Loudoun County, Virginia
www.loudoun.gov
Office of the County Administrator
1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000
Telephone (703) 777-0200 • Fax (703) 777-0325

At a reconvened business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Thursday, November 17, 2005 at 4:00 p.m.

PRESENT: Scott K. York, Chairman
Bruce E. Tulloch, Vice Chairman
James G. Burton
James E. Clem
Eugene A. Delgaudio
Sally Kurtz
Mick Staton Jr.
Lori L. Waters

ABSENT: Stephen J. Snow

IN RE: INTENT TO AMEND THE COMPREHENSIVE PLAN, THE ZONING ORDINANCE, AND THE SUBDIVISION ORDINANCE IN ORDER TO IMPLEMENT WESTERN ZONING PROPOSAL #1

Mr. Burton moved that the Board of Supervisors suspend the rules.

Seconded by Ms. Kurtz.

Voting on the Motion: Supervisors Burton, Clem, Kurtz, Tulloch, Waters, and York - Yes; Supervisors Delgaudio and Staton – No; Supervisor Snow – Absent for the Vote.

Mr. Burton moved that the Board of Supervisors adopt the following resolution entitled "INITIATION OF RURAL ZONING DISTRICTS ORDINANCE AND MAP AND RELATED AMENDMENTS TO THE COMPREHENSIVE PLAN AND LAND SUBDIVISION AND DEVELOPMENT ORDINANCE" as presented:

WHEREAS, the Board of Supervisors adopted a new, comprehensive zoning map and ordinance for the County effective January 6, 2003; and

WHEREAS, in March 2005 the Virginia Supreme Court declared that the portion of the 2003 zoning map designating properties to the AR-1 and AR-2 districts was invalid on the basis of an insufficient descriptive summary in the published notice; and

WHEREAS, the Board of Supervisors wishes to revise and reinstate the AR-1 and AR-2 rural zoning districts as part of the new, comprehensive zoning map for the County; and

WHEREAS, following the March 2005 Virginia Supreme Court ruling, the Board of Supervisors conducted a series of public work sessions to review the AR rural zoning districts, including a discussion of the comprehensive plan, build-out projections, traffic and transportation, water supply and wastewater disposal, and the rural economy; and

WHEREAS, the Board of Supervisors identified options for revising and readopting AR district regulations and conducted public input sessions on these options on July 6 and 11, 2005; and

WHEREAS, on July 20, 2005, the Board of Supervisors recommended that the AR rural zoning districts be revised in certain respects, to be approved, adopted and reinstated as part of the zoning map in the same locations as included in the January 2003 adoption of the new comprehensive zoning map, and that two new rural zoning districts be prepared as options in the rural area for rezoning by landowner petition; and

WHEREAS, the Board of Supervisors requested and received input and recommendations from its Rural Economic Development Commission and Zoning Ordinance Review Committee, including draft amendments from the Zoning Ordinance Review Committee; and

WHEREAS, the staff has prepared draft amendments revising the AR-1 and AR-2 zoning district regulations and creating new optional rural districts (designated RR-1 and RR-2), along with necessary or complementary amendments to other sections of the Loudoun County Zoning Ordinance, the comprehensive plan and the Land Subdivision and Development Ordinance; now, therefore,

BE IT RESOLVED, that pursuant to § 15.2-2286(A)(7) of the *Code of Virginia* the Board of Supervisors hereby:

1. Initiates amendments to the Loudoun County Zoning Ordinance to implement the changes to the AR-1 and AR-2 zoning district regulations identified in its July 20, 2005 action, with such additions, deletions, refinements and revisions as may be advisable or desirable;

2. Initiates an amendment to the zoning map to approve, adopt and reinstate AR-1 and AR-2 zoning districts, as revised, in the locations identified as part of the adoption of the comprehensive zoning map on January 6, 2003; and

3. Initiates revisions to other sections of the Loudoun County Zoning Ordinance as necessary or complementary to the revision of the AR-1 and AR-2 district regulations, including without limitation, amendments to performance standards in Article 5; the new optional rural zoning districts along with a "minor" rezoning process in Article 6; and editorial amendments throughout the ordinance to conform the text consistent with other judicial rulings striking conservation design and the environmental overlays; and

4. Finds that the initiation of these amendments is for the purpose of promoting the public necessity, convenience and general welfare, and good zoning practice; furthers the purposes of zoning as set forth in Va. Code § 15.2-2283; will

implement the comprehensive plan; and will restore the new, comprehensive zoning map for the County.

BE IT FURTHER RESOLVED, that the Board of Supervisors,

1. Initiates amendments to the comprehensive plan for the purpose of making certain refinements consistent with the AR-1 and AR-2 district amendments and to provide guidance for the mapping of the new, optional rural districts; and

2. Initiates amendments to the Land Subdivision and Development Ordinance as necessary or complementary to the amendment of the AR-1 and AR-2 district regulations.

BE IT FURTHER RESOLVED, that the proposed ordinance and plan amendments will be referred to the Planning Commission for recommendation after the Board has fully considered the recommendations of the Rural Economic Development Commission and the Zoning Ordinance Review Committee, along with the staff drafts, and has established a schedule for notice and hearing.

Seconded by Mr. Clem.

Voting on the Motion: Supervisors Burton, Clem, Kurtz, Tulloch, Waters, and York - Yes; Supervisors Delgaudio and Staton – No; Supervisor Snow – Absent for the Vote.

COPY TESTE:

Denise Reyes

DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS

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At a reconvened business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Saturday, December 10, 2005 at 9:00 a.m.

PRESENT: Scott K. York, Chairman
Bruce E. Tulloch, Vice Chairman
James G. Burton
James E. Clem
Eugene A. Delgaudio
Sally Kurtz
Stephen J. Snow
Mick Staton Jr.
Lori L. Waters

IN RE: ITEM #7 ON THE DECEMBER 10 AGENDA/PROPOSED PUBLIC PROCESS/DRAFT AMENDMENTS TO IMPLEMENT WESTERN ZONING OPTION #1

Mrs. Waters moved that the Board of Supervisors adopt the following Resolution referring the rural policy area amendments to the Planning Commission to include March 6, 2006 as the date for the Planning Commission to make its recommendation to the Board:

WHEREAS, on November 17, 2005, the Board of Supervisors adopted a Resolution stating its intention to revise the AR-1 and AR-2 zoning districts, to remap those districts, to adopt new optional RR-1 and RR-2 zoning districts, and to adopt other zoning ordinance amendments, subdivision ordinance amendments, and comprehensive plan amendments; and

WHEREAS, these ordinance amendments are intended to restore and replace the portions of the AR-1 and AR-2 zoning districts stricken as a result of the litigation challenging the January 6, 2003, adoption of a new, comprehensive zoning map for Loudoun County, with such revisions as deemed appropriate; and

WHEREAS, the Board of Supervisors has reviewed these amendments as drafted by its staff and its Zoning Ordinance Review Committee, along with recommendations by the Rural Economic Development Commission and the Loudoun Convention & Visitors Association, in worksessions conducted on December 1, December 6, December 7 and December 10, 2005; and

WHEREAS, the Board wishes to refer the amendments and remapping to the Planning Commission and establish a schedule for consideration and adoption; now, therefore,

BE IT RESOLVED, that the Board of Supervisors:

1. Reaffirms its intent to amend the Loudoun County Zoning Ordinance and Map as stated in its November 17, 2005 Resolution, which is incorporated by reference.

2. Directs the staff to revise the draft amendments as identified at the Board's worksessions on December 6 and December 10, 2005, along with such other editorial and conforming changes as appropriate.

3. Refers these amendments, as revised, and the mapping of the AR-1 and AR-2 districts as described in the November 17, 2005 Resolution, to the Planning Commission for notice and hearing;

4. Directs the Planning Commission to conduct its public hearing in accordance with the state law and local ordinance and to make its recommendation on the amendments and mapping of the districts to the Board of Supervisors by March 6, 2006; and

5. Includes as part of this action the amendments to the Facilities Standards Manual presented by the staff, subject to the same direction; and

6. Restates that the initiation and referral of these amendments is for the purpose of promoting the public necessity, convenience and general welfare, and good zoning practice; furthers the purposes of zoning as set forth in Va. Code § 15.2-2283; will implement the comprehensive plan; and will restore the comprehensive zoning map for the County.

Seconded by Mr. Burton.

Mr. Staton made an amendment and moved that the Board of Supervisors direct staff to include in the notification letter a form giving landowners the opportunity to opt out and retain their existing zoning.

Seconded by Mr. Snow.

Voting on Mr. Staton's Amendment: Supervisors Delgaudio, Snow, and Staton – Yes; Supervisors Burton, Kurtz, Tulloch, Waters, and York – No; and Supervisor Clem – Absent for the Vote. This motion FAILED.

Voting on Mrs. Waters Motion: Supervisors Burton, Kurtz, Tulloch, Waters, and York - Yes; Supervisors Delgaudio, Snow, and Staton – No; and Supervisor Clem – Absent for the vote. This motion PASSED.

COPY TESTE:

Denise Pupe

DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS

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COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

MEMORANDUM

DATE: March 21, 2006

TO: Loudoun County Board of Supervisors

FROM: Melinda M. Artman, Zoning Administrator MMA

SUBJECT: **Item # 15**
Planning Commission Action Summary on Rural Policy Area Amendments

Attached please find the March 20, 2006 actions of the Planning Commission regarding the rural policy area amendments to the General Plan, the Zoning Ordinance, the Zoning Map, and the Land Subdivision and Development Ordinance to include the Facilities Standards Manual. Specifically, the amendments include CPAM 2005-0005, ZOAM 2005-0002, ZMAP 2005-0042 and DOAM 2005-0003. The Planning Commission has recommended approval of these applications as amended on March 20, 2006.

Additionally, the Planning Commission forwarded ZMAP 2006-0002 Phuoc Nguyen, Men Nguyen & Lon Nguyen, Jt., Gas Mart Corp., and Four Sons Family LLC, to the Board of Supervisors along with the recommendations for the above referenced rural policy area amendment applications. This ZMAP 2006-0002 proposes to remap five parcels from the RC district to the AR-1 district. Following the notices and advertisement for public hearing on the rural policy area amendments it was discovered that the five RC parcels were inadvertently omitted from the mapping effort. The Planning Commission action allows the parcels subject to ZMAP 2006-0002 to move forward with the overall remapping effort.

I will be present at your meeting to discuss this item.

Attachment: A/S

A-7

PLANNING COMMISSION REPORT TO THE BOARD OF SUPERVISORS

APPLICATION: **CPAM 2005-0005, ZOAM 2005-0002, ZMAP 2005-0042**
DOAM 2005-0003
Western Loudoun Rezoning

APPLICANT: Loudoun County Board of Supervisors

DISTRICT: Blue Ridge and Catoctin

LOCATION: Rural Policy Area

PLANNING COMMISSION ACTION

OVERVIEW

The application addresses the rezoning of the Rural Policy Area from a current A-3 density to new densities 1.) in the AR-1 area of 1 unit per 20 acres which may be subdivided to a density of 1 unit per 10 acres (by right) with no further subdivision allowed or to 1 unit per 7.5 acres through a rezoning with proffers paid back to the base density and 2.) in the AR-2 area of 1 unit per 40 acres which may be subdivided to a density of 1 unit per 20 acres (by right) with no further subdivision allowed or to 1 unit per 15 acres through a rezoning with proffers paid back to the base density. In addition, several modifications to the Comprehensive Plan, Zoning ordinance, Zoning map and Land Subdivision and Development Ordinance to include the Facilities Standards Manual were forwarded to the Planning Commission.

The Commission held multiple public input sessions and public hearings on the application. Subsequently, the commission formed three subcommittees to address each of the following topic groups:

Subcommittee A
Wells & Drainfields
Transportation
Private Access easements
LSDO disclosures
Traditional farming vs. niche farming

Subcommittee B
Open space requirements
Clustering & lot size
Buffering around towns, villages and JLMA's
Density credit for floodplain
CR-1, Cr-2, CR-4, RC
Village lines & coordination between Comp Plan, Town/Village line, LCSA

service area
Extension of central water & sewer to CR areas adjacent to towns, villages and JLMA's
Grandfathering

Subcommittee C
Zoning Ordinance 5-500 Definition of Special Events
5-600 Performance Standards
5-654 Roadway access and width
School & non-residential lot coverage percentage
Private Clubs as a Special Exception or Permitted Use
Country Clubs as a Special Exception or Permitted Use
Accessory Dwellings
Agricultural area minimum setbacks and minimum lot sizes
Camps

The Planning Commission held a total of 11 meetings since the beginning of the year (1 briefing, 1 public input session – 39 speakers, 2 public hearings –123 (includes 15 taped) speakers, 2 subcommittee meetings and 5 worksessions). This included discussions with representatives of the county attorney's office, health department, transportation department, Zoning Ordinance Review Committee, Rural Economic Development Commission, Zoning Administration and many members of the Planning Departments staff. Each subcommittee had a staff member and a ZORC member in attendance at each committee meeting.

The following is a summary of our actions:

ISSUES ADDRESSED / RECOMMENDATIONS

The Planning Commission considered the draft changes identified above and voted to recommend approval to the Board of Supervisors subject to the recommendations discussed below.

PC Vote: 9-0 CPAM 2005-0005
7-2 ZOAM 2005-0002 (Volpe, Syska opposed)
7-2 ZMAP 2005-0042 (Volpe, Syska opposed)
9-0 DOAM 2005-0003
7-2 Amendments discussed below (Volpe, Syska opposed)

ZOAM 2005-0002

1. The proposed draft zoning language should be amended to require 70% open space in the AR-1 and AR-2 zoning districts for consistency throughout the Rural Policy Area.

   Issue: Previously, this was 70% in AR-1 and 85% in AR-2. The change is recommended to maintain consistency in the entire Rural Policy Area.

   PC Vote: 9-0

2. In all the affected districts, no maximum number of lots should be required within a cluster.

   Issue: The previous limits of a minimum of 5 and a maximum of 25 were viewed as unsuccessful in maintaining the rural character of the affected areas where hamlet settlements arbitrarily spaced 800 feet apart have developed as a 'string of pearls' without an identifiable center or community character.

   PC Vote: 9-0

3. Minimum lot size in a cluster shall be reduced based on the type of water and wastewater provided to the individual lot.

   a. Lots served by on site well and on site wastewater within a cluster may be a minimum of 40,000 square feet (approximately 1acre).

   b. Lots served by on site well and off site wastewater within a cluster may be a minimum of 20,000 square feet (approximately ½ acre).

   c. Lots served by communal well and wastewater within a cluster will have no minimum lot size.

   Issue: The idea of maintaining a large minimum lot size was seen as contrary to the best interest of the rural area. By allowing smaller, more concentrated development areas, the compactness of the design allows for greater retention of open spaces and viewsheds. The sizes recommended above were developed based on input from ZORC members after studies were prepared illustrating the practical minimum sizes which allow well and septic tanks on the same parcel. **PC Vote: 9-0**

A-10

4. Amend the AR districts base density division option to allow lot coverage to be 11% for non-residential uses.

   Issue: Loudoun County Public Schools identified the proposed 8% lot coverage as a potential conflict since their standard school design vs. minimum acreage requirement does not fit within the 8% maximum. LCPS requested that the coverage allowance be increased to 15%. Based on the current LCPS standards, the 11% proposed language allows a standard school to be built on a standard site.

   PC Vote: 9-0

5. Amend the Minimum Lot Size Requirements in the AR districts such that when two or more uses are established on the same lot and those uses are subject to performance standards contained in Section 5-600, that the minimum lot size shall be the larger of the two or more uses requirements, and not the sum of all the minimum lot sizes.

   Issue: The zoning ordinance is currently silent on this issue. The draft text states that two or more uses require the sum of all minimum lot sizes. The Planning Commission recommends that current administration of the Ordinance be codified and clarify the potential conflict on multiple uses on the same lot and eliminate any potential ambiguity.

   PC Vote: 9-0

6. Amend the use tables in the AR districts to allow "Private Clubs" as a special exception use.

   Issue: This issue was raised by a member of the public. The proposed language does not allow private clubs as a permitted or special exception use in the AR districts. This is recommended to allow those groups owning property in the AR districts to provide a facility which their members may use or which may be made available to the community at large. There may be potential conflicts with surrounding residential uses including traffic, lighting and noise and, therefore, we are recommending a special exception be required.

   PC Vote: 9-0

7. Amend the use tables in the AR districts to allow "Country Clubs" as a special exception use. Amend the proposed performance standards in Section 5-600 regarding Country Clubs to increase FAR from 0.2 to 0.4; increase the amount of area devoted to restaurant/dining, and conference/banquet facilities, and the buffering only to adjacent properties that are not within the same development as the Country Club.

   Issue: Currently the Zoning Ordinance allows a clubhouse as a permitted use in the AR districts as an accessory use to a golf course. The size is limited to 25,000 SF. The proposed change is recommended to allow a country club to provide a full-service facility to their members including expanded dining facilities, exercise facilities, massage services, and steam rooms, and the country club may be accessory to an outdoor recreation use. There may be potential conflicts with surrounding residential uses including traffic, lighting and noise and, therefore, we are recommending a special exception be required.

   PC Vote: 9-0

8. Amend Section 5-600 regarding modifications to performance standards by special exception to read "*minor* special exception".

   Issue: Currently all special exceptions for additional regulations for specific uses under Section 5-600 must be considered by both the Planning Commission and the Board of Supervisors, no matter how minor. This change is recommended to allow applicants with minor issues to have those issues addressed by County staff and be considered directly by the Board of Supervisors. This was viewed as a means to minimize the financial and time burden on rural economy users by allowing the process to forgo consideration by the Planning Commission. At its discretion, the Board of Supervisors may refer the application to the Planning Commission for further study and recommendation.

   PC Vote: 9-0

9. Revise the provisions for temporary permits as contained in Attachment A.

   Issue: "Special events" is presently defined as events having attendance by more than 100 persons. For those rural businesses which have indoor and outdoor facilities large enough to accommodate over 100 people without creating disturbance to neighbors, the need to apply for temporary permits is an unnecessary burden. Therefore, provisions for temporary

During the preparation of attachments to the Staff Report for the Board of Supervisors June 7 and 10, 2006 Public Hearing, page six of the Planning Commission Report to the Board of Supervisors dated March 20, 2006 was inadvertently not included in the attachments. This page, labeled A-12a, was distributed to the Board of Supervisors at its June 7th Public Hearing and is attached. Please note that the Board received the complete Planning Commission Report to the Board of Supervisors on March 21, 2006.

permits have been adjusted in conjunction with revisions for Items 10 and 11 below.

10. Amend the definition of special event as contained in Attachment A.

    Issue: This item was redefined to clarify items which reasonably expect to attract large numbers of people.

    PC Vote: 9-0

11. Eliminate the distinction between "Bed and Breakfast Homestay" and "Bed and Breakfast Inn" and substitute "Bed and Breakfast" as contained in Attachment A.

    Issue: This item was refined to combine a fundamentally similar concept which had been previously divided into minor incremental differences. One of the main concerns was the generation of noise and lighting at events that were occurring often at Bed & Breakfast facilities. This recommended change provides for all Bed & Breakfasts to host indoor events with the total attendance limited by the requirements of the building code. The attendance at outdoor events would be limited by the gross acreage of the lot.

    PC Vote: 9-0

12. Eliminate the distinction between "Accessory Dwelling Unit", "Tenant Dwelling", "Guest House" and "Caretakers Quarters" in the AR districts, substituting just "Accessory Dwelling Unit" as contained in Attachment B. We concur with all other ZORC recommendations on this topic.

    Issue: The need for different classifications of dwelling unit was considered unnecessary as they are all basically a second dwelling unit on the same lot.

    PC Vote: 9-0

13. Amend Table 5-654 to allow the private road standards to be waived by adding a note that all Facilities Standards Manual provisions to waivers apply.

    Issue: This issue was identified by the REDC. The proposed standards were too limiting to rural economy uses. For example, existing private rural road widths are NOT consistent throughout the county and a condition

where a small section of an existing private road is not of adequate width might cause a use to be denied even though much of the road width WAS in compliance with the requirements of the ordinance and all FSM provisions, other than road width, were accommodated.

14. Amend Section 5-633 (B) to state: "**Site Size.** The minimum lot area for an airport/landing strip shall be ~~25~~ 80 acres.~~: except that a use consisting only of a landing strip with no accessory structures or facilities other than a fueling station shall be a minimum of 15 acres in size.~~

Issue 1: The existing requirements for an airstrip require a minimum setback of 650' in all directions (this is a minimum 1300' square or 38.79 acres). There is also a buffering requirement which makes the practical construction of a landing area only possible on approximately 80 acres.

PC Vote: 9-0

ZMAP 2005-0042

15. Retain CR-1, CR2, CR4 and RC zoning contiguous to Villages, Towns and JLMAs. Retention of CR and RC zoning will allow for future growth where it is consistent with the goals and objectives of the Villages and Towns.

Issue: This issue was identified by members of the public. Most of the CR zoned properties are adjacent to existing developed town and villages which currently provide for basic services. It was considered appropriate to maintain the CR zoning in these areas to allow some growth in those areas which could most easily support the growth without adversely impacting the adjacent areas or creating the need for additional services to be required on a large scale.

PC Vote: 9-0

CPAM 2005-0005

16. Amend the Comprehensive Plan to allow Rural Villages as a development option in the Rural Policy Area and direct the Planning Commission to develop new language in the zoning ordinance to address the implementation of this policy.

    Issue: The Planning Commission recommends that the Board of Supervisors include in its definition of re-zoning options for the AR-1 and AR-2 districts provision for the development of new and expanded rural villages in the Rural Policy Area in addition to the currently proposed RR-1 and RR-2 options. These rural villages, to be permitted through a PD-RPAV (Planned Development - Rural Policy Area Village) district classification, should have the following key characteristics:

    (A) The creation of a distinct settlement of sufficient size to provide for a variety of life styles and housing types.

    (B) The preservation of natural resources, land for rural economic uses and open space
    (C) Minimization of the potential for conflict between rural economic land uses and other land uses.

    PC Vote: 9-0

DOAM 2005-0003

17. Delete the requirement in Chapter 6 of the Facilities Standards Manual for a hydro geologic report and well digging prior to submission and approval of a preliminary plat. Include the requirement in Chapter 6 of the Facilities Standards Manual for a hydro geologic report and well digging prior to issuance of a record plat.

    PC Vote: 6-0-3

Other recommendations:

1. The Planning Commission recommends that the Board of Supervisors readopt the 1993 grandfathering language, as follows:.

