property owners' association. For a comprehensive plan amendment, zoning map amendment, or special exception application, notice of application will be given to adjoining counties or municipalities inside the Commonwealth and within one-half mile of the subject property.

Such first notice must be mailed at least 21, and no more than thirty (30) calendar days before the hearing and shall be made by first class mail. First notice sent to the last known address of the owner as shown on the County's current real estate tax assessment records shall be deemed adequate compliance with this requirement. Nothing in this paragraph shall be construed as to invalidate any subsequently adopted amendment, special exception or variance because of the inadvertent failure to give written first notice.

- (b) **Second Notice.** For a zoning map amendment, special exception, variance, appeals pursuant to §15.2-2301 or §15.2-2311 of the Code of Virginia, as amended, hardship petition, or commission permit that involves less than 25 tax map parcels, the Planning Commission, Board of Supervisors or Board of Zoning Appeals or designee as appropriate shall provide written second notice of the public hearing to the owner or owners, or their agent or the occupant of each parcel of land involved and to the owner or owners, their agents or the occupant of all abutting property and property immediately and diagonally across the street or road from the property affected. In addition, if any portion of the property which is the subject of the zoning map amendment is within a planned development district then, written notice of a public hearing shall also be given to such incorporated property owners' association existing within the planned development district that has members owning property within 2,000 feet of the subject property. Notice shall be sent by registered or certified mail to the last known address of the registered agent, as listed by the State Corporation Commission, of such incorporated property owners' association. For a comprehensive plan amendment, zoning map amendment, or special exception application, notice of application will be given to adjoining counties or municipalities inside the Commonwealth and within one-half mile of the subject property.

Such second notice must be mailed at least five (5) calendar days before the hearing and shall be made by registered or certified mail. Second notice sent to the last known address of the owner as shown on the County's current real estate tax assessment records shall be deemed adequate compliance with this requirement.

(2) **Cases Involving 25 or More Tax Map Parcels.**

- (a) **First Notice.** For a zoning map amendment, special exception, variance, appeals pursuant to §15.2-2301 or §15.2-2311 of the Code of Virginia, as amended, hardship petition, or commission permit that involves 25 or more tax map parcels, the Planning Commission, Board of Supervisors or Board of Zoning Appeals or its designee shall provide written first notice of the public hearing to the owner or owners, or their agent, of each parcel of land involved and to the owner or owners or their agent, of all abutting property and all property immediately and diagonally across the street or road from the property affected. In addition, if any portion of the property which is the subject of the zoning map amendment is within a planned development district then, written notice of a public hearing shall also be given to such incorporated property owners' association existing within the planned development district that has members owning property within 2,000 feet of the subject property. Notice shall be sent by registered or certified mail to the last known address of the registered agent, as listed by the State Corporation Commission, of such incorporated property owners' association. For a comprehensive plan amendment, zoning map amendment, or special exception application, notice of application will be given to adjoining counties or municipalities inside the Commonwealth and within one-half mile of the subject property.

Such first notice must be mailed at least 21 and no more than thirty (30) calendar days before the hearing and shall be made by first class mail. First notice sent to the last known address of the owner as shown on the County's current real estate tax assessment records shall be deemed adequate compliance with this requirement. Nothing in this paragraph shall be construed as to invalidate any subsequently adopted amendment, special exception or variance because of the inadvertent failure by the representative of the local Commission to give written first notice to the owner or owners, or their agent, of any parcel involved.

- (b) **Second Notice.** For a zoning map amendment, special exception, variance, appeals pursuant to §15.2-2301 or §15.2-2311 of the Code of Virginia, as amended, hardship petition, or commission permit that involves 25 or more tax map parcels, the Planning Commission or Board of Supervisors, or Board of Zoning Appeals or its designee shall provide written second notice of the public hearing to the owner or owners, or their agent, of each parcel of land involved. In addition, if any portion of the property which is the subject of the zoning map amendment is within a planned development district then, written notice of a public hearing shall also be given to such incorporated property owners' association existing within the planned development district that has members owning property within 2,000 feet of the subject property. Notice shall be sent by registered or certified mail to the last known address of the registered agent, as listed by the State Corporation Commission, of such incorporated property owners' association. For a comprehensive plan amendment, zoning map amendment, or special exception application, notice of application will be given to adjoining counties or municipalities inside the Commonwealth and within one-half mile of the subject property.

Such second notice must be mailed at least five (5) calendar days before the hearing and shall be made by first class mail. Second notice sent to the last known address of the owner as shown on the County's current real estate tax assessment records shall be deemed adequate compliance with this requirement. Nothing in this paragraph shall be construed as to invalidate any subsequently adopted amendment, or ordinance, special exception or variance because of the inadvertent failure by the representative of the local commission to give written second notice to the owner or owners, or their agent of any parcel involved.

- (3) **Contents of Written Notice.** All required written notice shall contain:
  - (a) The time, date and place of hearing;
  - (b) A brief description of the matter being heard; and
  - (c) Identification of the land subject of the application (including the tax map number of the property and complete street address of the property).
- (4) **Second Notice Rемаiled If Hearing Continued.** If a public hearing is continued, then the second notice required in such case shall be remailed.
- (5) **Landowner Initiated Cases.** In any case involving a zoning map amendment, special exception or variance which is initiated at the request of a landowner, such landowner shall be designated by the Planning Commission, Board of Supervisors or Board of Zoning Appeals, as appropriate, as responsible for sending any notice required by this Section.
- (6) **Notice by County.** Notwithstanding any other provisions of this section, whenever the notices required under this Section are sent on behalf of an agency, department or division of the County, such notice shall be sent by the Zoning Administrator and may be sent by first class mail; however, the Zoning Administrator shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

- (7) **Certification.** At least five (5) calendar days prior to the hearing, an affidavit, prepared by the person or persons, or their representative providing notice, shall be filed with the Director of Planning certifying that first and second notices have been sent and such affidavit shall include a list of names of those to whom notice was sent. A counterpart of such affidavit shall be presented at the beginning of the public hearing on the application.
  - (8) **Failure to Receive Notice.** Failure to receive any notice of a hearing required by this Section, in and of itself, shall not invalidate any action taken at or subsequent to the hearing.
  - (9) **Condominium Ownership.** In the case of a condominium, written notice may be sent to the unit owner's association instead of to each individual unit owner.
- (B) **Placard Notice.** Each application shall be posted by the applicant, using a form of placard approved by the Board of Supervisors, at least twenty-one (21) and no more than thirty (30) calendar days prior to each public hearing. Certification of posting shall be provided to the Director of Planning, except that such certification shall be provided to the Zoning Administrator for public hearings before the Board of Zoning Appeals.
- (1) **Location of Placards.** Placards shall be affixed to a pole, post, fence or other structure to be clearly visible from each public road abutting the property. If no public roads abut the property, then the placard shall be posted so as to be clearly visible from at least two abutting properties and at the access points to said property. Placards shall be weatherproof.
  - (2) **Contents of Placards.** Placards shall contain:
    - (a) The time, date and place of the hearing;
    - (b) A brief description of the matter being heard; and
    - (c) Identification of the land that is the subject of the application including the tax map number and complete address of the property.
  - (3) **Maintenance and Removal of Placards.** The applicant shall maintain all placards up to the time of the hearing and shall remove all posted placards no later than fifteen (15) calendar days after the public hearing has been closed.

- (4) **Penalties.** It shall be unlawful for any person to destroy, deface or remove such placard notice. Any person taking such action shall be subject to the penalties set forth in Section 6-504 of this Ordinance.
- (C) **Newspaper Notice.** The County shall give newspaper notice prior to each public hearing.
  - (1) **Type of Newspaper.** Notice shall be published in a newspaper or newspapers of general circulation in the County.
  - (2) **Contents of Newspaper Notice.** The notice shall contain:
    - (a) The time, date and place of the hearing;
    - (b) A brief description of the matter being heard;
    - (c) If the matter is one for which an additional public hearing is necessary and has been scheduled before the BZA or Board of Supervisors, the time, date and place of the scheduled BZA or Board of Supervisors hearing; and
    - (d) Identification of the land that is the subject of the application including the tax map number and complete address of the property.
    - (e) In the case of a zoning map amendment, including an amendment to an approved concept plan, or a modification of ordinance regulations, the general usage and density range of the proposed zoning amendment, and the general usage and density range, if any, set forth in the Comprehensive Plan shall be included within the notice.
  - (3) **Time of Newspaper Notice.** The notice shall appear at least once a week for two (2) successive weeks and with the second advertisement no more than 21 and no fewer than six (6) calendar days prior to the public hearing.

**6-602 Notice Requirement for Adoption of Submission Checklist.** A resolution to be presented to the Board of Supervisors pursuant to Section 6-403 shall be advertised in a newspaper of general circulation in the County at least thirty (30) days before consideration of the resolution by the Board..

**6-603 Cost of Notice.** The cost of all notice required by this Section shall be paid by the applicant.

**6-604**

**Additional Notice Required.**

- (A) **Deferral.** If an item is not heard at the time for which it was noticed but is deferred at that time to another date, all notice required by this Section shall be given of the deferred public hearing.
- (B) **Recessed Public Hearings.** If a public hearing is begun but the agenda not completed, thereby requiring the meeting to be recessed, no additional notice is required as long as the date(s) for completion of the public hearing agenda is announced at the hearing which has been recessed.

## **Division C: Required Development Approvals**

### **Section 6-700**

#### **Site Plan Review.**

#### **6-701**

**Site Plan Required.** Site plan approval is required prior to the development of any land when the development or land falls within the following categories:

- (A) All uses in the commercial districts.
- (B) All uses in the industrial districts.
- (C) All permitted uses in the residential districts, except for agricultural structures and single family attached and detached dwellings, and accessory uses and structures allowed under Section 5-101.
- (D) Those special exception uses and structures which require a site plan.
- (E) Any development in which any required off-street parking space is to be used by more than one establishment.
- (F) When an alteration or amendment is proposed to the site improvements or design of a previously approved site plan.
- (G) When an existing residential use is proposed for a change to a commercial, industrial, or multi-family residential use.
- (H) All public buildings and institutions.
- (I) All other uses involving a building required to be reviewed by the Planning Commission under Section 15.2-2232 of the Code of Virginia, as amended.
- (J) Above-ground structures associated with a public utility, utility substation, water or sewer pumping station, water or sewer treatment facility or commercial communication tower.
- (K) Temporary or permanent parking uses and parking structures.

**6-702**

**Site Plan Requirements.** The requirements for submission, review and approval of all types of site plans shall be pursuant to the Land Subdivision and Development Ordinance and the Facilities Standards Manual. In addition to the submission requirements of the Facilities Standards Manual, the following materials shall be submitted as part of the initial submission for any type of site plan application, as applicable:

- (A) The approved concept development plan, rezoning plat, or special exception plat;
- (B) The Copy Teste of the Board of Supervisors action on such plan or plat;
- (C) A copy of the approved proffers and/or special exception conditions;
- (D) A copy of any zoning determinations or modifications, FSM waiver letters, state and federal wetlands permits, and LSDO determination letters pertaining to the subject property.

**Section 6-800**

**Subdivision Approval.** Subdivision approval is required in the circumstances specified in the Land Subdivision and Development Ordinance.

**Section 6-900**

**Additional County, State and Federal Approvals Required For Development.**

Approvals obtained pursuant to this Ordinance shall not relieve any person from the requirement to obtain any other necessary approvals under Federal, State or local law.

## **Section 6-1000**

**Zoning Permits.** No building permit or certificate of occupancy shall be issued, building or structure shall be erected or occupied, no use (except for agricultural uses as provided in the definition of Agriculture), or change in use or non-residential tenancy commenced, and no excavation or grading commenced relating thereto unless a zoning permit therefore has been issued by the Zoning Administrator and is still valid; except that a conditional grading permit may be obtained prior to construction plans and profiles or site plan approval in accord with the Facilities Standards Manual (FSM). In addition, zoning permits shall be required prior to erection or occupation of an accessory structure or use listed below.

- (A) Residential accessory uses and structures including above ground deck; porch, gazebo; private garage, carport; private greenhouse; private swimming pool; storage shed for personal, non-commercial, use; studios and workshops without outdoor display for personal use; bus shelter/bus stand.
- (B) Commercial and industrial accessory uses and structures including emergency power generators; parking structures; recycling facilities pursuant to Section 5-607(B); storage sheds not exceeding 200 square feet; bus shelter/bus stand.

## **6-1001**

**Application for Zoning Permit.** An application for a zoning permit, signed by the property owner, or authorized agent or representative upon the presentation of an Affidavit from the property owner permitting the agent or representative to sign on their behalf, shall be filed with the Zoning Administrator and shall be accompanied by as much of the following information as the Zoning Administrator deems pertinent and such additional information as the Zoning Administrator may require to determine whether the proposed use or structure will be in compliance with the provisions of this Ordinance.

- (A) Certificate from the Health Official that the proposed location complies with Chapters 1066 and 1040 of the Codified Ordinances and/or applicable state laws regarding sewage disposal and/or water supply or, where a public water and/or sewerage system approved by a health official is involved, a statement from the system permittee that all applicable regulations and requirements have been complied with.
- (B) A grading permit, if required by State law or County ordinance; to be issued by the Director of Building and Development.
- (C) The intended use.
- (D) If a dwelling, the number of families.

- (E) An approved site plan or a plot plan signed by the applicant drawn to scale showing dimensions of any structures and their location with respect to property lines and public roads.
- (F) A locational clearance for property located in the Floodplain or Mountainside Overlay Districts.
- (G) Number, size, location and lighting of signs, if any.
- (H) Number, size, and location of off-street parking lots or spaces.

**6-1002**      **Standards for Issuance.** No zoning permit shall be issued where the structure to be constructed or the use contemplated would be in violation of the provisions of this Ordinance or any other applicable County law, ordinance or regulation. In addition, no permit shall be issued if the proposed use violates the terms of approval of a rezoning, subdivision, special exception, proffer, variance, or other approval. The issuance of such zoning permit, however, shall not afford protection to any owner who is found to be violating this or any other applicable law, ordinance or regulation.

**6-1003**      **Duration of Valid Zoning Permit.** Any zoning permit issued shall become invalid if the authorized work is not commenced within one (1) year of the date of issuance, or is suspended or abandoned for a continuous period of one (1) year. The Zoning Administrator may, upon good cause shown, extend a permit with or without charge for an additional period not exceeding one (1) year.

**6-1004**      **Zoning Permit Fees.** Fees established by the Board of Supervisors shall be paid at the time of application and are non-refundable.

## **Section 6-1100**

### **Commission Permit.**

#### **6-1101**

#### **Permit Required.**

- (A) No street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan.
- (B) Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless involving a change in location or extent of a street or public area.
- (C) Any public area, facility or use which requires a permit under (A) above which is identified within, but is not the entire subject of, an application for approval of subdivision or site plan or both may be deemed to be a feature already shown on the Comprehensive Plan if the County has defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to Section 6-1209. In such case, application for a commission permit is not necessary.
- (D) Application for a commission permit is not necessary in such instances where the public area, facility or use is deemed to be a feature already shown on the Comprehensive Plan.

#### **6-1102**

**Application.** An application for a commission permit shall be filed with the Planning Commission through the Department of Planning and shall meet the minimum submission requirements prescribed pursuant to Section 6-403.

#### **6-1103**

#### **Planning Commission Action.**

- (A) The Planning Commission shall review the application to determine if the feature for which approval is sought is substantially in accord with the adopted Comprehensive Plan.

- (B) The Planning Commission shall hold a public hearing on the matter, with notice provided in accordance with Section 6-600.
- (C) The Planning Commission shall communicate its findings to the Board, indicating its approval or disapproval with written reasons therefore.
- (D) Failure of the Planning Commission to act within sixty (60) days of acceptance of an application shall be deemed approval, unless such time shall be extended by the Board of Supervisors.

**6-1104 Board of Supervisors.** Within sixty (60) days after the Planning Commission has acted or failed to act, the Board of Supervisors may overrule the action of the Planning Commission by a vote of a majority of the membership thereof.

**6-1105 Appeal.** Within ten (10) days of the decision of the Planning Commission, the owner or owners or their agents may appeal the Commission's decision to the Board of Supervisors by filing a written petition with the Planning Commission through the Department of Planning setting forth the reasons for the appeal. The appeal shall be heard by the Board of Supervisors and determined within sixty (60) days from its filing.

## **Division D: Special Development Approvals**

### **Section 6-1200**

#### **Zoning Amendment.**

- 6-1201**      **Authority.** The Board of Supervisors may, by ordinance, amend, supplement, change or repeal the provisions of this Ordinance or the boundaries of zoning classifications established in the official Zoning Map.
- 6-1202**      **Initiation of Amendment.** Either a zoning map or text amendment may be proposed by resolution of the Board of Supervisors or Planning Commission. In the case of a zoning map amendment, an application may be filed by a person who owns or has a legal interest in or is a duly authorized representative of the owner. In the case of an application by a person who has a legal interest in the property or is a duly authorized representative of the owner, the application must exhibit the consent of those with a legal ownership interest in the property under consideration. In the case of a zoning text amendment, a landowner may file a petition for a resolution of intent to amend the ordinance text to be acted upon by the Board of Supervisors. The Board shall either adopt such resolution, initiating the text amendment requested, or deny such petition.
- 6-1203**      **Review of Application.** An application for a zoning map amendment shall be filed, contain such material and be reviewed pursuant to the following:
- (A)      **Pre-Application Conference.** Prior to filing an application, an applicant shall meet with the Director of Planning and discuss his intentions with regard to a given application and questions regarding the procedures or substantive requirements of this Ordinance. In connection with all such conferences, the Zoning Administrator shall be consulted as appropriate. A request for a pre-application conference shall be made in writing to the Director of Planning. Such application shall be accompanied by a sketch map(s) of the site sufficient to illustrate the location of proposed uses, scale and intensity of uses and environmental conditions on the property to the extent they are known, a description of the proposed project or use, and a list of the issues to be discussed at the conference. No matters discussed at said meeting shall be binding on either the applicant or the County. The Planning Director shall respond to each written request for a pre-application conference within fifteen (15) calendar days. If a pre-application conference is not scheduled within thirty (30) calendar days of a request for such conference, then the applicant may request a waiver of the conference. The Planning Director may waive the pre-application conference requirement in cases where the Director finds that such waiver is not detrimental to the applicant or the County.

- (B) **Review of Application for Completeness.** No application shall be accepted and reviewed unless determined by the Director of Planning to be complete. A complete application is one which meets such minimum submission requirements as may be established pursuant to Section 6-403 and Section 6-1211 as applicable, including a rezoning plat. Within thirty (30) calendar days of filing, each application shall be reviewed to determine if it includes the minimum submission requirements. The County shall maintain a current log of all pending applications.
- (C) **Acceptance of Complete Application.** Within thirty (30) calendar days of receipt of an initial application, the Planning Director shall either accept the application if it is complete as defined in Article VIII and forward to the applicant a notice of acceptance or a notice of incompleteness specifying those areas of additional information necessary for review.
- (1) If neither a notice of acceptance nor incompleteness is sent, the application shall be deemed accepted for the purposes of beginning the time limits of this Ordinance on the forty-fifth (45<sup>th</sup>) calendar day after the filing of the application.
  - (2) If notice of incompleteness is sent, the applicant may resubmit the application with the additional data required, in which event the Planning Director shall review the resubmitted application within fifteen (15) calendar days from the date of receipt in the manner provided in this Section for the application.
  - (3) If the deficiencies set forth in the notice of incompleteness are not addressed, or the application is not resubmitted within thirty (30) calendar days of the date of the notice, the Planning Director shall notify the applicant that the original application has been rejected as incomplete.

#### **6-1204**

#### **Staff Review of Application.**

- (A) **Referrals.** Upon acceptance of the application for zoning amendment, the Planning Director shall forward a copy of the application to any town and any county or state agencies whose comments are necessary or desirable for full and appropriate review of the merits of the application.

- (B) **Referral Responsibilities.** Each reviewing agency, within sixty (60) calendar days from the date an application has been accepted, shall prepare a staff report which sets out in writing its comments and recommendations regarding the application and shall forward such staff report to the Director of Planning.
- (C) **Review of Referrals.** Referral comments shall be obtained and reviewed by the Director of Planning within one hundred (100) calendar days after a final application has been accepted. The Planning Director shall forward to the applicant a written review of the issues identified during the review of the application.
- (D) **Applicant Response and Subsequent Review.** The process and timelines for the applicant's response to the issues identified during the review of the application, as well as the process and timelines for subsequent review of the application, is identified below. If the applicant's response results in an amended application, the provisions of Section 6-1205 shall apply.
- (1) The applicant shall, within forty-five (45) calendar days of transmittal of the written review of issues, respond in writing to all of the issues identified in the written review.
  - (2) Failure on the part of the applicant to respond within the forty-five (45) calendar day timeframe specified above shall result in the suspension of the decision deadline for such application until such response is received.
  - (3) A second referral shall be completed within thirty (30) calendar days from receipt of the applicant's response to the written review, and a report from such reviewing agencies forwarded to the Planning Director.
  - (4) The Planning Director shall, within thirty (30) calendar days thereafter, forward to the applicant a second written review of the issues identified during the review of the application. Following the transmittal of the second written issues paper, if there are outstanding issues that are unresolved, a meeting will be scheduled with the applicant and those referral agencies with remaining issues within ten (10) business days of the date of transmittal.

- (5) The decision deadline for the applicant will be suspended from the date of the meeting referenced in paragraph 6-1204(D)(4) above, and will resume on the date of receipt of the applicant's response to all of the issues identified in the second written review and the meeting.
  - (6) The applicant's response to the second written review referenced in 6-1204(D)(5) above shall constitute the applicant's final submittal prior to the Planning Commission public hearing. Upon receipt of the applicant's response to the second written review, the Planning Director shall proceed to prepare the report as specified in Section 6-1204(F), and shall schedule the application for a duly noticed public hearing with the Planning Commission.
- (E) **Required Action By Other Board.** In the event this Ordinance requires that an application not be granted until acted upon by some government board or agency other than the Planning Commission or Board of Supervisors, then the Director of Planning shall forward the application for amendment to such board or agency for appropriate action prior to the notification to an applicant that an application is ready to be presented to the Board of Supervisors or Planning Commission. If they deem it appropriate, the Planning Commission may recommend, and the Board of Supervisors may approve, an application contingent on required action by the other board.
- (F) **Report and Notice to Applicant.** The Director of Planning shall compile the referrals and any other necessary information, prepare a written staff report with proposed findings and a recommendation, and notify the applicant that the report is complete and the application is ready to be presented to the Board of Supervisors or Planning Commission, as appropriate, for hearing.

**6-1205 Amendment to Application.**

- (A) An application may be considered amended by the submission of additional information or proposed changes to the application after it has been accepted. The Director of Planning shall review the information within five (5) business days of receipt and render a finding as to whether the submitted information is deemed a substantial change to the application. If such change is deemed to be substantial, the application will be considered to be an amended application. If the application is found to be amended, then the Director will notify the applicant in writing within the five (5) business day period following such determination that the additional information or proposed changes will result in an automatic extension of the application decision deadline prescribed in this Section

and such notice shall specify the required extension. The applicant will then have five (5) business days to provide the Director with a written request to withdraw the additional information or proposed changes which necessitated the extension. If the applicant chooses to withdraw the information, then the application will proceed based on its original timeline.

- (B) Any new information submitted after the Board of Supervisors public hearing is subject to the provision of Section 6-1205(1) above. In addition, any new information submitted after the Board of Supervisors public hearing shall result in a fifteen (15) calendar day automatic extension of the application decision deadline, unless such extension is reduced by the Director of Planning.

**6-1206      Withdrawal of Application.** An application may be withdrawn upon written request by the applicant any time prior to the public hearing; provided, that if the request for withdrawal is made after such deadline, such withdrawal shall be only with the consent of either the Planning Commission or the Board of Supervisors, whichever body has advertised the hearing. No new application concerning any or all of the same property which is substantially the same as the one withdrawn shall be filed within twelve (12) months of the date of withdrawal, unless the respective body approving withdrawal specifies at the time it consents to withdrawal that said time limitation shall not apply.

**6-1207      Limitation on Application After Denial.** After the official denial of an application, substantially the same application concerning any or all of the same property shall not be filed within twelve (12) months of the date of denial.

**6-1208      Conditional Zoning.** As part of classifying land within the County into areas and districts by legislative action, the County may allow reasonable conditions governing the use of such property, such conditions being in addition to, or modification of, the regulations provided for a particular zone or zoning district by this Ordinance.

**6-1209**

**Proffered Conditions.** As part of an application for a rezoning, a property owner may proffer in writing the provision of reasonable conditions to apply and be part of the rezoning sought to be approved by said application. Proffered conditions may include written statements, development plans, profiles, elevations, or other demonstrative materials and shall be subject to the following procedures and regulations:

(A) **When Proffers Are Made.**

- (1) If there are any proffered conditions which the applicant wishes to have considered with the application, they shall be submitted for staff review as part of the applicant's response to the written report required by Section 6-1204(B).
- (2) In no event shall the applicant's proposed statement of proffered conditions be submitted later than forty-five (45) calendar days prior to the scheduled public hearing before the Board of Supervisors.
- (3) Nothing in this paragraph shall prevent the Board of Supervisors from approving an application subject to changes in proffers agreed to by an applicant at the public hearing so long as the change imposes a more restrictive standard and the ordinance adopted accurately reflects such changes.

(B) **Contents of Proffer.** Proffered conditions shall be signed by all persons having an ownership interest in the property and shall be notarized. Proffered conditions shall contain a statement that the owners voluntarily enter into the conditions contained therein.

(C) **Filing And Notice Of Accepted Proffers.** If the amendment to the Zoning Map is adopted subject to proffered conditions, then the property in question shall be appropriately annotated on the Zoning Map and the proffers shall be placed in the Zoning Administrator's official proffer file.

- (D) **Proffers Govern Development.** Proffered conditions shall become a part of the zoning regulations applicable to the property unless subsequently changed by an amendment to the Zoning Map, which amendment is not part of a comprehensive implementation of a new or substantially revised zoning ordinance, and such conditions shall be in addition to the specific regulations set forth in this Ordinance for the zoning district in question.
- (E) **Substantial Conformance Required.** Upon approval of a rezoning with proffers, any site plan, subdivision plat, development plan or other application for development thereafter submitted shall be in substantial conformance with all proffered conditions. No development shall be approved by any County official in the absence of said substantial conformance.
- (F) **Substantial Conformance Defined.** For the purpose of this Section, substantial conformance shall be determined by the Zoning Administrator and shall mean that conformance which leaves a reasonable margin for adjustment due to final design or engineering data but conforms with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations, and other demonstrative materials proffered by the applicant.
- (G) **Enforcement of Proffers.** The Zoning Administrator shall be vested with all necessary authority on behalf of the Board of Supervisors to administer and enforce proffered conditions. Such authority shall include the ability to order, in writing, the remedy of any noncompliance with a proffered condition and the ability to bring legal action to ensure compliance including injunction, abatement, or other appropriate action or proceedings, as provided for in Section 6-500 of this Ordinance. Any person, group, company, or organization aggrieved by an interpretation of the Zoning Administrator may appeal such interpretation as defined by Section 6-1209(J) of this Ordinance.
- (H) **Guarantee for Construction of Improvements.** A guarantee, satisfactory to the Board, may be required in an amount sufficient for and conditioned upon the construction of any public improvements required by the proffered conditions. This guarantee may be reduced or released by the Board or agent thereof, upon the submission of satisfactory evidence that the construction of such improvements has been completed in whole or in part. Said guarantee shall be required no later than final site plan or subdivision approval.

(I) **No Permits Shall Be Issued Not In Compliance With Proffers.** Failure to meet or comply with any proffered conditions shall be sufficient cause to deny the issuance of any site plan or subdivision approvals, grading permits, zoning permits, building permits, or certificates of occupancy as may be determined appropriate by the Zoning Administrator. In addition to the other penalties appropriate for violations of this Ordinance, failure to meet or comply with any proffered condition shall be sufficient cause to deny the issuance of any development approvals or permits relating to the land area which was the subject of the conditional zoning. To this end, each application for a development approval or permit shall include an affidavit by the applicant that all applicable proffers have been or will be complied with as agreed upon at the time of rezoning. The burden shall be on the applicant to verify that proposed development complies with any and all proffered conditions.

(J) **Appeal of Proffer Decision.** Any person aggrieved by a decision of the Zoning Administrator regarding any proffered condition may appeal such decision to the Board of Supervisors. Such appeal shall be filed within thirty (30) calendar days from the date of the decision appealed by filing a notice of appeal with the Zoning Administrator. Such notice shall be a written statement specifying the grounds on which aggrieved and the basis for the appeal and shall include the materials specified in Section 6-1209(K).

Upon receipt of the appeal notice, the Board of Supervisors shall take such testimony as it deems appropriate and shall render its decision within ninety (90) calendar days after receipt of the appeal notice and following a public hearing. The Board of Supervisors may reverse or affirm wholly or partly or may modify the decision of the Zoning Administrator.