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 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.~~

A-15

~~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 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.~~

PC Vote: 5-4

A-16

2. The Planning Commission recommends that the Board of Supervisors take action on initiating a DOAM as specified in #17 above, 45 days prior to the adoption of the rural mapping amendments.

PC Vote: 6-3

3. The Planning Commission recommends that the Board of Supervisors initiate a future Comprehensive Plan Amendment (CPAM) to reconcile existing zoning, Comprehensive Plan boundaries and sewer service district boundaries for Villages.

Issue: Currently, there is no coordinated overlay process to verify that zoning boundaries, plan boundaries and sewer service district boundaries provide for a unified vision of a town or village area. The commission recommends that the Board of Supervisors form a committee to include representatives from the affected towns and villages, the Planning Commission, the Planning Department, the Zoning Department and LCSA to review the existing conditions and make recommendations which will address the current discrepancies.

PC Vote: 9-0

4. The Planning Commission recommends that the Board of Supervisors direct the County Attorney to review proposed amendments to Chapter 1066 of the Codified Ordinance regarding private sewage disposal and as further allowed by Section 15.2-2157 of the Code of Virginia and forward proposed modifications which allow the County to require a program of periodic inspections as a requirement of such systems.

PC Vote: 9-0

If this is not allowed by VA Code, then the Planning Commission recommends that the Board of Supervisors should consider alternative options such as requiring a Minor SPEX for alternative systems which would allow the County to place a condition of approval on the SPEX that the systems shall have regular maintenance programs in place.

PC Vote: 9-0

A-17

5. The Planning Commission recommends that the Board of Supervisors initiate a future Comprehensive Plan Amendment (CPAM) to permit the extension of central water and sewer to parcels contiguous to the Villages, Towns and JLMAs , except that where specific Town/County agreements exist,

such as the Purcellville Urban Growth Area Management Plan (PUGAMP), provisions of such agreements shall govern.

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Issue: In order to protect the environment, address public health and safety and otherwise provide for the public benefit we recommend that towns, villages and JLMA's be provided this option without the need for a case-by-case CPAM as is now required. The extension of central water and sewer shall be at the discretion of the governing bodies of the Villages and Towns or the County in the absence of town or village government.

PC Vote: 9-0

6. The Planning Commission recommends that the Board of Supervisors adopt and immediately initiate the recent recommendations by the Water Resource Technical Review Committee for water quality and quantity monitoring in the entire county.

Issue: In order to be able to make a qualified decision in regard to the availability of sufficient clean water for future uses in the county it is necessary to have quantifiable data to support such decisions. At this time the county does not posses such data nor does the county possess the means to obtain such data. The additional wells that have been suggested be drilled and monitored by the Water Resources Board, as well as their other provisions, will provide such data over long periods of time from controlled environments. Such information will be vital for judging the availability of clean water resources during times of drought and possible over use.

PC Vote: 9-0

Other Actions:

The Commission ran out of time to adequately discuss the following issues which we recommend be addressed in the future:

1. The Planning Commission recommends that the inconsistencies regarding lot size and setbacks in Sections 5-626, 5-627 and 5-630 Agriculture, Agriculture Support Uses (Direct) and Agriculture Support Uses (Indirect) be addressed and that the inconsistencies be eliminated.

2. The Planning Commission deferred any action on changes to the performance standards for camps until the Annual Review.

Signed: Teresa Whitmore
Teresa Whitmore, Planning Commission Chairman

Signed: Robert J. Klancher
Robert J. Klancher, Planning Commission Vice-Chairman

Date: 3/20/06

A-20

ARTICLE 8 AMENDMENTS

Banquet/Event facility: A use in which the principal function is hosting ~~special occasion events~~ private parties at which food and beverages are served to groups of people, and which has facilities for the refrigeration and ~~heating~~ preparation of food, or which provides facilities for food through a caterer. Banquet/Event facilities, held indoors or outdoors, may also be an ancillary component of other uses such as, but not limited to: restaurants, hotels, bed and breakfasts, country inns, rural retreats, rural resorts, conference centers and similar uses.

~~**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 overnight guests only.~~

Bed and Breakfast ~~Inn~~ (formerly Bed and Breakfast Homestay and Bed and Breakfast Inn): A business operated in one or more ~~a~~ structures ~~which is~~ used ~~primarily~~ for providing overnight accommodations to the public and which may include rooms for meetings ~~for persons who are or are not guests of the inn~~ as well as banquet/~~or~~ event facility(ies) for private parties.~~even though the~~ A Bed an Breakfast may include a Banquet/Event Faciliy as an ancillary use. An owner or manager may lives on the premises. The number of overnight guest rooms may range from three ~~four~~ (~~4~~3) to no more than ten (10) ~~twenty (20)~~. The establishment shall not contain restaurant facilities, but may provide food service for overnight guests or ~~other transient~~ guests attending meetings or private parties ~~only~~.

Country Inn: A business operated in one or more structures which offers overnight accommodations and may contain meeting rooms, dining, and banquet/event facilities in a predominately rural area ~~for persons who are or are not guests of the inn~~. The number of overnight guest rooms may range from four (4) to forty (40). An owner may live on the premises. ~~Overnight accommodations are available, and~~ ~~a~~ A Country Inn may include a full-service restaurant ~~may provides breakfast, lunch and dinner to~~ for guests and the general public and meeting facilities. A Country Inn may also include a Banquet/Event Facility as an ancillary use. ~~meeting, banquet or events facilities for private parties.~~

Private Parties: Events that are not open to the public and are by invitation.

Special Event: A temporary commercial or festive activity or promotion at a specific location that is open to the public and is planned or reasonably expected to attract large assemblies of persons. ~~Temporary~~ Sspecial events include, but are not limited to, carnivals, festivals, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, civil war reenactments, equestrian shows, firework displays ~~and events~~, or similar events ~~open to the public~~. In addition, a ~~P~~private parti~~es~~ held at ~~properties~~ other than a~~n~~ Banquet/Eevent Ffacility ~~(e.g.~~ Hhotel, ~~c~~Conference ~~c~~Center, ~~r~~Restaurant, ~~banquet facility~~, ~~b~~Bed and ~~b~~Breakfast, Country Inn, Rural Retreat or Rural Resort or ~~and~~ similar facility~~ies)~~ or which is held on ~~other than the~~ property other than property which is occupied by the host, shall ~~also~~ be deemed a special event~~. corporate~~

ATTACHMENT A

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~~receptions, and weddings.~~ An outdoor event or outdoor private party held at a Bed and Breakfast that exceeds the limits for such events as contained in Section 5-601(B)(6)(c) of this Ordinance shall be deemed a Special Event, as shall an outdoor event or outdoor private party held at a Country Inn that exceeds the limits for such events as contained in Section 5-601(C)(7)(c). "Special event" does not include temporary or seasonal retail sales of goods, products, or services, such as temporary sales of Christmas trees, farm produce, fireworks, and other similar seasonal goods.

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Section 5-500. Temporary Uses/Zoning Permits.

(A) **Construction Related Temporary Uses.**

(1) **Construction and Sales Trailers.** Temporary buildings, including but not limited to, construction and sales trailers, and storage of materials are permitted in conjunction with the construction of a building, buildings, subdivision, infrastructure, or development ~~when located on the same parcel where the construction is taking place and~~ when located on the same parcel shown on an approved concept development plan, zoning plat or preliminary subdivision and limited to the duration of the construction. Temporary buildings may be erected after preliminary subdivision plat or site plan approval so long as zoning requirements are met for the lot on which the temporary buildings are placed and appropriate building permits have been obtained. Such temporary buildings shall be removed as a condition of final bond release

(2) **Temporary Dwelling unit in conjunction with construction of a dwelling.** ~~However, the~~ The erection and occupancy of a temporary dwelling for up to twelve (12) months, which may be extended by the Zoning Administrator, is permitted during the construction of a dwelling on the same lot subject to obtaining 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.~~

(3) **Sales and leasing.** Residential and non-residential sales and leasing are permitted as a temporary use in a dwelling, a model home, or temporary building located in the same subdivision or development where the dwellings or non-residential buildings are to be located and offered for sale or lease. The sales use is permitted until the issuance of the last occupancy permit within the subdivision or development.

(4) **Model Homes.** Single family detached model homes are permitted in all districts where residential uses are allowed. Single family detached model homes may be constructed prior to record plat approval so long as zoning requirements are met for the lot on which the home is constructed and appropriate building permits have been obtained. If a model home has been constructed prior to record plat approval, it shall be depicted on the record plat. Single family attached model homes, multi-family model units, and model

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home courts are permitted subject to first obtaining record plat or site plan approval. In addition, if any model home incorporates features that are atypical to the ultimate residential use of the home, such as, but not limited to, utilization of the garage for a sales office without the provision of adequate on-site parking, or provision of a centralized parking area for a model court, then the use is also subject to review and approval through a site plan amendment process. Alternatively, the model unit or model court may be incorporated in the construction plans and profiles of the applicable development subdivision or site plan. The County may require a bond as appropriate to ensure that the atypical features including temporary parking lots will be removed or brought into conformance prior to conversion of the unit for residential occupancy. Notwithstanding, nothing herein shall be construed so as to require a garage in a model home to be utilized for parking, if the unit or lot otherwise meets the parking requirements of this ordinance. A model home shall obtain an occupancy permit prior to residential occupancy

(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 for temporary sales shall be valid for a period not to exceed 45 days, unless extended, and shall require that all structures and materials 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.

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(C) ~~Temporary~~ **Special Events.** ~~Temporary~~ special events may be permitted on application for a temporary zoning permit to the Zoning Administrator, subject to this subsection's standards and requirements.

(1) ~~**Applicability.** Except as exempted below, These provisions apply to temporary special events that are singular in nature and open to the public, and private parties planned for or which reasonably may be expected to attract more than 100 persons at any one time than the facility at which the event is held is designed to handle as indicated on the approved site plan for the facility. Temporary special events include, but are not limited to, circuses, music faire or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, festivals, civil war enactments, equestrian shows and events, corporate receptions, and weddings. See Article 8 of this Zoning Ordinance for the definition of the term "special event."~~

(2) ~~**Exempt Activities.** The following special events are exempt from the requirements of this section (i.e., they may occur without a temporary zoning permit). Exempt special events, however, shall remain subject to all other applicable provisions of this Ordinance and the Loudoun County Code, including, but not limited to standards governing noise control.~~

(a) ~~Special events planned or reasonably expected to attract less than 100 persons at any one time.~~

(b) ~~Special events occurring within, or upon the grounds of, a private residence, where the property owner receives no compensation for hosting the event and guests/attendees are not charged an admission fee.~~

(c) ~~Any event sponsored in whole or in part by Loudoun County or another political subdivision of the Commonwealth of Virginia;~~

(d) ~~Any organized special events conducted at sites or facilities typically intended, used, and designed for such events. Examples of such exempt activities include, but are not necessarily limited to:~~

~~(i) Sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities;~~

~~(ii) Wedding services conducted at country inns, banquet facilities/halls, reception halls, or similar facilities;~~

~~(iii) Wine tasting and wine tasting dinners at Virginia Farm Wineries or other wineries whose facilities are designed for such events;~~

~~(iv) Conferences at and similar events at rural agricultural corporate retreats; and~~

~~(v) Large dinners and special events at country inns and bed and breakfast inns designed for that purpose.~~

(e) ~~Special events for the purpose of selecting candidates for office, political fundraising, or meeting to debate public policy.~~

(2) **Exemption for Special Events Approved as Part of a Special Exception Use.** ~~Temporary~~ special events that are expressly approved as part of a special exception use are exempt from this subsection's requirements for a temporary zoning permit. If specific facilities or areas will be constructed or used to host the proposed special events, they shall be shown on the site plan required for the special exception use. Such ~~temporary~~ special events shall comply with any applicable conditions stated in the special exception approval, and all other applicable provisions in ~~this Section 5-500(C),~~ the Zoning Ordinance, and the Loudoun County Code.

(3) **Permitted Locations.** ~~Temporary~~ special events ~~not otherwise exempt under this Section 5-500(C)~~ shall be permitted only when proposed to be held, in whole or in part, on any of the following properties, or a combination thereof:

(a) Public or ~~P~~private property within one or more of the Rural and Transition Residential Zoning Districts;

(b) Nonresidential private property within one or more of the Suburban Zoning Districts or Planned Development (PD) Zoning Districts; or

(c) Residential private property within any Suburban Zoning Districts or within a Planned Development (PD) Zoning District that contains a total gross acreage of at least two (2) acres.

(4) **Referral Authorized.**

(a) Upon acceptance of the application for a ~~temporary~~ special event permit, the Zoning Administrator may refer the application for comments to any town, county, or state

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departments or agencies, as appropriate, for full and adequate review of the merits of the application.

(b) Each reviewing agency or department shall submit its comments in writing to the Zoning Administrator within fifteen (15) calendar days from receipt of the Administrator's referral request.

(5) **Minimum Standards and Criteria for Review.** The Zoning Administrator shall approve a temporary zoning permit application for a special event if it meets all of the following standards and criteria:

(a) The proposed ~~temporary~~ event shall be located, operated, and maintained in a manner consistent with the provisions of this Ordinance.

(b) The particular location requested can reasonably accommodate the proposed ~~temporary~~ event, given the proposed use's nature, size, and duration.

(c) The operation of the requested event at the location proposed and within the time period specified shall not create significant adverse impacts, including but not limited to environmental, visual, glare, traffic, noise, or odor impacts, on adjacent properties, or improvements on adjacent properties, or in the surrounding area.

(d) The proposed event shall not create an unreasonable risk of:

(i) Significant damage to public or private property, beyond normal wear and tear;

(ii) Injury to persons;

(iii) Public or private disturbances or nuisances;

(iv) Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel; or

(v) Additional police, fire, trash removal, maintenance, or other public services demands, unless substantially mitigated by the applicant or operator.

(e) The time and location requested for the proposed special event shall not be already permitted or reserved for other activities.

(f) Permanent alterations to the site are prohibited, unless the Zoning Administrator specifically approves the alteration so that the permit applicant can comply with this subsection 5-500(C).

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(g) Permanent signs are prohibited. All temporary signs approved under Section 5-1200 of this Ordinance and that are associated with the ~~temporary~~ event use shall be removed when the special event ends.

(h) ~~Temporary~~ special events shall not violate any applicable conditions of approval that apply to the principal use on the site.

(i) The applicant or operator has received or complies with any other required permits, such as health department permits, or other federal, state, or county regulations.

(6) **Authority for Reasonable Conditions of Approval.** The Zoning Administrator may impose conditions reasonably necessary to assure compliance with the standards in this subsection, to ensure that operation and maintenance of the special event mitigate potential adverse impacts on existing uses on adjoining properties and in the surrounding area, and to protect the public health, safety and general welfare. Conditions may address, but are not limited to, provisions for adequate parking, storage, and lighting; provisions for security, traffic safety, fire and life safety; conditions limiting hours of operation; provision for adequate sewage disposal; and any other health and safety concerns the Zoning Administrator may deem necessary to comply with the standards in Section 5-500 (C)(6), above. In addition, the Zoning Administrator may require the posting of a bond to ensure timely removal of structures and materials and restoration of the area.

(7) **Term of Approval/Permit.** A temporary zoning permit for a ~~temporary~~ special event authorized pursuant to this subsection shall be limited to a maximum duration of fourteen (14) days, unless otherwise specifically authorized or extended by the Zoning Administrator. A permittee may request an extension of the approval term in writing before the expiration of the original approval term and the Zoning Administrator may approve an extension upon a finding that the ~~temporary~~ special event has substantially complied with all conditions of the original approval, and that the extension will not create substantial adverse impacts on adjacent properties. All structures and materials related to the special event shall be removed within the approval time period or as such period may be extended.

(8) **Maximum Number of Special Events per Property.** Within any single calendar year, the same property may host no more than ~~ten~~ ~~fifteen~~ (~~1015~~) ten (10) ~~temporary~~ special events pursuant to this subsection. The temporary use permits for these special events may be reviewed and approved concurrently. A minimum of ~~thirty (30)~~

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14 days shall lapse between ~~temporary~~ special events on any one property, or the subsequent special event shall be a minimum of two thousand (2,000) feet from the location of the previous ~~temporary~~ event.

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) No sSpecial events (e.g. weddings, receptions, and parties) or similar activities conducted for compensation shall be permitted outdoors pursuant to Section 5-500(C), unless the parcel is larger than 25 acres and elects to qualify as a Banquet or Event Facility pursuant to Section 6-642. In addition, outdoor music shall not be allowed after 11:00 PM. except as follows:~~

~~(a) Outdoor special events are permitted on parcels of 10 (ten) acres or more; and~~

~~(b) Indoor special events are permitted only by special exception.~~

~~(4) For any establishment that 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.~~

Bed and Breakfast ~~**Inn**~~ **(formerly Bed and Breakfast Homestay and Bed and Breakfast Inn):** A business operated in one or more a structures ~~which is~~ used ~~primarily~~ for providing overnight accommodations to the public and may include rooms for meetings for persons who are or are not guests of the inn as well as ~~b~~Banquet/Event ~~f~~Facility(ies) for private parties.~~even though the~~ An owner or manager may lives on the premises. The number of guest rooms may range from three ~~four~~ (43) to no more than twenty (20). The establishment shall not contain restaurant facilities, but may provide food service for overnight or other transient guests only.

Private Events: Events that are not open to the public and are by invitation.

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(B) **Bed and Breakfast ~~Inn~~ (formerly Bed and Breakfast Homestay and 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 overnight or other transient guests only.

(3) ~~Special events (e.g. weddings, receptions, and parties) or similar activities conducted for compensation shall be permitted pursuant to Section 5.500(C). Additional events beyond the limits established by Section 5.500(C) may be permitted by special exception.~~ Weddings, receptions, private parties, meetings and similar activities may occur in accordance with paragraph 6 below.

(4) For any establishment that 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.

(5) Entrances and exits from the state-maintained road shall provide safe ingress and egress from roads, and shall be channeled to prevent unrestricted access to and from the premises.

(6) ~~In the AR, TR, JLMA and PD-CV districts where it is identified as an allowed use, a bed and breakfast inn shall comply with the following additional requirements:~~

Intensity/Character.

(a) The minimum lot area shall be as follows:

Use	Lot Area (Minimum)	No. of Guest Rooms
Level I- small scale	~~20~~ 5 acres	~~4-8~~ 3-7 rooms
Level II – medium scale	~~30-15~~ 10 acres	~~9-12~~ ~~8-20~~ 8-10 rooms
~~Level III- large scale~~	~~40 acres~~	~~15-20 rooms~~

(b) **Indoor events:** ~~[An unlimited number of]~~ weddings, meetings, private parties and meetings may be held within a building(s) approved for the Bed and Breakfast use. The maximum number of attendees is based on the occupancy load of the event space as determined by the Uniform Statewide Building Code.

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(c) Outdoor events: ~~[An unlimited number of]~~ weddings, meetings, private parties and meetings may be held outdoors. The maximum number of attendees is based on the acreage of the property as identified in the table below. Attendees in excess of the limits identified are subject to the provisions of Section 5-500(C) Special Events.

[redacted]	
No outdoor events	Less than 10 acres
~~75~~ 50 attendees	10 acres
~~150~~ 125 attendees	25 acres
~~250~~ 200 attendees	40 acres
350 attendees	75 acres

(d) **Size of Use.** The floor area ratio shall not exceed 0.0~~1~~4.

(e) **Yard Standards.** The minimum required yards shall be as follows:

~~(i) Level I - 3-20rooms with no outdoor events [small scale: 100 feet minimum from all lot lines.~~

~~(ii) Level II - 3-20 rooms with outdoor events [medium scale: 150 feet minimum from all lot lines.~~

~~(iii) Level III - large scale: 200 feet minimum from all lot lines.~~

(iv) Outdoor areas including parking areas, used for ~~b~~Banquet/~~or e~~Event facilities or for music shall be located a minimum of 500 lineal feet from a dwelling located on a separate lot.

Comment:

(f) **Landscaping/Buffering/Screening.**

(i) The use shall comply with the landscaping and screening standards of Section 5-653(A).

(ii) Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(iii) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(g) **Parking.**

(i) **General.** Parking and loading for a bed and breakfast inn shall be provided as required by Section 5-1102.

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(ii) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(h) **Exterior Lighting.** Exterior lighting for a bed and breakfast inn shall be for security purposes only, subject to Section 5-652(1)-(3).

(i) **Noise.** ~~The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A).~~ No outdoor music between 11 pm and 10 am on Friday, Saturday, and holidays and between 10 pm and 10 am on Sunday through Thursday.

(7) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a Bed & Breakfast ~~Inn~~ and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

(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 and/or ~~b~~Banquet/~~or~~ ~~e~~Event facilities, in addition to guest rooms, that may provide~~s~~ meal service to guests and the general public.

(3) A maximum of 10% of the gross floor area of the Country Inn may be comprised of accessory day treatment, spa facilities.

(4) ~~The establishment shall meet the standards contained in Section 5-601 (B)(3) through (5).~~ For any establishment that 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.

(5) Entrances and exits from the state-maintained road shall provide safe ingress and egress from roads, and shall be channeled to prevent unrestricted access to and from the premises.

(6) A Country Inn shall have at least four rooms for transient overnight occupancy and provide at least one of the following elements:

(a) More than ~~20~~ 10 rooms not to exceed 40 rooms for transient overnight occupancy, such facility may include ~~b~~Banquet /Event facilities;

(b) Full service restaurant facilities may provide ~~providing breakfast, lunch and dinner~~ meals to guests and the general public. In addition, ~~b~~Banquet/Event facilities may be provided.

(7) ~~In the AR and TR districts, a country inn shall comply with the following additional requirements~~:

Intensity/Character.

(a) The minimum lot area shall be ~~40~~ 25 acres. ~~as follows:~~

~~Level I~~	~~20 acres~~	~~4-8 rooms~~	~~Minor SPEX~~
~~Level IA~~	~~40 acres~~	~~4-8 rooms~~	~~Permitted~~
~~Level II~~	~~40 acres~~	~~9-20 rooms~~	~~Minor SPEX~~
~~Level IIA~~	~~60 acres~~	~~9-20 rooms~~	~~Permitted~~
~~Level III~~	~~60 acres~~	~~21-30 rooms~~	~~Minor SPEX~~
~~Level IIIA~~	~~80 acres~~	~~21-30 rooms~~	~~Permitted~~
~~Level IV~~	~~80 acres~~	~~31-40 rooms~~	~~Minor SPEX~~
~~Level IVA~~	~~100 acres~~	~~31-40 rooms~~	~~Permitted~~

(b) **Indoor events:** ~~[An unlimited number of]~~ weddings, meetings, private parties and meetings may be held within a building approved for the Bed and Breakfast use. The maximum number of attendees is based on the occupancy load of the event space as determined by the Uniform Statewide Building Code.