(K) **Proffer Appeal Submission Materials.** Any appeal presented in accordance with the provisions of Section 6-1209(J) of this Ordinance must include the following materials within the thirty (30) calendar day filing time frame. The ninety (90) day timeline set forth in Section 6-1209(J) above shall not commence until all of the following are received by the Zoning Administrator and the Chairman of the Board of Supervisors:

(1) Two copies of an application form, signed by the appellant or appellant's representative, accompanied by the following information:

- (a) A copy of the decision or proffer determination which is the subject of the appeal.
  - (b) The date upon which the decision or determination being appealed was made.
  - (c) The grounds for the appeal.
  - (d) Specification as to how the appellant is an aggrieved person (for example, owner of property affected by the determination or adjacent owner affected by the determination, etc).
  - (e) Any additional supportive data such as plats, plans, drawings, charts or other related material desired to be included in the record.
- (2) An application fee in the amount set forth by resolution of the Board of Supervisors

**6-1210 Planning Commission Hearing.** No later than 210 days after an application has been accepted, the Planning Commission shall hold a duly noticed public hearing on an application for a zoning amendment.

**6-1211 Report by Planning Commission.**

- (A) The Planning Commission shall report to the Board of Supervisors its recommendation with respect to the proposed amendment.
- (B) The Planning Commission need not confine its recommendation to the proposed amendment as set forth in the application. If the proposed amendment consists of a change in the text of this ordinance, it may recommend a revision to the proposal. If the proposed amendment consists of a change in zoning district boundaries, it may reduce or enlarge the extent of land that it recommends be rezoned; or it may recommend that the land be rezoned to a different zoning district classification than that requested if, in either case, the Commission is of the opinion that such revision is in accordance with sound zoning practice and the adopted Comprehensive Plan, and is in furtherance of the purposes of this ordinance. Before recommending a larger extent of land or a rezoning to a more intensive classification than was set forth in the application, the Commission shall hold an additional duly noticed public hearing on the matter.

- (C) In recommending the adoption of any proposed amendment to this Ordinance, the Planning Commission may state its reason for such recommendation, describing any changes in conditions, if any, that it believes make the proposed amendment advisable and specifically setting forth the manner in which, in its opinion, the proposed amendment would be in harmony with the adopted comprehensive plan and would be in furtherance of the purpose of this Ordinance.
- (D) **Text Amendments.** If the request is for an amendment of the text of this Ordinance, the Planning Commission shall consider the following matters:
- (1) Whether the proposed text amendment is consistent with the Comprehensive Plan.
  - (2) Whether the proposed text amendment is consistent with the intent and purpose of this Ordinance.
- (E) **Zoning Map Amendments.** If the application is for a reclassification of property to a different zoning district classification on the Zoning Map, the applicant shall address all the following in its statement of justification or plat unless not applicable. The Planning Commission shall give reasonable consideration to the following matters:
- (1) Whether the proposed zoning district classification is consistent with the Comprehensive Plan.
  - (2) Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.
  - (3) Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.
  - (4) Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.
  - (5) The effect of the proposed rezoning on the County's ground water supply.
  - (6) The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.

- (7) The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.
- (8) Whether a reasonably viable economic use of the subject property exists under the current zoning.
- (9) The effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality.
- (10) Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.
- (11) Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.
- (12) Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.
- (13) Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.
- (14) Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the county and the capacity of existing and/or planned public facilities and infrastructure.
- (15) The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.
- (16) The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.

- (F) Failure of the Planning Commission to report to the Board within one hundred (100) calendar days after the first meeting of the Commission following the date the proposed amendment has been referred to the Commission or such shorter period as the Board may direct shall be deemed a recommendation of approval by the Commission.

**6-1212 Hearing Before Board of Supervisors.** No later than three hundred and ten (310) days after an application has been accepted, a duly noticed public hearing shall be held by the Board of Supervisors regarding an application for a zoning amendment.

**6-1213 Action by Board of Supervisors.** After the conclusion of its public hearing, the Board of Supervisors shall act on the application for rezoning. The Board of Supervisors need not confine its action to the proposed amendment as set forth in the application. If the proposed amendment consists of a change in the text of this ordinance, it may act on a revision to the application. If the proposed amendment consists of a change in zoning district boundaries, it may reduce or enlarge the extent of land that it rezones or it may rezone the land to a different zoning district classification than that requested if, in either case, it is of the opinion that such revision is in accordance with sound zoning practice and the adopted Comprehensive Plan and is in furtherance of the purposes of this Ordinance.

Before rezoning a larger extent of land or rezoning the land to a more intensive classification than was set forth in the application, the Board shall hold a further duly noticed public hearing on the matter.

**6-1214 Evidentiary Matters Before Board of Supervisors.** All information, testimony or other evidence presented by an applicant for zoning amendment shall be presented to the Planning Commission in conjunction with its review and hearing on the application. If the Board of Supervisors determines that an applicant is presenting evidence which is substantially or materially different from that presented to the Commission, the Board may refer the application back to the Commission for such additional consideration and action as the Board may deem appropriate.

**6-1215 A-25 District Rezoning - Special Provisions.** The following provisions of Division D: Special Development Approvals shall be modified as follows for applications to amend the zoning map to rezone property to the A-25 District:

- (A) **Pre-Application Conference (6-1203 (A)).** The pre-application conference is recommended but shall not be required.

- (B) **Staff Review of Application. Referrals (6-1204 (A)).** Upon acceptance of the application, the Planning Director shall forward a copy of the application to the Department of Building and Development, the Zoning Administrator, and the Virginia Department of Transportation, and shall set the application for public hearing to be held at the first Planning Commission public hearing scheduled to occur after the sixtieth (60th) day following acceptance of the application.
- (C) **Referral Responsibilities (6-1204 (B)).** Each reviewing agency shall, within thirty (30) calendar days of the receipt of a referral, prepare a staff report which sets out in writing its comments and recommendations and shall forward such report to the Director of Planning.
- (D) **Review of Referrals (6-1204 (C)).** Referral comments shall be reviewed by the Director of Planning within fifty (50) days after an application has been accepted. The Planning Director shall forward to the applicant within five (5) working days of receipt of all referral comments and a written review of the issues raised by the application.
- (E) **Hearing Before Board of Supervisors (6-1212).** No later than forty (40) calendar days after the Planning Commission public hearing, a duly noticed public hearing shall be held by the Board of Supervisors regarding an application for rezoning to the A-25 District.

## Section 6-1300

### Special Exception.

- 6-1301 Purpose.** The special exception procedure is designed to provide the Board of Supervisors with an opportunity for discretionary review of requests to establish or construct uses or structures which have the potential for a deleterious impact upon the health, safety, and welfare of the public; and, in the event such uses or structures are approved, the authority to impose conditions that are designed to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure. Any special exception approval granted by the Board of Supervisors shall be implemented in strict accordance with the conditions of approval of the special exception.
- 6-1302 Authorized Special Exception Uses.** Only those special exceptions that are expressly authorized as such in a particular zoning district, or elsewhere in this Ordinance may be approved. Further, no existing use shall hereafter be changed to another use that is designated as a special exception use in such district, and no approved special exception use shall be enlarged or expanded unless approval of a new special exception has been granted by the Board of Supervisors.
- 6-1303 Review of Application.** The Board of Supervisors may permit a special exception as part of a zoning map amendment, or by special exception procedures at any time after a zoning map amendment. An application for a special exception shall be filed, contain such material as may be required, and be processed pursuant to the following:
- (A) **Pre-Application Conference.** Prior to filing an application, an applicant shall meet with the Director of Planning and discuss his intentions with regard to a given application and questions regarding the procedures or substantive requirements of this Ordinance. In connection with all such conferences, the Zoning Administrator shall be consulted as appropriate. A request for a pre-application conference shall be made in writing to the Director of Planning and shall be accompanied by a sketch map(s) of the site, a description of the existing environmental, topographical and structural features on the site, the proposed project or use, graphics that illustrate the scale, location and design of any buildings or structures to the extent known, and a list of the issues to be discussed at the conference. No matters discussed at said meeting shall be binding on either the applicant or the County. The Director of Planning shall respond to each written request for a pre-application conference within fifteen (15) calendar days. If a pre-application conference is not scheduled within thirty (30) calendar days of a request for such conference, then the applicant may request a waiver of the conference. The Planning Director may waive the pre-application conference requirement in cases where the Director finds that such waiver is not detrimental to the applicant or the County.

- (B) **Review of Application for Completeness.** No application shall be accepted and reviewed unless determined by the Director of Planning to be complete. A complete application is one which meets such minimum submission requirements as may be established pursuant to Section 6-403 and Section 6-1310 as applicable. Within thirty (30) calendar days of filing, each application shall be reviewed to determine if it includes the minimum submission requirements. The County shall maintain a current log of all pending applications.
- (C) **Acceptance of Complete Application.** Within thirty (30) calendar days of receipt of an application, the Director of Planning shall either accept the application if it is complete and forward to the applicant a notice of acceptance or a notice of incompleteness specifying those areas of additional information necessary for review.
- (1) If neither a notice of acceptance nor incompleteness is sent, the application shall be deemed accepted for the purposes of beginning the time limits of this Ordinance forty-five (45) calendar days after the filing of the application.
  - (2) If notice of incompleteness is sent, the applicant may resubmit the application with the additional data required, in which event the Director of Planning shall review the resubmitted application within fifteen (15) calendar days from the date of receipt, in the manner provided in this Section for the application.
  - (3) If the deficiencies set forth in the notice of incompleteness are not addressed, or the application is not resubmitted within thirty (30) calendar days of the date of the notice, the Planning Director shall notify the applicant that the original application has been rejected as incomplete.

#### **6-1304**

#### **Staff Review of Application.**

- (A) **General Review/Referral.** Upon acceptance of the application for special exception, the Director of Planning shall forward a copy to any town, county, or state agencies whose comments are necessary or desirable for full and appropriate review of the merits of the application.

- (B) **Referral Responsibilities.** Each reviewing agency, within thirty (30) calendar days from the date an application has been accepted, shall prepare a staff report which sets out in writing its comments and recommendations regarding the application and shall forward such staff report to the Director of Planning.
- (C) **Review of Referrals.** Referral comments shall be obtained and reviewed by the Director of Planning within forty five (45) calendar days after a final application has been accepted. The Planning Director shall forward to the applicant a written review of the issues identified during the review of the application.
- (D) **Applicant Response and Subsequent Review.** The process and timelines for the applicant's response to the issues identified during the review of the application, as well as the process and timelines for subsequent review of the application, is identified below. If the applicant's response results in an amended application, the provisions of Section 6-1305 shall apply.
- (1) The applicant shall, within fifteen (15) calendar days of transmittal of the written review of issues, respond in writing to all of the issues identified in the written review. Such response shall be subject to the provisions of Section 6-1305.
  - (2) Failure on the part of the applicant to respond within the fifteen (15) calendar day timeframe specified above shall result in the suspension of the decision deadline for such application, and will resume on the date of receipt of the applicant's response to all of the issues identified in the written review.
  - (3) If new information is received as part of the applicant's response, a second referral shall be completed within thirty (30) calendar days from receipt of the applicant's response to the written review, and a report from such reviewing agencies forwarded to the Planning Director.
  - (4) The Planning Director shall, within fifteen (15) calendar days thereafter, forward to the applicant a second written review of the issues identified during the review of the application.
  - (5) The decision deadline for the application will be suspended from the date of transmittal of the second written review, and will resume on the date of receipt of the applicant's response to all of the issues identified in the second written review.

- (6) The applicant's response to the second written review, or the first written review if the second referral is not applicable, shall constitute the applicant's final submittal prior to the Planning Commission public hearing. Upon receipt of the applicant's response to the second written review, the Planning Director shall proceed to prepare the report as specified in Section 6-1304(F), and shall schedule the application for a duly noticed public hearing with the Planning Commission.
- (E) **Required Action by Other Board.** In the event this Ordinance requires that a development permit not be issued until acted upon by some government board or agency other than the Planning Commission or Board of Supervisors, then the Director of Planning shall forward the application for development to such board or agency for appropriate action prior to the notification to an applicant that an application is ready to be presented to the Board of Supervisors or Planning Commission.
- (F) **Special Exception Report and Notice to Applicant.** The Planning Director shall compile the referrals and any other necessary information, prepare a written staff report with proposed findings and a recommendation, and notify the applicant that the report is complete and the application is ready to be presented to the Board of Supervisors or Planning Commission, as appropriate, for hearing.

**6-1305 Amendment to Application.** An application shall be considered amended by the submission of any additional information or proposed changes to the application after it has been accepted. The submission of such additional information or proposed changes shall result in a forty-five (45) calendar day extension of the decision deadline for the application. The Planning Director may reduce the extension of the application decision deadline specified above when, in the opinion of the Planning Director, such information does not require the full extension for review.

**6-1306 Withdrawal of Application.** An application may be withdrawn upon written request by the applicant any time prior to fifteen (15) calendar days before the scheduled public hearing. If the request for withdrawal is made after fifteen (15) calendar days or less before the scheduled public hearing, such withdrawal shall be only with the consent of either the Planning Commission or the Board of Supervisors, whichever body has advertised the hearing. No new application concerning any, or all of the same, land that is substantially the same as the one withdrawn shall be filed within twelve (12) months of the date of withdrawal, unless the respective body approving withdrawal specifies at the time it consents to withdrawal that said time limitation shall not apply.

- 6-1307**      **Limitation on Application After Denial.** After the official denial of an application, substantially the same application concerning any or all of the same property shall not be filed within twelve (12) months of the date of denial.
- 6-1308**      **Planning Commission Hearing.** Prior to a decision by the Board of Supervisors each application for special exception shall be the subject of a public hearing and a recommendation made by the Planning Commission.
- 6-1309**      **Board Hearing.** A duly noticed public hearing on an application for a special exception shall be held by the Board of Supervisors and a decision made by it within ninety (90) calendar days of the date on which the application was accepted.
- 6-1310**      **Issues for Consideration.** In considering a special exception application, the following factors shall be given reasonable consideration. The applicant shall address all the following in its statement of justification or special exception plat unless not applicable, in addition to any other standards imposed by this Ordinance:
- (A)      Whether the proposed special exception is consistent with the Comprehensive Plan.
  - (B)      Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.
  - (C)      Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.
  - (D)      Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.
  - (E)      Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.
  - (F)      Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.
  - (G)      Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.
  - (H)      Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.

- (I) Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.
- (J) Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.
- (K) Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of Loudoun County.
- (L) Whether the proposed special exception will be served adequately by essential public facilities and services.
- (M) The effect of the proposed special exception on groundwater supply.
- (N) Whether the proposed use will affect the structural capacity of the soils.
- (O) Whether the proposed use will negatively impact orderly and safe road development and transportation.
- (P) Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.
- (Q) Whether the proposed special exception considers the needs of agriculture, industry, and businesses in future growth.
- (R) Whether adequate on and off-site infrastructure is available.
- (S) Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.
- (T) Whether the proposed special exception uses sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and school areas.

#### **6-1311**

**Conditions and Restrictions.** In approving a special exception, the Board of Supervisors may impose such conditions, safeguards and restrictions upon the premises benefited by the special exception as may be necessary to avoid, minimize or mitigate any potentially adverse or injurious effect of such special exceptions upon other property in the neighborhood, and to carry out the general purpose and intent of this Ordinance. Conditions and restrictions may include, but are not limited to, those related to fencing, planting or other landscaping, additional set backs from property lines, location and arrangement of lighting, setting of

reasonable time limitations, size, height and location of signs, and other reasonable requirements deemed necessary to safeguard the interest of the general public. The Board may require a guarantee or bond to ensure that conditions imposed will be complied with. All required conditions shall be set out in the documentation approving the special exception permit.

**6-1312                    Effect of Issuance of a Permit for a Special Exception.** The issuance of a permit for a special exception shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals which may be required by the codes and ordinances of the County, including, but not limited to, a building permit, a certificate of occupancy, site plan and subdivision approval and a zoning permit.

**6-1313                    Period of Validity.**

- (A) Unless a longer period of validity is specifically approved as a part of such application, no special exception permit shall be valid for a period longer than five (5) years from the date on which the special exception was granted, unless within such five (5) year period: (1) a building permit is obtained and the erection or alteration of a structure is started and diligently pursued, and (2) an occupancy permit is obtained and a use commenced. Such period of validity may be extended for good cause shown, provided that an application is submitted to the Board of Supervisors a minimum of thirty (30) calendar days before the expiration date. The special exception approval shall remain valid while such extension is being processed. Failure to request the extension in a timely manner shall cause the special exception to expire, without notice, on the expiration date.
- (B) As a condition of approval, a special exception permit may be granted for a specific period of time less than five (5) years with expiration of the approval to occur at the termination of said period. In such case, an extension may be granted prior to expiration by the Board of Supervisors provided that an application is submitted to the Board of Supervisors a minimum of thirty (30) calendar days before the expiration date. No notice or hearing shall be required for such Board action. The special exception approval shall remain valid while such extension is being processed. Failure to request the extension in a timely manner shall cause the special exception to expire, without notice, on the expiration date. After expiration, no extension may be granted without complying with the requirements for an initial application for a special exception.

- (C) If it is determined that the use is not in compliance with all conditions and restrictions previously imposed by the Board of Supervisors, the request for an extension shall be denied or the remedy of any violation shall be required within a specified time. If the request for extension is denied or the applicant fails to correct the violation within the time frame specified, the special exception shall expire and the approval of a new special exception shall be required prior to any subsequent reinstatement of the use. If it is determined that the use is no longer allowed as a special exception use in the zoning district in which located, the request shall be denied and the special exception shall expire.

**6-1314 Rehearing.** A request for rehearing shall be made in writing, filed with the Zoning Administrator within fifteen (15) calendar days after the date of the decision, and shall cite the reasons for the request. A rehearing may be granted only upon the affirmative vote of a majority of the Board of Supervisors. No amendment to an application shall be permitted in the rehearing process. Any amendment to an application after decision by the Board constitutes a new application.

**6-1315 Status of Special Exception Uses.** Once a special exception has been approved, any site plan, subdivision plat, building permit, occupancy permit thereafter submitted for the development or use of the property in accordance with the special exception shall be in substantial conformance with the approved special exception, and no development or use shall be approved by any County official in the absence of such conformance. Once established, the use shall be conducted in substantial conformance with any conditions or restrictions imposed by the Board and all other requirements of this Ordinance.

- (A) No use shall be enlarged, expanded, increased in intensity or relocated and no condition of the special exception shall be modified unless an application is made and approved for a new special exception.
- (B) Notwithstanding the above, any modification to an approved and currently valid special exception to provide an accessibility improvement, as required by the Americans with Disabilities Act or the Commonwealth of Virginia, shall be permitted and shall not require approval of an amendment to the special exception or a new special exception.

**6-1316 Modifications to Approved Special Exceptions.**

- (A) **Minor Modifications.** Minor modifications to an approved special exception may be permitted by the Zoning Administrator when it is determined by the Zoning Administrator that such are in substantial conformance with the approved special exception and that such are in response to issues of topography, drainage, underground utilities, structural safety, layout, design, vehicular circulation, or requirements of

governmental agencies; or are accessory uses; or are accessory structures or minor building additions as permitted below. In no event shall such modifications:

- (1) Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the approved special exception use(s) and minor additions to buildings may be permitted, provided that the sum total of all such structures or additions shall not exceed the following:
  - (a) Five (5) percent of the approved gross floor area of the approved special exception use(s); and
  - (b) The maximum permitted FAR for the zoning district in which located; and
  - (c) The maximum density permitted by the approved special exception.
- (B) **Notice Requirements.** Any request for a minor modification to the approved special exception shall require the provision of written notice in accordance with the following:
  - (1) The notice shall include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and where to call for additional information; and
  - (2) The notice shall be sent to the last known address of the owners (as shown in the Loudoun County real estate assessment records), of all property abutting and across the street from the site, or portion thereof, which is the subject of the request. In addition, if the subject property is included within an incorporated owners' association, then notice shall also be required to such owners' association (at the address on file with the State Corporation Commission. Such notice shall be delivered by hand or sent by certified mail, return receipt requested; and
  - (3) Prior to approval, an affidavit that notice has been sent shall be filed with the Zoning Administrator.

## **Section 6-1400**

### **Cluster Developments in Urban Residential Districts.**

**6-1401 Authority.** Where cluster development is listed as a special exception use in zoning districts, the Board of Supervisors, on recommendation of the Planning Commission, may grant, as a special exception, approval for a cluster development proposal pursuant to the provisions of this Section and those of Section 6-1300 relating to special exceptions.

**6-1402 Purpose.** The purpose of cluster development is to promote flexibility of subdivision layout and design, with attendant cost savings and open space preservation.

### **6-1403 Cluster Development Limitations.**

- (A) Cluster approval may be applied only to residential uses.
- (B) No deviation from the overall allowed density or height specified in the applicable zoning district is permitted.
- (C) Cluster developments shall consist of at least ten (10) dwelling units except that cluster developments that are found by the Planning Commission to be an extension of an existing or approved cluster development may contain fewer dwelling units.
- (D) Cluster developments shall not be permitted in the R-16, or R-24 Districts.
- (E) Only those modifications and variations of yard, lot size, lot width and lot coverage requirements will be permitted as are shown on the preliminary subdivision and record plat.
- (F) All dwellings and other habitable buildings shall be served with public sewer and water facilities.

### **6-1404 Cluster Open Space Requirements.**

- (A) In each district in which cluster development is allowed, the lot requirements may be reduced to the extent provided in the applicable district. All land not included within lots or required for public or private streets shall be maintained as common open space.
- (B) Common open space shall generally be designed to constitute a contiguous and cohesive unit of land which may be used for active or passive recreation by residents and shall be reasonably accessible to all permitted uses and all residential units within the development.

- (C) All common open space shall be permanently reserved, managed, and maintained as open space by a means acceptable to the Board of Supervisors.
- (1) Open space or common areas within cluster residential developments may be offered for dedication to the public at the time of application. The Board of Supervisors or other appropriate public body acceptable to the Board of Supervisors may accept such dedication upon a finding that the size, location, type of development or cost of development or maintenance of such open space or common area or the availability of public open space would make public use desirable or necessary.
  - (2) Common open space not dedicated to public use shall be protected by legal arrangements satisfactory to the Board of Supervisors sufficient to assure its maintenance and preservation for its intended purpose. Covenants or other legal arrangements shall specify ownership of the common open space; method of maintenance, responsibility for maintenance, taxes and insurance, compulsory membership and compulsory assessment provisions, guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Board of Supervisors, and any other specifications deemed necessary by the Board of Supervisors.
- (D) No land considered to be major floodplain shall be considered in calculating the amount of common open space provided in a cluster.

**6-1405 Optional Joint Approval.** At an applicant's option, an application for cluster development approval may be submitted in conjunction with an application for zoning amendment or an application for subdivision plat approval. If submitted with an application for zoning amendment, both applications shall be reviewed together, the time limits and procedures for rezoning will apply, and both applications may be approved together. If submitted with an application for preliminary subdivision approval, the applications will maintain separate procedures and approvals; and the subdivision application will not proceed to the Planning Commission for review until cluster approval has been granted by the Board of Supervisors.

**6-1406 Considerations of Review.** In reviewing an application for cluster development, consideration shall be given to the following goals:

- (A) That individual lots, buildings, streets, and parking areas are designed and situated to maximize open space minimize alteration of natural site features, and reduce the construction of roads and other impervious surfaces.
- (B) That cluster open space shall include and retain, to the extent feasible, natural features located on the tract such as, stream beds, significant stands of trees, and individual trees of a significant size.
- (C) That cluster open space intended for a recreation or public use is accessible to pedestrians.
- (D) The relationship of the cluster and cluster open space to surrounding properties.

## **Section 6-1500**

### **Rezoning to Planned Development (PD) Districts.**

- 6-1501**      **Authority.** By ordinance duly enacted by the Board of Supervisors, the rezoning of land to Planned Development districts may be approved subject to the procedures and considerations in this Section for approval of a Concept Development Plan as they may supplement those of Section 6-1200.
- 6-1502**      **Purpose.** The provisions of this Section establish special procedures for approving Concept Development Plans for planned development districts. The procedures herein established are in recognition of the fact that traditional density, bulk, spacing and use regulations, which may be useful in protecting the character of substantially developed areas, may impose inappropriate and unduly rigid restrictions upon the development of parcels or areas which lend themselves to a unified, planned approach. A Planned Development should be designed to ensure that the following general goals will be achieved.
- (A)      The proposed development shall be of such design that it will promote achievement of the stated purposes of the Comprehensive Plan and is consistent with the Plan as well as other adopted plans and policies of the County.
  - (B)      The development will efficiently use available land and will protect and preserve, to the extent possible, natural features of the land such as trees, streams and topographic features.
  - (C)      The development will be located in an area in which transportation, police and fire protection, schools and other public facilities and public utilities, including water and sewerage, are or will be available and adequate for the uses proposed. The applicant may, where appropriate, make provision for such facilities or utilities which are not presently available.
- 6-1503**      **Application.** An application for rezoning to a planned development district shall be filed, contain such information, and be processed pursuant to the provisions of Section 6-1200 of this Ordinance, as that Section may be supplemented by this one.

**6-1504**

**Modifications.** The regulations of the PD district sought shall apply after rezoning is approved unless the Board of Supervisors approves a modification to the zoning, subdivision or other requirements that would otherwise apply. No modifications shall be permitted which affect uses, density, or floor area ratio of the district. Modifications to an approved Concept Development Plan may be approved as set forth in Section 6-1511. No modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site. An application for modification shall include materials demonstrating how the modification will be used in the design of the project.

**6-1505****Concept Development Plan/Submission Requirements.**

- (A) **Purpose and Effect.** An application for rezoning to a Planned Development district shall include a Concept Development Plan and such additional information as the applicant may deem necessary to provide a detailed understanding of the proposed planned development. Although it is unnecessary to become involved in the preparation of engineering drawings at this stage, the Concept Development Plan must be sufficiently detailed to be judged for its superiority to other forms of development or other zoning districts. No Concept Development Plan shall be required for rezoning to districts other than PD districts.
- (B) **Application Contents.** Information and documentation together with such additional information as may be required from time to time by the Board pursuant to Section 6-403 shall constitute a complete rezoning application.

- 6-1506 Planning Commission Recommendation.** The Planning Commission shall hold a public hearing as required in Section 6-1210. Following the conclusion of the public hearing, the Planning Commission shall transmit to the Board of Supervisors its recommendations that the Concept Development Plan either be approved, be approved subject to modifications, or not be approved. In considering the Concept Development Plan and formulating its recommendation, the Planning Commission shall be guided by, and shall in its report specifically address, the considerations of the Planned Development district, Section 6-1200, and any other relevant provision of this Ordinance, other County regulations and the Comprehensive Plan.
- 6-1507 Board of Supervisors Approval.** Following receipt of the report of the Planning Commission, the Board of Supervisors shall hold a public hearing as specified in Section 6-1212 and shall either refuse to approve the Concept Development Plan; shall refer it back to the Planning Commission for further consideration of specified matters; or shall, by ordinance duly adopted, approve the Concept Development Plan, with or without modifications, to be accepted by the applicant as a condition of such approval. If such plan is approved with modifications, the approval shall not be considered final until the applicant has filed and the Board has accepted the applicant's written consent to and confirmation of such modifications.
- 6-1508 Contents of an approved Concept Development Plan.** The approved Concept Development Plan for rezoning to a PD district shall contain the following provisions and the materials which are part of the application, in addition to the requirements in Section 6-1505 to determine whether future development is consistent with the Board's approval. The Concept Development Plan shall contain provisions to regulate the intensity of development within the Planned Development district. Such provisions may apply to the project as a whole or to subareas within the project. Without limiting the foregoing, the plan shall depict:
- (A) **Nonresidential Densities.** For nonresidential development, (a) the floor area ratio or ratios; (b) the maximum gross floor area for the project as a whole or for components or subareas within the project; (c) the setbacks, height, and bulk restrictions for the project as a whole or for components or subareas within the project. In addition, non-residential development plans shall specify any applicable performance standards that are imposed and restrictions regarding the location and nature of industrial, commercial and other nonresidential activities.

- (B) **Residential Densities.** For residential developments, (a) the maximum number of dwelling units for the project, (b) individual lot size, height and other building restrictions for the project as a whole or for individual subareas within the project; and (c) the distribution of residential densities for the project or individual subareas within the project sufficient to enable the County to judge the plan and compare future development to it for consistency.
- (C) **Public Facilities.** For residential and nonresidential developments, the approved conditions, restrictions and standards relating to ensuring the timely provision of necessary public facilities based on conformity with the existing Comprehensive Plan and Capital Improvements Program and any proffers made by the applicant.
- (D) **Transportation/Access.** For residential and nonresidential development, the approved location and general design of transportation improvements and ingress and egress to the project, along with such access restrictions as are imposed to promote and ensure the integrity and function of the County's thoroughfare system and the safe and efficient circulation of vehicles and pedestrians within the Planned Development district.
- (E) **Perimeter Treatment.** For residential and nonresidential developments, the approved design and arrangement of the perimeter areas provided to mitigate the impact of the project upon adjoining properties, to achieve an appropriate transition between land uses and densities, and to protect adjoining properties from any adverse effects of the proposed project.
- (F) **Modification.** For residential and nonresidential developments, any approved modifications to any provisions of this Ordinance, the Land Subdivision and Development Ordinance, or any other applicable County ordinance which would otherwise be applicable to the development and which are to be modified. The statement regarding modifications shall set forth clearly the text of the approved modification and the justification therefore.

- 6-1509 Optional Joint Approvals.** At the applicant's option, an application for site plan and/or preliminary subdivision plat approval may be submitted in conjunction with an application for a rezoning to a Planned Development district. In such case, the applications shall be reviewed together pursuant to their respective standards, the time limits for rezoning shall apply to the joint application, and no approval of a site plan or preliminary subdivision plat shall be effective unless and until the application for rezoning to planned development has been approved by the Board of Supervisors. The application for site plan and/or subdivision approval may be for the entire planned development site or for a phase thereof which is consistent with the phasing plan ultimately adopted by the Board.
- 6-1510 Building and Other Permits.** After approval of a Concept Development Plan and other required approvals, and upon application by the applicant, appropriate County officials may issue land development, building, zoning and other permits for development, construction and other work in the area encompassed by the Approved Concept Development Plan. No such permit shall be issued unless the County is satisfied that the requirements of all applicable codes or ordinances of the County have been satisfied.
- 6-1511 Approved Changes to Concept Development Plan After Approval.**
- (A) **Minor Change.** Any proposed change or changes to an approved Concept Development Plan which meets the following criteria shall be considered a minor change and may be permitted if approved by the Zoning Administrator.
- (1) Decreases by five percent (5%) or less the area approved for public and private open space.
  - (2) Relocates or modifies approved circulation elements as a result of more detailed engineering or changes requested by staff or VDOT, unless the change would decrease the ability of such elements to function efficiently, adversely affect their relation to surrounding lands and circulation elements, or would reduce their effectiveness as buffers or amenities
  - (3) Delays by less than one (1) year the construction of any phase of an approved phasing plan.

- (B) **Special Exception Change.** The following change or changes to an approved development plan may be made by special exception approved by the Board of Supervisors.
- (1) Increases by five percent (5%) or less of the total number of units to be devoted to any specified residential or nonresidential use.
  - (2) Increases by five percent (5%) or less of the total floor area to be devoted to any specified nonresidential use.
  - (3) The arrangement of specified land uses, structures, or land bays within the planned development.
  - (4) Modification to the regulations applicable to the Concept Development Plan in accordance with Section 6-1504.
  - (5) Removed pursuant to ZOAM 1998-0001.
  - (6) Modification to the sign regulations with the submittal of a Comprehensive Sign Package in accordance with Section 5-1202(E).
- (C) **Major Change.** Other than the minor adjustments authorized by Section 6-1511(A) or Section 6-1511(B) above, if an approved Development Plan is amended, varied or altered, such change shall be reviewed pursuant to the procedures established by this Section for its original approval.

The minimum submission requirements for changes to an approved concept development plan shall be the same for either a new or an amended plan. Changes being made may be shown only for those areas affected, not the entire concept development plan.

## **Division E: Procedures Before Board of Zoning Appeals**

### **Section 6-1600**

#### **Variances.**

- 6-1601 Jurisdiction and Authority.** Upon application, the Board of Zoning Appeals (BZA) shall exercise the jurisdiction and authority to grant a variance from the literal terms of this Ordinance in accordance with the procedures, standards, and limitations contained in this Section. This authorization shall not be construed to grant the BZA the power to rezone property.
- 6-1602 Authorized Variances.** Variances, defined as reasonable deviations from the regulations and restrictions contained in this Ordinance, may be granted by the Board of Zoning Appeals only in the following instances and in no others:
- (A) A variance from those provisions regulating the size or area of a lot or parcel of land.
  - (B) A variance from those provisions regulating the size, area, bulk, setback, open space, yards, or location of a building or structure.
- 6-1603 Unauthorized Variance.** The BZA shall not be empowered to grant a variance from any of the provisions of this Ordinance relating to the use or density of land, buildings or structures. Nor shall the BZA grant a variance for any use or activity within the floodway portion of the Floodplain Overlay district if any increase in the hundred (100) year flood elevations would result.
- 6-1604 Application for Variance.** Any person owning property, or having a possessory or contract interest in property and the consent of the owner, may file an application for variance in regard to such property with the Zoning Administrator for one or more of the variances authorized above. The application shall contain the following information and such additional information as the Board of Zoning Appeals may, by rule, require or as may be required by Section 6-403:
- (A) The particular provisions or requirements of this Ordinance which prevent the proposed construction on, or use of, the property.
  - (B) The existing zoning of the property, including any previously approved modifications, conditions, or proffers.
  - (C) The special conditions, circumstances or characteristics of the land, building or structure that prevent the use of the land in compliance with the requirements of this Ordinance.

- (D) The particular hardship which would result if the specified provisions or requirements of this Ordinance were to be applied to the subject property.
- (E) The extent to which it would be necessary to vary the requirements of this Ordinance in order to permit the proposed construction on, or use of, the property.
- (F) An explanation of how the requested variance conforms to each of the applicable standards set out in Section 6-1607.
- (G) A plat of the property that has been prepared by a licensed, certified land surveyor, or other licensed professional operating within the scope of his or her license. For properties containing one acre or more, the applicant may petition the Zoning Administrator to request that this requirement be reduced to a survey of the portion of the property for which the variance is sought.

#### **6-1605**

**Decision on Variance Application.** Upon receipt of a complete application for a variance, the Zoning Administrator shall notify the BZA which shall, within ninety (90) days, hold a duly noticed public hearing thereon. Such public hearing shall be advertised in the manner provided by Section 15.2-2204 of the Code of Virginia, and in addition, the property shall be posted in conformity with Section 6-601(B). The BZA shall, after such hearing, either approve, deny or approve with conditions the application for a variance. Its decision shall be supported by findings of fact and conclusions with respect to the standards of Section 6-1607. No such variance shall be granted by the BZA unless it makes all of the following required findings:

- (A) The strict application of this Ordinance would produce undue hardship to the property owner.
- (B) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- (C) Such variance is not contrary to the public interest nor to the intended spirit and purpose of this Ordinance.
- (D) The granting of such variance will not be substantial detriment to adjacent property nor change the character of the zoning district in which the property is located.
- (E) Such variance would result in substantial justice being done.

- (F) The condition or situation of the property which gives rise to the need for such variance is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.

**6-1606 Planning Commission Recommendation.** The Zoning Administrator may transmit a copy of the application to the Planning Commission which may send a recommendation to the BZA or appear as a party at the hearing.

**6-1607 Standards for Variances.** The Board of Zoning Appeals shall base its required findings upon the particular evidence presented to it in each specific case where the property owner can show that:

- (A) The strict application of the terms of this Ordinance would effectively prohibit or unreasonably restrict the utilization of the property because of:
- (1) The exceptional narrowness, shallowness, size, or shape of the property at the time of the effective date of this Ordinance, or
  - (2) The exceptional topographic conditions or other extraordinary situations or condition of the property, or
  - (3) The condition, situation, or development of property immediately adjacent thereto;
- (B) The granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.
- (C) The property was acquired in good faith.
- (D) Satisfactory evidence exists to support all of the required findings of Section 6-1605.

**6-1608 Burden of Applicant.** The applicant for a variance shall bear the burden of producing evidence to support the required findings of Section 6-1605 and to establish that the requested variance satisfies the Standards for a Variance of Section 6-1607.

**6-1609 Conditions and Restrictions.** The BZA may impose such conditions and restrictions upon the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Failure to comply with any such conditions and restrictions shall constitute a violation of this Ordinance.

- 6-1610** Removed pursuant to ZOAM 1993-0002.
- 6-1610** **Withdrawal of Application.** A variance may be withdrawn by the applicant at any time prior to the deadline for cancellation of the newspaper advertisement for the public hearing on the application. After said deadline, an application may be withdrawn only with the permission of the BZA.
- 6-1611** **Re-Application.** If a variance is denied by the BZA on the merits, no application requesting the same relief with respect to all or part of the same property shall be considered by the BZA within twelve (12) months after the date of such denial.
- 6-1612** **Special Exceptions for Errors in Building Location.** As provided in Section 6-206(D) of this Ordinance, the BZA may hear and approve special exceptions for errors in building location, to include encroachments into minimum yard requirements, setbacks and other requirements herein regulating building location, in the case of any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected.
- (1) The special exception may be approved if the BZA finds that:
- (a) The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in location of the building subsequent to the issuance of a building permit, if such was required; and
  - (b) Such reduction will not impair the purpose and intent of this Ordinance; and
  - (c) It will not be detrimental to the use and enjoyment of the other property in the immediate vicinity; and
  - (d) It will not create an unsafe condition with respect to both other property and public streets, and
  - (e) To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner, and
  - (f) The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

- (2) In approving such a reduction under the provision of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and, as deemed advisable, may prescribe such conditions, to include landscaping and screening measures to assure compliance with the intent of this Ordinance.
- (3) Upon the approval of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
- (4) The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

## Section 6-1700

### Appeals.

- 6-1701**      **Appeals from Administrative Ruling.** The Board of Zoning Appeals is authorized to hear appeals from any order, requirement, decision or determination made by the Zoning Administrator in the administration or enforcement of this Ordinance. In this capacity the Board exercises appellate jurisdiction as a quasi-judicial body, and its task is to determine what the Ordinance means and how the Ordinance applies to a particular fact situation.
- 6-1702**      **When Appeals May Be Taken.** Appeals to the BZA may be taken by any person aggrieved by an officer, department, board or agency of the County or affected by a decision of the Zoning Administrator. Appeals shall be taken within thirty (30) days after the decision has been rendered by filing with the Zoning Administrator from whom the appeal is taken and with the chairman of the BZA a notice of appeal specifying the grounds of the appeal, to include the materials set forth in Section 6-1707 below. The Zoning Administrator shall forthwith forward to the chairman of the BZA all the papers constituting the record upon which the action appealed from was taken.
- 6-1703**      **When Appeals to Stay Proceedings.** A notice of appeal properly filed as herein provided shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the BZA that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the BZA or by a proper court order on notice to the Zoning Administrator and for good cause shown.
- 6-1704**      **Decisions on Appeal.** Within ninety (90) days after the notice of appeal has been filed, the BZA shall hold a public hearing, give public notice thereof required by Section 15.2-2204 of the Code of Virginia as well as due notice to the parties in interest, decide the appeal, and file with the Zoning Administrator its findings of fact and conclusions with respect to the appeal. The Zoning Administrator shall serve a copy of the decision on the appellant and upon each other person who was a party of record at the hearing. In exercising its powers, the BZA may reverse or affirm, wholly or partly, or may modify the decision appealed from. The concurring vote of a majority of BZA members shall be necessary to reverse a decision.
- 6-1705**      **Withdrawal of Application.** An appeal may be withdrawn by the appellant at any time prior to the deadline for cancellation of the newspaper advertisement for the public hearing on the application. After said deadline, an appeal may be withdrawn only with the permission of the BZA.

**6-1706**

**Proceedings to Prevent Construction of a Building.** Where a building permit has been issued and the construction of the building for which such permit was issued is subsequently sought to be prevented, restrained, corrected or abated as a violation of the zoning ordinance, by suit filed within fifteen days after the start of construction by a person who had no actual notice of the issuance of the permit, the court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the Zoning Administrator to the Board of Zoning Appeals.

**6-1707**

**Submission of Appeal.** Any appeal submitted in accordance with the provisions of Section 6-1702 of this Ordinance must include the following materials within the thirty (30) day filing time frame before the appeal is considered to be filed. The ninety (90) day timeline set forth in Section 6-1704 above shall not commence until all of the following are received by the Zoning Administrator and the Chairman of the Board of Zoning Appeals:

- (A) Two copies of a completed application form signed by the appellant or appellant's representative, accompanied by the following information:
  - (1) A copy of the order, requirement, decision, determination or notice of violation which is the subject of the appeal.
  - (2) The date upon which the decision being appealed was made.
  - (3) The grounds for the appeal.
  - (4) Specification as to how the appellant is an aggrieved person (for example, owner of property affected by the determination or adjacent owner affected by the determination, etc).
  - (5) Any additional supportive data such as plats, plans, drawings, charts or other related material desired to be included in the record.
- (B) An application fee in the amount set forth by resolution of the Board of Supervisors.

## **Division F: Historic District Procedures**

### **Section 6-1800**

#### **Designation Of Historic Districts.**

##### **6-1801**

**Authority.** The Board of Supervisors may create, subject to the submittal of signed affidavits from a two-thirds majority of the property owners, historic districts pursuant to Section 15.2-2306 of the Code of Virginia and to this section and by amendment of the Zoning Ordinance as provided in Section 6-1200. The majority of the property owners shall mean:

- (1) The numeric majority equal to two-thirds of all the property owners who comprise the district.
- (2) Property owners who own more than one lot shall only be counted once in determining the numeric majority.
- (3) For the purposes of administering this section of the Ordinance, there is one property owner per lot. The term historic district shall include historic site (HS) districts, historic and cultural conservation (HCC) districts, historic roadway (HR) districts, historic access corridor (HAC) districts and such other historic districts as the Board has the power to and shall specifically denominate.

##### **6-1802**

**Intent.** Historic districts may be created in furtherance of the following public purposes, which are hereby found to be in the interest of the health, prosperity and welfare of the County and its residents:

- (A) To effect and accomplish the protection, enhancement, perpetuation and use of improvements and areas of special character or special historic interest or value which represent or reflect elements of the County's cultural, social, economic, political, architectural, and archaeological history.
- (B) To foster civic pride and preserve an appreciation for the historic values on which the County and the Nation were founded.
- (C) To maintain and improve property values.
- (D) To protect and enhance the County's attraction to tourists and visitors.
- (E) To provide for the education and general welfare of the people of the County.

- (F) To otherwise accomplish the general purposes of this ordinance, the Comprehensive Plan, and the provisions of Chapter 22, Title 15.2, Code of Virginia of 1950, as amended.

**6-1803**

**Criteria for Designation of Historic Districts.**

- (A) **Historic Site Districts.** The Board of Supervisors may create, subject to the submittal of signed affidavits from a two-thirds majority of the property owners, Historic Site (HS) districts provided such districts meet one or more of the following criteria, as well as one or more of the purposes set forth in Section 6-1802.
- (1) Such district contains a landmark, building or structure on the National Register of Historic Places or the Virginia Landmark Register, or
  - (2) Such district meets one or more of the following local determination criteria:
    - (a) Is closely associated with one or more persons, events, activities, or institutions that have made a significant contribution to local, regional, or national history; or
    - (b) Contains buildings, structures or archaeological resources whose exterior design or features exemplify the distinctive characteristics of an historic type, period or method of construction, or which represent the work of an acknowledged master; or
    - (c) Have yielded, or are likely to yield, information important to local, regional or national history or prehistory.
- (B) **Historic and Cultural Conservation.** The Board of Supervisors may create HCC districts provided such districts meet the standards of Section 15.2-2201, Code of Virginia (1950), as amended; meet one or more of the purposes set forth in Section 6-1802; and meet one or more of the following criteria.
- (1) Is closely associated with one or more persons, events, activities, or institutions that have made a significant contribution to local, regional or national history; or
  - (2) Contains buildings or structures whose exterior design or features exemplify the distinctive characteristics of one or more

historic types, periods or methods of construction, or which represent the work of an acknowledged master or masters; or

- (3) Has yielded, or is likely to yield, information important to local, regional or national history or prehistory; or
- (4) Possesses an identifiable character representative of the architectural, archaeological, and cultural heritage of Loudoun County.

(C) **Historic Roadway District.** The Board of Supervisors may create HR districts provided such districts meet the standards of Section 15.2-2201, Code of Virginia (1950), as amended; meet one or more of the purposes set forth in Section 6-1802; and meet one or more of the following criteria.

- (1) Is closely associated with one or more persons, events, activities, or institutions that have made a significant contribution to local, regional or national history; or
- (2) Contains buildings or structures whose exterior design or features exemplify the distinctive characteristics of one or more historic types, periods or methods of construction, or which represent the work of an acknowledged master or masters; or
- (3) Has yielded, or is likely to yield, information important to local, regional or national history or prehistory; or
- (4) Possesses an identifiable character representative of the architectural and cultural heritage of Loudoun County.

(D) **Historic Access Corridor.** The Board of Supervisors may create HAC districts provided such districts meet the standards of Section 15.2-2306, Code of Virginia (1950), as amended; meet one or more of the purposes set forth in Section 6-1802; and meet one or more of the following criteria.

- (1) Encompasses parcels of land or portions thereof adjacent to an arterial street or highway (as designated pursuant to Title 33.1) that is closely associated with one or more persons, events, activities, or institutions that have made a significant contribution to local, regional, or national history;
- (2) Encompasses parcels of land or portions thereof contiguous to an arterial street or highway which together possess an

identifiable historic character representative of the architectural and cultural heritage of Loudoun County; or

- (3) Encompasses parcels of land or portions thereof adjacent to an arterial street or highway which is a significant historic route of tourist access of the County or municipality.

**6-1804            Boundaries of Historic Districts.**

- (A) **Historic Site Districts.** The boundaries of HS districts shall be drawn to include those lands which are adjacent to the landmarks, buildings, or structures for which the historic site district was established and which are reasonably related to the essential historic character of said district.
- (B) **Historic and Cultural Conservation Districts.** The boundaries of HCC districts shall be drawn to include all such land therein as meets the purposes and criteria of Sections 6-1802 and 6-1803, above.
- (C) **Historic Roadway and Historic Access Corridor Districts.** The boundaries of HR and HAC districts shall be drawn to include the roadway which is the focus of the district and to run roughly parallel to it for such distance and to such depth on each side of the roadway that is necessary to achieve the purposes and criteria of Section 6-1802 and Section 6-1803.

**6-1805            Effect of Designation on Existing Zoning.** Historic district designation shall be an overlay zone and as such shall be in addition to existing zoning designations and the regulations appropriate thereto. The Zoning Administrator shall grant modifications of minimum yard and setback standards for buildings and structures in County designated Historic Districts upon finding by the Historic District Review Committee that the proposed setback is consistent with the existing streetscape and adopted guidelines for the historic district in which the proposed building or structure is located, unless such modification of setback standards violates sight distance regulations set out in Section 5-300 and of the Virginia Department of Transportation.

**6-1806**

**Procedures for Designation.**

- (A) **Applicant.** Application for historic site district designation shall be made by the owner, Board of Supervisors, Planning Commission or by recommendation of the HDRC on a form provided by the Zoning Administrator. No fee shall be required. In addition to the above, the Planning Commission may initiate amending action to create an Historic Site district whenever there exists a national or state recognized historic landmark not encompassed by a Historic Site District designated on the zoning map.
- (B) **Application.** The following information shall be required for consideration for historic district designation, in addition to any other material required pursuant to Section 6-403, and shall be submitted with the application to the Zoning Administrator.
  - (1) An inventory which lists each building or structure within the district which itself has historic merit or which contributes to the overall historic character of the district.
  - (2) A graphic representation of the location of landmarks, sites, buildings or other structures of particular historic value as well as the boundaries of the total proposed area to be included within the designation.
  - (3) A written statement documenting the particular historical attributes of the territory proposed to be designated.

**6-1807**

**Additions or Deletions to Districts.** An application to delete or to add property to an existing historic district may be filed and shall be processed, reviewed and approved or disapproved as is provided for in this section for the adoption of a historic district.

**6-1808**

**Maintenance of Inventory of Buildings and Structures.** Following the creation of each Historic District, the Director of Planning shall maintain in his office the inventory of buildings and structures approved by the Board of Supervisors. Requests for any additions, deletions, or other changes to such inventory shall be made to the Director of Planning and may only be made by him with the concurrence of the HDRC.

**6-1809**

**Recordation of Resolutions Creating Historic Districts.** Following the creation of each Historic District, a copy of the resolution creating such district, and a boundary survey and legal description of such district, shall be filed by the Zoning Administrator with the Clerk of the Circuit Court for Loudoun County.

**6-1810**

**Appeals.** Removal or exclusion of individual properties from historic districts may be applied for in accordance with Section 6-1200 of this Ordinance. Applications for removal or exclusion shall be exempt from fees imposed by the County to process such applications pursuant to Section 6-402. After creation of an historic district, any person aggrieved by the final decision of the Board of Supervisors may appeal to the Circuit Court of the County of Loudoun in accordance with Section 15.2-2306 of the Code of Virginia of 1950, as amended. The filing of a petition of appeal with the Circuit Court shall stay the decision of the Board of Supervisors pending the outcome of the appeal to the Court.

## **Section 6-1900**

### **Permits in Historic Districts.**

#### **6-1901**

**Authority.** The Historic District Review Committee shall have the authority to issue Certificates of Appropriateness or permits for razing or demolition, but only in accordance with the provisions of this Section.

#### **6-1902**

**Certificate of Appropriateness.** In order to promote the general welfare through the preservation and protection of historic places and areas of historic interest in the County, no building or structure, including signs, shall be erected, reconstructed, substantially altered, moved or restored within a designated Historic District unless and until an application for a Certificate of Appropriateness shall have been approved by the HDRC, or the application meets one of the following exceptions:

- (A) The work to be done is to a bona fide farm building primarily used or to be used for agricultural or horticultural purposes and the Zoning Administrator determines, in conjunction with the application for a zoning permit and with the assistance of the HDRC if necessary, that the requested change would not have a clear and substantial detrimental impact on the character of the historic district; or
- (B) Ordinary repairs and maintenance of an exterior feature which does not involve a significant change in design, material, or outer appearance thereof, as determined by the Zoning Administrator with the assistance of the HDRC if necessary.

Notwithstanding any other provision of this Ordinance appeal from any determination made by the Zoning Administrator pursuant to this section shall be by petition to the HDRC by any party directly aggrieved thereby.

#### **6-1903**

**Permit for Razing or Demolition.** In order to promote the general welfare through the preservation and protection of historic places and areas of historic interest in the County, no building or structure within an historic district which is listed on the inventory of buildings and structures for such district maintained in the office of the Zoning Administrator, shall be razed or demolished without a permit being obtained from the Historic District Review Committee, except as otherwise provided in Sections 6-1908 or 6-1909. Notwithstanding the provisions of this Section and Section 6-1906, the Board of Supervisors may issue a permit to raze a structure upon recommendation of the Planning Commission at the time of establishment of a district. In any event, a building permit is also required in order to raze or demolish any building within a historic district.

Section 6-1900

Revision Date: July 10, 2000

Loudoun County Zoning Ordinance

**6-1904**

**Applications and Procedures.**

- (A) Applications for Certificates of Appropriateness and permits for razing or demolition shall be made to the Director of Planning on forms supplied by him. The Director of Planning shall refer all applications to the HDRC.
- (B) All actions taken in pursuance of the above requirements shall be preceded by at least one public meeting by the HDRC, at which time any interested party, including the applicant or his representative, shall be heard.
- (C) All approvals or disapprovals by the HDRC shall include a statement of the reasons for such approval or denial and the conditions to be met, where applicable, whereby the applicant could make his application acceptable to the HDRC.
- (D) No reapplication for essentially the same purpose shall be reviewed by the HDRC within one (1) year of denial of any applications hereunder except in cases where the applicant purports to have brought himself into compliance with the conditions for approval set forth by the HDRC in an earlier denial of said application.

**6-1905**

**Criteria for Certificate of Appropriateness.** In reviewing an application in a historic district, the HDRC shall base its decision on whether the proposals therein are architecturally compatible with the building, structure, or landmark in said district. In applying such standard, the HDRC shall consider, among other factors:

- (A) Exterior architectural features, including all signs.
- (B) General design, scale and arrangement.
- (C) Texture and material.
- (D) The relationship of a, b, c, above, to other structures and features of the district.
- (E) The purposes for which the district was created.
- (F) The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.

- (G) The extent to which denial of a Certificate of Appropriateness would constitute a deprivation to the owner of a reasonable use of his property.
- (H) The extent to which the proposal adheres to the Historic District Guidelines adopted by the Board of Supervisors, which Guidelines are incorporated herein by reference. The HDRC shall make findings stating those aspects of an application which conform or fail to conform to those Guidelines.

In reviewing applications for Certificates of Appropriateness the HDRC shall not consider interior arrangement.

#### **6-1906 Required Maintenance.**

- (A) All buildings and structures within Historic Districts designated by the County pursuant to Section 6-1803 of the Ordinance shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration in compliance with Volume II Building Maintenance Code, of the Uniform Statewide Building Code, as adopted by the County. The Zoning Administrator shall have concurrent jurisdiction with the building code official to enforce the requirements of this subsection.
- (B) The County may institute appropriate procedures for the acquisition of any building or structure which remains in a substantially deteriorated or deteriorating condition following notice to the owner thereof that he is in violation of Section 6-1906(A) of this Ordinance.

#### **6-1907 Right to Raze or Demolish.**

- (A) **Conditions and Procedures.** The owner of a building or structure, the razing or demolition of which is subject to the provisions of this section, shall, as a matter of right, be entitled to raze or demolish such building or structure provided that:
  - (1) The owner has applied to the HDRC.
  - (2) The owner has for a period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure and the land pertaining thereto to any person, firm, corporation, government, or agency thereof, or political subdivision or agency thereof,

Section 6-1900

Revision Date: July 10, 2000

which gives reasonable assurance that it will preserve and restore the building or structure and the land pertaining thereto.

- (3) No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure, and the land pertaining thereto, or the building or structure alone without the land pertaining thereto, prior to the expiration of the applicable time period as set forth in the time schedule below. Any appeal which may be taken to the Court, in accordance with Section 6-1912 of this Ordinance shall not affect the right of the owner to make a bona fide offer to sell. Offers to sell shall be made within one year of the date of application to the Historic District Review Committee. The time schedule for offers to sell shall be as follows:

Minimum offer Property Valued At:	to sell Period
\$25,000 or less	3 months
\$25,000 - \$40,000	4 months
\$40,000 - \$55,000	5 months
\$55,000 - \$75,000	6 months
\$75,000 - \$90,000	7 months
\$90,000 or more	12 months

- (B) **Bona Fide Offer to Sell; Procedures for Filing Notice of Offer and Questioning Price.** Before making a bona fide offer to sell as provided for in this section, an owner shall first file a statement with the HDRC. The statement shall identify the property, state the offering price, the date the offer of sale is to begin and name and address of the listing real estate agent, if any. The statement shall provide assurances that the building or structure shall be preserved. No time period set forth in the time schedule contained in Section 6-1906 shall begin to run until said statement has been filed. Within five days of receipt of a statement, copies of the statement shall be delivered to the HDRC.
- (C) **Question as to Price.** The fact that a building or structure has been offered for sale at a price reasonably related to fair market value may be questioned, provided there is filed with the HDRC on or before 15 days after the offer of sale has begun, a petition in writing signed by at least five persons owning real estate in the vicinity of property offered for sale. Alternatively the HDRC may question

Section 6-1900

Revision Date: July 10, 2000

said price on their own motion. Upon receipt of such petition, or upon its own motion, the HDRC shall, at the expense of the County, appoint three disinterested real estate appraisers, familiar with property values in Loudoun County, who shall forthwith make an appraisal of the building or structure in question and file a written report with the Committee stating whether or not the offer to sell the building or structure is at a price reasonably related to its fair market value. The opinion of any two of the three appraisers shall be final and binding. In the event the opinion is to the effect that the offer to sell the building or structure is at price reasonably related to its fair market value, the owner may continue to offer the property for sale pursuant to Section 6-1906. In the event the opinion is to the effect that the offer to sell the building or structure is not at a price reasonably related to its fair market value, the date of the offer to sell first established pursuant to Section 6-1906 shall be void and the owner, if he wishes to take advantage of the right provided in said section, must refile the notice provided for above.

Notwithstanding an adverse opinion by the appraisers if an owner has entered into a binding bona fide contract as provided in Section 6-1906 prior to the date the appraisers have filed their report with the Board, the price shall be deemed reasonably related to the fair market value.

- (D) **Right to Raze or Demolish.** The right to raze or demolish a building, structure or landmark within an historic district shall not be subject to the foregoing conditions of offer to sell where the application for a Permit to Raze or Demolish can establish either:
- (1) The loss of such building, structure or landmark would not substantially impair the goals sought to be achieved by the establishment of such district, or
  - (2) The forced sale of such building, structure or landmark would be economically infeasible in relation to its effect on the remaining property of the applicant. Such a claim shall be heard by the HDRC, upon the petition of the owner of the property. Such hearing shall be public and any interested party shall be heard.

#### **6-1908**

**Hazardous Buildings or Structures.** Nothing in this section shall prevent the razing or demolition without consideration of said Committee, of any building or structure within an historic district which is in such an unsafe condition that it would endanger life or property as determined in accordance

with the provisions of the Virginia Uniform Statewide Building Code (Section 124 of the BOCA Basic Building Code, 1975, as amended).

**6-1909**

**Right of Appeal.** Any applicant aggrieved, or other party economically injured, by a final decision of the HDRC may appeal such decision to the Board of Supervisors within 30 days of the final decision. The Board of Supervisors shall render its final decision on such appeal after consultation with the HDRC. Any applicant aggrieved, or other party economically injured, by any final decision of the Board of Supervisors may appeal to the Circuit Court for the County of Loudoun, in accordance with Section 15.2-2306 of the Code of Virginia of 1950, as amended. The filing of a petition of appeal with the Circuit Court shall stay the decision of the Board pending the outcome of the appeal to the Court, except that the filing of such petition shall not stay the decision of the Board if such decision denies the right to raze or demolish a historic landmark, building or structure.

ARTICLE VII□PRIVATE □□  
**ADMINISTRATION AND REGULATION OF AFFORDABLE DWELLING UNIT  
DEVELOPMENTS**

Section 7-100 Affordable Dwelling Unit Developments.