(c) **Outdoor events:** ~~[An unlimited number of]~~ weddings, meetings, private parties and meetings may be held outdoors. The maximum number of attendees is based on the acreage of the property as identified in the table below. Attendees in excess of the limits identified are subject to the provisions of Section 5-500(C) Special Events.

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Maximum Number of Attendees	Minimum Acreage
~~150~~ 125 attendees	25 acres
~~250~~ 200 attendees	40 acres
350 attendees	75 acres

(d) Size of Use.

(i) The floor area ratio shall not exceed 0.0~~14~~.

(ii) The restaurant and indoor ~~b~~Banquet/~~ or e~~Event facilities on premises shall not exceed ~~25~~ 49 percent of the total floor area of the country inn.

(e) **Yard Standards.** The minimum required yard setback shall be as follows:

~~(i) 4-40 Guest Rooms with no outdoor events: Level I small scale: 100 feet minimum from all lot lines.~~

~~(ii) 4-40 Guest Rooms with Restaurant/Indoor Banquet /Event Facility(ies): Level II medium scale: 200 feet minimum from all lot lines;~~

(iii) 4-40 Guest Rooms with Outdoor Events ~~Level III large scale~~: 250 feet minimum from all lot lines but not less than 500 feet from an existing dwelling on a separate lot.

(f) **Landscaping/Buffering/Screening.**

(i) The use shall comply with the landscaping and screening standards of Section 5-653(A).

(ii) Parking areas shall be screened to comply with the standards of Section 5-653(B).

(iii) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(g) **Roads/Access.**

(i) The country inn shall comply with the road access standards in Section 5-654.

(ii) There shall be no more than ~~one~~ two points of access ~~to a~~ for guests of the Country Inn ~~use~~. ~~This requirement shall not preclude an additional access for emergency vehicles only.~~

(h) **Parking.**

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(i) **General.** Parking and loading shall be provided as required by Section 5-1102.

(ii) **Surface.** All parking areas serving the use shall use a dust-free surfacing material, as provided in the Facilities Standards Manual.

(i) **Exterior Lighting.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(j) **Noise.** ~~The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A).~~ No outdoor music between 11 pm and 10 am on Friday~~s~~ and Saturday, and holidays and between 10 pm and 10 am on Sunday through Thursday.

(8) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a Country Inn and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

5-642 **Banquet/Event Facility.** Any ~~b~~Banquet/Event F~~f~~acility use in the AR districts shall comply with the following standards:

(A) **Intensity/Character Standards.** Hours of operation shall be limited to 9:00 a.m. to ~~2:00~~ 12:00 ~~a.m.~~ midnight.

(B) **Size of Use.** The minimum lot area for a ~~b~~Banquet/~~e~~Event ~~f~~ Facility shall be 25 acres.

(C) **Location on Site/Dimensional Standards.** The ~~b~~Banquet/~~e~~Event ~~f~~ Facility use shall be set back 200 feet from lot lines.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screening to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access Standards.**

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(1) **General Access Standards.** A B~~b~~anquet~~/~~or E~~e~~vent facility shall comply with the road access standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than two points of access to a public road for the Banquet or ~~/e~~Event facility use. ~~This requirement shall not preclude an additional access for emergency vehicles only.~~

(F) **Parking.** Parking and loading shall be provided as required by Section 5-1102.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A)(1)-(3).

(H) **Noise.** A Bbanquet or ~~/~~Eevent facility shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(I) **Indoor and Outdoor Events.**

(a) **Indoor events:** ~~[An unlimited number of]~~ weddings, meetings, private events may be held within a building approved for the Banquet/Event Facility use. The maximum number of attendees is based on the occupancy load of the event space as determined by the Uniform Statewide Building Code.

(b) **Outdoor events:** ~~[An unlimited number of]~~ weddings, meetings, private events may be held outdoors. The maximum number of attendees is based on the acreage of the property as identified in the table below:

Maximum Number of Attendees	Minimum Acreage
~~No outdoor events~~	~~Less than 10 acres~~
~~25 attendees~~	~~10 acres~~
~~150~~ 125 attendees	25 acres
~~250~~ 200 attendees	40 acres
350 attendees	75 acres

AR-1 District Regulations

1. Change "Banquet Facility" to "Banquet/Event Facility" as a "P" Permitted use from "M" Minor Special Exception.
2. Change Country Inn to "P" Permitted use from "M".
3. 2-102(F) Change as follows:
   "**Minimum Lot Size Requirements.** Each principal permitted use shall meet the minimum acreage requirement, where specified in the "Additional Regulations for Specific Uses" in Section 5-600, for that use. Where two or more principal uses are located on one parcel, the minimum parcel size shall be the ~~equal to or~~ greater ~~than the sum~~ of the

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minimum acreage requirements listed in Section 5-600 for each of the principal uses."

AR-2 District Regulations

4. Change "Banquet Facility" to "Banquet/Event Facility" as a "P" Permitted use from "M" Minor Special Exception.
5. Change Country Inn to "P" Permitted use from "M".
6. Add 2-202(F) as follows (and re-number 2-202(A)-(F):
"**Minimum Lot Size Requirements.** Each principal permitted use shall meet the minimum acreage requirement, where specified in the "Additional Regulations for Specific Uses" in Section 5-600, for that use. Where two or more principal uses are located on one parcel, the minimum parcel size shall be the greater of the minimum acreage requirements listed in Section 5-600 for each of the principal uses."

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MATERIALS FOR ACESSORY DWELLING DISCUSSION
(to include Tenant dwelling, Accessory dwelling, Caretaker's residence, Guest house)

5-602 **Tenant Dwellings.** Tenant dwellings may be located in the ~~AR~~, A-3, A-10, TR, CR and JLMA districts, in accord with the list of permitted and special exception uses for the individual zoning districts, subject to the following additional criteria:

(A) **Tenant Dwellings.** One (1) tenant dwellings 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.

(3) **Tenant Dwellings for Seasonal Labor/Special Exception.** In addition to those structures permitted under Section 5-602(A)(1) and (2) above, additional tenant dwellings for seasonal labor may be permitted by special exception.

(B) **General Standards.** Tenant dwellings shall meet the following additional criteria:

(1) **Screening.** Portable dwellings shall be screened from view from public roads and neighboring properties.

(2) **On Internal Roads/No Direct Access to Public Roads.** Structures for multi-family dwelling units shall be accessed by internal 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) **Separate Dwelling.** 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) **Home Occupations.** Occupants of tenant dwellings may conduct home occupations subject to the provisions of Section 5-400.

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ATTACHMENT B

(5) **Size of Tenant Dwelling.** No tenant dwelling unit shall exceed 2,500 square feet in floor area.

(6) ~~**Occupants of Tenant Dwellings.** Tenant dwellings shall be occupied only by persons or families that derive all or part of their income from labor performed on the farm.~~

(7) **Sanitary and Bathing Facilities.** All dwellings shall have indoor sanitary, cooking, and bathing facilities, consistent with the requirements of the Uniform Statewide Building Code.

(C) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(D) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(E) **Landscaping/Buffering/Screening.**

(1) The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) ~~Driveways shall not be located within a required buffer yard area, except as minimally necessary to access the site.~~

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~~ 2,500 square feet.

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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~~ 2,500 square feet of gross ~~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 and Countryside Villages. 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-10, AR-1, AR-2, RR-1, RR-2, A-3 and PD-CV, 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~~. One additional accessory apartment or dwelling unit is permitted on a parcel with an area of 10 acres or more.

(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.

(G) In the AR-1, AR-2, RR-1 and RR-2 Districts, one additional accessory dwelling shall be permitted for each 25 acres in excess of 10 acres. Additional dwellings may be permitted by special exception for seasonal labor.

ASSOCIATED DEFINITIONS:

Accessory Building: A subordinate building of not more than the greater of (i) 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure, or (ii) 2,500 sq. ft. ~~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. (**This is from the ZORC recommended amendment.**)

Caretaker's residence: A residential structure on a site intended for use as a dwelling for a caretaker in connection with the particular purpose of the principal use on the same site. The caretaker's residence shall be accessory to the principal residential structure.

Dwelling, Accessory: A dwelling or apartment within or detached from the principal dwelling of no more than ~~1200~~ 2,500 square feet of gross floor area, the use of which is associated with and subordinate to the principal dwelling and which is located upon the same lot as the principal dwelling.

Guest House: Dwelling or lodging units for temporary non-paying guests in an accessory building.

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.

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.

Tenant Dwelling: A dwelling occupied by a person or family that derives all or part of their income from labor performed on the farm. Tenant dwellings may include freestanding dwellings, portable dwellings, or apartments in an accessory farm building.

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.

Excerpt from AR-1 use regulations to illustrate deletion of Caretaker's residence, Guest House and Tenant dwelling from AR-1 and AR-2 Use Lists

RESIDENTIAL USES			
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P/S	Section 5-613
	~~Caretaker's residence (accessory to single family detached dwelling)~~	~~P~~	
	Dwelling, single-family detached, including manufactured housing	P	~~May use AR District Cluster Option. See Sections 2-104 and 5-703.~~ May divide property in accordance with Section 2-103 Development Options.
	~~Guest house (accessory to single family detached dwelling)~~	~~P~~	~~Section 5-612~~
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Portable Dwelling/Trailer Construction	P	
Group Living	Co-housing	P	
	Convent or monastery	P/S	Section 5-656
	Dormitory, seasonal labor	M	Section 5-632
	Rooming house	P	
	~~Tenant dwelling~~	~~P~~	~~Section 5-602~~
	~~Tenant dwelling, seasonal labor~~	~~P~~	~~Section 5-602(C)~~
PUBLIC AND INSTITUTIONAL USES			
Aviation	Airport/landing strip	S	Section 5-633
Day Care Facilities	Child care home	P	Section 5-609(A)
	Child or adult day care center	S	Section 5-609(B)
Cultural and Government Facilities	Agricultural cultural center	S	Section 5-634
	Fairground	S	Section 5-635
	Structures or uses for local government purposes not otherwise listed in the district	S	

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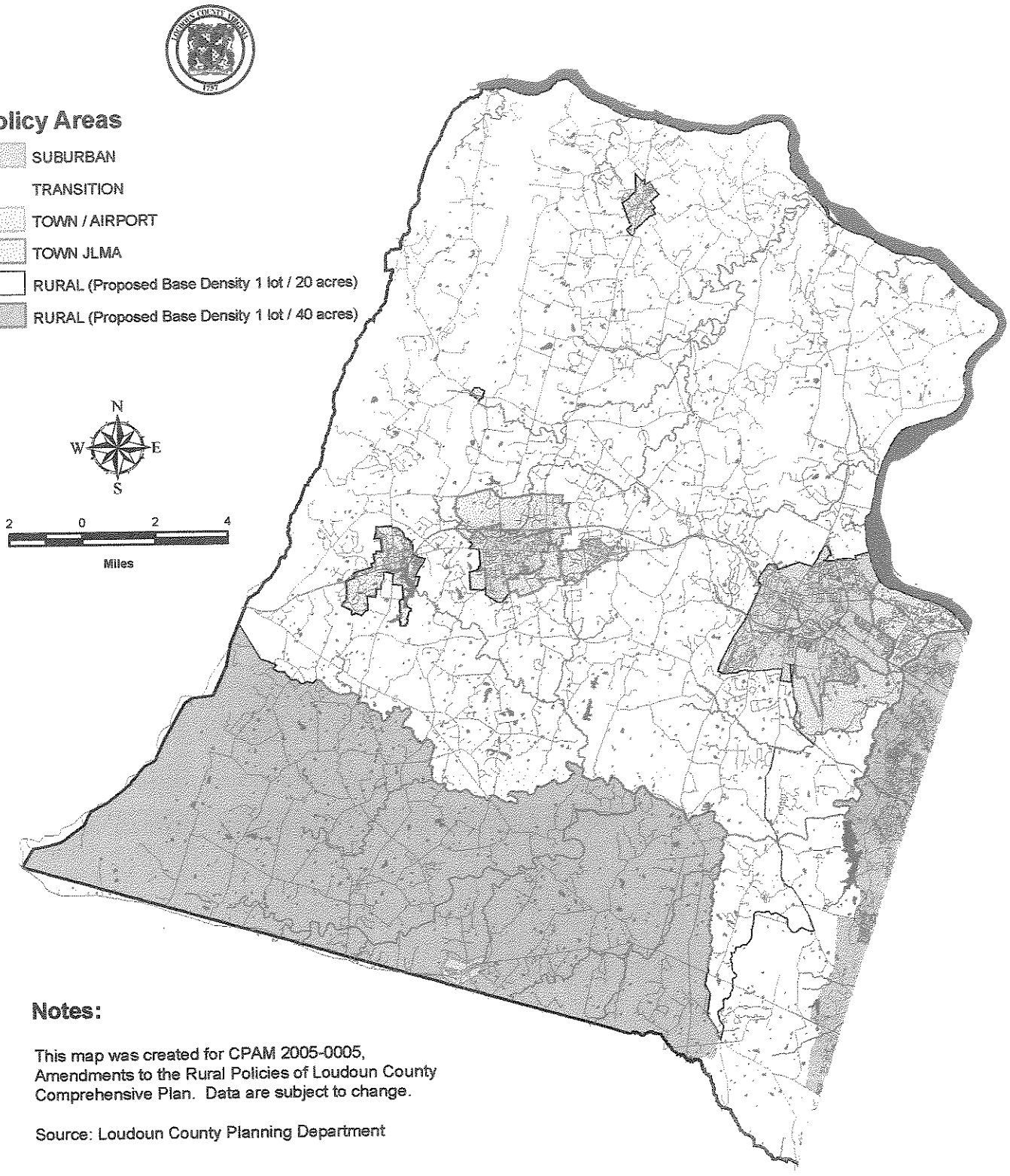
Rural Policy Area



Notes:

This map was created for CPAM 2005-0005, Amendments to the Rural Policies of Loudoun County Comprehensive Plan. Data are subject to change.

Source: Loudoun County Planning Department

Map Number: 2006-001
Mapped: January 2006
Loudoun County Office of Mapping and Geographic Information

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ATTACHMENT 4

CPAM 2005-0005, Amendments to the Rural Policies of the Loudoun County Comprehensive Plan
Draft May 17, 2006

Strike-through language to be deleted; double-underlined text to be added.

REVISED GENERAL PLAN

Delete "Rural Policy Area" text (Revised General Plan, p. 2-11b.):

~~The southern tier of the Rural Policy Area will provide for residential densities of one dwelling unit per 50 acres or one dwelling unit per 20 acres, if clustered, to reinforce the existing low-density pattern and ensure retention of rural economic uses. Residential development will be allowed in the balance of the Rural Policy Area at densities of one dwelling unit per 20 acres or one dwelling unit per 10 acres, if clustered. Clusters will incorporate conservation design techniques. Provisions to allow subdivision for farm viability and family will be made as long as net densities are not exceeded.~~

Add new "Rural Policy Area" text (Revised General Plan, p. 2-11b):

The Rural Policy Area is divided into two tiers, the northern tier and southern tier, which recommend different base residential densities in response to the dominant rural land use and development patterns of these distinct geographic areas. The northern tier (defined generally as north of Goose Creek and North Fork of Goose Creek to the County border with Montgomery, Frederick and Washington Counties, Maryland; Jefferson County, West Virginia; and Clarke County Virginia) is characterized by a mix of smaller lots interspersed with larger parcels still in agricultural use. The southern tier (defined generally as south of Goose Creek and North Fork of Goose Creek to the County border with Clarke, Fauquier and Prince William Counties, Virginia) is characterized by an existing large lot pattern and is the center of Loudoun's equine industry. Appropriate zoning districts reflecting these historic lot patterns will be developed and mapped for the respective tiers. The Rural Policy Area is planned for rural economy uses and limited residential development. However, Rural Residential rezonings to higher densities will be permitted contingent on the mitigation of impacts, such as capital facilities and transportation to the area. Among residential uses, clustered developments are the preferred development pattern in the Rural Policy Area. Clustered developments allow landowners to group residential lots in a traditional community pattern so that a substantial amount of the remaining land is available for rural economy uses, traditional agriculture and/or open space.

Amend "Land Use Pattern and Design" text (Revised General Plan, p. 7-7):

The Plan recognizes the failure of previous County efforts to control rural residential growth and proposes new policies, incentives and supporting regulations that will lower overall densities, while providing balance and flexibility in terms of land use and design. Future residential development ~~will~~ should be clustered ~~(using conservation design techniques)~~ ~~and will~~ to protect groundwater resources, preserve open space and the Green Infrastructure, enhance the rural economy, and reduce potential congestion on rural roads. ~~The Rural Policy Area will continue to have limited school capacity along with other capital facilities.~~

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Amend Policy 1 under "Land Use Pattern and Design Strategy" (Revised General Plan, p. 7-8):

1. The County values the rural character of the Rural Policy Area, formed by the elements of the Green Infrastructure and the working landscape, and will protect it by supporting and enhancing the rural economy, ~~and by incorporating conservation design and~~ through regulations in the land development ordinances.

Planning Commission Recommendation:
Amend Policy 18 under "Rural Economy Policies" (Revised General Plan, p. 7-11):

18. Country Clubs and Golf courses in rural areas will be permitted only by Special Exception.

Amend "Rural Residential" text (Revised General Plan, p. 7-14 through 7-15):

The basic concept underpinning the County's strategy for the Rural Policy Area is to protect the land resource of the area for rural economy uses and to provide a balance of residential and non-residential uses that enhance a rural quality of life. Such uses require prime agricultural soils; protect open land and rural character; maintain fiscal balance; and relieve the strain of rural residential development on rural road capacity and service delivery. To accomplish these goals, the County must limit the number of houses in the Rural Policy Area and direct new residential development, there and countywide, to locations that are consistent with County goals. A variety of residential development options exist within the Rural Policy Area, including conventional subdivision, spin-off lots, and rural clusters. The appropriateness of each development option will vary depending on site-specific characteristics such as parcel size, road access and location.

The County recognizes~~, however,~~ that rural residential living provides a high quality of life and responds to a substantial market niche. The County is also aware that rural land values are in part related to the development potential for housing and as such retaining acceptable land value has been considered in establishing rural residential policies. An appropriate balance has been set that adheres to the following objectives.

- Provide for a wide variety of land parcel sizes that will meet the needs of the rural economy and provide room for growth of rural residential neighborhoods.
- ~~Require~~ Encourage rural residential clustering ~~on lots up to 3 acres~~ and ~~encourage~~ the use of communal water and wastewater systems. Analysis has shown that clustered lots are equal in value to "grid" lots at the same density.[1]
- Require all rural residential development to ~~use the conservation design technique~~ incorporate existing Green Infrastructure elements into the design of the site.

The Plan provides two rural residential areas each with cluster options as described below.

[1] Analyses of Value Retention of Rural Area Development Options (Loudoun County), Robert Charles Lesser & Company, August 2000.

1. The Southern Tier (defined generally as south of Goose Creek and North Fork of Goose Creek to the County border with Fauquier County and west of the Transition Policy Area)

   This area is characterized by an existing large-lot pattern with a significant number of land parcels already under easement. It is the center of Loudoun's equine industry and an important part of the rural economy. It surrounds Middleburg, a major tourist attraction, and includes many historic structures and sites including important Civil War sites of cultural importance and tourist interest. It covers a substantial portion of the Mosby Heritage Area and the Beaverdam Historic Roadways District ~~(both proposed to be historic roadway districts)~~ as well as several agricultural districts that already have established 50-acre minimum lot sizes. Limiting residential growth in this area will reduce the need for additional road capacity and support these programs. There is also strong citizen support for keeping Route 50, which bisects the area, a two-lane road that is the subject of a "traffic calming" initiative from Aldie in Loudoun County to Paris in Fauquier County. As such, the Plan calls for this area to develop at a base density of ~~one dwelling unit per 50 acres~~ 40 acres per lot, with ~~the~~ development options to cluster or spin off residential lots ~~(up to 3 acres in size)~~ at the equivalent of one dwelling unit per 20 acres. ~~In addition, the zoning should for this areas should provide a spin-off lot option consistent with Policy 8, below, at the same overall density as provided in the cluster option.~~

   The relationship of the natural landscape and residential development is significant in defining the rural character of the area.

2. The Remainder of the Rural Policy Area (defined generally as north to and west of the Potomac River and west of the Transition Policy Area)

   The ~~predominant~~ existing land use pattern in this area is mixed, with a large number of smaller lots interspersed with large parcels still in agricultural use. Many of the new rural economy uses in the area require land parcels ranging from 10 to 50 acres in size. Therefore, a balanced approach that provides for the further development of clustered rural residential neighborhoods that provide a variety of lot sizes while preserving large parcels for future rural economy enterprises is appropriate. Rural character will be preserved through ~~conservation design and~~ the implementation of the Green Infrastructure policies. Within this area, ~~the Mountainside Development Overlay District, the Limestone Conglomerate Overlay District and the River and Stream Corridor Overlay District~~ environmental overlay districts contained in the Zoning Ordinance will provide special protection for these critical environmental features. As such, the Plan calls for this area to develop at a base density of ~~one dwelling unit per~~ 20 acres per lot, with ~~the~~ development options to cluster or spin-off residential lots ~~(up to 3 acres)~~ at the equivalent of one dwelling unit per 10 acres ~~with 70 percent open space retained~~. ~~In addition, the zoning should for this areas should provide a spin-off lot option consistent with Policy 8, below, at the same overall density as provided in the cluster option.~~

Amend Policy 1 under "Rural Residential text (Revised General Plan, p. 7-15):

1. The Rural Policy Area is comprised of three geographic areas governed by unique land use policies. These subareas include the southern one-third of the Rural Policy Area, Existing Villages, and the northern two-thirds of the Rural Policy Area. The County will develop and implement ~~conservation design and~~ rural design standards that protect the Green Infrastructure and rural character of the Rural Policy Area in every subarea.