7-101 Purpose. The Affordable Dwelling Unit Program is established to assist in the provision of housing to persons of moderate income by (a) promoting the development of a full range of housing choices, and (b) requiring the construction and continued existence of dwelling units which are affordable for purchase by households whose income is greater than thirty percent (30%) and less than seventy percent (70%) and affordable for rental by households whose income is greater than thirty percent (30%) and less than fifty percent (50%) of the median income for the Washington Primary Metropolitan Statistical Area (PMSA). "Affordable Dwelling Units" shall be defined as those units for which the rental and/or sales price is regulated pursuant to the provisions contained in this Article, as adopted by the Board of Supervisors. All affordable dwelling units shall comply with the following provisions and the urban residential district regulations for Affordable Dwelling Unit Developments contained in Sections 7-200 through 7-1100 of this Ordinance and Chapter 1450 of the Loudoun County Codified Ordinance.

7-102 Applicability.

(A) The requirements of the Affordable Dwelling Unit Program shall apply to any site, or portion thereof, at one location which is (a) served by public water and sewer, and (b) the subject of an application for rezoning, special exception, or preliminary subdivision which yields, as submitted by the applicant, fifty (50) or more dwelling units at an equivalent density greater than one unit per gross acre.

(1) For the purposes of this Ordinance, "site or portion thereof, at one location" shall include all adjacent undeveloped land of the property owner and/or applicant, under common ownership and/or control of the owner and/or applicant, including, but not limited to, land owned and/or controlled by separate partnerships, land trusts, or corporations in which the owner and/or applicant (to include members of the

Section 7-100

Revision Date: July 10, 2000

Loudoun County Zoning Ordinance

owner's and/or applicant's immediate family) is an owner of one (1) percent or more of the stock, and other such forms of business entities. Adjacent parcels of undeveloped land owned by separate members of the same family shall be exempt from the provisions of this section when such separate ownership has existed for a period of no less than five (5) years.

- (2) Immediate family members shall include the owner's and/or applicant's spouse, children, parents and siblings.
  - (3) In instances where a lending institution, such as pension fund, bank, savings and loan, insurance company or similar entity has acquired, or acquires, an equity interest solely by virtue of its agreement to provide financing, such equity interest shall not constitute ownership and shall not be considered in making determinations of applicability. However, the acquisition of a fee interest by such lending institution due to foreclosure or project participation shall be considered as ownership in making determinations of applicability.
  - (4) Removed pursuant to ZOAM 1993-0002.
- (B) Any request for a Concept Development Plan (CDP) Amendment involving the rezoning of land within a mixed use planned development district, or zoning amendment which requires a rezoning plat, that results in an increase in the total number of residential units shall be subject to this Ordinance. However, application of the provisions of this Article shall be limited to the increase in the total number of residential units, provided that the overall density of the project results in fifty (50) or more units at a density of greater than one (1) unit per acre.
- (C) An owner and/or applicant shall not be exempt from the requirements of this Ordinance by submitting phased applications for rezoning, special exception, or preliminary subdivision for less than fifty (50) dwelling units at any one time. An owner and/or applicant may submit an application for rezoning, special exception, or preliminary subdivision for less than fifty (50) units if the applicant agrees, in writing, that the next application or submission for the subject site, or portion thereof, shall meet the requirements of this Ordinance when the total number of dwelling units in the subject development has reached fifty (50) units or more. This statement shall be included on the approved concept development plan, rezoning plat, special exception, or preliminary

subdivision plat. Such statement shall be recorded among the Loudoun County land records and shall be indexed in the names of all owners of the site, or portion thereof, as such terms are defined above.

- (D) The requirements of this Article shall not apply to the following:
- (1) Any multiple family dwelling unit structure with four (4) stories or more and having an elevator.
  - (2) Special exception or preliminary subdivision applications filed in accordance with an approved Rezoning which has proffered the provision of affordable dwelling units or other contributions toward the provision of affordable dwelling units prior to the effective date of this Ordinance.
  - (3) Proffer amendment, concept development plan amendment, preliminary subdivision amendment and special exception amendment applications filed after the effective date of this Ordinance which deal exclusively with issues of building relocation, site access, stormwater drainage, or other engineering or public facility issues, or the preservation of historic structures, wetlands, child care facilities, or changes in the size of units, a reduction in the number of units, or which request the addition of a non-residential special exception use.
  - (4) Properties subject to proffers accepted by the Board of Supervisors, pursuant to Section 15.2-2303 of the Code of Virginia, prior to the effective date of this Ordinance.
  - (5) Any request for a Concept Development Plan (CDP) Amendment or zoning amendment which involves the rezoning of land within a mixed use planned development district in order to redistribute existing units to the newly zoned property within the same development, but which does not result in an increase in the total number of residential units.
  - (6) Any request for a rezoning plat amendment or zoning amendment which involves the rezoning of land within a non-planned development district in order to redistribute existing units to the newly

zoned property within the same development, but which does not result in an increase in the total number of residential units.

- (E) At the applicant's discretion, the provisions of this Article and individual district regulations for affordable dwelling unit developments may be applied to developments which are exempt from these provisions, as stated in Section 7-102(D). In the event that an applicant proposes to provide affordable dwelling units in a development which is otherwise exempt, the County shall waive any application fee associated with a Concept Development Plan Amendment proposing to change the Concept Development Plan only in order to provide affordable dwelling units. County review of such applications shall not exceed 180 days.

7-103 Affordable Dwelling Unit Density Adjustments.

(A) Single Family Detached Units.

- (1) For rezoning, special exception, and preliminary subdivision applications officially accepted after the effective date of this Ordinance which request approval of single family detached dwelling units only, the proposed density shall reflect an increase of ten percent (10%), including the required number of affordable dwelling units, unless such figure is modified pursuant to the provisions of Section 7-108 or the applicant chooses to provide cash in lieu of providing the units pursuant to Section 7-103(A)(3). In the event such increase exceeds the upper density limit set forth in the Comprehensive Plan, then the upper density limit set forth in the Comprehensive Plan applicable to the subject property shall be increased up to ten percent (10%) for the purposes of calculating the potential density which may be approved by the Board of Supervisors.
- (2) In the event that a ten percent (10%) density increase is approved pursuant to Section 7-103(A)(1) above, not less than six and one quarter percent (6.25%) of the total number of dwelling units approved for the subject development shall be affordable dwelling units, for which the

rental and/or sales price will be controlled pursuant to this Article.

- (3) At the option of the applicant, in any request for rezoning, special exception, or preliminary subdivision (by right) which contain only single family detached units, cash may be provided in lieu of the units. Such cash must be paid prior to the first zoning permit. In the event that an applicant opts to make such cash payment, the following criteria shall apply:

(a) The cash formula of Section 7-108(E) shall apply.

(b) The decision to pay cash in lieu of providing the units has to be made at the time of approval of rezoning, special exception or preliminary subdivision (by right), as applicable.

(c) No bonus density is to be granted for a development, when an applicant opts to provide cash in lieu of units.

(d) The district regulations of Article VII shall not apply to a development when an applicant opts to provide cash in lieu of units.

- (B) Single Family Attached or Multi-Family Dwelling Units.

- (1) For rezoning, special exception, and preliminary subdivision applications officially accepted after the effective date of this Ordinance which request approval of single family attached dwelling units, non-elevator, multi-family dwelling unit structures, or mixed use development which includes single family attached and/or multi-family, the proposed density shall reflect an increase of ten percent (10%), including the required number of affordable units, unless such figure is modified pursuant to the provisions of Section 7-108. In the event such increase exceeds the upper density limit set forth in the

Comprehensive Plan, then the upper density limit set forth in the Comprehensive Plan applicable to the subject property shall be increased up to ten percent (10%) for the purposes of calculating the potential density which may be approved by the Board of Supervisors.

(2) In the event that a ten percent (10%) density increase is approved pursuant to Section 7-103(B)(1) above, not less than six and one-quarter percent (6.25%) of the total number of dwelling units approved for the subject development shall be affordable dwelling units, for which the rental and/or sales price will be controlled pursuant to this Article.

(3) Removed pursuant to ZOAM 2000-0002.

(C) In the case where affordable dwelling units are provided pursuant to Section 7-102(E) above, the affordable dwelling unit to bonus density increase ratio required by Sections 7-103(A) and (B) does not apply. The density of a development subject to voluntary provision of affordable dwelling units which is otherwise exempt, may be increased up to ten percent (10%). In the event that a ten percent (10%) density increase is approved pursuant this Section, not less than six and one-quarter percent (6.25%) of the total density bonus units approved for the subject development shall be affordable dwelling units, for which the rental and/or sales price will be controlled pursuant to this Article.

#### 7-104 Designation of Affordable Units on Plats.

(A) Approved site plans and/or record subdivision plats shall identify the specific number of for-sale units and/or percentage of units for rent which are to be regulated as affordable units pursuant to this Article.

(1) All plans or plats for developments containing affordable dwelling for-sale units shall identify specific units which are for sale or the percentage of units for rent under the affordable guidelines in this Article.

- (2) All site plans for developments containing affordable dwelling rental units shall include information concerning the number of each type of unit, by bedroom count, which shall be maintained as affordable.
- (B) Specifications regarding dwelling dimensions and the number of bedrooms in all affordable units shall meet the requirements established by the Affordable Dwelling Unit Advisory Board pursuant to the Codified Ordinance. In general, dwelling dimensions and the number of bedrooms in an affordable multi-family unit shall be comparable to equivalent market rate units on the subject parcel.
- (C) Affordable dwelling units shall be of a building type and of an architectural style compatible with residential units permitted within the zoning district in which they are located and interspersed among market rate units in the proposed development.

7-105 Review of site or subdivision plans within 90 days. The County shall process final site plans, preliminary subdivisions or record subdivision plats proposing the development or construction of affordable dwelling units within ninety (90) days from the receipt thereof, provided that such plans and plats substantially comply with all ordinance requirements when submitted. The calculation of the review period shall include only that time the plans or plats are under County review and shall not include such time as may be required for revisions or modifications in order to comply with ordinance requirements.

7-106 Timing of Construction/Availability of Affordable Units. In a development which contains single family detached, single family attached, or multi-family lots or units, occupancy permits for no more than fifty percent (50%) of the market rate dwelling units shall be issued prior to the issuance of occupancy permits for fifty percent (50%) of the affordable dwelling units. Occupancy permits for no more than seventy-five percent (75%) of the market rate dwelling units shall be issued until occupancy permits have been issued for one hundred percent (100%) of the affordable dwelling units for the development.

7-107 Administration and Regulation. The administration and regulation, establishment of unit prices, price controls, eligibility requirements, and the structure and operation of the Affordable Dwelling Unit Advisory Board are governed by the Codified Ordinance of Loudoun County.

7-108 Modifications.

(A) Modifications to the requirements of Sections 7-103 and 7-106 of the Affordable Dwelling Unit Program shall be allowed concurrently with applications for a rezoning, special exception, or preliminary subdivision, upon a finding by the Board of Supervisors, upon recommendation of the Planning Commission, that the proposed alternative will achieve the objective of providing a broad range of housing opportunities throughout Loudoun County. In the event that a modification to Section 7-103 is requested:

(1) The ratio of affordable units proposed to the total density increase approved shall be no less than 6.25:10%; and

(2) The total affordable units proposed shall be no less than two and one-half percent (2.5%) of the total number of residential units within the project.

(B) In reviewing a request for modification to Section 7-103, consideration shall be given to the following:

(1) The number of affordable units, low-cost housing, manufactured housing and other similar type housing that exists, or are to be provided, within two (2) miles of the site and within Loudoun County.

(2) Public facilities and services already developed for the overall development capacity to accommodate the maximum density increase permitted for provision of affordable dwelling units.

(3) Existing unique, or unusual site constraints including, but not limited to, potential adverse impacts on environmental resources and features on

the subject parcel and adjacent parcels,  
and difficult soil conditions.

- (4) Unusual costs associated with development of the subject property.
  - (5) Overriding public needs, health issues, public safety issues, or public welfare issues which are better served by not providing the maximum number of affordable units otherwise required.
  - (6) In the case of a request for a Concept Development Plan Amendment, consideration shall also be given to whether the amendment would result in a reduction in the previously approved rezoning's impact on public facilities and whether the existing proffer commitments for the previously approved rezoning exceed current adopted capital facility guidelines established in the County's comprehensive plan.
- (C) In conjunction with Section 7-108(A) above requesting such modifications, the Board of Supervisors may permit an applicant to request a modification to this ordinance so as to allow them to provide any combination of affordable dwelling units, land or contributions to Loudoun County equivalent to providing the required number of affordable dwelling units.
- (D) Requests for modifications to the requirements of the Affordable Dwelling Unit Program, as applied to a given development, shall be submitted in conjunction with the application for rezoning, concept development plan amendment, proffer amendment, special exception, or preliminary subdivision, as applicable. The applicant shall provide a justification for such request. The Affordable Dwelling Unit Advisory Board shall review requests for modifications and make its recommendation within sixty (60) days of receipt of a complete application.
- (E) Cash contributions made pursuant to Section 7-108(C) and 7-103(A) shall be calculated according to the following formula:

Construction Price  
of Prototypical ADU x .25 x # of ADU lots  
required = cash contribution  
.75

- (F) All cash, or the value of land contributions made pursuant to Sections 7-103(A) and 7-108(C) shall be calculated in terms of current dollars, adjusted by the CPI, at the time the actual contribution is officially transferred to the County, and paid prior to the issuance of the first zoning permit unless another time is approved by the Board of Supervisors at the time the modification is approved. Funds collected shall be placed in the Loudoun County Housing Trust Fund.

- (G) The time limits set forth in Section 15.2-2259 and 15.2-2260 of the Virginia Code shall be suspended during the pendency of an application filed pursuant to Section 7-108.

7-109 Compliance with State/Federal/Local Laws.

- (A) A development which provides, pursuant to Federal, State or other local programs, the same number or more affordable dwelling units as the number of affordable dwelling units required under Section 7-103 above, subject to terms and restrictions equivalent to the requirements of this Article, shall satisfy the requirements of the Affordable Dwelling Unit Program.
- (B) A development which provides, pursuant to Federal, State, or other local programs, a fewer number of affordable dwelling units than required under Section 7-103 above, subject to terms and restrictions equivalent to the requirements of this Article, shall provide the additional number of affordable dwelling units necessary to make up the shortage.
- (C) The rents and sales prices for affordable dwelling units provided pursuant to Federal, State, or other local programs shall be in accordance with the rules and regulations governing such programs and these units shall be marketed in accordance with such rules and regulations, provided rents and sale prices shall not exceed those set pursuant to this Article.

7-110 Violations and Penalties. In addition to the provisions set forth in Section 6-500, the following shall apply whenever any person, whether owner, lessee, principal, agent, employee or otherwise, violates any provision of this Article, or permits any such violation, or fails to comply with any of the requirements hereof:

- (A) Owners of affordable dwelling units who shall fail to submit executed affidavits or certifications, as required by this Article, shall be fined fifty (50) dollars per day per unit, up to a maximum of three thousand (3000) dollars per unit, until such affidavit or certificate is filed, but only after written

notice and a ten-day compliance period is provided. Fines levied pursuant to this paragraph shall become liens upon the real property and shall accumulate interest at the judgment rate of interest.

- (B) Tenants of affordable dwelling units who shall fail to submit executed affidavits or certifications, as required by this Article, shall be subject to lease termination and eviction procedures, as provided in the Codified Ordinance.

- (C) Owners and tenants of affordable dwelling units who shall falsely swear or who shall execute an affidavit or certification required by this Article knowing the statements contained therein to be false shall be guilty of a Class II misdemeanor and shall be subject to a fine up to one thousand (1000) dollars.
  - (1) Fines levied against owners pursuant to this paragraph shall become liens upon the real property and shall accumulate interest at the judgment rate of interest.
  - (2) Tenants of affordable dwelling units who shall falsely swear or who shall execute an affidavit or certification required by this Article knowing the statements contained therein to be false shall also be subject to lease termination and eviction procedures, as provided in the Codified Ordinance.
  - (3) Owners of individual affordable dwelling units who shall falsely swear that they continue to occupy their respective affordable dwelling unit as their primary domicile shall be subject to injunction or other suit, action or proceeding to require such owner to either sell the unit to someone who meets the eligibility requirements established pursuant to this Article or to occupy such affordable dwelling unit as a domicile.

7-111 Enforcement and Court Appeals.

- (A) The Zoning Administrator shall administer and enforce the provisions of the Affordable Dwelling Unit Program.
- (B) Notwithstanding the provisions of Section 15.2-2311 of the Virginia Code, any person aggrieved by a decision of the Zoning Administrator or by the Affordable Dwelling Unit Advisory Board, in the case of a decision made by the latter regarding an appeal of affordable dwelling unit for-sale or rental prices, or by any decision made by an administrative officer in the administration or enforcement of the Affordable Dwelling Unit Program, may appeal such decision to the Loudoun County Board of Zoning Appeals by filing a petition of appeal which specifies the grounds upon which aggrieved within thirty (30) days from the date of the decision.

- (C) Any petition of appeal properly filed pursuant to Paragraph B above shall not constitute a de novo proceeding and shall be considered by the Circuit Court in a manner similar to petitions filed pursuant to Section 15.2-2314 of the Virginia Code.

**AFFORDABLE DWELLING UNIT DEVELOPMENT  
ZONING DISTRICT REGULATIONS**

**Section 7-200**

**Countryside Residential-2: (CR-2) District.**

- 7-201 Purpose.** These regulations for the CR-2 district are established to provide "for affordable dwelling unit developments at a density not to exceed two and four-tenths (2.4) dwelling units per acre."
- 7-202 Permitted Uses.** Affordable dwelling unit developments may consist of single family detached dwelling units, either in a compact cluster or traditional designed subdivision. In addition, single family attached duplex, triplex, and quadruplex units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.
- 7-203 Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a traditional or compact cluster design option, in the CR-2 district.
- (A) **Lot size.** No minimum requirement.
- (B) **Lot width.**
- (1) Single family detached. 50 feet minimum.
- (2) Single family attached duplex, triplex, or quadruplex units.  
18 feet minimum for interior units;  
30 feet minimum for end units.
- (C) **Yards.** (Single family attached duplex, triplex, or quadruplex units).
- (1) **Front.** 15 feet minimum.
- (2) **Side.** 9 feet minimum.
- (3) **Rear.** 25 feet minimum.
- (4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.

Section 7-200

Revision Date: June 17, 1998

Loudoun County Zoning Ordinance

- (D) **Lot coverage.** 40% maximum.
- (E) **Open Space Area for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling unit development such that the overall density of one lot per 14,000 square feet is maintained.
- (F) **Other Requirements.**
  - (1) **Location.** Single family attached duplex, triplex, and quadruplex units shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.
  - (2) **Frontage.** Single family attached units shall front on a public road, unless the development has received approval for private streets.
  - (3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

## Section 7-300

### Countryside Residential-3: (CR-3) District.

- 7-301 Purpose.** These regulations for the CR-3 district are established to provide for affordable dwelling unit developments at a density not to exceed three and six-tenths (3.6) dwelling units per acre.
- 7-302 Permitted Uses.** Affordable dwelling unit developments may consist of single family detached dwelling units, either in a compact cluster or traditional designed subdivision. In addition, single family attached duplex, triplex, and quadruplex units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.
- 7-303 Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban or compact cluster design option, in the CR-3 district.
- (A) **Lot size.** No minimum requirement.
  - (B) **Lot width.**
    - (1) Single family detached. 50 feet minimum.
    - (2) Single family attached duplex, triplex, or quadruplex units.
      - 18 feet minimum for interior units;
      - 30 feet minimum for end units.
  - (C) **Yards.** (Single family attached duplex, triplex, or quadruplex units):
    - (1) **Front.** 15 feet minimum.
    - (2) **Side.** 9 feet minimum.
    - (3) **Rear.** 25 feet minimum.
    - (4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.
  - (D) **Lot coverage.** 40% maximum.

- (E) **Open Space for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling unit development such that the overall density of one lot per 10,000 square feet is maintained.
- (F) **Other Regulations.**
- (1) **Location.** Single family attached duplex, triplex, and quadruplex units shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.
  - (2) **Frontage.** Single family attached and single family attached units shall front on a public road, unless the development has received approval for private roads.
  - (3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

## Section 7-400

### Countryside Residential-4: (CR-4) District.

- 7-401 Purpose.** These regulations for the CR-4 district are established to provide for affordable dwelling unit developments at a density not to exceed four and eight-tenths (4.8) dwelling units per acre.
- 7-402 Permitted Uses.** Affordable dwelling unit developments may consist of single family detached dwelling units in a suburban designed subdivision. In addition, single family attached duplex, triplex, and quadruplex units and townhouse units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.
- 7-403 Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development in the CR-4 district.
- (A) **Lot size.** No minimum requirement.
  - (B) **Lot width.**
    - (1) Single family detached. 50 feet minimum.
    - (2) Single family attached duplex, triplex, or quadruplex units.
      - 18 feet minimum for interior units;
      - 30 feet minimum for end units.
    - (3) Single family attached townhouse units.
      - 14 feet minimum for interior units;
      - 24 feet minimum for end units.
  - (C) **Yards.** (Single family attached duplex, triplex, or quadruplex and single family attached units):
    - (1) **Front.** 15 feet minimum.
    - (2) **Side.** 8 feet minimum; 0 feet for interior units.
    - (3) **Rear.** 25 feet minimum.

- (4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.**

- (1) Single family detached. 35% maximum.
- (2) Single family attached duplex, triplex, quadruplex or townhouse units.  
50% maximum.

(E) **Open Space for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling unit development such that the overall density of one lot per 7,000 square feet is maintained.

(F) **Other Regulations.**

- (1) **Location.** Single family attached duplex, triplex, and quadruplex units and single family attached dwellings shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.
- (2) **Frontage.** Single family attached and single family attached units shall front on a public road, unless the development has received approval for private roads.
- (3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

## Section 7-500

### R-2 Single Family Residential District.

- 7-501 Purpose.** These regulations for the R-2 district are established to provide for affordable dwelling unit developments at a density not to exceed two and four-tenths (2.4) dwelling units per acre.
- 7-502 Permitted Uses.** Affordable dwelling unit developments may consist of single family detached dwelling units, either in a cluster, suburban, or traditionally designed subdivision. Cluster subdivisions reducing lot areas by 20-50% shall be subject to the approval of a special exception, in accordance with Section 6-1300 and 6-1400. In addition, single family attached duplex, triplex, and quadruplex units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.
- 7-503 Lot and Building Requirements.** Unless otherwise provided for below, the lot, building, setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban, traditional, or cluster design option, in the R-2 district.
- (A) **Lot size.** No minimum requirement.
- (B) **Lot width.**
- (1) Single family detached, suburban. 60 feet minimum.
  - (2) Single family detached, traditional. 45 feet minimum.
  - (3) Single family detached, cluster. 50 feet minimum.
  - (4) Single family attached duplex, triplex, or quadruplex units.  
18 feet minimum for interior units;  
30 feet minimum for end units.
- (C) **Yards.** (Single family attached duplex, triplex, or quadruplex units):
- (1) **Front.** 15 feet minimum.
  - (2) **Side.** 9 feet minimum; 0 feet for interior units.
  - (3) **Rear.** 25 feet minimum.

- (4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.
- (D) **Lot coverage.** 40% maximum.
- (E) **Open Space Area for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling unit development such that the overall density of one lot per 14,000 square feet is maintained.
- (F) **Other requirements.**
  - (1) **Location.** Single family attached duplex, triplex, and quadruplex units shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.
  - (2) **Frontage.** Single family attached units shall front on a public road, unless the development has received approval for private streets.
  - (3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

## Section 7-600

### R-3 Single Family Residential District.

- 7-601 Purpose.** These regulations for the R-3 district are established to provide for affordable dwelling unit developments at a density not to exceed three and six-tenths (3.6) dwelling units per acre.
- 7-602 Permitted Uses.** Affordable dwelling unit developments may consist of single family detached dwelling units, either in a cluster, suburban, or traditionally designed subdivision. Cluster subdivisions reducing lot areas by 20-50% shall be subject to the approval of a special exception, in accordance with Sections 6-1300 and 6-1400. In addition, single family attached duplex, triplex, and quadruplex units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.
- 7-603 Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban, traditional, or cluster design option, in the R-3 district.
- (A) **Lot size.** No minimum requirement.
- (B) **Lot width.**
- (1) Single family detached, suburban. 50 feet minimum.
  - (2) Single family detached, traditional. 40 feet minimum.
  - (3) Single family detached, cluster. 40 feet minimum.
  - (4) Single family attached duplex, triplex, or quadruplex units.  
30 feet minimum for end units.
- (C) **Yards.** (Single family attached duplex, triplex, or quadruplex units):
- (1) **Front.** 15 feet minimum.
  - (2) **Side.** 9 feet minimum; 0 for interior lots.
  - (3) **Rear.** 25 feet minimum.

- (4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.
- (D) **Lot coverage.** 40% maximum.
- (E) **Open Space for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling unit development such that the overall density of one lot per 10,000 square feet is maintained.
- (F) **Other Regulations.**
  - (1) **Location.** Single family attached duplex, triplex, and quadruplex units shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.
  - (2) **Frontage.** Single family attached and single family attached units shall front on a public road, unless the development has received approval for private roads.
  - (3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

## Section 7-700

### R-4 Single Family Residential District.

- 7-701 Purpose.** These regulations for the R-4 district are established to provide for affordable dwelling unit developments at a density not to exceed four and eight-tenths (4.8) dwelling units per acre.
- 7-702 Permitted Uses.** Affordable dwelling unit developments may consist of single family detached dwelling units, either in a cluster, suburban, or traditionally designed subdivision. Cluster subdivisions reducing lot areas by 20-50% shall be subject to the approval of a special exception, in accordance with Sections 6-1300 and 6-1400. In addition, single family attached duplex, triplex, and quadruplex units and single family attached townhouse units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.
- 7-703 Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban, traditional, or cluster design option, in the R-4 district.
- (A) **Lot size.** No minimum requirement.
  - (B) **Lot width.**
    - (1) Single family detached, suburban. 50 feet minimum.
    - (2) Single family detached, traditional. 40 feet minimum.
    - (3) Single family detached, cluster. 40 feet minimum.
    - (4) Single family attached, duplex, triplex, or quadruplex units.  
18 feet minimum for interior units;  
30 feet minimum for end units.
    - (5) Single family attached, townhouse units.  
14 feet minimum for interior units;  
24 feet minimum for end units.

- (C) **Yards** (Single family attached duplex, triplex, quadruplex or townhouse units).
- (1) **Front.** 15 feet minimum.
  - (2) **Side.** 8 feet minimum; 0 feet for interior units.
  - (3) **Rear.** 25 feet minimum.
  - (4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.
- (D) **Lot coverage.**
- (1) Single family detached. 35% maximum.
  - (2) Single family attached duplex, triplex, quadruplex or townhouse units. 50% maximum.
- (E) **Open Space for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling unit development such that the overall density of one lot per 7,000 square feet is maintained.
- (F) **Other Regulations.**
- (1) **Location.** Single family attached duplex, triplex, and quadruplex units and single family attached dwellings shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.
  - (2) **Frontage.** Single family attached and single family attached units shall front on a public road, unless the development has received approval for private roads.
  - (3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

**Section 7-800**

**R-8 Single Family Residential District.**

- 7-801 Purpose.** These regulations for the R-8 district are established to provide for affordable dwelling unit developments at a density not to exceed nine and six-tenths (9.6) dwelling units per acre.
- 7-802 Permitted Uses.** Affordable dwelling unit developments may consist of single family detached or single family attached dwelling units, either in a suburban or traditionally designed subdivision. In addition, multi-family units are permitted, provided that no more than fifty percent (50%) of the total number of dwelling units allowed within the development shall consist of such units.
- 7-803 Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban or traditional design option, in the R-8 district.
- (A) **Lot size.** No minimum requirement.
- (B) **Lot width.**
- (1) Single family detached, suburban. 40 feet minimum.
  - (2) Single family attached duplex, triplex, or quadruplex units.  
14 feet minimum for interior units;  
24 feet minimum for end units.
  - (3) Single family attached townhouse units.  
14 feet minimum for interior units;  
22 feet minimum for end units.
  - (4) Multi-family structures.  
60 feet minimum.
- (C) **Yards.**
- (1) Single family detached, suburban and traditional.
    - (a) **Front.** 15 feet minimum.

- (b) **Side.** 8 feet minimum (16 feet minimum between units).
    - (c) **Rear.** 25 feet minimum.
  - (2) Single family attached units.
    - (a) **Front.** 15 feet minimum.
    - (b) **Side.** 8 feet minimum; 0 feet for interior units.
    - (c) **Rear.** 16 feet minimum.
  - (3) Multi-family structures.
    - (a) **Front.** 20 feet minimum.
    - (b) **Side.** 10 feet minimum; 20 feet on corner lots.
    - (c) **Rear.** 25 feet minimum.
  - (4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.
- (D) **Lot coverage.** 60% maximum.
- (E) **Active Recreation Space.** A minimum of 5,000 square feet of active recreation space shall be provided for each group of market-rate dwelling units of more than ten (10) units. An additional 100 square feet of such space shall be provided for each market-rate single family detached dwelling unit and 200 square feet of such space for each single family attached dwelling unit in excess of ten (10) units. All such space shall be accessible to all residents by means of internal pedestrian walkways.
- (F) **Other Regulations.**
  - (1) **Location.** Multi-family units shall be located so as to minimize their impact on single family detached developments located adjacent to the ADU development.
  - (2) **Frontage.** Units shall front on a public road, unless the development has received approval for private roads.

## Section 7-900

### R-16 Townhouse/Multi-family District.

- 7-901 Purpose.** These regulations for the R-16 district are established to provide for affordable dwelling unit developments at a density not to exceed nineteen and two-tenths (19.2) dwelling units per acre.
- 7-902 Permitted Uses.** Affordable dwelling unit developments may consist of single family attached, quadruplex, townhouse, or multi-family units, either in a suburban or traditionally designed subdivision.
- 7-903 Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban or traditional design option, in the R-16 district.
- (A) **Lot size.** No minimum requirement.
- (B) **Lot width.**
- (1) Single family attached townhouse units.  
14 feet minimum for interior units;  
22 feet minimum for end units.
  - (2) Single family attached quadruplex units.  
28 feet minimum.
  - (3) Multi-family structures. 60 feet minimum.
- (C) **Yards.**
- (1) Single family attached.
    - (a) **Front.** 15 feet minimum, except as provided for in traditional design developments pursuant to Section 3-606(C)(2).
    - (b) **Side.** 8 feet minimum; 0 for interior units.
    - (c) **Rear.** 25 feet minimum.

- (2) Multi-family structures.
  - (a) **Front.** 25 feet minimum.
  - (b) **Side.** 10 feet minimum;  
25 feet minimum on corner lots.
  - (c) **Rear.** 25 feet minimum.
- (3) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception in accordance with the provisions of Section 6-1300 of this Ordinance.
- (D) **Lot coverage.** 60% maximum.
- (E) **Active Recreation Open Space.** A minimum of 5,000 square feet of active recreation space shall be provided for each group of ten (10) market-rate dwelling units. An additional 200 square feet of such space shall be provided for each market-rate single family attached dwelling unit in excess of ten (10) units. All such space shall be accessible to all residents by means of internal pedestrian walkways.

**Section 7-1000 R-24 Multi-family Residential District.**

**7-1001 Purpose.** These regulations for the R-24 district are established to provide for affordable dwelling unit developments at a density not to exceed twenty-eight and eight-tenths (28.8) dwelling units per acre.

**7-1002 Permitted Uses.** Affordable dwelling unit developments may consist of multi-family dwelling units, either in a suburban or traditionally designed subdivision.

**7-1003 Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban or traditional design option, in the R-24 district.

(A) **Lot size.** No minimum requirement.

(B) **Lot width.** 60 feet minimum.

(C) **Yards.**

(a) **Front.** 25 feet minimum.

(b) **Side.** 10 feet minimum; 25 feet minimum on corner lots.

(c) **Rear.** 25 feet minimum.

(d) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.** 70% maximum.

(E) **Active Recreation Space.** A minimum of 5,000 square feet of active recreation space shall be provided for each group of ten (10) market-rate dwelling units. An additional 200 square feet of such space shall be provided for each market-rate multi-family dwelling unit in excess of ten (10) units. All such space shall be accessible to all residents by means of internal pedestrian walkways.

**Section 7-1100 PD-Housing Districts.**

- 7-1101** The regulations for low density, medium density, and high density residential neighborhoods designated on the concept development plan for a PD-H Zoning District providing affordable dwelling units shall be those for Affordable Dwelling Unit Developments in the counterpart Urban Residential districts.
- 7-1102** The regulations for low density, medium density, and high density residential neighborhoods designated on the concept development plan for a Traditional Town development providing affordable dwelling units shall be those for Affordable Dwelling Unit Developments in the R-4, R-8, and R-16 districts.

## ARTICLE VIII DEFINITIONS

Words and terms set forth below shall have the meanings ascribed to them. Any word, term, or phrase used in this Ordinance not defined below shall have the meaning ascribed to such word, term or phrase in the most recent edition of Webster's Unabridged Dictionary, unless in the opinion of the Zoning Administrator, established customs or practices in Loudoun County, Virginia justify a different or additional meaning. For the purpose of this Ordinance, certain words and terms are herein defined as follows:

**Abattoir:** A commercial slaughterhouse.

**Access:** A means of approach or admission.

**Accessory Building:** A subordinate building of no more than 1,200 square feet, the non-residential use of which is associated with and customarily subordinate to the principal building and which is located upon the same lot as the principal building.

**Adult Day Care Center:** A licensed facility for four or more aged, infirmed, or disabled adults which is operated during a part of the day only, which provides supplementary care and protection of individuals who reside elsewhere, except a facility or portion of a facility licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Service, and the home or residence of an individual who cares for only persons related to him by blood or marriage.

**Agriculture:** Any form of agriculture or horticulture and related buildings and uses associated with the production and/or sale of plants and animals useful to humans, including, but not limited to, forage, grain and field crops, hay, pasturage, dairy and dairy products, poultry and poultry products, horses, other livestock and fowl products, including the owning, breeding, leasing, recreational usage and training of any and all such animals; bees and apiary products, fruits and vegetables of all kinds, tobacco, Christmas trees, floral and greenhouse products, sod, viticulture, silviculture, aquaculture, pet farm, and the primary processing and storage of agricultural production. [A polyhouse or structure constructed of polyethylene or other plastic material is considered a permitted agricultural use structure accessory to an ongoing agricultural use [in a rural residential zoning district], provided such structure is properly maintained].

**Airport:** (Including Air Park, Flight Strip, Airfield and Heliport): A place where aircraft may take off or land, discharge or receive cargoes and/or passengers, be repaired, take on fuel, and be stored.

**Alley:** A right-of-way which has a minimum width of twenty (20) feet and which provides secondary and/or service access for vehicles to the side or rear of abutting properties whose principal frontage is on another street.

**Amend or Amendment:** Any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of a district; or any repeal or abolition of any map, part thereof, or addition thereto.

**[Amusement or Theme Park:** A facility, indoor or outdoor, designed for entertainment purposes which may include structures or buildings, motorized or non-motorized rides, games, booths for the conduct of sporting events or games, and constructed land features such as lakes, hills, or trails. Office, retail and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.]

**Animal Hospital:** A facility for the provision of surgical or other medical treatment to animals. [Such animals may be kept in the facility during the recovery period or while under medical treatment. As an accessory use, animals may be boarded at the animal hospital provided the boarding facility takes up no more than 25% of the gross floor area of the animal hospital.]

**Application, Active:** Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception application, Preliminary or Final Record Plat application, Preliminary or Final Site Plan application, which has been officially accepted by the County and which is not an inactive application or has not been withdrawn or has not received a final decision.

**Application, Inactive:** Any Zoning Map Amendment application, Zoning Modification application or Concept Plan Amendment application officially accepted by the County for processing but which has had processing suspended either by request of the applicant or by having no contact or activity occur in regard to the application by the applicant for a period of twelve months, or any Special Exception application, Preliminary or Final Site Plan application, Preliminary or Final Record Plat application officially accepted by the County for processing but which has had such processing suspended either by request of the applicant or by having no contact or activity occur in regards to the application by the applicant for a period of six months.

**Application, Reactivated:** Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception application, Preliminary or Final Record Plat application, Preliminary or Final Site Plan application which was classified as inactive which the applicant subsequently notifies the County in writing of their desire to have the application brought to final decision.

**Arborist or Urban Forester:** A person trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees.

**Automobile Service Station:** Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail as a principal use and where, in addition, the following services may be rendered and sales made, and no other.

- a. Sale and servicing of spark plugs, batteries, and distributor parts.
- b. Tire sales, servicing and repair, but not recapping or regrooving.

- c. Replacement or adjustment of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like.
- d. Radiator cleaning and flushing, provision of water, anti-freeze and the like.
- e. Washing and polishing, and sale of automotive washing and polishing materials.
- f. Greasing and lubrication.
- g. Providing and repairing fuel pumps, oil pumps and lines.
- h. Servicing and repair of carburetors.
- i. Emergency wiring repairs.
- j. Adjusting and repairing brakes.
- k. Minor motor adjustments not involving removal of the head or crankcase or racing the motor.
- l. Provision of hot and cold drinks, packaged foods, tobacco, and similar convenience goods for gasoline supply station customers, but only as accessory and incidental to principal operation.
- m. Provision of road maps and other information material to customers; provision of restroom facilities.
- n. Performing State vehicle inspections.
- o. [Car wash]

Uses permissible at an automobile service station do not include major mechanical and body work, straightening of frames of body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, or any activity involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automobile service stations.

**Automobile Sales Lots:** A lot arranged, designed, or used for the storage and display for sale and/or lease of any motor vehicle or any type of trailer, provided the trailer is unoccupied, and where no repair work is done except minor and incidental repair of automobiles or trailers displayed and sold on the premises.

**Base Flood:** The flood having a one percent chance of being equalled or exceeded in any given year. Also known as the 100-year flood.

**Basement:** That portion of a building below the first floor joists, at least half of whose clear ceiling height is above the mean level of the adjacent ground.

**Bed and Breakfast Homestay:** A private, owner-occupied dwelling in which the frequency and volume of paying guests is incidental to the primary use of the building as a private residence. One to three guest rooms are made available to transient visitors. The establishment shall not contain restaurant facilities, but may provide food service for transient guests only.

**Bed and Breakfast Inn:** A business operated in a structure which is used primarily for providing overnight accommodations to the public, even though the owner or manager lives on the premises. The number of guest rooms may range from four (4) to no more than twenty (20). The establishment shall not contain restaurant facilities, but may provide food service for transient guests only.

**Berm:** A landscaped earthen mound intended to screen, buffer, mitigate noise, and generally enhance views of parking areas, storage areas or required yards particularly from public streets or adjacent land uses.

**Best Management Practices (BMP's):** Methods that are determined by the State to be the most effective and practical means of preventing or reducing the amount of pollution generated by non-point sources to a level compatible with established water quality goals and further defined in the Facilities Standards Manual (FSM). Non-point source pollution is carried in runoff that cannot be traced to a specific source and whose point of entry into the stream cannot be determined.

**Block:** That property abutting one side of a street and lying between the two nearest intersecting streets or the nearest intersecting or intercepting street and railroad right-of-way, unsubdivided acreage, river or live stream between any of the foregoing and any other barrier to the continuity of development. A block may contain an alley.

**Board of Supervisors or Board:** The Board of Supervisors of Loudoun County, Virginia.

**Buffering or Screening:** Any device or natural growth, or a combination thereof, which shall serve as a barrier to vision, light, or noise between adjoining properties, wherever required by this ordinance and further defined herein and the Facilities Standards Manual (FSM). Whenever used for screening or buffering purposes, "natural growth" shall be taken to mean coniferous or deciduous trees, bushes and shrubbery.

**Building:** A structure having one or more stories and roof, designed primarily for the shelter, support or closure of persons, animals or property of any kind.

**Buildable Area:** The area of the lot remaining after required yards have been provided.

**Building, Civic:** A structure used for community purposes, such as churches, community/recreation centers, service organizations and libraries, located on a civic-use lot.

**Building Coverage:** All areas under roof or projections from buildings on a lot.

**Building Footprint:** The area on the ground surface covered by the building.

**Building Height:** The vertical distance to the highest point of the roof for flat roofs; and to the average height between eaves and the highest point of the roof in the case of pitched roofs, measured from the curb level, if the building is not more than ten (10) feet distant from the front lot line, or from the average finished grade at the front of the building in all other cases.

**Building Inspector:** An appointed official of Loudoun County who is responsible for certifying building inspections.

**Building, Principal:** A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.

**Business Service Establishment:** Establishments primarily engaged in rendering services on a fee or contract basis to the business, commercial, industrial, or institutional community, such as advertising and mailing; business maintenance; employment service; management and consulting services; travel agent; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; quick print shop; and personal supply services; but not including retail sales to the general public in excess of twenty (20) percent of the gross floor area. Such retail sales area shall only be a secondary and subordinate ancillary activity.

**Business Vehicle:** A vehicle associated with a business. Business vehicles shall not exceed a rated capacity of one and one half (1.5) tons, and shall not have more than two axles.

**Camp, Boarding:** As for Camp, Day, except that uses and structures for the lodging of guests shall be permitted in locations appropriate for extensive outdoor recreation.

**Camp, Day:** A lot, tract or parcel of land operated as either a commercial or non-commercial enterprise in which seasonal facilities are provided for all or any of the following: camping, picnicking, boating, fishing, swimming, outdoor games and sports, and activities incidental and relating to the foregoing, but not including miniature golf grounds, golf driving ranges, mechanical amusement device, or permanent structures for housing guests.

**[Campground:** An outdoor facility designed for overnight accommodation of human beings in tents, rustic cabins and shelters for recreation, education, naturalist, or vacation purposes. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.]

**Capital Improvements Program (CIP):** The Loudoun County plan for expenditures for physical facilities of government, such as costs for acquisition of land or interests in land; construction of buildings or other structures, including additions or major alterations; construction of highways or utility lines; fixed equipment; landscaping; and similar expenditures.

**Carport:** Any space outside a building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor vehicles. A carport may have a side enclosure that is more than eighteen inches in height, exclusive of required supports and the side of the building to which the carport is contiguous.

**Car Wash:** A structure, or portion thereof, containing facilities for the commercial washing of motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical devices.

**Cellar:** That portion of a building below the first floor joists, at least half of whose clear ceiling height is below the mean level of the adjacent ground. Such a portion of a building shall not be used for habitation.

**Channel Scarline:** The sloping margin of, or the ground bordering, a stream and serving to confine the water to the natural channel during the normal course of flow. It is best marked where a distinct channel has been eroded to the valley floor or where there is a cessation of land vegetation.

**Child Care Center:** A licensed establishment which offers care, protection and supervision for compensation to more than nine (9) children at a time during any twenty-four (24) hour period, and then only for part of any twenty-four (24) hour day. A child care center [may] include nursery schools, kindergartens or other facilities for which the purpose is primarily educational, recreational, or medical treatments.

**Child Care Home:** A single-family detached, duplex or townhouse dwelling which offers care, protection and supervision for compensation to more than four (4), but not more than nine (9) children at a time during any twenty-four (24) hour period, and then only for part of any twenty-four (24) hour day.

**Civic, Social, or Fraternal Association Meeting Place:** An establishment of a private non-profit organization, including fraternal organizations, which provides social, physical, recreational, educational, agricultural or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any members of such organization or any other individuals; provided, however, that regular employees may be paid reasonable compensation for services rendered.

**Cluster Development:** [An arrangement of structures on adjoining lots in groupings allowing closer spacing than would be generally permitted under ordinance requirements, where at least 20% of the lots have less than the required minimum lot area which is compensated by maintenance of equivalent open space, either elsewhere on the lot or in the form of common open space. All land not included within lots or required for public or private streets shall be maintained as common open space. Common open space shall be designed to constitute a continuous and cohesive unit of land which may be used for active or passive recreation by residents and shall be reasonably accessible to all permitted uses and all residential units within the development.]

**Code:** The Code of Loudoun County, Virginia.

**College, University:** An institute of higher education authorized by the State to award baccalaureate or higher degrees, which may include on-site student, faculty, and/or employee housing facilities. For junior college or other educational institutions refer to definition of "Educational Institution".

**Commercial Repair Garage:** Any building, premises and land in which, or upon which, a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

**Commuter Parking Lot:** An off-street, ground level area, usually surfaced and improved, for the parking, on a daily basis, of commuter vehicles. Often established in conjunction with mass transit arrangements and car pooling programs.

**[Composting:** The manipulation of the natural aerobic process of decomposition of organic materials to increase the rate of decomposition, which produces compost.]

**Comprehensive Plan:** The official document, commonly referred to as the General Plan, or elements thereof, adopted by the Board of Supervisors, intended to guide the physical development of the County or a portion thereof. Such plan, including maps, plats, charts, policy statements and/or descriptive material, shall be that adopted in accordance with [Section 15.2-2226] of the Code of Virginia.

**Concept Development Plan (CDP):** Part of a rezoning application (ZMAP) or of a zoning concept plan amendment application (ZCPA). The concept development plan may consist of both a visual and a written representation depicting the layout and/or design of the development, and all associated proffers. When the concept development plan is approved through the legislative process, the plan then becomes binding on the developer and his successors in interests.

**Conference and Training Center:** A facility used for business or professional conferences, seminars, and training programs. There may be accommodations for sleeping, eating and recreation.

**Congregate Housing Facility:** A structure other than a single-family dwelling where more than four (4) unrelated persons reside under supervision for special care, treatment, training or similar purposes, on a temporary or permanent basis.

**Contiguous:** Touching, abutting, or adjoining at the border or immediately across the street.

**Continuing Care Facility:** This type of facility may consist of three (3) types of care, or any one or two types:

- a. Congregate Living Facility: a facility which provides independent living which may be affiliated with, or located near health care facilities.
- b. Adult Assisted Living: a facility for people who cannot live independently and who need assistance with daily chores and housekeeping.
- c. Nursing Home: a facility for individuals who require specialized nursing care on a regular basis but who do not need to be hospitalized.

**Contractor Service Establishment:** Establishment for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, ventilation, establishment for the planting and maintenance of gardens, grounds and yards, such as landscape contractors and lawn maintenance services, [and] construction and demolition services. Retail sales to the general public [are not permitted] except as a secondary and subordinate ancillary activity. Outdoor storage of equipment, supplies, [and construction trailers are] permitted in a contractor service establishment, provided [such are] fully screened from public roads and adjacent lots [where the uses thereon are not listed above].

**Convenience Food Store:** A commercial establishment designed and intended to serve daily or frequent trade needs of the surrounding population, characterized by the retail sale of food and other household products, the rapid turnover of customers, high traffic/trip generation, and having less than 5,000 square feet of retail area.

**[Convention or exhibition facility:** An enclosed or semi-enclosed building, tent, or structure designed to accommodate large gatherings of human beings, either with or without display collections of animals, machines, or objects. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.]

**Country Inn:** A business which offers accommodations and dining in a predominantly rural area. Overnight accommodations are available, and a full-service restaurant provides breakfast, lunch and dinner to guests and the general public. The number of guest rooms may range from four (4) to no more than forty (40).

**County:** Loudoun County, Virginia.

**VDOT Resident Engineer:** The Resident Engineer for Loudoun County of the Virginia Department of Transportation, or his designated deputy.

**Court:** An open, unoccupied space, other than a yard with a building or group of buildings, which is bounded on two or more sides by such building or buildings, and every part of which is clear and unobstructed from its lowest point to the sky, except for landscaping, if any.

**Crematorium:** A building with a furnace for cremating dead bodies, either animal or human.

**Cross Section:** Shape and dimensions of a channel and valley of the floodplain perpendicular to the line of flow.

**Cultural Center:** Establishments such as museums, art galleries, botanical and zoological gardens of an historic, educational or cultural interest which are not operated commercially.

**Decibel:** A unit used to express the intensity of a sound wave.

**Density:** For purposes of this Ordinance, the amount of development allowed on a lot or parcel, expressed in residential districts as the number of dwelling units per acre and in commercial districts as the gross floor area of buildings per acre.

**Density, Gross Residential:** The number of units divided by the total area of the tract.

**Density, Net Residential:** The total number of residential units in a PD-H zoning district divided by the net land area of land devoted to uses other than commercial and employment uses in such district, and excluding land that is in major floodplain and/or steep slopes.

**Density, Net Residential Parcel:** The maximum number of residential dwelling units per acre allowed on any lot, parcel, or tract of land in a PD-H zoning district.

**Development Permit:** Written approval issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization. Examples include, but are not limited to, building, zoning, occupancy and grading permits.

**Diabase Rock:** A fine-to medium-grained dark-colored igneous rock that is a good source for crushed stone for road and building construction.

**Director of Planning:** An appointed County official who serves as the Director of Planning for Loudoun County, Virginia, or his or her designee.

**Distribution Facility:** The intake of goods and merchandise, individually or in bulk, the short-term holding or storage of such goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor. The term "Distribution Facility" shall also include a transshipment facility for the temporary holding, storage and shipment of goods or vehicles.

**Driveway:** A space or area specifically designated and reserved on a lot for the movement of vehicles within a lot or from a lot to a street.

**Dustless Surface:** A surface with a minimum of either two applications of bituminous surface treatment, concrete, bituminous concrete, or equivalent paving material approved by the County and to be maintained in good condition at all times.

**Dwelling, Accessory:** A dwelling or apartment within or detached from the principal dwelling of no more than [1200] square feet, the use of which is associated with and subordinate to the principal dwelling and which is located upon the same lot as the principal dwelling.

**Dwelling, Ancillary:** A dwelling, the use of which is associated with and subordinate to the principal dwelling and which is located on the same lot as the principal dwelling.

**Dwelling, Single-Family Attached:** A duplex, triplex, quadruplex, or townhouse dwelling unit.

**Dwelling, Multi-Family:** A building containing five or more dwelling units not having a separate lot.

**Dwelling, Portable:** A modular unit built on a chassis, having wheels or designed to be transported on wheels, with body width exceeding eight (8) feet or body length exceeding 32 feet and designed to be used as a dwelling when attached to a permanent foundation and when connected to the required utilities.

**Dwelling, Duplex:** One of two buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot with minimum dimensions required by district regulations.

**Dwelling, Quadruplex:** One of four (4) buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot, with minimum dimensions required by district regulations.

**Dwelling, Single Family Detached:** A residential dwelling unit, other than a portable dwelling, designed for and occupied by one family only and not structurally connected or attached to any other dwelling.

**Dwelling, Temporary:** A portable dwelling, but not necessarily attached to a permanent foundation.

**Dwelling, Townhouse:** One of a group of three or more attached single-family dwelling units, separated from each other by continuous vertical party walls without openings for human passage or visibility from basement floor to roof, with no dwelling unit directly above another, and each unit having separate entrances from the outside.

**Dwelling, Triplex:** One of three (3) buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot, with minimum dimensions required by district regulations.

**Dwelling Unit:** One room, or rooms connected together, constituting a separate unit for a single-family owner occupancy or rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

**Easement:** A grant of interest in real property by the owner to, or for the use by, an abutting landowner, the public, or another person or entity, including both easements appurtenant and easements in gross.

**Educational Institution:** Any college, university, secondary or higher educational facility beyond high school without an on-campus housing facility which meets applicable State requirements to award degrees and primarily teaches usable skills that prepare students for employment in a profession or trade.

**Electric Generating Plant and Transmission Facility:** A plant for the production of electricity, including appurtenant yards, equipment and facilities for the storage of fuels, water, transmission lines, exhaust stacks, and/or utility substation.

**Enfront:** To face or to be opposite across a street.

**Equestrian Facility:** A commercial facility for the keeping of horses, having more than 20 horses for boarding and three (3) or more active riding instructors.

**Erected:** Shall be taken to mean constructed, reconstructed, moved or structurally altered.

**[Facilities Standards Manual (FSM):** The Facilities Standards Manual of Loudoun County.]

**Fairground:** A parcel or tract of land used as the site of any fair, exposition or public display.

**Family:** A group of people living together consisting of:

- a. One or more persons related by blood or marriage together with any number of natural, foster, step or adopted children, domestic servants, nurses and therapists and no more than two roomers or boarders; or
- b. No more than 4 unrelated persons;
- c. Any group identified in [Section 15.2-2291] of the Code of Virginia.

**Farm Market:** A principal use which includes the sale of horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty-five percent (25%) of the products sold must be agricultural products produced on-site.

**Fee Simple Ownership:** The complete and absolute ownership interest in real property.

**Fiscal:** Of or relating to public revenues, public expenditures and public debt; public financial matters.

**Floodplain:** Any land area susceptible to being inundated by water from the base flood and having a drainage area greater than one hundred (100) acres. For the purposes of regulation under this ordinance, a distinction is made between floodplains in watersheds of greater than 640 acres, and those in watersheds of less than 640 acres.

**Floodplain Alteration:** A development action which will change the cross section of the floodplain and will increase either: 1) the erosive velocity or 2) the height of floodwaters either on-site or off-site. Alterations include, but are not limited to, land disturbing activities such as clearing, grading, excavating, transportation, and filling of land.

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

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

**Floor Area, Gross:** The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term "floor area" shall include basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior balconies and mezzanines. The term gross floor area shall not include cellars or outside balconies which do not exceed a projection of six (6) feet beyond the exterior walls of the building. Parking structures below or above grade and rooftop mechanical structures are excluded from gross floor area.

**Floor Area, Net:** The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls and from the centerline of walls separating two (2) or more buildings. The term "net floor area" shall include outdoor display areas for sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products, but shall exclude areas designed for permanent uses such as toilets, utility closets, malls (enclosed or not), truck tunnels, enclosed parking areas, meters, rooftop mechanical structures, mechanical and equipment rooms, public and fire corridors, stairwells, elevators, escalators, and areas under a sloping ceiling where the headroom in fifty percent (50%) of such area is less than six (6) feet, six (6) inches.

**Floor Area Ratio (FAR):** A number or percentage, derived by dividing the gross floor area of the buildings on any lot by the lot area less the major floodplain. The floor area ratio multiplied by the lot area produces the maximum amount of floor area that may be constructed on such lot.

**Food Store:** A retail establishment primarily selling food, as well as other convenience and household goods.

**Foot Candles:** A unit of illumination; technically, the illumination at all points one (1) foot distant from a uniform point source of one (1) candle power.

**Forestry:** The planting, growing and harvesting of trees, but not including sawmilling or other processing of trees or parts thereof.

**Frontage:** Lot width, as measured at the front property line. (See Article I for calculations of lot width.)

**Funeral Home:** An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming, performance of autopsies or other surgical procedures.

**General Business Service:** See Business Service establishment.

**Geotechnical Report:** A study of bedrock and soils used to help determine potential safe development that is prepared according to standards in the Facilities Standards Manual (FSM).

**Golf Driving Ranges:** A limited area on which golf players do not walk, but onto which they drive golf balls from central driving tees. A golf driving range may contain outdoor lighting. A golf driving range may have, as an accessory use, a putting or chipping green, miniature golf course, baseball batting cages, a refreshment stand, and/or equipment rental of items pertaining to golf and baseball.

**Groundwater:** Any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water, whatever may be the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

**Guest House:** Dwelling or lodging units for temporary non-paying guests in an accessory building.

**Guest Farm or Ranch:** A farm which offers transient accommodations associated with an active agricultural use to paying guests along with meals and participatory recreational and/or work experience working on the farm.

**Habitat:** Place or site where animals or plants naturally live and thrive.

**Health and Fitness Center:** An establishment, including saunas and steambaths, offering or providing facilities for, and instruction in, general health, physical fitness and controlled exercises such as, but not limited to, weight lifting, calisthenics and aerobic/slimnastic dancing. Such use may provide massages, provided the health club occupies an area greater than 5,000 square feet and not more than five percent (5%) of the gross floor area is used for massages.

**Health Official:** The Director of the Loudoun County Department of Health, or his designated deputy; Health Officer.

**Heavy Equipment:** Bulldozers, dumptrucks and similar pieces of large equipment and their accessories. The term includes any vehicle associated with a business not included in the definition of business vehicle. A trailer used for transporting heavy equipment is considered accessory to the equipment.

**Heavy Equipment and Specialty Vehicle Sales and Accessory Service:** Buildings and premises for the sale, rental and servicing of trucks, buses, boats, recreational vehicles, taxicabs, ambulances, motorcycles, mobile homes, trailers, and farm and construction machinery or equipment. This category shall not be deemed to include automobile sales and accessory service establishment.

**Heliport:** An area, either at ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters and which may include auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

**Helistop:** An area designed to accommodate touch-down and lift-off of helicopters for the purpose of picking up and discharging passengers or cargo. Such an area shall contain no operation facilities other than one (1) tie-down space and such additional facilities as are required by law, ordinance or regulation.

**Home Occupation:** A business, profession, occupation or trade conducted for gain or support within a residential building or its accessory buildings which use is incidental and secondary to the use of the buildings for dwelling purposes and which does not change the residential character of such buildings. (See Section 5-400 for Home Occupation standards).

**Homeowners' Association:** A non-profit organization operating under recorded land agreements through which: (a) each lot and/or homeowner in a clustered or planned development is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property.

**Home Service Establishment:** Establishment primarily engaged in rendering services whose principal function is to enhance, beautify, maintain or restore residences such as, but not limited to decorators, exterminators, plumbing, electrical, appliance service, carpet and tile, lawn maintenance, and roofing. All storage for these establishments shall be enclosed.

**Horticulture:** The science and art of growing fruits, vegetables, flowers, or ornamental plants.

**Hospital:** Any licensed and Commonwealth of Virginia accredited health care institution with an organized medical and professional staff and with inpatient beds available around-the-clock whose primary function is to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services, particularly emergency care.

**[Hotel/Motel:** Any single building or group of dwelling units, combined or separated, containing 20 or more guest rooms used for the purpose of housing transient guests, each unit of which is provided with its own toilet, washroom and off-street parking facility, and which may include features such as conference rooms, a restaurant or snack bar, or swimming pool or exercise room that would attract clientele other than transient guests.]

**Hydrogeological Report:** A study of groundwater, its location and prevalence that is prepared according to standards in the Facilities Standards Manual (FSM).

**Impervious Surface:** Any material which reduces or prevents absorption of storm water into previously undeveloped land.