Amend Policy 2 under "Rural Residential Policies (Revised General Plan p. 7-15):

2. The southern part of the area is planned for rural economy uses and limited residential development at a base density of ~~one dwelling unit per 50~~ 40 acres per lot. In this area, residential densities can be increased up to one dwelling unit per 20 acres when it is developed in a clustered pattern or a spin off lot subdivision ~~in lots up to three acres~~ leaving substantial amounts of land available for rural economy uses. ~~In addition, the zoning should for this areas should provide a spin-off lot option consistent with Policy 8, below, at the same overall density as provided in the cluster option.~~

Amend Policy 3 under "Rural Residential Policies (Revised General Plan p. 7-15):

3. The northern part of the Rural Policy Area is planned for rural economy uses and limited residential development at a base density of ~~one dwelling unit per~~ 20 acres per lot. Likewise, residential densities in this area can be increased up to one dwelling unit per 10 acres when it is developed in a clustered pattern or a spin off lot subdivision ~~in lots up to three acres~~ leaving substantial amounts of land available for rural economy uses. ~~In addition, the zoning should for this areas should provide a spin-off lot option consistent with Policy 8, below, at the same overall density as provided in the cluster option.~~

Amend Policy 8 under "Rural Residential Policies" (Revised General Plan, p. 7-16):

8. In order to enable a property-owner to generate capital from the sale of a ~~small~~ lot, the County will provide for a spin-off lot subdivision process. Spin-off lots ~~will not be limited by a minimum lot size,~~ may be as small as 80,000 square feet (approximately 2 acres), can be clustered, and ~~will~~ can be served by a private access easement as ~~long as the base density~~ provided by the Zoning Ordinance for ~~that area is maintained~~ the applicable zoning district. The lots created by the spin-off process would be counted against density permitted by the originating tract.

Amend Policy 9 under "Rural Residential Policies" (Revised General Plan, p. 7-16):

9. A variety of residential unit types and accessory apartments will be permitted by the Zoning Ordinance in the Rural Policy Area to achieve affordability ~~and conservation design objectives~~.

Amend Policy 11 under "Rural Residential Policies" (Revised General Plan, p. 7-16):

11. Rural Cluster developments allow landowners to group lots in a traditional rural community pattern, while preserving the majority of the land base for rural economy uses. A Rural

Cluster is the grouping of building units on ~~small~~ lots of varying sizes with the largest part of the site remaining in open land. ~~There is no minimum lot size for the clustered lots.~~ Lots within a rural cluster may be as small as 40,000 square feet (approximately 1 acre); however a variety of lot sizes is encouraged to provide a diversity of housing types and rural economy uses. The cluster is both visual and spatial with the dwellings scaled and sited to maintain coherent relationships to each other and the surrounding landscape. The residual open land in a cluster accounts for the overall lower density of the site, and will serve to accommodate rural economy uses and preserve rural character. Rural economy uses are encouraged on any and all residential lots.

Planning Commission Recommendation:
Amend Policy 11 under "Rural Residential Policies" (Revised General Plan, p. 7-16):

11. Rural Cluster developments allow landowners to group lots in a traditional rural community pattern, while preserving the majority of the land base for rural economy uses. A Rural Cluster is the grouping of building units on ~~small~~ lots of varying sizes with the largest part of the site remaining in open land. ~~There is no minimum lot size for the clustered lots.~~ Lots served by on-site water and on-site wastewater within a rural cluster may be ~~as small as~~ a minimum of 40,000 square feet (approximately 1 acre) ~~;however~~. Lots served by on-site water and off-site wastewater within a rural cluster may be a minimum of 20,000 square feet (approximately 1/2 acre). Lots served by communal water and wastewater within a rural cluster will have no minimum lot size. A variety of lot sizes is encouraged within all rural clusters to provide a diversity of housing types and rural economy uses. The cluster is both visual and spatial with the dwellings scaled and sited to maintain coherent relationships to each other and the surrounding landscape. The residual open land in a cluster accounts for the overall lower density of the site, and will serve to accommodate rural economy uses and preserve rural character. Rural economy uses are encouraged on any and all residential lots.

Amend Policy 13 under "Rural Residential Policies" (Revised General Plan, p. 7-16):

13. In locating the open space required ~~in the conservation design of a~~ for a Rural Cluster, the following site features ~~will~~ should be considered to ensure that the land kept in open space provides for appropriate rural economy uses:
    a. Percent of open space area that is made up of prime agricultural soils;
    b. Size of the area that is usable for agricultural production;
    c. Contiguity of open space area to other designated open space or agricultural land;
    d. Relationship of development of adjacent proper-ties to the agricultural activity on the open space area;
    e. Relationship of non-agricultural use of the open space area to adjacent agricultural uses; and
    f. Unique site features and Green Infrastructure implementation.

Amend Policy 14 under "Rural Residential Policies" (Revised General Plan, p. 7-16):

14. The County will identify options for affordable housing ~~development~~ in the rural area not

covered by the ADU zoning ordinance and work towards an implementation plan.

Add new Policy 15 under "Rural Residential Policies (Revised General Plan p. 7-16):

15. Rural Residential rezonings to higher densities may be appropriate and allowed in the northern and southern tiers of the Rural Policy Area. Rural Residential rezonings at the equivalent of one dwelling unit per 7.5 acres in the northern tier and one dwelling unit per 15 acres in the southern tier of the Rural Policy Area would be considered. All Rural Residential rezonings will be developed in a clustered pattern and meet established performance criteria, including traffic capacity limits, design standards (i.e. siting and buffering) and pose no threat to public health, safety and welfare.

Add new Policy 16 under "Rural Residential Policies (Revised General Plan p. 7-16):

16. Rural Residential rezonings to higher densities will be contingent on the ability to mitigate the following impacts:
    a. Capital impacts;
    b. Transportation impacts;
    c. Preservation and protection of significant open space and opportunities for rural economic uses;
    d. Compatibility with surrounding uses and the rural landscape; and
    e. Protection of significant site features and environmental resources.

Amend "Proffer Guidelines" text (Revised General Plan, p. 11-2):

4. Base density thresholds are to be specified by planning policy areas as follows:
    a. Rural Policy Area: The Rural Policy Area policies contained in Chapter Seven and related policies elsewhere in the ~~plan~~ Plan address the County's rural strategy. ~~Both the planned density for the Rural Policy Area and the resulting zoning pattern do not portend future zoning map amendments.~~ For zoning applications within the Rural Policy Area that propose higher residential densities proffers for capital facilities and transportation improvements to major arteries will be anticipated. Such contributions will be evaluated in accordance with a base density equivalent to that contained in the existing zoning district regulations applicable to the property and in effect at the time of the application for a change in zoning. ~~In the event that planned densities are to be equivalent to potential density in the rural zoning district(s), a specified base density figure is not necessary. However, the County anticipates that residential zoning map amendment applications within existing villages and other similar applications in the rural policy area will include capital facility contributions.~~

Amend "Rural Policy Area Design Guidelines text (Revised General Plan, p. 11-16):

1. Rural Clusters

    a. Purpose and Function

Rural clusters allow lots to be ~~clustered~~ grouped in a traditional rural community pattern while retaining the majority of a site in common open space and/or rural economy lots. Rural clusters will support predominantly single-family detached residential development. Rural Residential rezonings to higher densities will be permitted in both tiers of the Rural Policy Area. Mitigation of the impacts associated with the increased residential densities of rezonings will be required. Clusters ~~will~~ should be designed ~~based on conservation design techniques~~ to protect groundwater resources, preserve open space and the Green Infrastructure, enhance the rural economy, and reduce potential congestion on rural roads.

b. Size

Clusters should comprise 5 to 25 lots ~~with no minimum lot size to~~ and be surrounded by ~~conservancy~~ rural economy lots and/or common open space. Lots within a rural cluster may be as small as 40,000 square feet (approximately 1 acre); however a variety of lot sizes is encouraged to provide a diversity of housing types and rural economy uses. ~~Conservancy lots may be no smaller than seven acres in size and should average at least 30 acres per conservancy lot.~~ While more than one cluster may be accommodated on a tract of land, such settlements should be physically and visually separated from adjoining residential and rural economy uses. ~~A minimum of 80 percent of the tract should be placed in an open space easement and minimum of 70 percent of the tract would comprise common open space and conservancy lots. Any remaining development potential could be used in an open space preservation program.~~

Planning Commission Recommendation:

b. Size

Clusters should ~~comprise a minimum of 5 to 25 lots with no minimum lot size to and~~ be surrounded by ~~conservancy~~ rural economy lots and/or common open space. The minimum lot size in a cluster shall be determined based on the type of water and wastewater to be provided to the individual lot. ~~Lots within a rural cluster may be as small as 40,000 square feet (approximately 1 acre); however~~ A variety of lot sizes is encouraged to provide a diversity of housing types and rural economy uses. ~~Conservancy lots may be no smaller than seven acres in size and should average at least 30 acres per conservancy lot.~~ While more than one cluster may be accommodated on a tract of land, such settlements should be physically and visually separated from adjoining residential and rural economy uses. ~~A minimum of 80 percent of the tract should be placed in an open space easement and minimum of 70 percent of the tract would comprise common open space and conservancy lots. Any remaining development potential could be used in an open space preservation program.~~

c. Physical Character

The new rural cluster lots may be designed along a road and/or around a green/square or historic site feature with the dwellings arranged in a logical relationship with one another and with the surrounding landscape. Lots sizes and setbacks should be flexible to

provide a tight cluster and maximize open space. ~~Two clusters on the same tract should be spaced no closer than 800 feet.~~ While lots in the rural cluster may not front on an existing through road, the County will consider proposals to build a small bypass and to use the mature hedgerows and trees of the existing road in a new cluster design.

d. Location and Formation

The new rural cluster should generally have two points of access to an existing collector or secondary road. Every effort should be ~~make~~ made to keep existing villages and towns and new clusters visually distinct. ~~and these should be located no closer than 800 feet to existing settlements~~ The design and layout of the cluster should use existing topography, hedgerows, mature woodlands and other site features to blend with the rural and scenic quality of the landscape.

e Land Uses

Single-family detached houses would be the permitted use in new rural clusters. The land not associated with the cluster itself should remain open for and available for rural economy uses. Also to the extent feasible rural economy uses are encouraged on any and all residential lots within a cluster.

f. Transportation

No lot of a new rural cluster may front on an existing public road unless a substitute "bypass" road is constructed. Rural cluster lots should front on a paved public road~~;~~ ~~however, seven or fewer cluster dwellings may front on a private road~~.

CPAM 2005-0005, Amendments to the Rural Policies of the Loudoun County Comprehensive Plan
Draft May 17, 2006

Strike-through language to be deleted; double-underlined text to be added.

REVISED COUNTYWIDE TRANSPORTATION PLAN

Amend "Rural Policy Area Roads" text (Revised Countywide Transportation Plan, p. 3-10):

B. Rural Policy Area Roads

The *Revised General Plan* envisions ~~substantially reduces~~ reduced ~~the~~ residential densities ~~that will be permitted~~ in the Rural Policy Area. ~~At the permitted build-out of residential development there will be a reduction of 330,000 daily weekday vehicle trips that would have had to be accommodated under the previous plan. Therefore,~~ ~~t~~The rural road network, which includes many of the scenic roadways, is essential for preserving rural character, ~~and~~ is supportive of tourism and the rural economy, ~~will~~ and should be maintained as either two lane paved roads or as unpaved gravel roads with VA Route 7 the only exception.

- **US Route 15**, running north-south, is a state-designated Virginia Byway with historic landmarks located along it.[2] US Route 15 will remain a two-lane rural highway in Loudoun County with safety improvements to be built as needed and funded. Currently, a safety improvements project is funded for the portion of US Route 15 between the Potomac River at the north end to the northern corporate limits of the Town of Leesburg at the south end.

- **US Route 50** runs east-west between Fairfax and Fauquier Counties. In the Rural Policy Area there is a Traffic Calming Demonstration Project funded by the US Department of Transportation (USDOT) from Lenah (in Loudoun County) to Paris (in Fauquier County). This traffic calming project will maintain US Route 50 as a two-lane highway. State Virginia Byway designation and Loudoun County Historic Roadway District designation will be sought for the portion of Route 50 running through the Mosby Heritage Area in recognition of the road's scenic and historic character.

- **VA Route 7** is a primary arterial highway running east-west through Loudoun County. In the Rural Policy Area, it connects from the western boundary of the County with Clarke County to the western boundary of the Town of Leesburg. VA Route 7 is currently planned to be a six-lane primary arterial highway within these limits. Of particular concern is the portion of VA Route 7 between the interchanges with VA Route 9 and West Market Street (in Leesburg), which needs to be upgraded to a six-lane limited access highway from its configuration as a four-lane controlled access highway including frontage roads with improvements made to the Route 7/9 interchange. This limited access highway upgrade was approved by the Board of Supervisors as a high priority implementation project in the fall of 1999.

[2] A Virginia Byway is defined as a road, designated as such by the Commonwealth Transportation Board (CTB) having relatively high aesthetic or cultural value, leading to or within areas of historical, natural or recreational significance.

- **VA Route 9** will be maintained as a two-lane minor arterial highway in the Rural Policy Area. VA Route 9 runs from the northwest boundary with West Virginia to VA Route 7 near Paeonian Springs. The Loudoun Board of Supervisors has requested funds from the Commonwealth Transportation Board for a VA Route 9 Corridor Study for safety improvements with community input.

- **VA Route 287**, between the Potomac River near Brunswick, Maryland and Route 7 in Purcellville, will be kept as a two-lane minor arterial highway. The Town Council of Purcellville has requested funds from the Commonwealth Transportation Board for improvements to the interchange at VA Route 7 and VA Route 287 as well as extending Route 287 on the south side of Business Route 7 to Route 690 as the South Collector Road. Safety improvements will also be implemented on Route 287. One of these projects, an intersection at Route 287/663, has been funded.

- **All secondary roads (numbered 600 and above)** in the Rural Policy Area will be kept as two-lane paved roads or unpaved roads (approximately 331 miles unpaved in mid-year 2000) with only essential safety improvements to be undertaken ~~with community input~~ where required to provide adequate levels of service and safety. ~~Secondary rural paved roads should be considered for safety improvements under the "pave-in-place" policy, while the unpaved roads should be considered for road-bind applications. Road-bind is an ammonium lignosulfonate product. It has been tested on Route 613. Based on results, VDOT is initiating a pilot program in Loudoun County. Six unpaved road segments have been selected in cooperation with the Board of Supervisors. The savings in state funds from maintaining these roads without any capacity/widening improvements should be redirected to other roads in the Suburban or Transition Policy Areas that need or are planned for improvements. Legislation was passed during the 2001 State General Assembly that eliminates the penalty for shifting surface treatments on unpaved roads to other secondary road projects.~~ Road improvements commensurate with impacts are expected to be provided by residential and non-residential developments along rural roads.

Amend "Unpaved Roads" text (Revised Countywide Transportation Plan, p. 3-10):
Loudoun County has a 331 mile-network of unpaved rural roads that reflects the County's agricultural heritage. Today, these unpaved rural roads, often tree lined with historic stone walls, are recognized by the vast majority of rural residents as a fundamental asset that should be preserved. The unpaved rural road network has a natural traffic calming effect that permits their shared use for horseback riding and hiking and contributes to the quality of life sought by rural households. They are recognized as adding to the rural character that attracts tourists. They also facilitate the safe, efficient movement of farm vehicles. The County is committed to the preservation of the unpaved rural road network in its present state ~~with exception only for essential safety enhancements~~ where possible, provided that adequate levels of service and safety are maintained.

In any case, paving most of the unpaved roads is cost prohibitive given the level of funding devoted to the Secondary Road Improvement Program (SRIP) and the higher priority the County assigns to roads in the Suburban and Transition Policy Areas. The latest estimates for paving these roads is $1.5 million per mile. Even if the County chose to pave every road in Loudoun it

would take more than a century to do so at current funding levels.

The County recognizes that the higher the traffic volumes on unpaved roads the higher the maintenance costs incurred by VDOT; however, the cost of maintaining all of the unpaved roads in Loudoun County is less than the cost of paving one mile of unpaved road. The *Revised General Plan* envisions the reduction of ~~reduces the~~ permitted rural densities in part to mitigate the additional costs that higher traffic volumes incur and to maintain adequate levels of service and safety on the unpaved roads. The rural paved road network often serves the collector road function for the unpaved roads. Rural Residential rezonings will be contingent on the ability to mitigate impacts on the road network created by the increased residential densities.

Add new text on the "Rural Policy Area Roads (Revised Countywide Transportation Plan, p. 3-11):

"Rustic Road" Program

VDOT manages a Rural Rustic Road Program for any unpaved secondary road that carries at least 50 but no more than 500 vehicles per day. The engineering standards in this program are designed to preserve the significant historic and environmental features of these low volume roadways, while limiting impacts to the rights-of-way of the existing roads. The following VDOT guidelines apply to the Rural Rustic Road program.

- Roadways must be unpaved and already within the State Secondary System
- Roadways must be a priority (line item) in an approved Secondary Six-Year Plan, even if the funding source is not from normal, secondary construction allocations.
- The Board of Supervisors, in consultation with VDOT's Resident Engineer or designee, must designate by a specific resolution a road or road segment as a Rural Rustic Road.
- Roadway or roadway section must be predominately for local traffic use.
- The local nature of the road means that most motorists using the road have traveled it before and are familiar with its features.
- The Board of Supervisors will endeavor to limit growth on roads improved under the Rural Rustic Road program and cooperate with the Department through its comprehensive planning process to develop lands consistent with rural rustic road concepts.

Amend Policy 1 under "Rural Roads Policies" (Revised Countywide Transportation Plan, p. 3-12):

1. Transportation ~~facilities~~ road improvements in the Rural Policy Area will be ~~primarily restricted to~~ focused on safety and adequate levels of service improvements ~~in order to~~ which will be designed to protect the rural character of the road network.

Amend Policy 10 under "Rural Roads Policies" (Revised Countywide Transportation Plan, p. 3-12):

10. Secondary Roads (numbered 600 and above) in Loudoun's Rural Policy Area will be maintained in their present condition as either paved or unpaved roads with only safety improvements to be undertaken on these roads. ~~Any savings in state funds would be redirected to other secondary roads in the Suburban and Transition Policy Areas.~~

Amend Policy 11 under "Rural Roads Policies" (Revised Countywide Transportation Plan, p. 3-12):

11. The County will ~~seek to make only essential safety~~ consider improvements ~~on~~ to unpaved rural roads based on volumes, the nature of the road users (local vs. unfamiliar drivers), and accident data.

Amend Policy 13 under "Rural Roads Policies" (Revised Countywide Transportation Plan, p. 3-12):

13. To protect and preserve the historic character of the historic roads in the southwestern part of the ~~c~~County, the County ~~will~~ designated ~~the~~ a network of 32 historic roads, which ~~will be~~ is known as the "Beaverdam Historic Roadways District", as a Historic Roadways District as provided for in the Zoning Ordinance. The Beaverdam Historic Roadways District is located south of Route 734 and north of Route 50 and is bounded to the east by Route 611 and to the west by the Blue Ridge Mountains and the Clarke and Loudoun County lines.

Delete Policy 17 under "Rural Roads Policies" (Revised Countywide Transportation Plan, p. 3-13):

17. ~~The County will preserve its roads in the Rural Policy Area by applying road bind to maintain unpaved roads wherever this is consistent with traffic engineering, environmental, and other objectives.~~

Add new Policy 17 under "Rural Roads Policies" (Revised Countywide Transportation Plan, p. 3-12):

17. In cases where unpaved roads must be paved, pave-in-place and rustic road standards will be used to the maximum extent possible.

Amend Policy 18 under "Rural Roads Policies" (Revised Countywide Transportation Plan, p. 3-13):

18. The County will work with VDOT toward extensions and refinements to pave-in-place and rural rustic road legislation including its application to improvements to hard surfaced roads.

Amend Policy 19 under "Rural Roads Policies" (Revised Countywide Transportation Plan, p. 3-13):

19. The County will work with VDOT, and seek state enabling legislation if necessary, to provide rural road standards for safe travel by alternative road users such as buggies~~.~~ , horses, bicycles and pedestrians. The needs of rural tourism will be a major consideration.

Index of Proposed
Zoning Ordinance Text Amendments
ZOAM -2005-0002
[Italics indicate Planning Commission Recommendation]

Subject	**Sections Amended**	
Article II		
Changes to conform with CPAM [CPAM 2005-0005]	2-101 (A)	Purpose and Intent
	2-101 (B)	Purpose and Intent
	2-101 (C)	Purpose and Intent
	2-101 (D)	Purpose and Intent
Strike in its entirety	2-101 (E)	Purpose and Intent
	2-101 (F)	Purpose and Intent
Clarify lot size provision regarding more than one use on a lot to be sum of all uses	2-102(F)	Minimum Lot Size Requirements
Clarify lot size provision regarding more than one use on a lot to be the larger of two uses	*2-102(F)*	*Minimum Lot Size Requirements*
Delete performance standards for: Equestrian Facilities, Stables, Stable, private, Stable, neighborhood	Table 2-102	Uses
Delete Caretaker's residence, Guest house, Tenant dwelling, Tenant dwelling, seasonal labor from Use list.	*Table 2-102*	*Uses*
Permit Banquet Facility as a permitted use with performance standards	*Table 2-102*	*Uses*
Add Private Club as a special exception use	*Table 2-102*	*Uses*
Eliminate distinction between B&B homestay and inn and allow as a permitted use	*Table 2-102*	*Uses*
Permit County Inn as a permitted use	*Table 2-102*	*Uses*
Delete cross reference to cluster regs & add new cross reference	Table 2-102	Uses
Add "Country Club" as a use with Performance standards	Table 2-102	Uses

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Separate "yard waste" and "vegetative waste" uses	Table 2-102	Uses
Delete	2-103	Lot and Building Requirements
Add	2-103	Development Options
Add	2-103 (A)	Base Density Division Option
Increase lot coverage from 8% to 11%	*2-103(A)(3)(d)*	
Add	2-103 (B)	Principal/Subordinate Subdivision Option
Add	2-103 (C)	Cluster Subdivision Option
Eliminate the 25 lot/cluster Requirement	*2-103(C)(3)(a)*	*Lot standards for Residential Cluster Lots*
Base minimum lot size upon type of utility service	*2-103(C)(3)(d)*	
Delete	2-104	AR-1 Cluster Option
Add	2-104	Homeowners' Assoc & Responsibilities
Delete	2-105	Utility Requirements
Add	2-105	Right to Farm
Add new Zoning District	2-150 et seq	RR-1 Rural Residential – 1
Eliminate the 25 lot/cluster Requirement	*2-154(A)(2)*	*Number of lots in a Cluster(s)*
Base minimum lot size upon type of utility service	*2-154(A)(5)*	*Minimum Lot Size*
Changes to conform with CPAM [CPAM 2005-0005]	2-201 (A)	Purpose and Intent
	2-201 (B)	Purpose and Intent
	2-201 (C)	Purpose and Intent
	2-201 (D)	Purpose and Intent
	2-201 (E)	Purpose and Intent
Strike in its entirety	2-201 (F)	Purpose and Intent
Clarify lot size provision regarding more than one use on a lot to be the larger of two uses	*2-202(F)*	*Minimum Lot Size Requirements*
Delete performance standards for: Equestrian Facility, Stables, Stable, private, Stable, neighborhood	Table 2-202	Uses
Delete Caretaker's residence, Guest house, Tenant dwelling, Tenant dwelling, seasonal labor from	*Table 2-202*	*Uses*

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Use list.		
Permit Banquet Facility as a permitted use with performance standards	*Table 2-202*	*Uses*
Add Private Club as a special exception use	*Table 2-202*	*Uses*
Eliminate distinction between B&B homestay and inn	*Table 2-202*	*Uses*
Permit County Inn as a permitted use	*Table 2-202*	*Uses*
Delete cross reference to cluster regs & add new cross reference	Table 2-202	Uses
Add "Country Club" as a use with Performance standards	Table 2-202	Uses
Separate "yard waste" and "vegetative waste" uses	Table 2-202	Uses
Delete	2-203	Lot and Building Requirements
Add	2-203	Development Options
Add	2-203 (A)	Base Density Division Option
Increase lot coverage from 8% to 11%	*2-203(A)(3)(d)*	
Add	2-203 (B)	Principal/Subordinate Subdivision Option
Add	2-203 (C)	Cluster Subdivision Option
Revise open space from 85% to 70%	*2-203(C)(2)(h)*	*Characteristics of Cluster S/D option*
Eliminate the 25 lot/cluster Requirement	*2-203(C)(3)(a)*	*Lot standards for Residential Cluster Lots*
Base minimum lot size upon type of utility service	*2-203(C)(3)(d)*	
Delete	2-204	AR-1 Cluster Option
Add	2-204	Homeowners' Assoc & Responsibilities
Delete	2-205	Utility Requirements
Add	2-205	Right to Farm
Add new zoning district	2-250 et seq	RR-2 Rural Residential – 2
Revise open space from 85% to 70%	*2-253(G))*	*Characteristics of ClusterSubdivision*
Eliminate the 25 lot/cluster Requirement	*2-254(A)(2)*	*Number of lots in a Cluster(s)*
Base minimum lot size upon type of utility service	*2-254(A)(5)*	*Minimum Lot Size*

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Delete reference to Conservation Design	2-1005 (D)	Conservation Design
Delete references to LOD and RSCOD, replace with FOD	2-1005(E)(1)(b)	Neighborhood Design Standards
	2-1005(E)(1)(c)	
Replace conservation design with Overlay District requirements	2-1006(C)	Alternative Neighborhood Design Standards
Delete reference to Conservation Design	2-1105(C)(2)	Utilities
Delete reference to Conservation Design	2-1105 (D)	Conservation Design
Delete references to LOD and RSCOD, replace with FOD	2-1105(E)(1)(b)	Neighborhood Design Standards
	2-1105(E)(1)(c)	
Delete reference to Conservation Design	2-1105(E)(4)(a)	Civic and Open Space
Delete reference to Conservation Design	2-1205	Conservation Design
Delete references to LOD and RSCOD, replace with FOD	2-1206(A)(2)	Neighborhood Development Standards
	2-1206(A)(3)	
Delete reference to Conservation Design	2-1207(B)	Utilities
Delete reference to Conservation Design	2-1401(F)	Purpose and Intent
Delete reference to Conservation Design	2-1403(A)	Development Standards
Delete reference to Conservation Design	2-1501(A)(6)	Purpose and Intent
Delete reference to Conservation Design	2-1503 (A)	Development Standards
Delete reference to Conservation Design	2-1601 (F)	Purpose and Intent
Delete reference to Conservation Design	2-1603 (A)	Development Standards
Delete reference to Conservation Design	2-1701(A)(6)	Purpose and Intent
Delete reference to Conservation Design	2-1703 (A)	Development Standards

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ARTICLE IV

Affirm FOD	4-1500	Floodplain Overlay District
Delete LOD in entirety	4-1900	Limestone Conglomerate Overlay District
Delete RSCOD in entirety	4-2000	River & Stream Corridor Overlay District

ARTICLE V

Clarify when construction/sales trailers are permitted	5-500(A)(1)	Construction Related Temporary Uses
Allow Zoning Administrator to extend permit; delete requirement to tear down model homes	5-500(A)(2)	Temporary Dwelling unit
Revise to allow permit extensions in six month increments	*5-500(A)(2)*	*Temporary Dwelling unit*
Add sales and leasing as permitted, temporary uses	5-500(A)(3)	Sales and leasing
Add model homes as a permitted temporary use	5-500(A)(4)	Model Homes
Clarify that zoning permits not needed for exempt activities	5-500(C)	Temporary Special Events
Delete "temporary" from intro	*5-500(C)*	*Temporary Special Events*
Clarify that exempt activities are not subject to 5-500	5-500(C)(1)	Applicability
Insert examples of health and sanitation	5-500(C)(2)	Exempt activities
Insert limitation of 24 events under 100 in a year	5-500(C)(2)(a)	Exempt activities
Edit types of event venues	5-500(C)(2)(d)	Exempt activities
Delete cross reference to other ZO and Codified Ordinance sections	5-500(C)(3)	Exemption for Special Events…
Edit conditions that may be imposed	5-500(C)(7)	Authority for Reasonable Conditions…
Edit Maximum number of events	5-500(C)(9)	Maximum Number of Special Events
Delete applicability and exempt Activities	*5-500(C)(1)* *5-500(C)(2)*	*Applicability* *Exempt activities*
Edits to Special Exception uses	*5-500(C)(2)*	*Exemption for Special Events*
Edit permitted locations	*5-500(C)(3)*	*Permitted Locatiosn*

Delete "temporary"	*5-500(C)(4)* *5-500(C)(5)(a)* *5-500(C)(5)(h)*	*Referral Authorized* *Minimum Standards and Criteria...* *Minimum Standards and Criteria...*
Reduce the number of days between events and delete "temporary"	*5-500(C)(8)*	*Maximum Number of ...Events*
Allow modifications through a minor special exception	*5-600*	*Additional Regulations for Specific Uses*
Clarify standards for special events	5-601(A)(3)	Bed and Breakfast Homestay
Delete standards for B&B homestay	*5-601(A)*	*Bed and Breakfast Homestay*
Clarify that food service may be provided to visitors and transient guests	5-601(B)(2)	Bed and Breakfast Inn
Revise to state overnight or other transient guests	*5-601(B)(2)*	*Bed and Breakfast Inn*
Clarify standards for special events	5-601(B)(3)	Bed and Breakfast Inn
Delete and revise standards for special events	*5-601(B)(3)*	*Bed and Breakfast Inn*
Revise minimum lot area and number of rooms	5-601(B)(6)(a)	Bed and Breakfast Inn
Increase FAR	5-601(B)(6)(b)	Bed and Breakfast Inn
Revise intensity and character of use Based upon number of rooms, acres and attendance at events	*5-601(B)(6)*	*Bed and Breakfast Inn*
Changes noise standards	5-601(B)(6)(g)	Noise.
Delete "Inn"	*5-601(B)*	*Bed and Breakfast Inn*
Correct typographical error	5-601(C)(4)(c)	Country Inn
Changes noise standards	5-601(C)(4)(h)	Noise.
Revise standards for use based upon Number of rooms, acres, attendance at events and provision of restaurant	*5-601(C)*	*Country Inn*
Limit outdoor music	*5-601(C)(7)(j)*	*Noise*
Increase FAR	5-601(C)(4)(b)(i)	Country Inn
Increase percentage devoted to restaurant	5-601(C)(4)(b)(ii)	Country Inn
Delete reference to natural topography	5-601(D)(2)	Rural Retreats & Resorts/Separation Requirement
Delete references to Conservation Design	5-601(D)	Rural Retreats & Resorts

Clarify that Retreats/Resorts may be used as Event Facility	5-601(D)(7)	May be open to the public
Combine area to be used for restaurant and conference facilities	5-601(D)(8)(b)(i)	Size of use
Increase FAR	5-601(D)(8)(b)(iii)	Size of use
Change noise standards	5-601(D)(8)(h)	Noise
Delete AR from the districts listed	*5-602*	*Tenant Dwellings*
Delete requirement that occupants must earn portion of income from farm.	5-602(B)(6)	Tenant Dwellings
Delete prohibition of driveways through buffer yards	5-602(E)(3)	Landscaping/Buffering/Screening
Increase size permitted based upon square footage or FAR, whichever is larger	5-604(B)	Wayside Stands
Delete location on a state maintained road Requirements	5-605(F)	Commercial Nurseries
Changes provisions regarding a child's access to day care	5-609(B)(2)(b)	Child Care Centers
Delete "temporary"	5-612(A)	Guest Houses
Delete term of occupancy	5-612(B)	Guest Houses
Increase permitted floor area	5-612(D)	Guest Houses
Increase permitted floor area	5-613(A)	Accessory Apartments and Dwelling Units
Add "RR" district	5-613(C)	Accessory Apartments and Dwelling Units
Delete minimum lot size for one unit; allow an additional unit on 10 or more acres	*5-613(D)*	*Accessory Apartments and Dwelling Units*
Allow additional units in rural districts for each 25 acres in excess of 10	*5-613(G)*	*Accessory Apartments and Dwelling units*
Add AR & RR districts	5-614(A)(1)	Small Business
Clarify that Home Occupations are subject to § 5-400.	5-614(C)(1)	Permitted Small Business Uses
Exclude repair service and contractors from the RR districts	5-614(D)	Small Business Uses Permissible by SPEX
Delete provision that SPEX does not Convey	5-614(F)	Conveyance

Remove reference to RSCOD and replace With FOD	5-614(H)(1)	Sketch and Site Plans
Delete cross-reference to LSDO	5-614(H)(2)	Sketch and Site Plans
Add reference to RR districts	5-614(I)	Signs
Add reference to RR districts	5-614(J)	Applicability…to Small Business Uses
Change standard for lot size	5-616(A)(1)	Utility Substations
Add reference to AR & RR districts	5-618(B)(2)	Monopoles, SPEX required
Add reference to AR & RR districts	5-618(C)(2)(a)	Telecommunications Towers, SPEX req'd
Delete "Agricultural" from title	5-619	Rural Agricultural Corporate Retreat
Delete entire paragraph	5-619(A)(1)	Purpose and Intent
Delete entire paragraph	5-619(A)(2)	Purpose and Intent
Delete reference to think tank	5-619(A)(3)	Purpose and Intent
Delete entire paragraph	5-619(A)(4)	Purpose and Intent
Delete "Agricultural" from use title	5-619(A)(5)	Purpose and Intent
Delete "Agricultural" from use title	5-619(A)(6)	Purpose and Intent
Delete definition	5-619(B)	Definitions
Edit section title	5-619(C)	Rural Agricultural Corporate Retreat…
Revise FAR	5-619(C)(4)	Rural Agricultural Corporate Retreat…
Edit who may receive food services	5-619(C)(5)	On-Site Food Services
Edit types of programs	5-619(C)(8)	Programs
Edit standards for special events	5-619(C)(9)	Special Events
Edit items to be sold	5-619(C)(10)	Products Sold On-Site
Edit types of users	5-619(C)(12)	On-site recreation
Edit number and definition of user	5-619(C)(13)	Average Daily User…
Delete entire paragraph	5-619(C)(14)	Remove Property from Land Use Program
Edits to delete "Agricultural" and "RSCOD" replace RSCOD with Floodplain map	5-619(D)(1)	Sketch Plan
Edit to delete "Agricultural"	5-619(D)(2)	SPEX review…

Edit to delete "Agricultural"	5-619(D)(3)	Modifications
Revise minimum lot size	5-621(A)	Public Utilities
Add cross-reference to §5-616	5-621(D)	Public Utilities
Increase area for tasting and food	5-625(A)(2)	Winery, Wine Tasting Rooms…
Revise FAR	5-625(B)(1)	Winery, Commercial/Size of Use
Delete screening from public ROW	5-625(B)(2)	Storage Yards
Insert storage yards into screening requirements	5-625(D)(2)	Landscaping/Buffering/Screening
Decrease minimum lot size	5-626(A)	Agriculture, Parcel Size
Revise setback requirement	5-626(B)	Agriculture, Horticulture and Animal Husbandry
Add RR districts	5-631	Animal Hospital
Revise FAR	5-634	Agricultural Cultural Center
Revise noise standards	5-635(F)(2)	Fairgrounds
Revise minimum lot size	5-638(A)(1)	Public Safety Uses/Site Size
Revise FAR	5-639(A)(2)	Religious Assembly/Max. FAR
Revise setbacks	5-639(B)(1)	Religious Assembly/Setbacks…
Increase FAR	5-640(B)(1)	Conference and Training Centers/FAR
Revise noise standards	5-640(G)	Conference and Training Centers
Edit Title	5-642	Banquet Facility
Revise hours of operations	5-642(A)	Banquet Facility- Intensity/Character Standards
Insert Activities included in uses	5-642(B)	Activities included in Use
Insert Additional Use	5-642(D)	Additional Use
Revise Road Access Standards	5-642(G)(1)	Road Access Standards
Edit title	*5-642*	*Banquet Facility*
Revise hours of operation	*5-642(A)*	*Intensity/Character Standards*
Edit road access standards	*5-642(E)(2)*	*Roads/Access Standards*
Insert standards for events	*5-642(I)*	*Indoor and Outdoor Events*
Revise size of use	5-643(B)(1)	Restaurant/Site Size

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Revise FAR	5-643(B)(2)	Floor Area Ratio
Revise Scope of Use	5-645(A)(1)(b)	Camp, Day & Boarding – Site Size
Delete Structure Size	5-645(B)(1)	Size of Use
Revise site standards	5-645(B)(2)	Location on Site/Dimensional Standards
Add RR districts	5-648	Golf Course
Add RR districts	5-650	Antique Shop…
Revise noise standards	5-652(B)(2)	Maximum dB(A)
Edit introductory paragraph	5-653	Landscaping Standards for Specific Uses
Revise setbacks	5-653(A)	Landscaping/Buffering/Screening
Allow administrative modification	5-653(A)(1)	Landscaping/Buffering/Screening
Revise parking area screening	5-653(B)	Screening of Parking Areas
Revise screening of storage	5-653(C)	Screening of Outdoor Storage …
Revise Road Access standards	5-654	Road Access Standards for Specific Uses
Insert FSM reference	*5-654*	*Road Access Standards for Specific Uses*
Delete reference to LOD & RSCOD Insert FOD	5-657(A)(2)(a)	Stockpiling of Dirt/Siting
Delete reference to primary conservation areas	5-657(A)(2)(b)	Stockpiling of Dirting/Siting
Add standards for Country Club	5-660 et seq.	Country Club
Revise introductory paragraph	*5-660*	*Country Club*
Revise table	*5-660(A)*	*Intensity/Character*
Revise FAR	*5-660(B)(1)*	*Floor Area Ratio*
Delete reference to Conservation Design	*5-660(C)(1)*	*Use Limitations*
Edit requirement to screen structures on ridgelines	*5-660(C)(2)*	*Use Limitations*
Delete entire paragraph	*5-660(C)(3)*	*Use Limitations*
Delete reference to Conservation Design	*5-660(D)(2)*	*Minimum Required Yards*
Edit water and sewer standards	*5-660(G)*	*Water and Sewer*

Delete reference to Conservation Design	5-701(A)(1)	TR District Lot Standards – Purpose
Delete references to RSCOD	5-701(A)(3&4)	Purpose
Delete references to Conservation Design	5-701(C)(3)	Lot and Open Space Standards
Delete reference to primary conservation Areas	5-701(C)(3)(a)(ii&iii)	Number of Groups/Number of Lots in a group
Delete portion of section	5-701(C)(3)(b)(i&ii)	Open Space
Delete references to RSCOD & LOD	5-701(C)(3)(b)(iii)	Allowed uses in open space
Delete references to Conservation Design	5-701(C)(3)(c)(i&ii)	Siting of Open Space…
Delete entire section	5-701(D)	Ownership & Maintenance…
Delete entire section	5-703	AR District Cluster Option
Add RR to business signs	5-1204(D)(3)(ff)	Sign Requirements Matrix
Add AR & RR to temporary signs	5-1204(D)(5)(a)	Sign Requirements Matrix
Add RR district	5-1303(B)	Canopy Requirements
Add RR district	5-1406(E)	Special Situations
Add new section regarding landscaping location	5-1409(I)	Buffer Yard Waivers…
Delete reference to RSCOD	5-1508(B)(1)(b)	Steep Slopes in RSCOD
Delete reference to Conservation Design	5-1508(C)(1)(a)	Identification of Steep Slope Areas
Delete reference to Conservation Design	5-1508(C)(1)(b)	Identification of Steep Slope Areas
Delete reference to Conservation Design	5-1508(E)	Development Standards
Delete reference to LOD	6-407(A)(2)	Map Interpretations…
Delete reference to RSCOD & add FOD	6-407(A)(3)	Map Interpretations…
Delete entire section	6-408	Modifications
Add reference to RR districts and Sketch plans	6-701(C)	Site Plan Required
Add sketch plan standards	6-703	Rural Sketch Plan

Add standards for minor rezoning	6-1216	RR District Minor Rezoning
Delete entire section	6-2000	Conservation Design
Revise definitions	Article 8	*Accessory Building* *Banquet/Event Facility* *Bed and Breakfast(Inn)* *Country Inn* *Accessory Dwelling* *Special Event* Sewer, Public Water, Public
Add definitions	Article 8	Cluster Development (AR & RR) Country Club Originating Tract Principal Lot Principal/Subordinate Subdivision Option *Private Parties* Rural Cluster Lot Rural Economy Lot Rural Residential Lot Sewer disposal system, individual Subordinate Lot Water supply system, individual
Delete definition		Bed and Breakfast Homestay

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ADDITIONAL CHANGES TO THE ZONING ORDINANCE RECOMMENDED BY STAFF

AR-1 Agricultural Rural - 1

1. Section 2-103(C)(3)(b) and (c). Cluster Subdivision Option. If the Board of Supervisors adopts the recommendation of the Planning Commission to eliminate the maximum number of lots in a cluster, the requirements for Number of Clusters and Distance Between Clusters, Section 2-103(C)(3)(b) and (c) should be deleted as they would then be unnecessary.

2. Existing Lots of Record. The draft text for the AR-1 and AR-2 districts addresses three methods of subdividing property with use, lot, and building requirements associated with each type. Staff notes that existing lots of record are not addressed and recommends that a section be added to the AR-1 and AR-2 districts to clearly state the permitted uses and lot requirements for existing lots of record, including lots recorded under the hamlet subdivision option as follows:

   Add Section 2-106. **Existing Lots of Record.**
   (A) Lots existing as of (insert date of ordinance adoption) shall be permitted the uses identified in Table 2-102: AR-1 Agricultural Rural-1 District Use Table and shall follow the lot and building requirements for the Base Density Division option as identified in Section 2-103(A).
   (B) *Hamlet Lots.* For lots recorded prior to (insert date of ordinance adoption) and developed under a hamlet subdivision, in accordance with the zoning ordinance in effect at the time of subdivision, such lots shall follow the requirements in effect as of the date the lots were recorded.

3. Section 2-103(B)(1)(a) and Section 2-103(C)(1)(a). Principal/Subordinate and Cluster Subdivision Options, General. It is proposed that these sections be revised to clarify that the amount of acreage needed to subdivide is based on the acreage in existence at the time of development and prior to right of way dedication. This language is consistent with similar language in the RR-1 and RR-2 district regulations.
   (a) **General**. A landowner may exercise this option on a site consisting of a minimum of 20 acres, prior to development.

AR-2 Agricultural Rural – 2

4. Section 2-203(B)(4)(a). Principal and Subordinate Lots. Rename the "Rural Cluster Lot" to "Non-Rural Economy Lot" as the Principal/Subordinate subdivision is not within a "cluster" subdivision and reword minimum lot size section to be consistent with AR-1 language as follows:

   Section 2-203(B)(4)(a)
   (a) **Minimum Lot Size**. 80,000 square feet, exclusive of major floodplain. At least one lot in the development shall be a Rural Economy Lot with a minimum of 25 acres.

5. Section 2-203(C)(3)(b) and (c). Cluster Subdivision Option . If the Board of Supervisors adopts the recommendation of the Planning Commission to eliminate the maximum number of lots in a cluster, the requirements for Number of Clusters and Distance Between Clusters, Section 2-203(C)(3)(b) and (c) should be deleted as they would then be unnecessary.

6. Existing Lots of Record. The draft text for the AR-1 and AR-2 districts addresses three methods of subdividing property with use, lot, and building requirements associated with each type. Staff notes that existing lots of record are not addressed and recommends that a section be added to the AR1 and AR2 districts to clearly state the permitted uses and lot requirements for existing lots of record, including lots recorded under the hamlet subdivision option as follows:

Add Section 2-206. **Existing Lots of Record.**

(A) Lots existing as of (insert date of ordinance adoption) shall be permitted the uses identified in Table 2-202: AR-2 Agricultural Rural-1 District Use Table and shall follow the lot and building requirements for the Base Density Division option as identified in Section 2-203(A).

(B) *Hamlet Lots.* For lots recorded prior to (insert date of ordinance adoption) and developed under a hamlet subdivision, in accordance with the zoning ordinance in effect at the time of subdivision, such lots shall follow the requirements in effect as of the date the lots were recorded.

7. Section 2-203(B)(1)(a) and Section 2-203(C)(1)(a). Principal/Subordinate and Cluster Subdivision Options, General. It is proposed that these sections be revised to clarify that the amount of acreage needed to subdivide is based on the acreage in existence at the time of development and prior to right of way dedication. This language is consistent with similar language in the RR-1 and RR-2 district regulations.

   (a) **General**. A landowner may exercise this option on a site consisting of a minimum of 40 acres, prior to development.

RR-1 Rural Residential - 1

8. Section 2-154(A)(3) and (4). Cluster Subdivision. If the Board of Supervisors adopts the recommendation of the Planning Commission to eliminate the maximum number of lots in a cluster, the requirements for Number of Clusters and Distance Between Clusters, Section 2-154(A)(3) and (4), should be deleted as they would then be unnecessary.

9. Permitted Uses. Section 2-154(A)(9) and Section 2-154(B)(5). The Planning Commission recommended changes to the AR-1 and AR-2 districts regarding combining Bed and breakfast homestay and Bed and breakfast inn and to combine Caretaker's residence, Guest house and Tenant dwelling into one use, Accessory dwelling. If the Board accepts the Planning Commission's recommendation regarding the AR-1 and AR-2 districts, the Board may want to discuss whether this recommendation should also apply to the RR-1 and RR-2 districts. If so, Section 2-154 (A)(9) Rural Residential Lots, Permitted Uses (d) Bed and breakfast homestay and Section 2-154 (B)(5) Rural Economy Lots, Permitted Uses (g) Bed and breakfast homestay, (h) Caretaker's residence, and (n) Guest House should also be deleted.