**Industrial, Scientific or Technical Exposition:** A place, structure, area or other facility used for temporary or permanent display or exhibit of industrial or scientific equipment, machinery, tools, or other merchandise. Such activities could include trade shows, conventions, merchandise marts, or industrial or scientific fairs or displays. Activities categorized as wholesale trade establishments shall not be deemed to be industrial, scientific or technical expositions.

**Industrial Use:** Non-residential and non-commercial employment uses such as, but not limited to, mining, milling and manufacturing.

**Infrastructure:** The basic installations and facilities on which new development depends. The public infrastructure includes roads and water and sewer lines.

**Inoperable Vehicle:** A motorcycle or motor vehicle, trailer, or attachment thereto which is required by the Commonwealth of Virginia to display current license plates and/or meet safety standards, as evidenced by display of an approved inspection sticker, which motorcycle, vehicle, trailer, or attachment therefore does not display said license plates and/or approved inspection sticker.

**Institutional Use:** Public or private health, recreational or educational uses such as parks, schools, libraries, hospitals and camps.

**Junk Yard:** Any land or building used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles or machinery not in running condition, or parts thereof.

**Kennel:** [See Section 5-606.]

**[Kennel, Indoor:** See Section 5-606.]

**Landfill, Sanitary:** A facility for the collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid waste. Specifically, it may include a sanitary landfill, a debris landfill, a transfer station, Materials Recovery Facility (MRF), and/or an incinerator. It shall mean a facility so located, designed and operated that it does not impose a present or potential hazard to human health or the environment, including pollution of air, land, surface water or ground water.

**Land Disturbing Activity:** Any activity involving the clearing, cutting, excavating, filling, or grading of land or any other activity which alters land topography or vegetative cover. Activities carried out as a part of an agricultural operation, as defined by this Ordinance, are excluded from this definition.

**Landscape Architect:** An individual who is recognized by the State and who is registered with the state department of professional and occupational registration as a "landscape architect".

**Landscaped Open Space:** An area which shall include appropriate grassing of the area, placement of shrubbery and trees, walkways, and appropriate grading such as to render the required open space area aesthetically pleasing.

**Land Subdivision and Development Ordinance (LSDO):** The Land Subdivision and Development Ordinance of Loudoun County, adopted by the Board of Supervisors to establish subdivision and site development plan standards and procedures for the unincorporated areas of Loudoun County.

**Loading Space, Single Unit:** A loading space or dock with a minimum of 14 feet in width, and a minimum of 30 feet in length and a minimum vertical clearance of 15 feet.

**Loading Space, Semi-trailer:** A loading space or dock with a minimum of 14 feet in width, and a minimum of 50 feet in length and a vertical clearance of 15 feet.

**Lodging Unit:** Living quarters for a family which do not contain independent kitchen facilities, provided, however, that dwelling units available for occupancy on a rental or lease basis for periods of less than one (1) week shall be considered lodging units even though they contain independent kitchen facilities.

**Lot:** A parcel of land occupied, or to be occupied, by one or more buildings and accessory buildings, and open space, and other requirements of the provisions of this Ordinance. "Lot" shall include the words "plot" and "parcel". [The term "lot" does not include land identified on a legally recorded subdivision plat filed among the land records of Loudoun County as an "outlot" as referenced in Section 1-404(B)(3).]

**Lot Area:** The total horizontal area included within the rear, side and front lot lines or street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking areas and other accessory uses. "Lot area" shall not include portions under water, except where the total area of a body of water is within the lot or where the width included as part of the area of the lot does not exceed 30 feet.

**Lot, Civic Use:** Land area within a Rural Village [Center], so designated on the Village Concept Development Plan, upon which structures may be erected for community use, enjoyment and benefit.

**Lot, Concave:** A lot that has one side curving inward from the street on which the lot fronts.

**Lot, Convex:** A lot that has one side curving outward toward the street on which the lot fronts.

**Lot, Corner:** A lot abutting on two or more streets at their intersection, where the interior angle of the intersection does not exceed one hundred thirty-five degrees.

**Lot Coverage:** The percentage of a lot area occupied by the ground area of principal and accessory buildings [or structures on such a lot].

**Lot, Depth of:** The average horizontal distance between the front lot line and the rear lot line, measured along a straight line. If no rear lot line exists, the depth shall be measured between the front lot line and the rear setback line.

**Lot, Irregular:** A lot, [usually but not always with sole access from a Class III road or private access easement, which is so located, shaped or oriented to adjacent lots that application of general measurement methods or dimensional yard requirements of the district in which located serve no significant public purpose, and/or with location of yards by type (front, side and rear) not logically determined by nor related to yard patterns on nearby regular lots. Yard requirements for regular lots shall be followed where possible.]

**Lot, Interior:** Any lot other than a corner lot, but including a through lot.

**Lot Line:** Any boundary line of a lot as defined herein. Where applicable, a lot line shall coincide with a street line. Where a lot line is curved, all dimensions related to said lot line shall be based on the arc.

**[Lot, Outlot:** A parcel of land identified on a legally recorded subdivision plat, subject to a permanent open space easement or dedicated to a homeowner's association, which does not meet lot area and lot width requirements.]

**Lot, Record:** The land designated as a separate and distinct parcel recorded among the land records of Loudoun County.

**Lot, Regular:** A lot with direct access to a Class I, Class II, or Class III road, so located, shaped and oriented to adjacent lots as to be reasonably adapted to application of general measurements indicated in Article I, and with location of yards by type (front, side, rear and special) logically determined by, and related to, adjacent street or streets and adjacent yard patterns. A regular through lot has frontage on two Class I, Class II, or Class III roads.

**Lot, Through:** An interior lot fronting on two parallel, or approximately parallel, streets or private access easements.

**[Lot Width:** See Frontage.]

**Major Recreational Equipment:** Travel trailers, pickup campers, motorized dwellings, tent trailers, boats and boat trailers, houseboats, and the like, and cases or boxes used for transporting such recreational equipment, whether occupied by such equipment or not.

**[Manufactured Housing:** A structure constructed and subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A manufactured home shall not include units built prior to June 15, 1976.]

**Maneuvering Space:** An area directly related to required parking areas and designed to permit easy vehicular movement. "Maneuvering space" shall not be considered as part of any required "parking space" or "loading space".

**Market Area:** The area from which an enterprise draws its customers on a regular and anticipated basis. Influencing the size of the area are variables such as, but not limited to, type of product being marketed, surrounding land uses and neighboring road network.

**Material Recovery Facility (MRF):** An enclosed structure used for the processing of recyclable materials so as not to create a nuisance or pose a present or potential hazard to human health or the environment, including a solid waste transfer station.

**Medical Care Facility, Outpatient Only:** Any institution, place, building, or agency, whether or not licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two or more non-related mentally or physically sick or injured persons: or for the care of two or more non-related persons requiring or receiving medical, surgical or nursing attention or service as acute, chronic, convalescent, aged, or physically disabled, including but not limited to intermediate care facility, mental retardation facility, outpatient surgery centers, chiropractic, birthing, diagnostic imaging, radiation therapy, dialysis, medical/physical rehabilitation and trauma units, and other related institutions and facilities offering treatment on an outpatient basis, whether operated for profit or nonprofit and whether privately owned or operated by a local government unit (this term shall not include a physician's or medical office).

**Metes and Bounds:** A method of describing the boundaries of land by courses and distances.

**Mini-Warehouse:** A building consisting of individual, small, self-contained units that are leased or owned for the indoor storage of business and household goods or contractors' supplies.

**[Motel:** See Hotel/Motel.]

**Motor Vehicle Sales, and Accessory Service:** Any use of land whereon the principal occupation is the sale, rental and accessory service of vehicles in operating condition such as automobiles and trucks stored on site. For the purpose of this Ordinance, vehicle sale, rental and ancillary service establishments shall not be deemed to include heavy equipment and specialized vehicle sale, rental and service establishments; however, specialized vehicles may be sold, rented and serviced as an accessory use.

**Motor Vehicle Service and Repair, Heavy:** Buildings and premises wherein major mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting, welding or other similar work is performed on vehicles. Light vehicle service establishments may be permitted as an ancillary use: however, motor vehicle service establishments shall not be deemed to include heavy equipment and specialized vehicle sale, rental and service establishments. Motor vehicle service and repair shall be conducted within a building and shall not include on-site storage of inoperable vehicles. All areas containing vehicles under repair shall be screened.

**Motor Vehicle Service and Repair, Light:** Buildings and premises wherein the primary use is the sale, servicing, repair and/or installation of motor vehicle accessories, such as the following: Spark plugs, batteries, distributors and distributor parts, tires, brakes, brake fluid, mufflers, tail pipes, water hoses, fan belts, light bulbs, fuses, floor mats, windshield wipers, wiper blades, grease retainers, wheel bearings, and mirrors. Light vehicle service establishments may also include greasing, lubrication and radiator flushing, minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines, electrical systems, and minor motor adjustments not involving removal of the head or crankcase or racing the motor, [except that 10% of the floor area may be used for heavy motor vehicle service and repair as defined in Motor Vehicle Service and Repair, Heavy.] Uses permissible at a vehicle light service establishment shall not include major mechanical and body work, the repair of transmissions or differentials, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. Motor vehicle service and repair shall be conducted within a building and shall not include on-site storage of inoperable vehicles. All areas containing vehicles under repair shall be screened.

**Motor Vehicle Storage and Impoundment Yard:** A screened and buffered area designed for the temporary storage of wrecked and/or inoperable and/or abandoned motor vehicles, but not to include the dismantling, wrecking or sale of said vehicles or parts thereof.

**National Register of Historic Places:** A register of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology and/or culture that is maintained by the Federal Secretary of the Interior. National Historic Landmarks are districts or structures listed on the Register that are considered to be of unusual importance to American history, architecture, archaeology and/or culture.

**Non-Habitable:** Space in a structure that is not used for living, sleeping, eating, or cooking, such as, but not limited to, garages, toilet compartments, closets, utility spaces or similar areas. Commercial and industrial structures do not have habitable space.

**Non-Profit Organization:** An incorporated organization or group whose charter prohibits profit-making endeavors and which enjoys tax exemption privileges.

**Non-Vehicular Open Space:** See Open and Useable Space.

**Nonconforming Use:** Any use lawfully being made of any land, building or structure, other than a sign, on the effective date of this Ordinance, or any amendment to it rendering such use nonconforming which does not comply with all of the regulations of this ordinance, or any amendment hereto, governing use for the zoning district in which such land, building or structure is located.

**Nursery, Commercial:** An agricultural/commercial enterprise where plants and accessory products are sold on a retail basis. Twenty-five percent (25%) of the gross sales receipts of the commercial nursery must be derived from plants produced on site; or twenty-five (25%) of the area designated as a commercial nursery shall be dedicated to the cultivation of plants to be sold on-site.

**Nursery, Production:** An agricultural enterprise where plants are grown for resale on a retail or wholesale basis for only those plant materials grown on-site.

**Nursing Home:** A place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illnesses, diseases, deformities or injuries not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital.

**Office:** Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as, but not limited to: accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesman, sales representatives or manufacturers' representatives; or the conduct of a business by professionals, such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products; or the sale and/or delivery of any materials, goods or products which are physically located on the premises. An office shall not be deemed to include a veterinary service or animal hospital.

**Office, Administrative:** Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration, or analysis.

**Office, Business or Sales:** Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by salesmen, sales representatives, or manufacturers' representatives.

**Office, Medical:** Any room, studio, clinic, suite or building wherein individuals licensed in the State practice medicine, osteopathy, dentistry, chiropractic, podiatry, physical therapy, psychiatry, clinical psychology, or other health-related professions on an out-patient basis. A medical office shall not be deemed to include a hospital, veterinary service or animal hospital.

**Office, Professional:** Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by professionals such as, but not limited to, engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners, and landscape architects.

**Officially Accepted:** The date that all required submissions have been made and the Director has signed the application. This date shall be deemed that date upon which a plan or other application has been officially submitted.

**Off-Site:** Describing a location or an area of land which is proximate to a parcel of land defined as "on-site". Off-site means not on site; that is, outside the lot or parcel that is the subject of a given land use application.

**Off-Street Parking Facility, Free-standing:** A lot, or portion thereof, other than an automobile sales lot, held out or used for the storage or parking of six (6) or more motor vehicles for consideration, where service or repair facilities are not permitted. Such parking lot shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

**On-Site:** "On-site" shall be construed to be describing a location on all, or a portion, of a parcel of land which is the subject of an application for approval by the Board of Supervisors, Planning Commission, or Board of Zoning Appeals, and which parcel of land is in single ownership or under unified control. In general, "on-site" shall mean within a lot or parcel.

**Open and Usable Space:** Areas of trees, shrubs, grass, pathways and other natural and man-made amenities not within individual building lots, set aside for the use and enjoyment of residents, visitors and other persons, unoccupied by buildings or facilities unless related to recreational activities, and accessible to and adequate for the persons and functions it is designed to serve.

**Open Space:** Areas of trees, shrubs, lawns, grass, pathways and other natural and man-made amenities not within individual building lots, except for hamlet and rural village developments, set aside for the use and enjoyment of residents, visitors and other persons, unoccupied by buildings or facilities unless related to recreational activities, and accessible to and adequate for persons and functions it is designed to serve. Generally, open space is intended to provide light and air and is designed for either scenic or recreational purposes. For the purpose of this Ordinance, open space shall include and be qualified as active recreation space, common open space, and dedicated open space.

- a. **Open space, active recreation:** That open space that is designed for recreational purposes, to include, but not to, be limited to such uses as ballfields, multi-purpose courts, swimming pools, tennis courts, golf courses, play lots and playgrounds, camping, picnicking, boating, fishing, equestrian activities, walking and biking trails, and activities incidental and related to the foregoing. Recreational facilities may be open to the public for a fee, provided the intent of the open space requirements is maintained. Examples of acceptable for-fee facilities include golf courses and sports pavilions where such facilities are utilized and enjoyed by the development but that must secure outside users for economic viability.
- b. **Open space, common:** Land within, or related to, a development not individually owned or dedicated for public use which is designed or intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.
- c. **Open space, dedicated:** All open space which is to be dedicated or conveyed to the County or an appropriate public agency, board, or body for public use as open space. For the purposes of this definition, twenty-five percent (25%) of all dedicated school sites shall be considered as dedicated open space.

**[Outdoor Sales, Accessory:** An unenclosed area where the primary purpose of the area is for the retail sale of merchandise. Such sales and or display area shall be accessory and subordinate to a permitted principal use.]

**Outdoor Storage:** The holding or storage, in an unroofed area, of any goods, junk, materials, merchandise, or vehicles in the same place for more than twenty-four (24) hours. All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.

**Outdoor Storage, Accessory:** The holding or storage of merchandise or other goods for sale as an accessory use to a retail or wholesale trade establishment, wherein the outdoor storage area does not exceed ten percent (10%) of the gross floor area of the primary use. All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.

**Outdoor Storage, Construction Materials:** The holding or storage of materials utilized in off-site construction, to include machinery, tools or construction equipment and/or supplies including, but not limited to, lumber, prefabricated structural elements, forms, jigs, or other articles utilized in the fabrication of structural elements, structural steel, steel wire rods, concrete beams, or other materials utilized in construction.

**Outdoor Storage, Vehicles:** The holding or storage of automobiles, trucks, buses, boats, light aircraft, mobile homes, trailers, farm machinery, or construction machinery or equipment. The storage of inoperable equipment shall be deemed to be a motor vehicle storage and impoundment yard and is prohibited herein.

**Overlay District:** A zoning district superimposed on another, both having validity in governing the use of the property.

**Park, Neighborhood:** A park that provides a variety of small-scale, localized recreational facilities, such as playgrounds and tot lots or volleyball, basketball and tennis courts, and designed to be within walking distance of the primary users.

**Park, Regional:**

**Park, Community:**

**Parking Area:** The area on a lot or site used for the parking of motor vehicles that meets the minimum standards of this Ordinance and the Facilities Standards Manual (FSM) and that is an accessory use to the principal use or structure on the lot or site.

**Parking Lot:** A lot on which the parking of motor vehicles is the principal use.

**[Parking Lot/Valet Service:** A lot or structure on/in which the parking of motor vehicles for a fee on a daily, weekly, or monthly basis is the principal use and accessory services, such as washing and polishing, are provided.]

**Parking, Off-Site:** Any space that is off-site and specifically allotted to the parking of motor vehicles. Such space shall not be in a public right-of-way.

**Parking Space, Off-Site:** A space suitable for parking one automobile and including adequate driveways, if necessary, to connect such space with a public right-of-way. Space within a building or

upon a roof, allocated for parking shall be included and considered a part of the required spaces.

**Pedestrian Way:** A right-of-way developed for use by pedestrians, including sidewalks, bicycle paths and jogging trails.

**[Performing Arts Center:** A facility for the viewing of performing arts with a seating capacity of 8,000 persons or greater.]

**Performance Standards:** A set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

**Personal Service Establishment:** Establishments primarily engaged in providing services, including the care of a person or his or her apparel, such as, but not limited to, laundry, cleaning and garment services, garment pressing, linen supply, diaper service, coin-operated laundries, dry cleaning, carpet and upholstery cleaning, photographic studios, beauty shops, barber shops, shoe repair, hat cleaning, steam baths, reducing salons and health clubs, travel agent, clothing rental, locker rental, porter service, optician, and tailor.

**[Pet Farm:** A facility in which livestock, farm animals and other animals are kept for public exhibition, viewing and contact, regardless of compensation, and which may include related accessory uses and activities such as gift shops not exceeding 600 square feet in area, picnic areas and recreational activities. For the purpose of this Ordinance, a pet farm shall not include retail pet stores and kennels, horse races, and such activities as State and County fairs, livestock shows, rodeos, field trials, and horsing events.]

**Planned Development:** An area of a minimum contiguous size, as specified by this Ordinance, developed according to plan as a single entity and containing one or more structures with appurtenant common areas. (See Section 6-1502 for the Purpose of Planned Development districts.)

**[Planning Commission or Commission:** The Planning Commission of Loudoun County, Virginia.]

**Play Space:** An off-street space available and usable for play by children; a "tot-lot", a playground.

**Plaza:** An open space which may be improved and landscaped; usually surrounded by streets and buildings.

**Porch:** The term "porch" shall include any porch, veranda, gallery, terrace, portico or similar projection from a main wall of a building and covered by a roof, other than a carport, as defined in this Article. An "unenclosed porch" is a porch with no side enclosure (other than the side of the building to which the porch is attached) that is more than eighteen (18) inches in height, exclusive of screens.

**Postal Services:** Retail sales or business services establishment to facilitate the transmittal and receipt of letter, bulk, and package mail.

**Printing Plant:** A commercial/light industrial use devoted to printing or bookbinding, including related large-scale storage and transshipment.

**Printing Service:** A retail establishment, which includes a quick print shop or the operation of offset printing and other related equipment, such as, but not limited to, paper cutters, collating machines, multi-colored press equipment, plate burners, binding and photographic developing equipment.

**[Private Access Easement:** A private road built to standards in locations as permitted in the Land Subdivision and Development Ordinance (LSDO).]

**Private Club or Lodge:** A structure or facilities owned or operated by an organization of persons for special purposes, such as the promulgation of sports, arts, literature, politics, but not operated for profit, and excluding churches, synagogues, other houses of worship, and also excluding structures and uses associated with commercial or non-commercial outdoor recreation.

**Private School:** Any building, or group of buildings, which meets the State requirements for primary, secondary, or higher education and which does not secure the major part of its funding from any government agency.

**Property Line, Front:** A line running along the front of a lot, from side lot line to side lot line, separating the lot from any street right-of-way or street easement. (See Article I.)

**Public Hearing:** Meetings of the Board of Supervisors, Board of Zoning Appeals and Planning Commission held expressly for the purpose of soliciting comments from the general public in accordance with requirements of the State Code.

**Public Transit:** Any vehicular or rail transportation system owned or regulated by a government agency, used for the mass transport of people.

**Public Utilities/Facilities:** Public parks, playgrounds, trails, paths and other recreational areas and other public open spaces; scenic and historic sites; schools and other public buildings and structures. Any water or sewer system serving more than two (2) lots, and any building or structure owned by a public utility as defined in Section 56-232 of the Virginia State Code, all building and facilities owned by a public service corporation as defined in Section 56-1 of the Virginia State Code.

**Public Utility Service Center and Storage Yard:** A facility owned by a public utility company that may include business offices, a dispatching center, and fenced yard for the storage of vehicles and materials related to the maintenance, construction, and repair of a utility transmission line, substation service line and other such facilities. Such service and storage yard may include shop facilities for the servicing and repair of equipment. [Similar facilities owned by a public agency or private road company for maintenance of roads and interchanges are included in this definition].

**[Public Use:** Any area, building or structure held, used or controlled exclusively for public purposes by any department or branch of the Federal Government, Commonwealth of Virginia, or the Loudoun County government.]

**[Radio, Radar and/or Television Tower:** A structure for the transmission of broadcasting of radio, TV or radar signals.]

**Record Plat:** A map or a chart of a lot, lots, or subdivision, filed among the land records of Loudoun County.

**[Recreation Establishment, Indoor:** An enclosed or semi-enclosed building, tent, or structure designed to accommodate gatherings of human beings for games, athletics, cultural activities, martial arts, archery or firearm shooting, or rides. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.]

**Recreation Establishment, [Outdoor]:** Any establishment operated as a commercial enterprise in which seasonal facilities directly related to outdoor recreation are provided for all or any of the following: camping, skating rink (indoor or outdoor), lodging, picnicking, boating, fishing, swimming, golf driving ranges (as defined herein), outdoor games and sports, and activities incidental and related to the foregoing. A commercial recreation area [may] include miniature golf grounds, mechanical or electrical amusement devices, [and may include] accessory uses such as refreshment stands, equipment sales or rentals.

**Recreation Space, Active:** Flat, open, well-drained usable space configured in squares or greens. Active recreation space may include facilities such as ballfields, tennis courts, or swimming pools, or tot-lots and other similar type play areas. Active recreation space may also be used for camping, picnicking, boating, fishing, swimming, outdoor games and sports, equestrian activities, and activities incidental and related to the foregoing, all on a non-commercial basis [and to fulfill the requirements of the R-8, R-16, and R-24 zoning districts.]

**[Recreational Vehicle Park:** An outdoor facility designed for overnight accommodation of human beings in motorized vehicles, rustic cabins and shelters, or trailers for recreation, education, naturalist, or vacation purposes. Office, retail and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.]

**Recreational Vehicle Unit:** A travel trailer, pick-up camper, motorhome, tent trailer, or similar device used for temporary housing.

**[Recycling Drop-Off Center, Public:** A collection site operated by a governmental entity for the acceptance by donation, redemption or purchase of recyclable materials from the public. Such centers may not exceed 3,000 square feet in area. The 3,000 square foot area applies to the recycling containers only. A center does not contain permanent structures, and typically consists of portable containers which can be emptied and readily moved.]

**[Recycling Drop-Off Center, Private:** A collection site operated by a non-governmental entity, a for-profit company or a non-profit organization, for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such centers may not exceed 3,000 square feet in area, may contain permanent or semi-permanent buildings, or structures, but typically consist of portable containers which can be emptied and readily moved.]

**Recyclable Materials:** Any material separated from the waste stream for utilization as a raw material in the manufacture of another product. This includes both source-separated material and mechanically separated material. Recyclable materials include, but are not limited to, newspapers, office paper, glass, metals, plastic and corrugated cardboard.

**Research and Development Use:** Any use involving a principal activity related to the invention, discovery, study, experimentation, evaluation, identification, verification, design preparation or production of products, new technologies, techniques, or processes. The structure in which the use is located may be single-story or multi-story, in an individual, institutional, training facility or office setting. Research and development functions would include repair, storage, sale, resale of materials, goods and products incidental to the principal research and development use.

**Residential Use:** Structures which are built for, and occupied by, private households; any activity of a private household conducted in a private dwelling.

**Resource Recovery:** The process of obtaining materials or energy, particularly from solid waste.

**Rest Home, Nursing Home, Convalescent Home:** An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

**Restaurant:** Any establishment which provides as a principal use the preparation and sale of food, frozen desserts, or beverages in a state ready for consumption within the establishment, and whose design or principal method of operation includes both of the following characteristics:

- a. Customers are provided with an individual menu and are served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
- b. The food, frozen desserts, or beverages are served on non-disposable plates or containers, and non-disposable eating utensils are provided. Customers are not expected to clear their table or dispose of their trash.

Notwithstanding the above, a cafeteria where food, frozen desserts, or beverages are: (a) generally

consumed within the establishment; and (b) served on non-disposable plates or containers and non-disposable eating utensils are provided shall be deemed a restaurant.

A restaurant may provide a carry-out service, provided that such carry-out service is clearly not the principal business of such establishment. However, a snack bar or refreshment stand at a public or non-profit community swimming pool, playground, playfield or park operated solely by and for the agency or group operating the recreational facility, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

**Restaurant, Carry-Out Only:** Any establishment, without a drive-through facility, which provides as a principal use, the preparation and/or sale of food, frozen desserts, or beverages for carry-out service only with seating capacity up to 1,000 square feet.

**Restaurant, Fast-food:** Any establishment which provides as a principal use the preparation and sale of food, frozen desserts, or beverages in a ready-to-consume state for consumption either within the restaurant, within a motor vehicle parked on the premises, or off-premises, and whose design or principal method of operation includes one or more of the following characteristics:

- a. Food, frozen desserts, or beverages are served in edible containers or in paper, plastic or other disposable containers. Eating utensils, if provided, are disposable.
- b. Food, frozen desserts, or beverages are usually served over a general service counter for the customer to carry to a seating facility within the restaurant, to a motor vehicle or off-premises. If consumed on premises, customers generally are expected to clear their own tables and dispose of their trash.
- c. Forty-five percent (45%) or more of the gross floor area of the establishment is devoted to food preparation, storage and related activities, which space is not accessible to the general public.
- d. Food, frozen desserts, or beverages are served to the occupants of motor vehicles while seated in the car.

A fast food restaurant shall have two classes; with a drive-through facility or without a drive-through facility.

**Retail, Construction Establishment:** Buildings or land used for sale of construction materials at retail or for the rendering of construction services including, but not limited to, coal, wood, and lumber yards.

**Retail Sales Establishment:** Buildings or land used for sale of merchandise at retail or for the rendering of personal services including, but not limited to, the following: pharmacy, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, quick print shop, household appliance store, furniture store, florist, music and radio store; but specifically excluding coal, wood and lumber yards.

**Rezoning:** A change in zoning district designation for a parcel or group of parcels adopted by the Board of Supervisors.

**[Road:** Shall include the terms "street", "avenue", "way", "court", "drive" and the like.]

**Road, Class I:** Roads which were part of the State-maintained highway system at the time of adoption of the 1972 Zoning Ordinance.

**Road, Class II:** Roads meeting Virginia Department of Transportation's specifications and acceptable for maintenance by the State, bonded as provided in the Loudoun County Subdivision Ordinance, or roads accepted in the State-maintained highway system after the effective date of the 1972 Zoning Ordinance.

**[Road, Class III:** A non-State maintained road which meets the design standards contained in the Facilities Standards Manual.]

**Road, Crossing of the Floodplain:** Any improved right-of-way traversing a floodplain generally perpendicular to the flow of the drainageway.

**Road, Local Access:** A publicly owned and maintained street with a limited through function, predominantly providing access to individual lots. Local access roads are an outlet for neighborhoods, or may link neighborhoods, to the collector road network. Local access roads are characterized by low traffic volumes and low speeds.

**Road, Major Arterial:** A publicly owned and maintained road, designed to carry substantial amounts of high speed regional traffic, usually requiring at least four lanes for through traffic, and generally planned for restricted or controlled access. Routes 7, 15, and 50 are examples of major arterial roads.

**Road, Minor Arterial:** A publicly owned and maintained street designed to perform a regional, as well as a local, function connecting communities or other arterials across State or County boundaries. Traffic volumes generally require a minimum of four through lanes, although some existing minor arterials may have only two through lanes. Minor arterials have limited or controlled access, with signals at important intersections and stop signs on side streets. Route 9 is an example of a minor arterial road.

**Road, Major Collector:** A publicly owned and maintained road generally serving an intra-county and, in some situations, a inter-county function. Major collectors carry traffic from individual developments to arterial roads. New major collectors are planned for controlled access, with turn lanes at all entrances. Major collectors are often four, and sometimes six lanes. However, existing rural major collectors may be as few as two lanes. Examples of urban major collectors include Route 640 and Ashburn Village Boulevard. Routes 734 and 621 are examples of rural major collectors.

**Road, Minor Collector:** A publicly owned and maintained road generally serving several different neighborhoods and providing a linkage to the major collector roads. This category of road allows for traffic mobility and individual, or combined, lot access. Minor collectors may be two or four lanes and receive local and private roads.

**Road, Private:** A privately owned road designed and built to established County Standards for direct access to individual lots, with the owners of said lots or a Homeowner's Association (HOA) responsible for its maintenance.

**Road, Village Through:** Roads which provide for primary access to the Village [Center] from the Significant Rural Transportation Route and Corridor Network listed in Table 1. (Section 4-1200)

**Road, Village Neighborhood:** Roads which primarily provide for traffic circulation within the Village [Center] and access to individual lots.

**Rooming House:** A dwelling in which, for compensation, lodging is furnished to three or more, but not exceeding nine guests; a boarding house.