RR-2 Rural Residential - 2

10. Section 2-254(A)(3) and (4). Cluster Subdivision. If the Board of Supervisors adopts the recommendation of the Planning Commission to eliminate the maximum number of lots in a cluster, the requirements for Number of Clusters and Distance Between Clusters, Section 2-254(A)(3) and (4), should be deleted as they would then be unnecessary.

11. Permitted Uses. Section 2-254(A)(9) and Section 2-254(B)(5). The Planning Commission recommended changes to the AR-1 and AR-2 districts regarding combining Bed and breakfast homestay and Bed and breakfast inn and to combine Caretaker's residence, Guest house and Tenant dwelling into one use, Accessory dwelling. If the Board accepts the Planning Commission's recommendation regarding the AR-1 and AR-2 districts, the Board may want to discuss whether this recommendation should also apply to the RR-1 and RR-2 districts. If so, Section 2-254 (A)(9) Rural Residential Lots, Permitted Uses (d) Bed and breakfast homestay and Section 2-254 (B)(5) Rural Economy Lots, Permitted Uses (g) Bed and breakfast homestay, (h) Caretaker's residence, and (n) Guest house should also be deleted.

AR-1, AR-2, RR-1, RR-2

12. Cluster Lot Requirements. If the Board of Supervisors adopts the recommendation of the Planning Commission to reduce the minimum lot size in a cluster subdivision based on the types of water and wastewater serving the site, lot requirements such as minimum lot width, minimum yard, and length to width ratio may need to be adjusted as follows:

	40,000 sq. ft.	20,000 sq. ft. Lot	No Minimum Lot Size
Minimum Lot Width	175	60	0
Minimum Front Yard	35	25	15
Minimum Side Yard	15	10	8
Minimum Rear Yard	35	25	20
Length to Width Ratio	3:1	None	None

Section 5-600 Additional Regulations for Specific Uses

13. Country Inn. Section 5-601(C)(7)(e). To make this section consistent with the proposed amendment to the Bed and Breakfast standards, it may be advisable to phrase as follows:

    "**Yard Standards.** The minimum required yard setback shall be ~~as follows: 4-40 Guest Rooms with Outdoor Events Level III – large scale~~: 250 feet from all lot lines. Outdoor areas, including parking used for Banquet/Event facilities or for music shall be located a minimum of 500 feet from an existing dwelling located on a separate lot."

14. Rural Corporate Agricultural Retreat – Section 5-619(D)(2) and (E). It is recommended that these two sections be deleted for consistency as Section 5-600 allows modifications through the special exception process and the cited sections also provide for modifications to the Rural Corporate Agricultural Retreat through the special exception process.

15. Small Business. Section 5-614(B). Definitions. It is recommended that RR be inserted into the list of districts.

16. Small Business. Section 5-614(D). Small Business Uses Permissible by Special Exception. The draft text adds RR-1 and RR-2 to the districts that permit small businesses. As the RR districts are intended to be residentially oriented, repair service and contractors businesses are not proposed to be permitted as small businesses in the RR districts. The following is recommended as better wording:

    "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 AR-1, AR-2, RR-1, RR-2, A-3, A-10, TR, CR, JLMA, and PD-CV zoning districts.

    (1) Business service occupations.
    (2) Personal service occupations.
    ~~(3) Repair service occupations.~~
    ~~(4) Contractors and contracting~~.
    (3) Professional office-based services.
    (4) Studios for fine arts and crafts.
    (5) Antique sales and the sale of any goods or items produced on the premises.
    (6) Except as provided above, no retail or wholesale commercial businesses are permitted.

    In addition, the following uses may be approved as "small businesses" in the AR-1, AR-2, A-3, A-10, TR, CR, JLMA, and PD-CV zoning districts.

    (7) Repair service occupations.
    (8) Contractors and contracting."

17. Section 5-645 Camp, Day and Boarding. This revision is recommended as there is currently no setback specified for a Level IV Camp.

    (B)(2) Add line in table for Level IV Setback of 300 feet.

18. Section 5-653 Landscaping Standards for Specific Uses. The following word change is recommended:
    (A) (1) In the A-3, A-10, AR-1, AR-2, RR-1, RR-2 zoning districts, the Zoning Administrator may permit the required buffer to ~~circumnavigate~~ surround the proposed use, rather than to be located on the property line.

19. Section 5-1406(E) Special Situations. It is recommended that RR-1 and RR-2 be added to the list of districts that are exempt from providing a Type 3 buffer with berm along an arterial road.

20. Section 1409(I) Buffer Yard Waivers and Modifications. The following word change is recommended:

    (I) In the A-3, A-10, AR-1, AR-2, RR-1, RR-2 zoning districts, the Zoning Administrator may permit the required buffer to ~~circumnavigate~~ surround the proposed use, rather than to be located on the property line as required by Section 5-1407(A).

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ARTICLE II, NON-SUBURBAN DISTRICT REGULATIONS

DIVISION A: RURAL DISTRICTS

Section 2-100 AR-1 Agricultural Rural-1

2-101 Purpose and Intent. The purpose and intent of the AR-1 district is to:

(A) Support the ~~primary~~ use of land for rural economy uses, with residential uses allowed ~~secondarily in a form and context that is~~ at densities consistent with the general open and rural character of the rural economy uses.

(B) Allow for a broad range of rural economy uses, including ~~traditional and new agricultural uses~~ (agriculture, horticulture and animal husbandry), agriculture support and ~~basic~~ services ~~directly~~ associated with on-going agricultural activities, and other ~~low impact non rural~~ uses that can be developed in ways ~~that are~~ consistent with the rural character of the AR-1 district ~~rural economy uses~~ through mitigation or other standards.

(C) Recognize the County's tourism industry is interconnected with the rural economy and rural economy uses in the district by allowing for tourism uses related to ~~traditional and new~~ agricultural uses, conference and training center uses, and rural activity and special event uses ~~for tourists related to the traditional and new agricultural uses~~.

(D) Promote ~~Ensure~~ consistency between ~~that~~ residential development and ~~is consistent with the open character of the~~ rural economy uses through lower ~~by requiring either very low~~ density residential development or ~~the~~ clustering of residential development ~~in ways that are harmonious with rural economy uses and that preserve the general rural character of the district~~.

(E) ~~Ensure that development is designed and located in ways that are consistent with conservation design principles and protects and maintains primary conservation areas and secondary conservation areas in ways that are consistent with the development of rural economy uses and the general rural character of the district.~~

(F) Ensure that the rural economy uses are compatible with any existing permitted residential development.

2-102 Use Regulations. Table 2-102 summarizes the principal use regulations of the AR-1 district.

(A) **Organization of Use Table.** Table 2-102 organizes the uses in the AR-1 district by Use Classifications, Use Categories and Use Types.

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(1) **Use Classifications.** The Use Classifications are: agricultural uses; residential uses; public and institutional uses; commercial uses; and industrial uses. The Use Classifications assign land uses into broad general classifications (e.g., agricultural uses and residential uses). The Use Classifications then organize land uses and activities into general "Use Categories" and specific "Use Types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.

(2) **Use Categories.** The Use Categories describe the major sub-groups of the Use Classification, based on common characteristics (e.g., the residential Use Classification is divided into two major Use Categories: Household Living and Group Living). Principal uses are identified in defining the Use Category. They are principal uses that most closely share the common characteristics that are key to the Use Category.

(3) **Use Types.** The Use Categories are divided into specific Use Types. The specific Use Types are included in the respective Use Category. They identify the specific uses that are considered to fall within characteristics identified in the Use Category. For example, single family detached dwellings, multi-family dwellings and town houses are Use Types in the Household Living Use Category.

(B) **Use Categories and Use Types Defined.** All Use Categories and Use Types listed in Table 2-102 are defined in Article VIII (Definitions).

(C) **Permitted and Special Exception Uses.** A "P" in the column identified "AR-1" indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the AR-1 district, subject to compliance with applicable standards and regulations in this Ordinance and other County ordinances. An "S" indicates that a Use Type is allowed in the AR-1 district as a special exception in accordance with the procedures and standards of Section 6-1300. An "M" indicates that a Use Type is allowed in the AR-1 district as a minor special exception in accordance with the procedures and standards of Section 6-1300. In some instances, and based on the Additional Regulations for Specific Uses (Section 5-600), a Use Type will be permitted as a matter of right under certain conditions or allowed as a special exception or minor special exception under other conditions. In those instances, it is identified as "P/S" or "P/M," as appropriate.

(D) **Reference to General Use Category.** References to "General Use Category" under the Use Type column, means all of the uses in the Use

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Category are allowed. The Use Category is defined in Article VIII. Where specific Use Types are listed in the Use Type column, only the listed Use Types in the Use Category are allowed. The Use Types are defined in Article VIII.

(E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-102 (AR-1 District Use Table) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the "Additional Regulations for Specific Uses" in Section 5-600.

(F) **Minimum Lot Size Requirements.** Each principal permitted use shall meet the minimum acreage requirement, where specified in the "Additional Regulations for Specific Uses" in Section 5-600, for that use. Where two or more principal uses are located on one parcel, the parcel size shall be equal to or greater than the sum of the minimum acreage requirements for each principal use.

PC REC: (F) **Minimum Lot Size Requirements.** Each principal permitted use shall meet the minimum acreage requirement, where specified in the "Additional Regulations for Specific Uses" in Section 5-600, for that use. Where two or more principal uses are located on one parcel, the parcel size shall be the larger of the two or more uses requirements, and not the sum of all the minimum lot sizes.

TABLE 2-102:
AR-1 AGRICULTURAL RURAL–1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Agricultural processing	P	Section 5-627
	Agri-education	P	Section 5-627
	Animal care business	P	Section 5-627
	Agritainment	P	Section 5-627

TABLE 2-102: AR-1 AGRICULTURAL RURAL–1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**AR-1 DISTRICT**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Commercial winery with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Custom operators	P	Section 5-627
	Direct market business for sale of products produced on-site – including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	~~Section 5-627~~
	Farm based tourism	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm markets	P	Section 5-603
	Feedlot (for on-going, on-site animal husbandry activities)	P	Section 5-627
	Nursery, commercial	S	Section 5-605
	Nursery, production	P	Section 5-605
	Pet farms	P	Section 5-627
	Restaurant	P	Section 5-627
	Sawmill	S	Section 5-629
	Stables	P	~~Section 5-627~~
	Veterinary services	P	
	Virginia Farm Winery	P	
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627

TABLE 2-102: AR-1 AGRICULTURAL RURAL–1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**AR-1 DISTRICT**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Agriculture Support and Services Not Directly Associated with On-Site Agricultural Activity	Agricultural research facility	P	Section 5-644
	Animal care businesses	P	Section 5-630
	Central farm distribution hub for agricultural products	P	Section 5-630
	Commercial winery with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Equestrian facility	P	~~Section 5-630~~
	Equestrian facility, on lots of less than 50 acres or without frontage on state maintained road	M	~~Section 5-630~~
	Farm machinery repair	P	Section 5-630
	Farm machinery sales, rental and service	P	Section 5-615
	Mill feed and farm supply center	P	Section 5-630
	Nursery, commercial	S	Section 5-605
	Stable, neighborhood, on lots of 25 acres or more, or frontage on state maintained road	P	~~Section 5-630~~
	Stable, neighborhood, on lots of less than 25 acres or without frontage on state maintained road	M	~~Section 5-630~~
	Stable, private	P	~~Section 5-630~~
Animal Services	Animal hospital	P	Section 5-631
	Kennel	M	Section 5-606
	Kennel, Indoor	P	Section 5-606

TABLE 2-102: AR-1 AGRICULTURAL RURAL–1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**AR-1 DISTRICT**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
RESIDENTIAL USES			
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Caretaker's residence (accessory to single family detached dwelling)	P	
PC REC: Delete	~~Caretaker's residence (accessory to single family detached dwelling)~~	~~P~~	
	Dwelling, single-family detached, including manufactured housing	P	~~May use AR District Cluster Option. See Sections 2-104 and 5-703.~~ May divide property in accordance with Section 2-103 Development Options.
	Guest house (accessory to single family detached dwelling)	P	Section 5-612
PC REC: Delete	~~Guest house (accessory to single family detached dwelling)~~	~~P~~	~~Section 5-612~~
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Portable Dwelling/Trailer Construction	P	
Group Living	Co-housing	P	
	Convent or monastery	P/S	Section 5-656
	Dormitory, seasonal labor	M	Section 5-632
	Rooming house	P	
	Tenant dwelling	P	Section 5-602
PC REC: Delete	~~Tenant dwelling~~	~~P~~	~~Section 5-602~~
	Tenant dwelling, seasonal labor	P	Section 5-602(C)
PC REC: Delete	~~Tenant dwelling, seasonal labor~~	~~P~~	~~Section 5-602(C)~~

TABLE 2-102: AR-1 AGRICULTURAL RURAL–1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**AR-1 DISTRICT**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
PUBLIC AND INSTITUTIONAL USES			
Aviation	Airport/landing strip	S	Section 5-633
Day Care Facilities	Child care home	P	Section 5-609(A)
	Child or adult day care center	S	Section 5-609(B)
Cultural and Government Facilities	Agricultural cultural center	S	Section 5-634
	Fairground	S	Section 5-635
	Structures or uses for local government purposes not otherwise listed in the district	S	
Education	School (elementary, middle, or high)	S	
	Vocational school	S	
Park and Open Space	Arboretum	P	Section 5-636
	Botanical garden or nature study area	P	Section 5-636
	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood, or regional park, passive recreational uses	P	
	Community, neighborhood, or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	P	Section 5-638
	Police station or substation	P	Section 5-638
Religious Assembly	Church, synagogue, temple or mosque, with seating capacity of 300 or less seats in sanctuary or main activity area	P	Section 5-639

TABLE 2-102: AR-1 AGRICULTURAL RURAL–1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**AR-1 DISTRICT**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Church, synagogue, temple or mosque, with seating capacity of more than 300 in sanctuary or main activity area, or accessory schools, day care centers with more than 30 children, recreational facilities	S	Section 5-639
Utility	General Use Category	P	Recycling drop-off collection center, public: Section 5-607 Utility substation, transmission: Section 5-616(A) Utility substation, distribution: Section 5-616(B)
	Sewage Treatment Plant	S	Section 5-621
	Sewer Pumping Station	P	Section 5-621
	Water Storage Tank	S	Section 5-621
	Water Treatment Plant	S	Section 5-621
	Water Pumping Station	P	Section 5-621
	Utility transmission lines, overhead (excluding connections of lines from existing overhead public utility transmission lines to individual uses)	S	Unless excepted by Section 1-103(D)
COMMERCIAL USES			
Conference and Training Centers	Conference and training centers	P/M	Section 5-640
	Rural corporate retreat	P	Section 5-619
	Rural Resort	P	Section 5-601(D)
	Rural Retreat	P	Section 5-601(D)
Food and Beverage	Teahouse; coffeehouse	P	Section 5-641
	Banquet facility	M	Section 5-642

TABLE 2-102: AR-1 AGRICULTURAL RURAL–1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**AR-1 DISTRICT**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
PC REC:	Banquet facility	~~M~~ P	Section 5-642
	Restaurant	M	Section 5-643
Office	Educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the district	M	Section 5-644
Recreation and Entertainment	Camp, day and boarding, with 30 or fewer campers	P	Section 5-645
	Camp, day and boarding, with more than 30 campers	M	Section 5-645
	Campground	M	Section 5-646
	Country Club	S	Section 5-660
	Cross country ski business	P	Section 5-647
	Eco-tourism	P	Section 5-647
	Golf course	S	Section 5-648
	Outdoor amphitheater	S	Section 5-649
	Rural recreational establishment, outdoor	P	
Retail Sales and Service	Antique shop	P	Section 5-650
PC REC:	Private Club or Lodge	S	
	Art gallery or art studio	P	Section 5-650
	Auction house	S	Section 5-651
	Craft shop	P	Section 5-650
	Small business	P/M	Section 5-614
Visitor Accommodation	Bed and breakfast, home stay	P/M	Section 5-601(A)
PC REC:	~~Bed and breakfast, home stay~~	~~P/M~~	~~Section 5-601(A)~~

TABLE 2-102: AR-1 AGRICULTURAL RURAL–1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**AR-1 DISTRICT**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Bed and breakfast inn	P/M	Section 5-601(B)
PC REC:	Bed and breakfast ~~inn~~	P/~~M~~	Section 5-601(B)
	Country inn	M	Section 5-601(C)
PC REC:	Country inn	~~M~~ P	Section 5-601(C)
	Guest farm or ranch leasing up to 20 guest rooms	P	
INDUSTRIAL USES			
Telecommunication Use and/or Structure	Radio and/or television tower	S	Section 5-618
	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunications transmission tower	S	Section 5-618(C)(2)
Waste-Related Uses	~~Yard waste and/or vegetative waste compost~~ Vegetative Waste Management facility	M	(Grant of a special exception does not avoid requirements of Chapter 1080,Codified Ordinances of Loudoun County, or any other applicable law.)
	Yard Waste Composting Facility	S	(Grant of a special exception does not avoid requirements of Chapter 1080,Codified Ordinances of Loudoun County, or any other applicable law.)
	Stockpiling of dirt	S	Section 5-657

~~**2-103 Lot and Building Requirements.** Table 2-103 identifies the lot and building requirements that apply to all development in the AR-1 district, except land developed under the AR District Cluster Option pursuant to Section 2-104 and Section 5-703, or unless the performance standards in Section 5-600 (Additional Regulations for Specific Uses) specify different requirements.~~

~~TABLE 2-103~~ ~~AR-1 LOT AND BUILDING REQUIREMENTS~~ ~~(EXCEPT DEVELOPMENT UNDER AR DISTRICT CLUSTER OPTION)~~	
~~**Minimum Lot Size**~~	~~20 acres~~
~~**Minimum Lot Width**~~	~~200 feet on paved roads; 50 feet on unpaved roads~~
~~**Minimum Yards**~~	~~No building shall be located within 25 feet of any property line nor within 100 feet from the right-of-way of any arterial road, 75 feet from the right-of-way of any collector road, and 35 feet from any other road right-of-way, private access easement, and any prescriptive easement.~~
~~**Maximum Lot Coverage**~~	~~8% maximum, based on gross acreage~~
~~**Maximum Building Height**~~	~~35 feet. No restriction for buildings used exclusively for agriculture, horticulture and animal husbandry.~~
~~**Lot Access**~~	~~Access to individual lot provided by privately owned and maintained travelway which shall either be:~~ ~~○ A private access easement that complies with the requirements of Chapter 4:Transportation of the Facilities Standards Manual; or~~ ~~○ A private lane that:~~ ~~■ Is within a 24' private easement;~~ ~~■ Is at least 12' in width;~~ ~~■ If paved, is 2" over a 4" base;~~ ~~■ If gravel is 6"; and~~ ~~■ Has a minimum grade of 10% with a minimum 30' centerline curve radius.~~ ~~○ Private access easement or private lane may serve as frontage in lieu of public road frontage up to 25 lots.~~ ~~Plat of division shall contain a note and provide for maintenance of private access easement or private lane.~~

~~**2-104 AR-1 Cluster Option.** At the option of the landowner, lands in the AR-1 district may be developed pursuant to the procedures and requirements of the AR District Cluster Option (Section 5-703).~~

~~**2-105 Utility Requirements.**~~

~~(A) **Water.** Development shall be served either by individual wells or communal water supply systems. Individual wells or communal water supply systems may be located within the Rural Economy Conservation Lands consistent with the standards of Section 6-2005.~~

~~(B) **Wastewater.** Development shall be served either by communal sewer systems or by septic systems. Communal sewer systems or septic systems may be located within the Rural Economy Conservation Lands consistent with the standards of Section 6-2005.~~

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2-103 Development Options. Land within the AR-1 zoning district may be subdivided under one of the three development options identified below. Nothing in this section shall preclude the opportunity for a property owner to file for a Family Subdivision in accordance with the requirements of the Land Subdivision and Development Ordinance.

(A) **Base Density Division Option.** A Base Density Division meeting the following standards and criteria may be permitted in accordance with the procedures outlined in the Land Subdivision and Development Ordinance (LSDO) for such division:

(1) **Lot Yield**. Under the Base Density Division Option, the maximum lot yield shall be one lot per 20 acres.

(2) **Permitted Uses.** The uses permitted on lots developed in accordance with the Base Density Division Option are identified in Table 2-102 and are subject to the Additional Regulations for Specific Uses of Section 5-600.

(3) **Lot and Building Requirements.**

(a) **Minimum Lot Size.** 20 acres.

(b) **Minimum Lot Width**. 175 feet.

(c) **Minimum Yards.** No structure shall be located within 25 feet of any property line or within 100 feet from the right-of-way of any arterial road, 75 feet from the right-of-way of any collector road, and 35 feet from any other road right-of-way, private access easement, and/or any prescriptive easement.

(d) **Maximum Lot Coverage.** 8% maximum.

PC REC: (d) **Maximum Lot Coverage**. 11% maximum.

(e) **Maximum Building Height.** 35 feet, excluding agricultural, horticultural, and animal husbandry structures.

(4) **Creation of Lots.**

(a) **Request.** Requests for creation of lots by plat of division in the AR-1 District shall be submitted to the Director of the Department of Building and Development (or designee) for review and approval in accordance with "AR-2 and AR-1 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 the road

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along the entire frontage of the newly created lot, measured from the centerline of the road to the property line of the lot, satisfies the criteria of the Virginia Department of Transportation (VDOT).

(c) **Utility Requirements.** Each lot shall have an on-site water supply and individual sewage disposal system.

(5) **Lot Access.**

(a) Access to individual lots may be provided by a private access easement that complies with the requirements of the Facilities Standards Manual.

(b) A private access easement may serve as frontage in-lieu of public road frontage for up to 7 lots.

(c) The plat of division shall contain a note detailing the provisions for the maintenance of the private access easement.

(B) **Principal/Subordinate Subdivision Option**: The Principal/Subordinate Subdivision Option is a subdivision of land in which a maximum lot yield is calculated for an Originating Tract based on the gross acreage of such tract. The maximum lot yield shall be as set forth in Subsection 2-103(B)(1)(b) below. The Principal/Subordinate Subdivision Option results in the creation of one Principal Lot, and one or more Subordinate Lots. The number of Subordinate Lots created is subtracted from the maximum lot yield and the resulting number establishes the remaining number of lots, which is assigned to the Principal Lot. The creation of subsequent Subordinate Lots from the Principal Lot is permitted, with the number of lots assigned to the Principal Lot reduced by one for each Subordinate Lot created. Once the number of lots assigned to the Principal Lot is reduced to one, no more Subordinate Lots can be created. The Principal/Subordinate Subdivision Option typically allows the landowner to achieve a greater lot yield than the base density of the Base Density Division Option, while providing for the establishment of rural economy uses as a primary use with single-family detached residential development as a secondary use.

(1) **General Requirements.**

(a) **General.** A landowner may exercise this option on a site consisting of a minimum of 20 acres.

(b) **Lot Yield.** The maximum lot yield shall be 1 lot per 10 acres.

(2) **Characteristics of Principal/Subordinate Subdivision Option.**

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(a) The lot yield of a Principal/Subordinate Subdivision shall be calculated from the Originating Tract of land in existence at the time the first Principal/Subordinate Subdivision is created.

(b) Once a Principal/Subordinate Subdivision is created, the number of lots assigned to the subdivision shall not be altered.

(c) The lot yield of the Originating Tract shall be calculated with each preliminary and/or record plat. At the time of the first subdivision, the number of Subordinate Lots created is subtracted from the number of lots calculated for the Originating Tract and the remaining number of lots is then assigned to the Principal Lot. Each subsequently created Subordinate Lot is subtracted from the number of lots assigned to the Principal Lot and shall reduce the number of lots assigned to the Principal Lot by one (1) for each lot.

(d) A Principal Lot may be further subdivided, provided the minimum requirements of the Zoning Ordinance and Land Development and Subdivision Ordinance (LSDO) are met. Once the number of lots assigned to the Principal Lot is reduced to one, the Principal Lot may no longer be subdivided.

(e) Subordinate Lots shall not be further subdivided. The record plat and initial deed of conveyance after establishment of a subdivision lot under the Principal/ Subordinate Subdivision Option shall contain a statement to this effect.

(f) A subdivision of one or more lots may occur at one time or in a series of subdivisions up to the maximum lot yield calculated for the Originating Tract.

(g) Any subdivision record plat for a Principal/Subordinate Subdivision shall contain a tabulation of density showing, in addition to all Land Subdivision and Development Ordinance (LSDO) requirements, the lot yield originally calculated for the Originating Tract, all prior subdivisions from the Originating Tract and each resulting Principal Lot and number of lots created pursuant to such subdivisions.

(h) The Principal Lot shall be clearly labeled on each record plat.

(i) Each Principal/Subordinate Subdivision shall contain at least one Rural Economy Lot of a minimum of 15 acres in size.

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(3) **Permitted Uses.**

(a) **Principal and Subordinate Lots.** The uses permitted on lots developed in accordance with the Principal/Subordinate Development Option are identified in Table 2-102 and are subject to the Additional Regulations for Specific Uses of Section 5-600.

(4) **Lot and Building Requirements.** The Lot and Building Requirements for development under the Principal/Subordinate Subdivision Option are identified below, except where the performance standards in Section 5-600 (Additional Regulations for Specific Uses) specify different requirements for a particular use.

(a) **Minimum Lot Size**. 80,000 square feet, exclusive of major floodplain. At least one lot in the development shall be a Rural Economy Lot with a minimum of 15 acres.

(b) **Minimum Lot Width**. 175 feet.

(c) **Maximum Length/Width Ratio**. 3:1.

(d) **Minimum Yards.** No structure shall be located within 25 feet of any property line or within 100 feet from the right-of-way of any arterial road; 75 feet from the right-of-way of any collector road; or 35 feet from any other road right-of-way, private access easement, and/or any prescriptive easement.

(e) **Maximum Lot Coverage**. 15%.

(g) **Building Height.** 35 feet maximum, excluding agricultural, horticultural, and animal husbandry structures.

(5) **Landscaping/Buffering.** Notwithstanding the requirements of Section 5-1400, required buffers may be provided on either the Principal and/or Subordinate lot.

(6) **Utility Requirements.**

(a) **Water.** All lots shall be served by individual water supply systems located on the lot.

(b) **Sewer.** All lots shall be served by individual sewage disposal systems located on the lot.

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(7) **Fire Protection.** The development shall satisfy the fire protection standards set forth in the Facilities Standards Manual.

~~(8)~~ **Lot Access.**

(a) Access to individual lots may be provided by a private access easement that complies with the requirements of Chapter 4: Transportation, of the Facilities Standards Manual.

(b) A private access easement may serve as frontage in lieu of public road frontage up to 25 lots per easement.

(c) The record plat of subdivision shall contain a note detailing the provisions for the maintenance of the private access easement.

(C) **Cluster Subdivision Option**. The Cluster Subdivision Option allows for the subdivision of a tract of land with a more compact residential design plus one or more large lots suitable for rural economy uses and/or common open space. Communal water and sewer systems may be used for such developments.

(1) **General Requirements.**

(a) **General.** A landowner may exercise this option on a site consisting of a minimum of 20 acres.

(b) **Lot Yield.** The maximum lot yield shall be 1 lot per 10 acres.

(2) **Characteristics of Cluster Subdivision Option**.

(a) Depending on the tract size, the cluster subdivision may include one or more Rural Cluster Lots and at least one Rural Economy Lot and may include Common Open Space.

(b) The lot yield of the cluster subdivision shall be calculated from the gross acreage for the tract of land from which the subdivision is created.

(c) All lots within the cluster subdivision shall be created at one time.

(d) The lots created by cluster subdivision shall not be further subdivided.

(e) A Homeowners' Association is required for any subdivision with common elements as described in Section 2-104.

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(f) Each preliminary and record plat for a cluster subdivision shall contain a tabulation of lot yield for the cluster subdivision.

(g) The perimeter setback required in Section 2-103(C)(6) shall be indicated and clearly labeled on each preliminary and record plat.

(h) A minimum of 70% of the gross land area of the development shall be comprised of a Rural Economy Lot(s) or a combination of Rural Economy Lot(s) and Common Open Space.

(3) **Lot standards for Residential Cluster Lots.** The site layout of the proposed development shall occur in conjunction with preliminary subdivision plat review. Development of the cluster option shall comply with all of the following standards, in addition to the LSDO:

(a) **Number of Lots in Cluster(s).** Rural Cluster Lots shall be grouped in clusters consisting of a minimum of 5 lots and a maximum of 25 lots, except that a cluster may consist of fewer than 5 lots if any one of the following applies:

PC REC: (a) **Number of Lots in Cluster(s).** Rural Cluster Lots shall be grouped in clusters consisting of a minimum of 5 lots, except that a cluster may consist of fewer than 5 lots if any one of the following applies:

(i) There will be fewer than 5 lots in the entire subdivision.

(ii) In the AR-1 district, the area of the site is less than 50 acres.

(iii) It is demonstrated that a cluster of fewer than 5 lots will result in less disturbance of land within the Mountainside Development Overlay District (MDOD), Floodplain Overlay District (FOD) lands, and/or land containing steep slopes and/or wetlands.

(b) **Number of Clusters.** Multiple groupings of Rural Cluster Lots shall be required where the total number of lots on a site is greater than 25. A single grouping of Rural Cluster Lots shall contain all the lots where the total number of lots on a site is 25 or fewer, except that multiple clusters may be allowed where it is demonstrated that multiple clusters will result in less disturbance of land within the Mountainside Development Overlay District (MDOD), Floodplain Overlay District (FOD) lands, and/or land containing steep slopes and/or wetlands.

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(c) **Distance Between Clusters.** If more than one grouping of Rural Cluster Lots is to be created from a parcel, a minimum of 500 feet shall separate the lot lines of the outer boundaries of each grouping of Rural Cluster lots (exclusive of open space and lots 15 acres or greater).

(d) **Lot Size.**

(i) **Minimum lot size.** 40,000 sq. ft., exclusive of major flood plain.

(ii) **Maximum lot size.** 4 acres, exclusive of major flood plain.

PC REC: (d) **Minimum Lot Size.**
(i) **On-site Water and Wastewater.** 40,000 sq. ft., exclusive of major flood plain.
(b) **Off-site Wastewater, On-site Water.** 20,000 sq. ft., exclusive of major flood plain.
(c) **Off-site Water and Off-Site Wastewater.** No minimum lot size.
(e) **Maximum Lot Size.** 4 acres, exclusive of major flood plain.

(e) **Minimum Lot Width.** 175 feet.

(f) **Maximum Length/Width Ratio.** 3:1.

(g) **Maximum Lot Coverage.** 15%.

(h) **Permitted Uses on Lots.** The uses allowed on lots are identified in Table 2-102 and are subject to the Additional Regulations for Specific Uses in Section 5-600.

(4) **Lot standards for Rural Economy Lots.** Each cluster subdivision shall contain at least one Rural Economy Lot of a minimum of 15 acres that shall meet the following standards:

(a) **Minimum Lot Size.** 15 acres.

(b) **Maximum Lot Coverage.** 8%.

(c) **Minimum Lot Width.** 175 feet.

(d) **Maximum Length/Width Ratio.** 3:1.

(e) **Permitted Uses on Lots.** The uses allowed on lots are identified

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in Table 2-102, subject to the Additional Regulations for Specific Uses in Section 5-600.

(5) **Common Open Space Use.** Land that is neither part of a building lot nor a road right-of-way shall be placed in common open space and shall be maintained by a Homeowner's Association as described in Section 2-104. Common Open Space shall be designed to constitute a contiguous and cohesive unit of land which may be used as described below. Common Open Space has no minimum or maximum lot size and no lot width regulations. Further, Common Open Space does not count against the lot yield allotted to the subdivision.

(a) **Permitted Uses.** Uses allowed on the Common Open Space land are listed below and are subject to the Additional Regulations for Specific Uses in Section 5-600 as referenced:

(i) Bona fide agriculture, horticulture, animal husbandry and structures accessory to such use, including, but not limited to barns and run-in sheds to house livestock or farm equipment, pursuant to Section 5-626.

(ii) Construction and/or sales trailer, during period of construction activity.

(iii) Easements and improvements for drainage, access, sewer or water lines, or other public purposes.

(iv) Passive open space or passive recreation, including but not limited to trails, picnic areas, community gardens.

(v) Sewage disposal system, communal.

(vi) Sewer pumping station.

(vii) Stables, pursuant to Section 5-627.

(viii) Stormwater management facilities for the proposed development or for a larger area in compliance with a watershed stormwater management plan.

(ix) Telecommunications antenna, pursuant to Section 5-618(A).

(x) Telecommunications monopole, pursuant to Section 5-618(B)(1).

(xi) Telecommunications monopole, pursuant to Section 5-618(B)(2).

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(xii) Utility substation, dedicated.

(xiii) Utility transmission lines, overhead (excluding connections of lines from existing overhead public utility transmission lines to individual uses).

(xiv) Water pumping station.

(xv) Water supply system, communal.

(b) **Special Exception Use.** The following uses are permitted within Common Open Space with Special Exception approval pursuant to Section 6-1300 and are subject to the Additional Regulations for Specific Uses in Section 5-600 as referenced.

(i) Active recreation space.

(ii) Telecommunications tower, pursuant to Section 5-618(C)(2).

(6) **Setback.**

(a) **Setback**. No structure shall be located 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; or thirty five (35) feet from any other road right of way, private access easement, and/or prescriptive easement.

(b) **Perimeter Setback**. Residential dwellings within the subdivision, including the Rural Economy Lot, shall be set back a minimum of 100 feet from any lot line adjoining parcels not located within the cluster subdivision.

(7) **Yards.**

(a) **Front**. 35 feet minimum.

(b) **Side.** 15 feet minimum.

(c) **Rear.** 35 feet minimum.

(8) **Building Requirements.**

(a) **Building Height.** Thirty five (35) feet maximum, excluding agricultural, horticultural, and animal husbandry structures.

(9) **Utility Requirements.**

(a) **Water.** All lots shall be served by either:

(i) Individual water systems, located on the lot served, or

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(ii) Communal water system, located within Common Open Space, with maintenance to be provided pursuant to Section 2-103(C)(10).

(b) **Sewer.** All lots shall be served by either:

(i) Individual sewage disposal systems, located on the lot served or in Common Open Space. A maximum of seventy percent (70%) of the lots may have primary and/or reserve septic fields within common open space. The record plat shall identify the location of all septic fields and shall assign them to lots. or

(ii) Communal sewage disposal system that shall be located within Common Open Space with maintenance to be provided pursuant to Section 2-103(C)(10).

~~(9)~~ (10) **Maintenance of Water and/or Sewage Disposal Systems.**

(a) **Individual Systems.** Maintenance of Individual Water and Individual Sewage Disposal Systems shall be the responsibility of the owner of the lot the system serves.

(b) **Communal.** If the development is served by a communal water and/or sewage disposal system, such systems shall be operated and maintained by LCSA, in accord with all LCSA adopted policies. If LCSA policies preclude maintenance by LCSA, then the HOA shall contract with a public water or sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia. An access easement shall be provided for the entity maintaining the system. All costs of operation and maintenance of such communal systems shall be borne as a common expense by the owners of the lots served

(11) **Lot Access.**

(a) Access to individual lots or common open space may be provided by a private access easement which shall comply with the requirements of the Facilities Standards Manual.

(b) Private access easements may serve as frontage in lieu of public road frontage for up to 25 lots per easement.

(c) The plat of subdivision shall contain a note detailing the maintenance provisions of the private access easement.

(12) **Fire Protection.** The development shall satisfy the fire protection standards set forth in the Facilities Standards Manual.

2-104 Homeowners' Association and Responsibilities.

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(A) If the subdivision contains any of the common areas of improvements listed below, the development shall have an incorporated Homeowners' Association ("HOA"). The HOA shall have the responsibility to maintain the following areas or improvements:

(1) Common open space areas within the development that are not part of an individual lot;

(2) Lot(s), if owned by the HOA;

(3) Private roads, if any, within or serving the development, except as provided in Section 2-104(C);

(4) Communal water and/or sewage disposal systems, except as provided in Section 2-104(D);

(5) Any stormwater management facilities or areas;

(6) Fire protection pond(s), dry mains, or other improvements;

(7) Such other common facilities or improvements as may be designated in the bylaws of the HOA.

(B) Membership in the HOA shall be required for all purchasers of lots in the subdivision and their successors in title.

(C) Notwithstanding the requirements of Section 2-104(A) above, if the only common element is the private roads or easements, then such private roads or easements shall either be maintained by an HOA or pursuant to a private road maintenance agreement. If such roads are to be maintained pursuant to a private road maintenance agreement, then the terms thereof shall be included on each record plat of subdivision for the development.

(D) Notwithstanding the requirements of Section 2-104(A) above, communal water or sewage disposal systems may be maintained by LCSA or a public water or sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia.

(E) Prior to approval of a record plat of subdivision for the cluster:

(1) If an HOA is to be established, the landowner shall submit documents for the creation of the HOA to the County for review and approval, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common areas, including a legal description of such areas and a description of restrictions placed upon the use and enjoyment of the land;

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(2) If a communal water and/or sewage disposal system is to be maintained by a third party, a minimum two year maintenance contract is to be submitted for review by the County.

(3) If the subdivision is served by private roads and there is no HOA for the subdivision, the developer shall submit a private road maintenance agreement to the County for review and approval.

2-105 **Recognizing Protection by Right to Farm Act.** Record plats and deeds authorized pursuant to this section 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.).

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Section 2-200 AR-2 Agricultural Rural-2

2-201 Purpose and Intent. The purpose and intent of the AR-2 district is to:

(A) Support the ~~primary~~ use of land for rural economy uses consistent with the pattern of rural and agricultural land uses in the district, including sustaining and nurturing the economically significant equine industry.

(B) Allow residential uses ~~secondarily in a form that is~~ at densities consistent with the general open and rural character of the rural economy uses, and consistent with the land use patterns in the district, which are marked by ~~very~~ low density and large parcels relative to the other portions of the County.

(C) Allow for a broad range of rural economy uses, including ~~traditional and new agricultural uses (~~traditional and new agricultural uses (agriculture, horticulture and animal husbandry~~)~~), agriculture support and basic services directly associated with on-going agricultural activities, and other ~~low impact non-rural~~ uses that can be developed in ways ~~that are~~ that are consistent with the rural character of the AR-2 District ~~rural economy uses~~ through mitigation or other standards.

(D) Recognize the County's tourism industry is interconnected with the rural economy and rural economy uses in the district by allowing for tourism uses related to ~~traditional and new~~ agricultural uses, conference and training center uses, and rural activity and special event uses for tourists ~~related to the traditional and new agricultural uses~~.

(E) Promote consistency between ~~Ensure that~~ residential development and ~~is consistent with the open character of the~~ rural economy uses through lower ~~by requiring either very low~~ density residential development or the clustering of residential development ~~in ways that are harmonious with rural economy uses and that preserve the general rural character of the district.~~.

~~(F) Ensure that development is designed and located in ways that are consistent with conservation design principles and protects and maintains primary conservation areas in ways that are consistent with the development of rural economy uses and the general rural character of the district.~~

(G) Ensure that the rural economy uses are compatible with any existing permitted residential development.

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2-202 Use Regulations. Table 2-202 summarizes the principal use regulations of the AR-2 district.

(A)~~(B)~~**Organization of Use Table.** Table 2-202 organizes the uses in the AR-2 district by Use Classifications, Use Categories and Use Types.

(1) **Use Classifications.** The Use Classifications are: agricultural uses; residential uses; public and institutional uses; commercial uses; and industrial uses. The Use Classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., agricultural uses and residential uses). The Use Classifications then organize land uses and activities into general "Use Categories" and specific "Use Types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.

(2) **Use Categories.** The Use Categories describe the major sub-groups of the Use Classification, based on common characteristics (e.g., the residential Use Classification is divided into two major Use Categories: Household Living and Group Living). Principal uses are identified in defining the Use Category. They are principal uses that most closely share the common characteristics that are key to the Use Category.

(3) **Use Types.** The Use Categories are then divided into specific Use Types. The specific Use Types are included in the respective Use Category. They identify the specific uses that are considered to fall within characteristics identified in the Use Category. For example, single family detached dwellings, multi-family dwellings and town houses are Use Types in the Household Living Use Category.

(B)~~(C)~~**Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-202 are defined in Article VIII (Definitions).

(C)~~(D)~~**Permitted and Special Exception Uses.** A "P" in the column identified "AR-2" indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the AR-2 district, subject to compliance with all applicable standards and regulations in this Ordinance and all other County ordinances. An "S" indicates that a Use Type is allowed in the AR-2 district as a special exception in accordance with the procedures and standards of Section 6-1300. An "M" indicates that a Use Type is allowed in the AR-2 district as a minor special exception in accordance with the procedures and standards of Section 6-1300. In some instances, and based on the Additional Regulations for Specific Uses (Section 5-600), a Use Type will be permitted as a matter of right under certain conditions or allowed as a

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special exception or minor special exception under other conditions. In those instances, it is identified as "P/S" or "P/M," as appropriate.

(D)~~(E)~~ **Reference to General Use Category.** References to "General Use Category" under the Use Type column mean all of the uses in the Use Category are allowed. The Use Category is defined in Article VIII. Where specific Use Types are listed in the Use Type column, only the listed Use Types in the Use Category are allowed. The Use Types are defined in Article VIII.

(E)~~(F)~~ **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-202 (Additional Regulations for Specific Uses) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the "Additional Regulations for Specific Uses" in Section 5-600.

PC REC: (F) **Minimum Lot Size Requirements.** Each principal permitted use shall meet the minimum acreage requirement, where specified in the "Additional Regulations for Specific Uses" in Section 5-600, for that use. Where two or more principal uses are located on one parcel, the parcel size shall be the larger of the two or more uses requirements, and not the sum of all minimum lot sizes.