**[Rural Agricultural Corporate Retreat:** Use compatible to the primary land use of agriculture, forestry, open space and/or historic preservation which is engaged in the study, testing, design, invention, evaluation, and development of new technologies, techniques, processes, or services. Rural Agricultural Corporate Retreats are to be utilized for basic and applied research wherein the scientific inquiry process is conducted in a manner similar to that of institutions of higher learning. Rural Agricultural Corporate Retreat facilities may include facilities for associated training programs, seminars, conferences, and related activities. No outdoor storage related to the corporate retreat use is permitted. No on-site retail or wholesale sales are permitted.]

**Rural Resort:** A private establishment consisting of a detached structure or structures located in a rural setting in which greater than forty (40) lodging units are offered to transients for compensation as the principal use, along with conference and meeting facilities, restaurant and banquet facilities, and recreational amenities.

**Rural Retreat:** A private establishment consisting of a detached structure or structures located in a rural setting in which up to forty (40) lodging units are offered to transients for compensation as the principal use, along with conference and meeting facilities, restaurant and/or banquet facilities, and recreational amenities of a rural nature.

**Rural Village Conservancy (VC) Subdistrict:** Land within the Rural Village (RV) district surrounding the Village [Center] subdistrict which is placed in an open space easement in order to offset the increased density in the Village Proper (VP).

**Rural Village [Residential] Area:** The land area within the Village [Center] subdistrict designated primarily for single-family [attached and] detached and civic uses on the Concept Development Plan.

**Rural Village [Center] Subdistrict:** The portion of the Rural Village (RV) district designated for pedestrian friendly, mixed-use development, consisting of single-family detached, townhouse, apartment, storefront, workplace and civic uses on the Concept Development Plan.

**Rural Village Satellite Conservancy (RVSC) Subdistrict:** Land within the Rural Village (RV) district which does not adjoin the Village Conservancy and which is placed in an open space easement in order to offset the increased density in the Village Proper (VP).

**Rural Village [Commercial Area]:** Land within the Rural Village [Center] designated primarily for commercial, apartment and civic uses on the Concept Development Plan.

**Rural Village Workplace Area:** The land area within the Village [Center] designated for employment uses on the Concept Development Plan.

**Scenic River:** Rivers, streams, runs and waterways that are designated according to State code.

**Screening:** Whenever this term is used, it shall refer to any landscaping, screening, buffering, fencing or other barrier as required by this Ordinance. See "Buffering".

**Setback:** The minimum distance by which any building or structure must be separated from the lot lines.

**Sewage Treatment Plant:** A plant for the primary, secondary, tertiary treatment of sewage.

**Sewer, Public:** A central, communal or municipal wastewater treatment system serving more than two (2) lots owned or operated by a municipality, or the Loudoun County Sanitation Authority (LCSA) for the collection, treatment and disposal of sewage.

**Sewer System, Central:** The sewage treatment system for Eastern Loudoun County owned and operated by the LCSA that is served by the Blue Plains and/or Broad Run treatment plants, and/or capacity supplied by the Upper Occoquan Sanitary Authority.

**Sewer System, Communal:** A sewage treatment system owned or operated by the LCSA in the rural areas of the County that is designed to serve new or existing rural villages, rural and countryside hamlets, rural retreats and resorts, institutional uses or other rural areas in accordance with the Comprehensive Plan.

**Sewer System, Municipal:** A sewage treatment system that is owned or operated by one of the incorporated towns within Loudoun County.

**Shopping Center:** Any group of two (2) or more commercial uses which:

- a. Are designed as a single commercial group, whether or not located on the same lot,
- b. Are under common ownership or management,

- c. Are connected by party walls, partitions, canopies, or other structural members to form one continuous structure or, if located in separate buildings, are interconnected by walkways and accessways designed to facilitate customer interchange between the uses,
- d. Share a common parking area, and
- e. Otherwise present the appearance of one (1) continuous commercial area.

**Shoreline:** The top of the streambank, which is defined in engineering terms as the water surface elevation of the two (2) year storm event.

**Shrub:** An evergreen multi-trunked, woody plant that usually attains a mature height of no more than ten (10) feet.

**Sign:** Any device for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, but not including when standing alone, a flag, emblem, badge, or insignia of any governmental unit.

**Sign, Area of:** The area of a sign shall be determined from its outside measurements, including any wall work incidental to its decoration, [excluding the area of the sign supports, unless such supports are used to attract attention. In the case of a ground mounted sign utilizing the bonus multiplier for the background structure, the permitted increase in area of the background structure is not counted as the area of the sign. In the case of a sign where lettering appears back to back, that is, on opposite sides of a sign, the area of the sign will be considered that of only one side. In the case of a sign made up of individual letters, figures, words, or designs, the spaces between the same shall be included.]

**[Sign, Background:** The surface on which a sign is affixed, as determined by computing the entire area within a single geometric form that encloses the background, including the area of the sign.]

**[Sign, Backlit:** An illuminated sign, where the source of illumination is located on the back of the sign or on the interior of an enclosed sign.]

**[Sign, Banner:** Cloth, paper, vinyl, bunting or the like, intended to be hung either with or without frames. Governmental flags or symbolic flags shall not be considered banners for the purpose of this Ordinance.]

**[Sign Bonus Multiplier:** An increase in the area of the sign by a multiplier for ground mounted signs, but in no case shall the total aggregate area of signs exceed the maximum allowed for the specific use.]

**[Sign, Building Frontage for Determining Size of:** The length of a wall of a building which physically encloses usable interior space and which is the architecturally designed wall that contains the main entrance for use by the general public. Said frontage shall be measured at a height not greater than ten feet above grade.]

**[Sign, Building Mounted:** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign.]

**[Sign, Business:** A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.]

**[Sign, Construction:** Sign erected and maintained on the site during the period of construction to announce only the nature of the structure and/or the name or names of the owner, contractor, architect, landscape architect, or engineer.]

**[Sign, Danger, Aviation, Railroad, Bridge, Ferry Transportation, Red Cross, and other such sign:** Sign as set forth in Section 33.1-355 (5), (6), (7), (8), (15), and (17) of the Code of Virginia 1950, as amended.]

**[Sign, Directory:** A sign on which the names and locations of occupants or the uses of a building or group of buildings is given.]

**[Sign, Farm:** Sign erected or maintained on any farm by the owner or tenant of such farm and relating solely to farm or horticultural produce, livestock, silviculture, or services sold, produced, manufactured or furnished on such farm.]

**[Sign, Freestanding:** Any nonmoveable sign not affixed to a building such as, but not limited to, pole mounted, monument, pylon and ground mounted signs.]

**[Sign, Government/Official Notices:** Sign erected and maintained by or under the direction of the Virginia Department of Transportation, other governmental authorities, or court officer in accordance with the law.]

**[Sign Height:** The height of a sign shall be computed as the difference from the base of the sign at normal grade to the top of the highest attached component of the sign. If the land is uneven at the base of the sign, the elevation at the halfway point (middle) of the sign at the base shall be used. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating for the purpose of locating the sign.]

**[Sign, Historical Markers:** Sign erected or approved by duly authorized public authorities.]

**[Sign, Home Occupational:** Sign upon property displaying the name and/or address of the occupant of the premises and the nature of the home occupation.]

**Sign, Illuminated:** A sign, or any part of a sign, which is illuminated, externally or internally, [from a source located for the specific purpose of such illumination.]

**[Sign, Informational:** Signs to identify directions to such locations as restrooms, loading areas, and the like.]

**[Sign, Non-PD District Project Directional:** Signs giving direction to new homes for sale or lease for non Planned Development District projects, subject to the boundaries of a rezoning plat approved by the Board of Supervisors, which do not contain the names of specific builders.]

**[Sign, PD-H Community Directional:** Signs located within the boundaries of an approved PD-H district, providing direction to subdivisions, sections, or civic features within the PD-H district.]

**[Sign, Pole Mounted:** See Figure 2, Section 5-1200.]

**[Sign, Quasi-public:** Sign identifying or locating a town, community center, public building or historical place situated in Loudoun County, Virginia, and also a sign for a use owned or operated by a non profit, religious, or charitable institution and providing educational, cultural, recreational, religious, or similar types of programs.]

**[Sign, Real Estate:** Sign pertaining only to the offering for sale or lease of the land or structures on the land upon which the sign is placed.]

**[Sign, Residential Name:** Sign upon property displaying the name and/or address of the owner, lessee or occupant of the premises.]

**[Sign, Store Window or Display:** A sign within store windows relating to the business conducted within; or to amusements or civic, religious, cultural, educational or charitable activities.]

**Sign, Temporary:** A sign advertising a candidacy for public office or an event of public interest, such as, but not limited to, a public or general election, church or public meeting, fair, horse show, turkey shoot, entertainment for charitable purposes, [horticulture/agriculture/silviculture activities and other similar social activities of temporary duration or non-recurring nature, excluding commercial retail and real estate, unless otherwise permitted in this Ordinance.]

**[Sign, Wayside Stand:** Sign erected or maintained by any farm owner or tenant of such farm and relating solely to farm or horticultural produce or merchandise sold from said stand located on farm including Christmas trees, vineyards and wineries.]

**Site Plan:** A required submission, prepared and approved in accordance with the provisions of Section 6-700, which is a detailed engineering drawing of the proposed improvements included and required in the development of a given lot. For the purpose of this Ordinance, a site plan is not to be construed as a concept development plan, as required by other provisions of this Ordinance. Reference Chapter 1244 Site Plan Procedures of the Land Subdivision and Development Ordinance (LSDO).

**Slope:** The average land gradient expressed as a percentage. Slope average shall be determined on the basis of mapping units two (2) acres or more using the County base planimetric and topographic maps or other topographic maps, elevations, etc., prepared by such persons licensed to perform surveys to determine such information.. Slope mapping units are defined by average slope ranges of 0-2%, 2-7%, 7-15%, 15-25%, and greater than 25%.

**Small Business:** A business or service conducted in a private residence that is accessory and subordinate to the permitted principle residential use. The principle owner or operator of a small business must be a member of the family residing on the premises. For the purposes of this definition the following terms have the meaning herein ascribed to them:

- a. Accessory building. A building used for a small business and consistent with the definition of "accessory building" in Article VIII.
- b. Business vehicles. Automobiles, vans, pick-up trucks, motorcycles, and other similar vehicles requiring Department of Motor Vehicle tags and designed and primarily used to transport people. Business vehicle may not have more than two axles.
- c. Employees. Persons, other than the members of the household permanently residing on the premises, who are engaged onsite in the operation of the small business on a regular or occasional basis.
- d. Heavy equipment. Bulldozers, fork lifts, compactors, paving cutters, backhoes, skid loaders, and any other motorized or similar equipment which is primarily used to perform heavy work activities, and not used to transport passengers, and which do not require or use Department of Motor Vehicle tags; and dump trucks requiring 26,000 pounds gross vehicle weight; and passenger and tour buses, excluding school buses and 16-seat commuter vans; and vans and large pick-up trucks modified for heavy work, all of which are used for off-site income producing purposes.

Any heavy equipment used principally for agricultural uses onsite may be used offsite for small business uses listed in Section 5-614(D). The term "heavy equipment" includes all vehicles not classified as "business vehicles", as defined above, which are associated with the small business. Additionally, trailers used for transporting heavy equipment are considered accessory to the heavy equipment.

- e. Small business. A home-based business that operates according to the restrictions and standards established by this Ordinance. The business or service shall be accessory and subordinate to a permitted principal residential use. All restrictions included in the definition of "home occupation" in Article V shall apply to the extent they are consistent with the provisions of this section.
- f. Storage yard. An outdoor space accessory to a permissible use, enclosed on all sides by a solid fence, and used for the purpose of storing equipment, vehicles, construction materials and similar items necessary to a permissible business.

**Soil Mapping Unit:** An area of similar kinds of soil materials on the same landform, as defined in the Interpretive Guide to Soils Maps of Loudoun County, as amended.

**[Solid Waste:** Any garbage, refuse, sludge, and other discarded materials, including solid, liquid, semisolid, or contained gaseous material, resulting from industrial, commercial, mining, and agricultural operations, or community activities, but not including (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the State Water Control Board, or (iii) source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended.]

**Solid Waste Transfer Station:** A solid waste collection or storage facility at which solid waste is transferred from collection vehicles to hauling vehicles for transportation to a central solid waste management facility for disposal, incineration, or resource recovery.

**Sound Level Meter:** Means an electronic instrument, which includes a microphone, an amplifier and an output meter, which measures noises and sound pressure levels in a specified manner. It may be used with the octave band analyzer that permits measuring the sound pressure level in discrete octave bands.

**Special Exception:** A use permitted in a zoning district, if listed in the district's regulations, only upon showing that such use in a specified location will comply with all the conditions and standards specified in the Zoning Ordinance and/or imposed by the Board of Supervisors as authorized by the State Code.

**Spring:** A place where the groundwater flows naturally from a rock or the soil onto the land surface or into a body of surface water.

**[Sports Stadium, Complex, Arena or Sports Field:** A facility, indoor or outdoor, designed for professional or amateur sporting events, exhibitions, shows or convocations. Office, retail and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.]

**Stable, Private:** A facility for the keeping of horses for the private use of the residents of the lot. Such facility may include the commercial boarding of ten (10) or fewer horses and no more than one (1) instructor engaged for the purpose of educating and training students in equitation.

**Stable, Neighborhood:** A facility for the keeping of horses for the private use of the residents of the lot. Such facility may include the commercial boarding of twenty (20) or fewer horses and no more than (2) two instructors engaged for the purpose of educating and training students in equitation.

**State:** The Commonwealth of Virginia.

**Steep Slopes:** Land having a slope exceeding twenty-five percent (25%), pursuant to Section 5-1508 of this Ordinance and the County Steep Slope Map (91-0004).

**Stone Quarrying Industries:** Commercial or industrial stone quarries or operations involving removal from a site of natural accumulations of sand, rock, soil or gravel. The meaning of "stone quarrying", includes appurtenant structures such as crushers, screeners, and washers and also includes, as an accessory use, retail sales of stone products, but does not include any other industrial use, such as concrete batching plants or asphalt mixing plants.

**Storage, Bulk Gasoline:** A fixed installation where these products are stored, either for subsequent transshipment to a smaller fixed installation or for pick-up by truck for transport to the site where the product will be used by the consumer. Materials may be stored in one or more tanks on the site, the size of a tank being constrained by Federal and State regulations pertaining to construction and safety standards. Such facilities shall not include retail sales. Accessory tanks for agriculture, temporary construction or personal use are excluded from this definition.

**Storage Yard:** An outdoor space accessory to a permitted use, enclosed on all sides by a solid fence and used for the purpose of storing equipment, vehicles, construction materials, and similar items necessary to the permitted business.

**Stormwater Management Improvements:** Surface drainage improvements, storm sewers, detention and retention ponds, and other such improvements as required under authority of the Land Subdivision and Development Ordinance (LSDO) and Loudoun County Erosion Control Ordinance and Plan, Chapter 1220 of the Loudoun County Code.

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, the space between such floor and the ceiling next above. A basement shall be counted as a story if it is used for business or dwelling purposes. A mezzanine floor shall be counted as a story if it covers more than one-third of the area of the floor next below it or if the vertical distance between the floor next below it and the floor next above it is twenty feet or more.

**Street, Centerline of:** A line established as a centerline of a street by any State, County, or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map or, if there be no official centerline, a line running and lying midway between the street right-of-way lines. Where street lines are indeterminate and a pavement or a traveled way exists, the centerline shall be established by the Commission or, in the absence of a determination by the Commission, shall be assumed to be a line midway between the edges of such pavement or traveled way.

**Streetlight:** A pole or pedestal mounted luminaire with a metal halide or other full spectrum bulb.

**Street Tree:** Any tree which grows in the street right-of-way or on private property abutting the street right-of-way.

**Structural Alteration:** Any change, modification, addition or deletion to the bearing walls of an existing structure.

**Structure:** An assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, gospel and circus tents, platforms, stagings, observation towers, telecommunications towers, radio and TV broadcasting towers, water tanks, trestles, piers, open sheds, coal bins, shelters, walls, power line towers, pipelines, and railroad tracks.

**Structure, Accessory:** A building or structure subordinate and incidental to, and located on the same lot with, a principal building, the use of which is customarily found in association with and is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the principal building.

**Subdivision:** The division of a parcel of land into two (2) or more new parcels. The process of subdividing is regulated by the Land Subdivision and Development Ordinance.

**Tank Farm:** A facility for storage of tanks which in total contain more than one (1) million gallons of petrochemical or other hazardous material products.

**Telecommunications Use and/or Structure:** [A use provided by or a structure utilized by a public service utility or commercial public telecommunications service under the jurisdiction of the Virginia State Corporation Commission and/or licensed by the Federal Communications Commission to provide commercial public telecommunications services. A telecommunications structure may include a tower, monopole, and other antenna support structure or equipment buildings. Telecommunications use and/or structure does not include non-commercial applications, such as amateur radio operations. Telecommunications use and/or structure does not include those uses or structures that are accessory to and solely used by an individual business.]

[**Antenna:** Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels and microwave dishes, and omni-directional antennas, such as whips and satellite dishes, but not including satellite earth stations.]

[**Monopole:** A single, self-supporting pole-type structure, tapering from base to top and supporting a fixture designed to hold one or more antennas. For the purpose of this Ordinance, a monopole shall not be deemed to be a transmission tower.]

[**Transmission Tower:** A lattice-type structure, guyed or self-supporting, used to support antennas. Also called a communication tower or radio tower.]

[**Temporary Mobile and Land Based Telecommunication Testing Facility:** Whip antennas, panels antennas, microwave dishes, and receive-only satellite dishes and related equipment for wireless audiotransmission with low wattage not to exceed 500 watts, from a sender to one or more receivers, such as for mobile cellular telephones and mobile radio system facilities.]

**Temporary Retail:** A building or open area in which stands or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

**Tenant Dwelling:** A dwelling occupied by an agricultural worker and members of his/her immediate family. Tenant dwellings may be free-standing, portable dwellings or apartments in an accessory farm building.

**Testing Station:** Land and/or structures for the purpose of testing electromagnetic waves utilized for radios, television, microwave, radar, and other means of communication. This use shall not include testing operations for light, X-ray, radioactive emissions, or any other emissions dangerous to human health. (Added January 17, 1984.)

**Theater, Indoor:** A building designed and/or used primarily for the commercial exhibition of motion pictures to the general public or used for performance of plays, acts, dramas by actors and/or actresses.

**Town Center:** A compatible mixture of commercial, cultural, institutional, governmental, and residential uses in compact, pedestrian-oriented centers serving as focal points for substantial residential areas.

**Town Center Core:** The central part of the Town Center within which pedestrian oriented businesses and other pedestrian activities are encouraged.

**Town Center Fringe:** The area surrounding the core within which pedestrian oriented businesses and activities are balanced with residential and other uses more dependent on vehicular access.

**Town Green:** The primary public open space within a town center which contains a well defined green space with landscaped areas.

**Transitional Use:** Permissible uses, as regulated herein, which by their level and scale of activity, serve as a transition between two (2) or more types or densities of land uses.

**Transportation System Management Plan:** An organized program of strategies and techniques to reduce traffic demand and congestion and thereby improve traffic flow by means other than the construction of new capital intensive transportation facilities.

**Tree:** A single perennial woody stem attaining a height of fifteen (15) feet or more at maturity. The particular categories of trees listed below, when used in this Ordinance shall have the following meanings:

**Tree, Canopy:** A deciduous tree, usually single trunked, with a definitely formed crown of foliage and which attains a mature height of at least 30 feet.

**Tree, Deciduous:** Trees and shrubs that shed their leaves annually, usually in Autumn.

**Tree, Evergreen:** A non-deciduous tree, often used for the purposes of screening, weather barrier, or accent planting.

**Tree, Flowering:** Trees that flower.

**Tree, Understory:** A deciduous or evergreen tree which attains a mature height of no greater than 30 feet. Understory trees often prefer shade and grow naturally under the canopy of larger trees.

**Tree Canopy or Tree Cover:** Shall include all areas of coverage by plant material exceeding five (5) feet in height.

**Undisturbed Grade:** The grade and elevation of land prior to excavation, filling, or grading.

**University:** See College or Educational Institution.

**Urban Forester:** See Arborist.

**Urban Growth Area:** Any area within the County that is currently served with public water and sewer or that is planned to be served with public water and sewer at some time within the timeframe of the Comprehensive Plan.

**Use, Accessory:** [A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the building or lot].

**Use, Auxiliary:** A principal use of a building or lot within a district which is customarily incidental and subordinate to the principal uses of the district.

**Use, Commercial:** Any wholesale, retail, or service business activity established to carry on trade for a profit.

**Use, Principal:** The primary use and chief purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is or may be used, occupied, or maintained.

**Utility Substation, Dedicated:** A facility for the transformation or transmission and/or switching of voltages to distribution voltages which switches circuits and distributes usable/consumable electric power, transmits natural gas, television or telephone signals dedicated to an individual user.

**Utility Substation, Distribution:** A facility for the transformation or transmission voltages to distribution voltages which switches circuits and distributes usable/consumable electric power, transmits natural gas, television or telephone signals dedicated to an individual user.

**Utility Substation, Transmission:** A facility primarily serving as part of a regional interconnecting grid system which provides for the transformation, switching and distribution of both transmission voltage and/or distribution voltages, transmits natural gas, television or telephone signals. Such use may include a distribution and/or dedicated substation.

**Utility Transmission Line, Overhead:** A line suspended on overhead structures and used for the transmission of electric power or other utility service to serve a regional area. Pursuant to Section 56-46.1 of the Code of Virginia, electrical transmission lines of 150 KV or more, approved by the State Corporation Commission, shall be deemed to have satisfied the requirements of this ordinance.

**Utility Transmission Line, Underground:** A line used for the transmission or conveyance of water, sewage, natural gas, electricity, telephone signals, or other public utility service when located underground and serving a regional area. Pursuant to Section 56-46.1 of the Code of Virginia, electrical transmission lines of 150 KV or more, approved by the State Corporation Commission, shall be deemed to have satisfied the requirements of this Ordinance.

**Utility Lines in the Floodplain:** Storm sewers, sanitary sewers, water lines and similar lines running generally parallel and perpendicular to the flow of the drainageway; and other public utility lines traversing a floodplain generally perpendicular to the flow of the drainageway.

**Vacant Land:** A lot or parcel of land on which no improvements have been constructed.

**VDOT:** The Virginia Department of Transportation.

**[Vegetative Waste:** The decomposable materials generated by yard and lawn care or land clearing activities, and includes, but is not limited to, leaves, grass trimmings, and woody waste such as shrub and tree prunings, bark, limbs, roots, and stumps.]

**[Vehicle Wholesale Auction:** A business which sells or offers for sale motor vehicles, at auctions on a wholesale basis, only to licensed new or used vehicle dealers or wholesalers. Accessory uses may include services such as, title processing, clean-up and light service and repair of vehicles for sale for auction, the sale of food to customers, financial services, test drive track, the storage or marshalling of auction vehicles, and the sale of specialty vehicles at auctions on a wholesale basis.]

**Veterinary Service:** An establishment for the care of animals where the animals are not brought to the establishment but are cared for on an out-service basis. The care can be medical or custodial. Equipment and supplies necessary for conducting this service are stored at the establishment. Crematory facilities shall not be allowed in such an establishment.

**Village Green:** The primary public open space located within the Rural Village [Residential] Area which primarily contains a well defined, generally permeable green space with landscaped areas, pedestrian ways and passive recreational areas or any combination thereof. The Village Green shall be enfronted by a mix of uses, including storefront, civic and residential.

**Village Square:** An open, generally impervious, public space used for group gatherings, displays, meetings, concerts or other community activities.

**Warehousing Facility:** A building used primarily for the holding or storage of goods and merchandise. For the purpose of this Ordinance a mini-warehousing establishment shall be deemed a separate and distinct use.

**Water, public:** A central communal or municipal water supply system serving more than two (2) lots owned or operated by a municipality or the Loudoun County Sanitation Authority (LCSA) for the purpose of furnishing potable water.

**Water Supply System, Central:** The water supply system for Eastern Loudoun County owned and operated by the LCSA for which the source of water is purchased from the City of Fairfax and County of Fairfax water supply systems.

**Water Supply System, Communal:** A water supply system owned or operated by the LCSA in the rural areas of the County that is designed to serve new or existing rural villages, rural and countryside hamlets, rural retreats and resorts, institutional uses, or other rural areas in accord with the Comprehensive Plan.

**Water Supply System, Municipal:** A water supply system that is owned or operated by one of the incorporated towns within Loudoun County.

**Water [Storage Tank]:** A tower [or other facility] for the storage of water for supply to a water system.

**Water Treatment Plant and Pumping Station:** A plant for the purification and pumping of potable water.

**Wayside Stand:** Any structure or land used for the sale, by the owner or his family or tenant, of agricultural or horticultural produce, livestock or merchandise [principally produced on said farm, but may include produce grown on other farms and accessory products], and which is clearly a secondary use of the premises and does not change the character thereof.

**Wetland:** An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adopted for life in saturated soils conditions, commonly known as hydrophytic vegetation, and as designated by the Corps of Engineers.

**Wholesale Trade Establishment:** Any building wherein the primary occupation is the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale of merchandise to institutional, commercial and industrial consumers. For the purpose of this Ordinance, a warehouse shall not be deemed a wholesale trade establishment.

**Yard:** Area on a lot which shall be unoccupied by any structure, except as permitted by this Ordinance, from the ground to the sky.

**Yard, Front:** An open space on the same lot as a principal building between the front line of the principal building and the road, street, or private access easement and extending across the full width of the lot.

**Yard, Rear:** An open space on the same lot as a principal building between the rear line of the principal building and the road, street, or private access easement and extending across the full width of the lot.

**Yard, Required:** A yard, as defined above, located along the perimeter of a lot, the dimensions of which are set by the District Regulations of this Ordinance.

**Yard, Side:** An open space on the same lot as a principal building between the side line of the principal building and the road, street, or private access easement and extending from the front yard line to the rear yard line.

**[Yard Waste:** The decomposable waste materials generated by yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard waste shall not include roots or stumps that exceed six (6) inches in diameter.]

**Yard Waste Compost:** A stabilized organic product produced from yard waste by a controlled aerobic decomposition process in such a manner that the product can be handled, stored or applied to the land so that it does not pose a present or potential hazard to human health or environment.

**Yard Waste Composting Facility:** An approved type of Solid Waste Management Facility which, through a controlled aerobic decomposition process, the fraction of household waste that consists of grass clippings, leaves, brush, and tree trimmings arising from general household yard maintenance, is composted to a stabilized organic product so that it does not pose a present or potential hazard to human health or the environment.

**Zoning Administrator:** An appointed County official who serves as the Zoning Administrator, charged with the interpretation, administration and enforcement of this Ordinance for Loudoun County, Virginia, or his/her designee.

**Zoning Permit:** A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the County Zoning Ordinance, or authorized variance therefrom.

**Zoning District:** The various classification of agricultural, residential, commercial and industrial zoning categories provided for in this Ordinance and the areas on the zoning map in which such different districts are mapped. As used in this Ordinance, the term "zoning district" can refer either to the zoning category, i.e. "the A-3 zoning district", or the areas mapped in such uses on the zoning map.

**[Zoo:** A facility, indoor or outdoor, where animals are kept for viewing by the public. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.]

## SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX

PAGE 1

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)				Ground Mounted Sign		Ground Mounted Background Structure							
	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure	Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
<b>(1) RESIDENTIAL/AGRICULTURE SIGNS</b>													
(a) PD-H and PD-AAAR Entrance Signs		2/ vehicular entrance	60 SF			2	120 SF	5 FT	Backlight or White Light	10 FT	Ground Mounted	5 FT	One sided only; signs shall contain no advertising.
(b) PD-H - Community Directional Signs - On-site or Off-site (within boundaries of approved PD-H district)	20 SF		20 SF						Backlight or White Light	5 FT	Ground Mounted	8 FT	Minimum 1000 FT between signs on same side of road or at intersection; signs shall contain no advertising.
(c) Non PD-H Residential Communities - Entrance Signs	10 SF	1/ community	10 SF			4	40 SF	5 FT	None	10 FT	Ground Mounted	5 FT	One sided only; signs shall contain no advertising.
(d) HOA Activity Signs	20 SF	1/development of 2500 or fewer dwellings- 2/developments of over 2500 dwellings	20 SF						Backlight or White Light	5 FT	Ground Mounted	8 FT	Signs shall be separated by a minimum half-mile radius, signs shall contain no advertising.
(e) Farm Signs	40 SF	2/Farm	20 SF						None	5 FT 0 FT	Freestanding As Permitted in Section 5- 1202(A)(3)	8 FT	

Section 5-1200

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

102-A

Adopted 4/15/98

## SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX

PAGE 2

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)				Ground Mounted Sign		Ground Mounted Background Structure							
	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure	Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
<b>(1) RESIDENTIAL/AGRICULTURE SIGNS (Continued)</b>													
(f) Wayside Stands, Including Christmas Tree Sales, Vineyards, Wineries		6, includes up to 3 on-site signs and up to 4 off- site directional signs	12 SF on-site 4 SF off-site One on-site sign at 20 SF if setback ≥ 40 FT from the fronting ROW						None	5 FT	Freestanding Building Mounted	8 FT	Displayed when agricultural produce and livestock are available for sale on farm involved and shall be removed within 48 hours after sale is concluded. Off-site signs require written permission of the owner of the land on which it is displayed.
(g) Home Occupation	2 SF	1/lot	2 SF						None	5 FT	Freestanding Building Mounted	4 FT 8 FT	
(h) Childcare Home	2 SF	1/lot	2 SF						None	5 FT	Freestanding Building Mounted	4 FT 8 FT	
(i) Residential Name Signs		1/vehicular access, 2 for each dwelling lot or property	2 SF						None	None	Freestanding Building Mounted As Permitted in Section 5- 1202(A)(3)	4 FT 8 FT	Signs shall contain no advertising.

Adopted 4/15/98

Section 5-1200

Revision Date: June 17, 1998

102-B

[ ] Indicates Ordinance Amendment

## SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX

PAGE 3

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)				Ground Mounted Sign		Ground Mounted Background Structure							
	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure	Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
<b>(2) PUBLIC/QUASI PUBLIC SIGNS</b>													
(a) Public or Quasi-Public Facility	6 SF	1/ use	6 SF	1.5	9 SF	2	18 SF	4 FT	None	10 FT	Freestanding	4 FT	Must be located within 100 FT from use or structure it identifies; signs shall contain no advertising.
(b) School, Hospital, College, Library, and Publicly Owned Community Center	20 SF	1/ use	20 SF	1.5	30 SF	2	60 SF	4 FT	Backlight or White Light	10 FT	Freestanding Building Mounted	8 FT Roofline	Signs shall contain no advertising.
(c) Places of Worship	20 SF	2	10 SF			1.5	15 SF	8 FT	Backlight	5 FT	Freestanding Building Mounted	8 FT Roofline	Signs shall contain no advertising.
(d) Church Bulletin Board	15 SF		15 SF						Backlight or White Light	5 FT	Freestanding Building Mounted	8 FT	
<b>(3) COMMERCIAL/OFFICE SIGNS</b>													
(a) (PD-CC(NC)) Planned Development Neighborhood Center - Entrance Signs	30 SF	1/vehicular entrance, no more than 2 signs	20 SF	1.5	30 SF	1.5	45 SF	8 FT	Backlight or White Light	10 FT	Freestanding	15 FT	
(b) (PD-CC(NC)) Planned Development Neighborhood Center - Tenant Signs	2 SF/ linear foot of building frontage	1/facade, no more than 3 signs	60 SF						Backlight or White Light		Building Mounted	Roofline	

Section 5-1200

Revision Date: June 17, 1998

[] Indicates Ordinance Amendment

102-C

Adopted 4/15/98

## SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX

PAGE 4

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)				Ground Mounted Sign		Ground Mounted Background Structure							
	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure	Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
<b>(3) COMMERCIAL/OFFICE SIGNS (Continued)</b>													
(c) (PD-CC(CC)) Planned Development Community Center - Entrance Signs and Entrance Signs for Commercial Developments in PD-TC, PD-TT, PD-UC, PD-TRC, and PD-RV Districts	60 SF	1/vehicular entrance, no more than 3 signs	20 SF	1.5	30 SF	1.5	45 SF	8 FT	Backlight or White Light	10 FT	Freestanding	15 FT	
(d) (PD-CC(CC)) Planned Development Community Center - Tenant Signs and Tenant Signs for Business in PD-TC, PD-TT, PD-UC, PD-TRC, and PD-RV Districts	2 SF/ linear foot of building frontage, not to exceed 60 SF	1/facade, no more than 3 signs	60 SF						Backlight or White Light		Building Mounted	Roofline	
(e) (PD-CC (SC) & (RC)) Planned Development Small Regional Center and Regional Center - Entrance Signs		1/vehicular entrance	60 SF	1.25 2 (for centers over 1 million SF)	75 SF 120 SF	1.33 1.33	100 SF 160 SF	15 FT	Backlight or White Light	10 FT	Freestanding	15 FT	
(f) (PD-CC(SC) & (RC)) Planned Development Small Regional Center and Regional Center - Tenant Signs (Freestanding Building with up to 4000 SF floor area)	60 SF	1/facade, no more than 3 signs	20 SF	1.5	30 SF	1.5	45 SF	8 FT	Backlight	10 FT	Freestanding Building Mounted	15 FT Roofline	

Adopted 4/15/98

102-D

Revision Date: June 17, 1998  
[ ] Indicates Ordinance Amendment

## SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX

PAGE 5

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)				Ground Mounted Sign		Ground Mounted Background Structure							
	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure	Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
<b>(3) COMMERCIAL/OFFICE SIGNS (Continued)</b>													
(g) (PD-CC(SC)&(RC)) Planned Development Small Regional Center and Regional Center-Tenant Signs (Freestanding Building with over 4000 SF floor area)	120 SF	1/facade, no more than 3 signs	20 SF freestanding 60 SF building mounted	1.5	30 SF	1.5	45 SF	8 FT	Backlight	10 FT	Freestanding Building Mounted	15 FT Roofline	
(h) (PD-CC(SC) & (RC)) Planned Development Small Regional Center and Regional Center-Tenant Signs (In Line Structure with up to 4000 SF floor area)	60 SF	1/public entrance of building	30 SF						Backlight		Building Mounted	Roofline	
(i) (PD-CC(SC) & (RC)) Planned Development Small Regional Center and Regional Center-Tenant Signs (In Line Structure with 4001 - 15000 SF floor area)	100 SF	1/public entrance of building	60 SF						Backlight		Building Mounted	Roofline	
(j) (PD-CC(SC) & (RC)) Planned Development Small Regional Center and Regional Center-Tenant (In Line Structure with over 15000 SF floor area)	200 SF	1/public entrance of building	60 SF						Backlight		Building Mounted	Roofline	
(k) PD-OP and PD-RDP Development Entrance Signs		2/vehicular entrance	60 SF			2	120 SF	5 FT	Backlight or White Light	10 FT	Ground Mounted	5 FT	One sided only; signs shall contain no advertising.

Section 5-1200

Adopted 4/15/98

Revision Date: June 17, 1998

102-E

[] Indicates Ordinance Amendment

## SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX

PAGE 6

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)				Ground Mounted Sign		Ground Mounted Background Structure							
	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure	Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
<b>(3) COMMERCIAL/OFFICE SIGNS (Continued)</b>													
(l) Office - Freestanding Building Entrance Sign	60 SF	1/vehicular entrance	20 SF	1.5	30 SF	1.5	45 SF	8 FT	Backlight or White Light	10 FT	Freestanding	8 FT	
(m) Office - Building ID Sign (1-3 stories)	160 SF	1/facade	40 SF						Backlight		Building Mounted	Roofline	Sign must be located at the top floor of building, otherwise max. area of sign is 20 SF. Name and message of signs on each facade must be the same.
(n) Office - Building ID Sign (4-5 stories)	200 SF	1/facade	50 SF						Backlight		Building Mounted	Roofline	Sign must be located at top floor of building, otherwise max. area of sign is 20 SF. Name and message of signs on each facade must be the same.
(o) Office - Building ID Sign (6 + stories)	240 SF	1/facade	60 SF						Backlight		Building Mounted	Roofline	Sign must be located at top floor of building, otherwise max. area of sign is 20 SF. Name and message of signs on each facade must be the same.

Adopted 4/15/98

Section 5-1200

Revision Date: June 17, 1998

102-F

[] Indicates Ordinance Amendment

## SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX

PAGE 7

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)				Ground Mounted Sign		Ground Mounted Background Structure							
	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure	Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
<b>(3) COMMERCIAL/OFFICE SIGNS (Continued)</b>													
(p) Office - Related Commercial (Ground Floor)	2 SF per linear foot of building frontage (counts against overall building ID sign)	1/tenant	20 SF						Backlight		Building Mounted		Located over entrance of business it identifies. Max. ht. of letters 24 inches.
(q) Office - Directories													May not be visible from outside the building.
(r) Auto Service Station (including convenience store, car wash & repair)	60 SF	6	20 SF	1.5	30 SF	1.5	45 SF	8 FT	Backlight	5 FT	Freestanding Building Mounted	15 FT Roofline	Total sign area excludes federally mandated gasoline price posting.
(s) Auto Dealer	20-120 SF (see additional requirements column)	6	20 SF	1.5	30 SF	1.5	45 SF	8 FT	Backlight	10 FT	Freestanding Building Mounted	15 FT Roofline	Base sign 20 SF Used car 20 SF Each new car dealership = 20 SF
(t) Bed & Breakfast Inn and Homestay	4 SF	2	4 SF						Backlight or White Light	5 FT	Freestanding Building Mounted	6 FT Roofline	
(u) Country Inn, Guest Farm or Ranch, Rural Retreat, Rural Resort, and Rural Agricultural Corporate Retreat	10 SF	2	10 SF						Backlight or White Light	None	Freestanding Building Mounted in Historic District Only	6 FT	

Section 5-1200

Revision Date: June 17, 1998

[ ] Indicates Ordinance Amendment

Adopted 4/15/98

102-G

SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX

PAGE 8

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)				Ground Mounted Sign		Ground Mounted Background Structure							
	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure	Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
<b>(3) COMMERCIAL/OFFICE SIGNS (Continued)</b>													
(v) Child Care Center	20 SF	2	10 SF			1.5	15 SF	8 FT	Backlight, None in Residential Districts	5 FT	Freestanding	8 FT	
											Building Mounted	Roofline	
(w) Hotel, Motel and Conference Center - (freestanding) Entrance Signs		1/vehicular entrance	20 SF	1.5	30 SF	1.5	45 SF	8 FT	Backlight or White Light	10 FT	Freestanding	15 FT	
(x) Hotel, Motel and Conference Center (1-3 stories)	90 SF	1/facade, no more than 3 signs	40 SF						Backlight		Building Mounted	Roofline	Sign must be located at top floor of building, otherwise max. area of sign is 20 SF.
(y) Hotel, Motel and Conference Center (4-5 stories)	90 SF	1/facade, no more than 3 signs	50 SF						Backlight		Building Mounted	Roofline	Sign must be located at top floor of building, otherwise max. area of sign is 20 SF.
(z) Hotel, Motel and Conference Center (6+ stories)	90 SF	1/facade, no more than 3 signs	60 SF						Backlight		Building Mounted	Roofline	Sign must be located at top floor of building, otherwise max. area of sign is 20 SF.
(aa) Movie Theaters - Theater Name Entrance Sign		2	20 SF	1.5	30 SF	1.5	45 SF	8 FT	Backlight or White Light	10 FT	Freestanding	15 FT	
Theater Name Building Sign		1	60 SF								Building Mounted	Roofline	
Movie Title Building Sign		1 per screen	20 SF										
(bb) Restaurant - (Freestanding Building with up to 4000 SF floor area)	60 SF	3	20 SF	1.5	30 SF	1.5	45 SF	8 FT	Backlight	10 FT	Freestanding	15 FT	Drive-through menu does not count toward sign area.
											Building Mounted	Roofline	

Adopted 4/15/98

Section 5-1200

Revision Date: June 17, 1998

102-H

[ ] Indicates Ordinance Amendment

## SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX

PAGE 9

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)				Ground Mounted Sign		Ground Mounted Background Structure							
	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure	Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
<b>(3) COMMERCIAL/OFFICE SIGNS (Continued)</b>													
(cc) Restaurant - (Freestanding Building with over 4000 SF floor area)	120 SF	3	20 SF freestanding	1.5	30 SF	1.5	45 SF	8 FT	Backlight	10 FT	Freestanding	15 FT	Drive-through menu does not count toward sign area.
			60 SF bldg mounted								Building Mounted	Roofline	
(dd) Restaurant - (In Line Structure)	2 SF/ linear foot of building frontage	1/facade, no more than 3 signs	60 SF						Backlight		Building Mounted	Roofline	Drive-through menu does not count toward sign area.
(ee) Restaurant Drive- Through Menu	30 SF	2	20 SF	1.5	30 SF						Freestanding Building Mounted	5 FT	Must be screened from all roads.
(ff) Business in A-3, A-10, A-25, RR, and CR Districts	10 SF	2/lot	10 SF						None	5 FT	Freestanding Building Mounted	8 FT	
(gg) Business in R-C District	40 SF	2	20 SF						None	5 FT	Freestanding Building Mounted	8 FT	
(hh) Business in R Districts	4 SF for lots ≤ 10 acres; 8 SF for lots > 10 acres	1 for lots ≤ 10 acres; 2 for lots > 10 acres	4 SF						None	5 FT	Freestanding	8 FT	
											Building Mounted		

Section 5-1200

Revision Date: June 17, 1998

[] Indicates Ordinance Amendment

102-I

## SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX

PAGE 10

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)				Ground Mounted Sign		Ground Mounted Background Structure							
	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure	Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
(3) COMMERCIAL/OFFICE SIGNS (Continued)													
(ii) Business Signs (Signs of a character which have not been listed or described heretofore provided they advertise only goods or services offered on the premises.	60 SF	3 (freestanding building)	20 SF	1.5	30 SF	1.5	45 SF	8 FT	Backlight or White Light	10 FT	Freestanding	15 FT	
		1 freestanding sign/vehicular entrance, no more than 3 for center and 1 building mounted sign/facade no more than 3 for business (in-line structure)									Building Mounted	Roofline	
(4) INDUSTRIAL SIGNS													
(a) PD-IP and PD-GI Development Entrance Signs		2/vehicular entrance	60 SF			2	120 SF	5 FT	Backlight or White Light	10 FT	Ground Mounted	5 FT	One side only; signs shall contain no advertising.
(b) Flex Industrial/Light Industrial/Warehouse - Entrance Signs		1/vehicular entrance	20 SF			1.5	30 SF	8 FT	Backlight or White Light	10 FT	Freestanding	15 FT	
(c) Flex Industrial/Light Industrial/Warehouse - Tenant Signs	20 SF	1/tenant	20 SF						Backlight		Building Mounted	Roofline	

Adopted 4/15/98

Section 5-1200

Revision Date: June 17, 1998

102-J

[] Indicates Ordinance Amendment

## SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX

PAGE 11

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)				Ground Mounted Sign		Ground Mounted Background Structure							
	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure	Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
<b>(5) TEMPORARY SIGNS</b> (For Temporary Real Estate Signs, See Number 6 Below)													
(a) Temporary Signs - On-Site	4 SF	1	4 SF						None	5 FT	Freestanding Balloons Banners Pennants Inflated Devices	4 FT	Permit limited to one (1) month from date of issuance, for no more than 3 consecutive months.
(b) Temporary Signs - Off-Site		Reasonable number as determined by the Zoning Administrator.	4 SF						None	5 FT	Freestanding Balloons Banners Pennants Inflated Devices	4 FT	Permit limited to one (1) month from date of issuance, for no more than 3 consecutive months.
(c) Temporary Construction Signs	20 SF Commercial	1/contractor per job site	20 SF						None	10 FT	Ground Mounted	8 FT	Residential signs only in A-3, A-10, A-25, and CR Districts. Contractor to remove sign upon completion of construction.
	10 SF Residential	1/contractor per job site	10 SF										

102-K

Section 5-1200  
Revision Date: June 17, 1998  
[ ] Indicates Ordinance Amendment

## SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX

PAGE 12

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)				Ground Mounted Sign		Ground Mounted Background Structure							
	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure	Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
<b>(6) REAL ESTATE SIGNS</b>													
(a) Real Estate - Residential For Sale Sign	6 SF up to 10 acres	1	6 SF						None	5 FT	Freestanding	6 FT	
	12 SF more than 10 acres	2	6 SF										
(b) Real Estate - Residential Subdivision		1/vehicular entrance to subdivision from state right-of-way	20 SF						None	5 FT	Freestanding	6 FT	Area of all real estate signs within the subdivision which front on a public highway shall be no more than four (4) square feet per lot fronting on the highway.
(c) Real Estate - Commercial For Sale Sign		1 (upon any lot of less than 10 acres); 2 upon any lot in excess of ten (10) acres.	20 SF						None	5 FT	Freestanding	6 FT	
(d) Real Estate - Temporary Open House - Off-Site		4 /property	4 SF						None	5 FT	Freestanding	4 FT	Conditions apply (see note 4).
(e) Non-PD District Project Directional Signs - Off-Site		10/total combined for all builders per project	2 SF						None	5 FT	Freestanding	4 FT	Conditions apply. (see note 5).

Adopted 4/15/98

Section 5-1200

Revision Date: June 17, 1998

102-L

[ ] Indicates Ordinance Amendment

## SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX

PAGE 13

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)				Ground Mounted Sign		Ground Mounted Background Structure							
	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure	Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
<b>(7) MISCELLANEOUS SIGNS</b>													
(a) Government Signs/ Official Notices													Not regulated.
(b) Historical Markers													Not regulated.
(c) Danger, Aviation, Railroad, Bridge, Ferry Transportation, Red Cross, and Other Similar Signs													Not regulated.
(d) Hunting, Fishing or Trespassing Signs			2 SF						None	None	Freestanding Building Mounted As Permitted in Section 5- 1202(A)(3)	5 FT	
(e) Informational Signs		1/use identifying locations such as restrooms, loading areas, etc.	2 SF						Backlight or White Light	5 FT	Freestanding Building Mounted	5 FT	Signs shall contain no advertising.
(f) PD-SA, PD-TC, PD-TT, PD-UC, PD-TRC, PD-RV Development Entrance Signs		2/vehicular entrance	60 SF			2	120 SF	5 FT	Backlight or White Light	10 FT	Ground Mounted	5 FT	One-side only; signs shall contain no advertising.
(g) Private Recreation Parks	10 SF	2	6 SF						None	5 FT	Freestanding	6 FT	

Section 5-1200

Revision Date: June 17, 1998

[] Indicates Ordinance Amendment

102-M

Adopted 4/15/98

## GENERAL NOTES

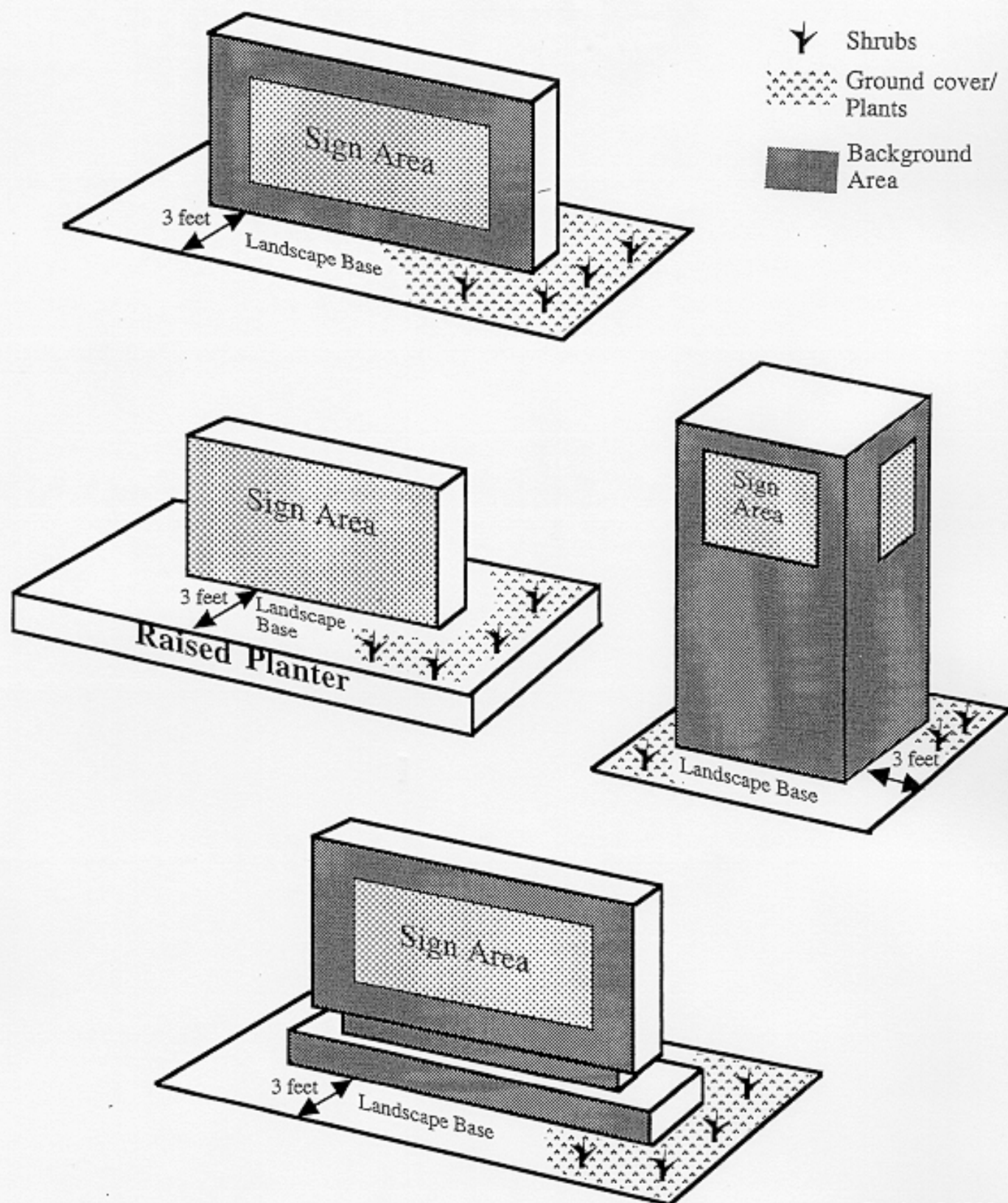
1. Whenever a bonus multiplier is used for ground mounted signs, a landscaped base with a minimum depth of 36 inches on a side, must be maintained.
2. All signs must be set back the minimum distance from the road right-of-way, as specified, unless a greater setback is required by the Code of Virginia.
3. The maximum height column does not apply when ground mounted bonus' are obtained. Use the maximum height column for Ground Mounted Background Structure.
4. The following conditions shall apply for permitted "Real Estate-Temporary Open House - Off Site" signs.
  - a. Signs shall be located only at controlled intersections where there is a change in direction.
  - b. Signs shall be placed on private property only.
  - c. Signs shall be in place only during hours the house is open plus one hour before and two hours after the event.
  - d. Signs may be used for two (2) days on the weekends and three (3) days in the case of a holiday falling on a Monday, as well as one-half (1/2) day during the week.
  - e. The owner for the house or his/her designated agent must be present for the duration of the open house hours.
  - f. Signs shall include a company name with direction arrow.
  - g. Signs shall consist of a metal frame with composition sign of a semi-permanent type.
  - h. Homeowners or their designated agent may not use "Non-PD District Project Directional Signs - Off-Site".
5. The following conditions shall apply for permitted Non-PD District Project Directional Signs - Off-Site.
  - a. The location of signs must be approved by the County at the time of the sign permit application.
  - b. Signs shall be located only at controlled intersections where there is a change in direction.
  - c. Signs shall be placed on private property only.
  - d. Signs shall not be permitted on any arterial road, nor on any road listed in Section 5-900 of this Ordinance.
  - e. The signs may be installed after sundown Friday night and must be removed by sundown on Sunday. If Monday is a legal holiday, the signs may remain until sundown Monday.
  - f. The signs must be made of a permanent material, signs made of paper or cardboard are hereby specifically prohibited.
  - g. Builders may not use "Non-PD District Directional Signs - Off-Site" in combination with "Real Estate-Temporary Open House - Off-Site" signs.
6. In selecting the most appropriate land use/sign category, the more specific listing would take precedence.

Adopted 4/15/98

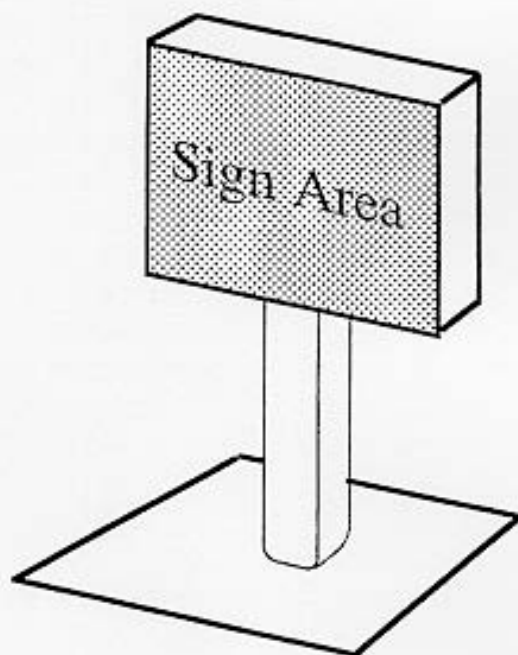
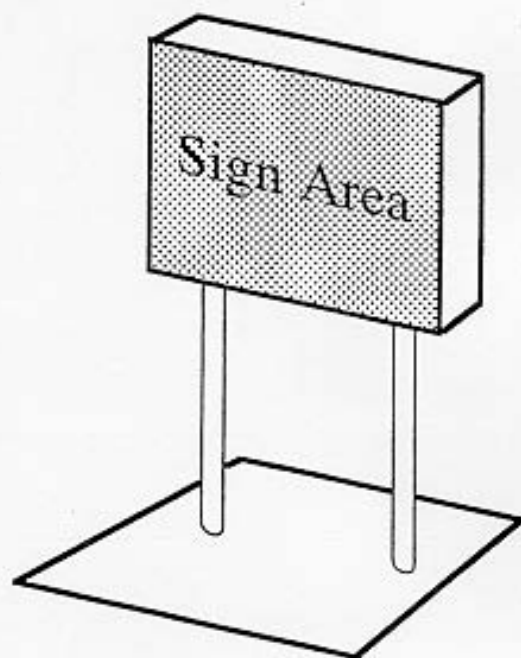
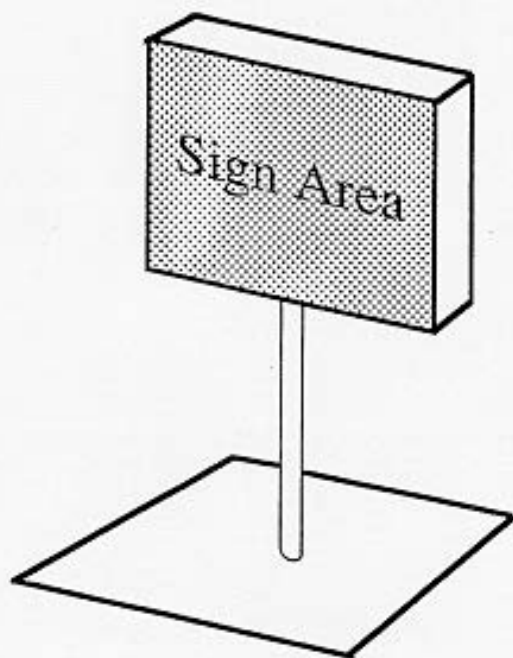
102-N

Section 5-1200  
Revision Date: June 17, 1998  
[ ] Indicates Ordinance Amendment

# Ground Mounted Signs



## Pole Mounted Signs



## Pole Mounted Sign

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

Max. Height Permitted: 15 ft.



Note: See Article 8 for  
Definition  
of Sign Height

## Ground Mounted Sign

Max. Sign Area: 30 Sq. ft.

(eg. 4' x 7.5' )

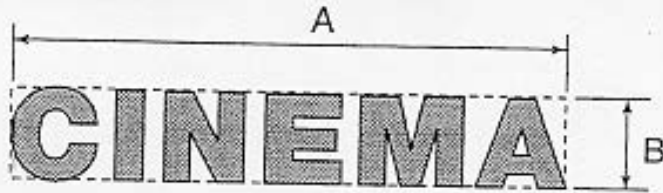
Max. Background Area: 45 Sq. ft.

(eg. 9' x 5')

Max. Height Permitted: 8 ft.



Figure 4  
MEASURING SIGN AREA

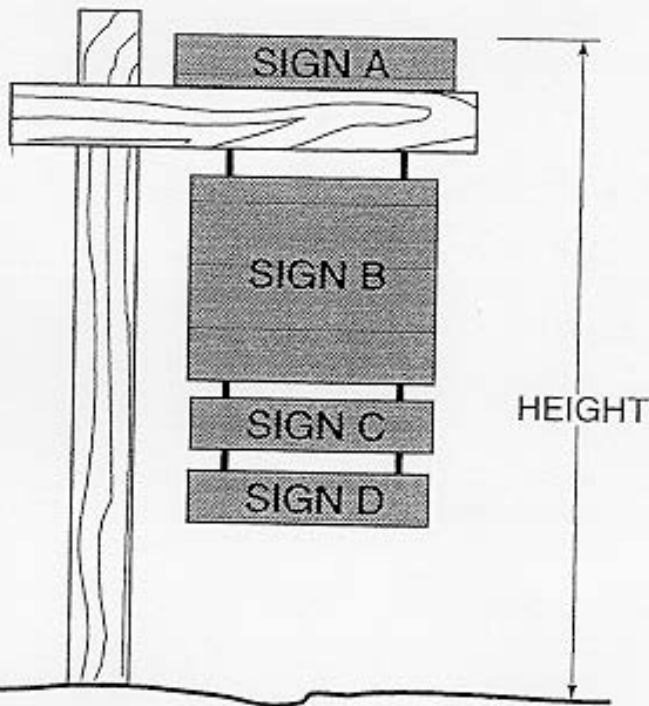


**SIGN OF INDIVIDUAL LETTERS**  
AREA = A X B



**IRREGULAR SHAPED SIGN**

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



**REAL ESTATE  
FOR SALE SIGN**

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