TABLE 2-202:
AR-2 AGRICULTURAL RURAL–2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal	Agricultural processing	P	Section 5-627
	Agri-education	P	Section 5-627
	Animal care business	P	Section 5-627
	Agritainment	P	Section 5-627

TABLE 2-202: AR-2 AGRICULTURAL RURAL–2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**AR-2 DISTRICT**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Husbandry Activity, On-Site	Commercial winery with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Custom operators	P	Section 5-627
	Direct market business for sale of products produced on-site - including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Farm based tourism	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm markets	P	Section 5-603
	Feedlot (for on-going, on-site animal husbandry activities)	P	Section 5-627
	Nursery, commercial	S	Section 5-605
	Nursery, production	P	Section 5-605
	Pet farms	P	Section 5-627
	Restaurant	P	Section 5-627
	Sawmill	S	Section 5-629
	Stables	P	~~Section 5-627~~
	Veterinary services	P	
	Virginia Farm Winery	P	
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627

TABLE 2-202: AR-2 AGRICULTURAL RURAL–2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**AR-2 DISTRICT**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Agriculture Support and Services Not Directly Associated with On-Site Agricultural Activity	Agricultural research facility	P	Section 5-644
	Animal care businesses	P	Section 5-630
	Central farm distribution hub for agricultural products	P	Section 5-630
	Commercial winery, with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Equestrian facility	P	~~Section 5-630~~
	Equestrian facility, on lots of less than 50 acres or without frontage on state maintained road	M	~~Section 5-630~~
	Farm machinery repair	P	Section 5-630
	Farm machinery sales, rental and service	P	Section 5-615
	Mill feed and farm supply center	P	Section 5-630
	Nursery, commercial	S	Section 5-605
	Stable, neighborhood, on lots of 25 acres or more, or frontage on state maintained road	P	~~Section 5-630~~
	Stable, neighborhood, on lots of less than 25 acres or without frontage on state maintained road	M	~~Section 5-630~~
	Stable, private	P	~~Section 5-630~~
Animal Services	Animal hospital	P	Section 5-631
	Kennel	M	Section 5-606
	Kennel, Indoor	P	Section 5-606

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TABLE 2-202: AR-2 AGRICULTURAL RURAL–2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**AR-2 DISTRICT**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Caretaker's residence (accessory to single family detached dwelling)	P	
PC REC:	~~Caretaker's residence (accessory to single family detached dwelling)~~	~~P~~	
	Dwelling, single-family detached, including manufactured housing	P	May subdivide property in accordance with Section 2-203 Development Options. ~~May use AR District Cluster Option. See Sections 2-204 and 5-703~~.
	Guest house (accessory to single family detached dwelling)	P	Section 5-612
PC REC:	~~Guest house (accessory to single family detached dwelling)~~	~~P~~	~~Section 5-612~~
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Portable Dwelling/Trailer Construction	P	
Group Living	Co-housing	P	
	Convent or monastery	P/S	Section 5-656
	Dormitory, seasonal labor	M	Section 5-632
	Rooming house	P	
	Tenant dwelling	P	Section 5-602
PC REC:	~~Tenant dwelling~~	~~P~~	~~Section 5-602~~
	Tenant dwelling, seasonal labor	P	Section 5-602(C)
PC REC:	~~Tenant dwelling, seasonal labor~~	~~P~~	~~Section 5-602(C)~~

TABLE 2-202: AR-2 AGRICULTURAL RURAL–2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**AR-2 DISTRICT**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
PUBLIC AND INSTITUTIONAL USES			
Aviation	Airport/landing strip	S	Section 5-633
Day Care Facilities	Child care home	P	Section 5-609(A)
	Child or adult day care center	S	Section 5-609(B)
Cultural and Government Facilities	Agricultural cultural center	S	Section 5-634
	Fairground	S	Section 5-635
	Structures or uses for local government purposes not otherwise listed	S	
Education	School (elementary, middle, or high)	S	
	Vocational school	S	
Park and Open Space	Arboretum	P	Section 5-636
	Botanical garden or nature study area	P	Section 5-636
	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood, or regional park, passive recreational uses	P	
	Community, neighborhood, or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	P	Section 5-638
	Police station or substation	P	Section 5-638

TABLE 2-202: AR-2 AGRICULTURAL RURAL–2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**AR-2 DISTRICT**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Religious Assembly	Church, synagogue, temple or mosque, with seating capacity of 300 or less seats in sanctuary or main activity area	P	Section 5-639
	Church, synagogue, temple or mosque, with seating capacity of more than 300 in sanctuary or main activity area, or accessory schools, day care centers with more than 50 children, recreational facilities	S	Section 5-639
Utility	General Use Category	P	Recycling drop-off collection center, public: Section 5-607 Utility substation, transmission: Section 5-616(A) Utility substation, distribution: Section 5-616(B)
	Sewage Treatment Plant	S	Section 5-621
	Sewer Pumping Station	P	Section 5-621
	Water Storage Tank	S	Section 5-621
	Water Treatment Plant	S	Section 5-621
	Water Pumping Station	P	Section 5-621
	Utility transmission lines, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	Unless excepted by Section 1-103(D)
COMMERCIAL USES			
Conference and Training Centers	Conference and training centers	M	Section 5-640
	Rural agricultural corporate retreat	P	Section 5-619

TABLE 2-202: AR-2 AGRICULTURAL RURAL–2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**AR-2 DISTRICT**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Rural Resort	P	Section 5-601(D)
	Rural Retreat	P	Section 5-601(D)
Food and Beverage	Teahouse; coffeehouse	P	Section 5-641
	Banquet facility	M	Section 5-642
	Banquet facility	~~M~~ P	Section 5-642
	Restaurant	M	Section 5-643
Office	Educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the district	M	Section 5-644
Recreation and Entertainment	Camp, day and boarding, with 30 or fewer campers	P	Section 5-645
	Camp, day and boarding, with more than 30 campers	M	Section 5-645
	Campground	M	Section 5-646
	Country Club	S	Section 5-660
	Cross country ski business	P	Section 5-647
	Eco-tourism	P	Section 5-647
	Golf course	S	Section 5-648
	Outdoor amphitheater	S	Section 5-649
	Rural recreational establishment, outdoor	P	
PC REC:	Private club or lodge	S	
Retail Sales and Service	Antique shop	P	Section 5-650
	Art gallery or art studio	P	Section 5-650

TABLE 2-202: AR-2 AGRICULTURAL RURAL–2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**AR-2 DISTRICT**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Auction house	S	Section 5-651
	Craft shop	S	Section 5-650
	Small business	P/M	Section 5-614
Visitor Accommodation	Bed and breakfast, home stay	P/M	Section 5-601(A)
PC REC:	~~Bed and breakfast, home stay~~	~~P/M~~	~~Section 5-601(A)~~
	Bed and breakfast inn	P/M	Section 5-601(B)
PC REC:	Bed and breakfast ~~inn~~	P~~/M~~	Section 5-601(B)
	Country inn	M	Section 5-601(C)
PC REC:	Country inn	~~M~~ P	Section 5-601(C)
	Guest farm or ranch leasing up to 20 guest rooms	P	
INDUSTRIAL USES			
Telecommunication Use and/or Structure	Radio and/or television tower	S	Section 5-618
	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunications transmission tower	S	Section 5-618(C)(2)
Waste-Related Uses	~~Yard waste and/or~~ Vegetative waste management ~~compost~~ facility	S ~~M~~	(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinances of Loudoun County, or any other applicable law.)
	Yard waste composting facility	S	(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinances of Loudoun County, or any other applicable law.)

TABLE 2-202: AR-2 AGRICULTURAL RURAL–2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**AR-2 DISTRICT**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Stockpiling of dirt	S	Section 5-657

~~**2-203 Lot and Building Requirements.** Table 2-203 identifies the lot and building requirements that apply to all development in the AR-2 district, except land developed under the AR-2 Cluster Option pursuant to Section 2-204 and Section 5-703, or unless the performance standards in Section 5-600 (Additional Regulations for Specific Uses) specify different requirements.~~

~~TABLE 2-203~~ ~~AR-2 LOT AND BUILDING REQUIREMENTS (EXCEPT DEVELOPMENT UNDER AR DISTRICT CLUSTER OPTION)~~	
~~**Minimum Lot Size**~~	~~50 acres~~
~~**Minimum Lot Width**~~	~~200 feet on paved roads; 50 feet on unpaved roads~~
~~**Minimum Yards**~~	~~No building shall be located within 25 feet of any property line nor within 100 feet from the right-of-way of any arterial road, 75 feet from the right-of-way of any collector road, and 35 feet from any other road right-of-way, private access easement, and any prescriptive easement.~~
~~**Maximum Lot Coverage**~~	~~8% maximum, based on gross acreage~~
~~**Maximum Building Height**~~	~~35 feet. No restriction for buildings used exclusively for agriculture, horticulture and animal husbandry.~~
~~**Lot Access**~~	~~Access to individual lot provided by privately owned and maintained travelway which shall either be:~~ ~~○ A private access easement that complies with the requirements of Chapter 4: Transportation of the Facilities Standards Manual; or~~ ~~○ A private lane that:~~ ~~■ Is within a 24' private easement;~~ ~~■ Is at least 12' in width;~~ ~~■ If paved, is 2" over a 4" base;~~ ~~■ If gravel is 6"; and~~ ~~■ Has a maximum grade of 10% with a minimum 30' centerline curve radius.~~ ~~○ Private access easement or private lane may serve as frontage in lieu of public road frontage up to 25 lots.~~ ~~Plat of division shall contain a note and provide for maintenance of~~

~~TABLE 2-203~~ ~~AR-2 LOT AND BUILDING REQUIREMENTS~~ ~~(EXCEPT DEVELOPMENT UNDER AR DISTRICT CLUSTER OPTION)~~	
	~~private access easement or private lane.~~

~~**2-204 AR-2 Cluster Option.** At the option of the landowner, lands in the AR-2 district may be developed pursuant to the procedures and requirements of the AR District Cluster Option (Section 5-703).~~

~~**2-205 Utility Requirements.**~~

~~(A) **Water.** Development shall be served either by individual wells or communal water supply systems. Individual wells or communal water supply systems may be located within the Rural Economy Conservation Lands consistent with the standards of Section 6-2005.~~

~~(B) **Wastewater.** Development shall be served either by communal sewer systems or by septic systems. Communal sewer systems or septic systems may be located within the Rural Economy Conservation Lands consistent with the standards of Section 6-2005.~~

2-203 Development Options. Land within the AR-2 zoning district may be subdivided under one of the three development options identified below. Nothing in this section shall preclude the opportunity for a property owner to file for a Family Subdivision in accordance with the requirements of the Land Subdivision and Development Ordinance.

(A) **Base Density Division Option.** A Base Density Division meeting the following standards and criteria may be permitted in accordance with the procedures outlined in the Land Subdivision and Development Ordinance (LSDO) for such division:

(1) **Lot Yield**. Under the Base Density Division Option, the maximum lot yield shall be one lot per 40 acres.

(2) **Permitted Uses.** The uses permitted on lots developed in accordance with the Base Density Division Option are identified in Table 2-202 and are subject to the Additional Regulations for Specific Uses of Section 5-600.

(3) **Lot and Building Requirements.**

(a) **Minimum Lot Size.** 40 acres.

(b) **Minimum Lot Width**. 175 feet.

(c) **Minimum Yards.** No structure shall be located within 25 feet of any property line or within 100 feet from the right-of-way of any arterial road; 75 feet from the right-of-way of any collector road; or

35 feet from any other road right-of-way, private access easement, and/or any prescriptive easement.

(d) **Maximum Lot Coverage.** 8%.

PC REC: (d) **Maximum Lot Coverage.** 11%.

(e) **Maximum Building Height.** 35 feet, excluding agricultural, horticultural, and animal husbandry structures.

(4) **Creation of Lots.**

(a) **Request.** Requests for creation of lots by plat of division in the AR-2 District shall be submitted to the Director of the Department of Building and Development (or designee) for review and approval in accordance with "AR-2 and AR-1 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 the newly created lot, measured from the centerline of the road to the property line of the lot, satisfies the criteria of the Virginia Department of Transportation (VDOT).

(c) **Utility Requirements.** Each lot shall have an on-site water supply and individual sewage disposal.

(5) **Lot Access.**

(a) Access to individual lots may be provided by a private access easement that complies with the requirements of the Facilities Standards Manual.

(b) A private access easement may serve as frontage in-lieu of public road frontage for up to 7 lots.

(c) The plat of division shall contain a note detailing the provisions for the maintenance of the private access easement.

(B) **Principal/Subordinate Subdivision Option**: The Principal/Subordinate Subdivision Option is a subdivision of land in which a maximum lot yield is calculated for an Originating Tract based on the gross acreage of such tract. The maximum lot yield shall be as set forth in Subsection 2-203(B)(1)(b) below. The Principal/Subordinate Subdivision Option results in the creation of one Principal Lot, and one or more Subordinate Lots. The number of Subordinate Lots created is subtracted from the maximum lot yield and the resulting number establishes the remaining number of lots, which is assigned to the Principal Lot. The creation of subsequent Subordinate Lots from the Principal Lot is permitted, with the number of lots assigned to the Principal Lot reduced by one for each Subordinate Lot created. Once the number of lots assigned to the Principal Lot is reduced to one, no more Subordinate Lots can be created. The

Principal/Subordinate Subdivision Option typically allows the landowner to achieve a greater lot yield than the base density of the Base Density Division Option, while providing for the establishment of rural economy uses as a primary use with single-family detached residential development as a secondary use.

(1) **General Requirements.**

(a) **General.** A landowner may exercise this option on a site consisting of a minimum of 40 acres.

(b) **Lot Yield.** The maximum lot yield shall be 1 lot per 20 acres.

(2) **Characteristics of Principal/Subordinate Subdivision Option.**

(a) The lot yield of a Principal/Subordinate Subdivision shall be calculated from the Originating Tract of land in existence at the time the first Principal/Subordinate Subdivision is created.

(b) Once a Principal/Subordinate Subdivision is created, the number of lots assigned to the subdivision shall not be altered.

(c) The lot yield of the Originating Tract shall be calculated with each preliminary and/or record plat. At the time of the first subdivision, the number of Subordinate Lots created is subtracted from the number of lots calculated for the Originating Tract and the remaining number of lots is then assigned to the Principal Lot. Each subsequently created Subordinate Lot is subtracted from the number of lots assigned to the Principal Lot and shall reduce the number of lots assigned to the Principal Lot by one (1) for each lot.

(d) A Principal Lot may be further subdivided, provided the minimum requirements of the Zoning Ordinance and Land Development and Subdivision Ordinance (LSDO) are met. Once the number of lots assigned to the Principal Lot is reduced to one, the Principal Lot may no longer be subdivided.

(e) Subordinate Lots shall not be further subdivided. The record plat and initial deed of conveyance after establishment of a subdivision lot under the Principal/ Subordinate Subdivision Option shall contain a statement to this effect.

(f) A subdivision of one or more lots may occur at one time or in a series of subdivisions up to the maximum lot yield calculated for the Originating Tract.

(g) Any subdivision record plat for a Principal/Subordinate Subdivision shall contain a tabulation of density showing, in addition to all Land Subdivision and Development Ordinance (LSDO) requirements, the lot yield originally calculated for the Originating Tract, all prior subdivisions from the Originating Tract and each resulting Principal Lot and number of lots created pursuant to such subdivisions.

(h) The Principal Lot shall be clearly labeled on each record plat.

(i) Each Principal/Subordinate Subdivision shall contain at least one Rural Economy Lot of a minimum of 25 acres in size.

(3) **Permitted Uses.**

(a) **Principal and Subordinate Lots.** The uses permitted on lots developed in accordance with the Principal/Subordinate Development Option are identified in Table 2-202 and are subject to the Additional Regulations for Specific Uses of Section 5-600.

(4) **Lot and Building Requirements.** The Lot and Building Requirements for development under the Principal/Subordinate Subdivision Option are identified below, except where the performance standards in Section 5-600 (Additional Regulations for Specific Uses) specify different requirements for a particular use.

(a) **Minimum Lot Size.**

(i) **Rural Cluster Lot.** 80,000 square feet, exclusive of major floodplain.

(ii) **Rural Economy Lot.** 25 acres, exclusive of major floodplain. At least one lot in the development shall be a minimum of 25 acres.

Staff Recommendation: The following language is recommended for consistency with the AR-1 district regulations.

(a) **Minimum Lot Size.** 80,000 square feet, exclusive of major floodplain. At least one lot in the development shall be a Rural Economy Lot with a minimum of 25 acres.

(b) **Minimum Lot Width.** 175 feet.

(c) **Maximum Length/Width Ratio.** 3:1.

(d) **Minimum Yards.** No structure shall be located within 25 feet of any property line or within 100 feet from the right-of-way of any arterial road, 75 feet from the right-of-way of any collector road, and 35 feet from any other road right-of-way, private access easement, and/or any prescriptive easement.

(e) **Maximum Lot Coverage**. 15% maximum.

(f) **Building Height.** 35 feet maximum, excluding agricultural, horticultural, and animal husbandry structures.

(5) **Landscaping/Buffering.** Notwithstanding the requirements of Section 5-1400, required buffers may be provided on either the Principal and/or Subordinate lots.

(6) **Utility Requirements**.

(a) **Water.** All lots shall be served by individual water supply systems located on the lot.

(b) **Sewer.** All lots shall be served by individual sewage disposal systems located on the lot.

(7) **Fire Protection.** The development shall satisfy the fire protection standards set forth in the Facilities Standards Manual.

(8) **Lot Access.**

(a) Access to individual lots may be provided by a private access easement that complies with the requirements of Chapter 4: Transportation, of the Facilities Standards Manual.

(b) A private access easement may serve as frontage in lieu of public road frontage up to 25 lots per easement.

(c) The record plat of subdivision shall contain a note detailing the provisions for the maintenance of the private access easement.

(C) **Cluster Subdivision Option**. The Cluster Subdivision Option allows for the subdivision of a tract of land with a more compact residential design plus one or more large lots suitable for rural economy uses and/or common open space. Communal water and sewer systems may be used for such developments.

(1) **General Requirements.**

(a) **General.** A landowner may exercise this option on a site consisting of a minimum of 40 acres.

(b) **Lot Yield.** The maximum lot yield shall be 1 lot per 20 acres.

(2) **Characteristics of Cluster Subdivision Option.**

(a) Depending on the tract size the cluster subdivision may include one or more Rural Cluster Lots and at least one Rural Economy Lot and may include Common Open Space.

(b) The lot yield of the cluster subdivision shall be calculated from the gross acreage for the tract of land from which the subdivision is created.

(c) All lots within the cluster subdivision shall be created at one time.

(d) The lots created by cluster subdivision shall not be further subdivided.

(e) A Homeowners' Association is required for any subdivision with common elements as described in Section 2-204.

(f) Each preliminary and record plat for a cluster subdivision shall contain a tabulation of lot yield for the cluster subdivision.

(g) The perimeter setback required in Section 2-203(C)(6) shall be indicated and clearly labeled on each preliminary and record plat.

(h) A minimum of 85% of the gross land area of the development shall be comprised of a Rural Economy Lot(s) or a combination of a Rural Economy Lot(s) and common open space.

PC REC: (h) A minimum of 70% of the gross land area of the development shall be comprised of a Rural Economy Lot(s) or a combination of a Rural Economy Lot(s) and common open space.

(3) **Lot standards for Rural Cluster Lot(s).** The site layout of the proposed development shall occur during preliminary subdivision plat review. Development of the cluster option shall comply with all of the following standards in addition to the requirements of the LSDO:

(a) **Number of Lots in Cluster(s).** Lots shall be grouped in clusters consisting of a minimum of 5 lots and a maximum of 25 lots, except that a cluster may consist of fewer than 5 lots if any one of the following applies:

PC REC: (a) **Number of Lots in Cluster(s).** Rural Cluster Lots shall be grouped in clusters consisting of a minimum of 5 lots ~~and a maximum of 25 lots~~, except that a cluster may consist of fewer than 5 lots if any one of the following applies:

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(i) There will be fewer than 5 lots in the entire subdivision.

(ii) In the AR-2 district, the area of the site is less than 100 acres.

(iii) It is demonstrated that a cluster of fewer than 5 lots will result in less disturbance of land within the Mountainside Development Overlay District (MDOD), Floodplain Overlay District (FOD) lands, and/or land containing steep slopes and/or wetlands.

(b) **Number of Clusters.** Multiple groupings of Rural Cluster Lots shall be required where the total number of lots on a site is greater than 25. A single grouping of Rural Cluster Lots shall contain all the lots where the total number of lots on a site is 25 or fewer, except that multiple clusters may be allowed where it is demonstrated that multiple clusters will result in less disturbance of land within the Mountainside Development Overlay District (MDOD), Floodplain Overlay District (FOD) lands, and/or land containing steep slopes and/or wetlands.

(c) **Distance Between Clusters.** If more than one grouping of cluster lots is to be created from a parcel, a minimum of 500 feet shall separate the lot lines of the outer boundaries of each grouping of cluster lots (exclusive of common open space and lots 25 acres or greater).

(d) **Lot Size.**

(i) **Minimum lot size.** 40,000 sq. ft., exclusive of major flood plain.

(ii) **Maximum lot size.** 4 acres, exclusive of major flood plain.

PC REC: (d) **Minimum Lot Size.**
(i) **On-site Water and Wastewater.** 40,000 sq. ft., exclusive of major flood plain.
(b) **Off-site Wastewater, On-site Water.** 20,000 sq. ft., exclusive of major flood plain.
(c) **Off-site Water and Off-Site Wastewater.** No minimum lot size.
(e) **Maximum Lot Size.** 4 acres, exclusive of major flood plain.

(e) **Minimum Lot Width.** 175 feet.

(f) **Maximum Length/Width Ratio.** 3:1.

(g) **Maximum Lot Coverage.** 15%.

(h) **Permitted Uses on Lots.** The uses allowed on lots are identified in Table 2-202 and are subject to the Additional Regulations for Specific Uses in Section 5-600.

(4) **Lot standards for Rural Economy Lots.** Each cluster subdivision shall contain at least one Rural Economy Lot that shall meet the following standards:

(a) **Minimum Lot Size.** 25 acres.

(b) **Maximum Lot Coverage.** 8%.

(c) **Minimum Lot Width.** 175 feet.

(d) **Maximum Length/Width Ratio.** 3:1.

(e) **Permitted Uses on Lots.** The uses allowed on lots are identified in Table 2-202, subject to the Additional Regulations for Specific Uses in Section 5-600.

(5) **Common Open Space Use.** Land that is neither part of a building lot nor a road right-of-way shall be placed in common open space and shall be maintained by a Homeowner's Association as described in Section 2-204. Common Open Space shall be designed to constitute a contiguous and cohesive unit of land which may be used as described below. Common Open Space has no minimum or maximum lot size and no lot width regulations. Further, Common Open Space does not count against the lot yield allotted to the subdivision.

(a) **Permitted Uses.** Uses allowed on the Common Open Space land are listed below and are subject to the Additional Regulations for Specific Uses in Section 5-600 as referenced:

(i) Agriculture, horticulture, animal husbandry and structures accessory to such use, including, but not limited to barns and run-in sheds to house livestock or farm equipment, pursuant to Section 5-626.

(ii) Construction and/or sales trailer, during period of construction activity.

(iii) Easements and improvements for drainage, access, sewer or

water lines, or other public purposes.

(iv) Passive open space or passive recreation, including but not limited to trails, picnic areas, community gardens.

(v) Sewage disposal system, communal.

(vi) Sewer pumping station.

(vii) Stables, pursuant to Section 5-627.

(viii) Stormwater management facilities for the proposed development or for a larger area in compliance with a watershed stormwater management plan.

(ix) Telecommunications antenna, pursuant to Section 5-618(A).

(x) Telecommunications monopole, pursuant to Section 5-618(B)(1).

(xi) Telecommunications monopole, pursuant to Section 5-618(B)(2).

(xii) Utility substation, dedicated.

(xiii) Utility transmission lines, overhead (excluding connections of lines from existing overhead public utility transmission lines to individual uses).

(xiv) Water pumping station.

(xv) Water supply system, communal.

(b) **Special Exception Use.** The following uses are permitted within Common Open Space with Special Exception approval pursuant to Section 6-1300 and are subject to the Additional Regulations for Specific Uses in Section 5-600 as referenced.

(i) Active recreation space.

(ii) Telecommunications tower, pursuant to Section 5-618(C)(2).

(6) **Setback.**

(a) No structure shall be located 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; or thirty five (35) feet from any other road right of way, private access easement, and/or prescriptive easement.

(b) **Perimeter Setback**. Residential dwellings within the subdivision, including the Rural Economy Lot, shall be set back a minimum of 100 feet from any lot line adjoining parcels not located within the cluster subdivision.

(7) **Yards.**

(a) **Front.** 35 feet minimum.

(b) **Side.** 15 feet minimum.

(c) **Rear.** 35 feet minimum.

(8) **Building Requirements.**

(a) **Building Height.** Thirty five (35) feet maximum, excluding agricultural, horticultural, and animal husbandry structures.

(9) **Utility Requirements.**

(a) **Water.** All lots shall be served by either:

(i) Individual water systems, located on the lot served; or

(ii) Communal water system, located within Common Open Space, with maintenance to be provided pursuant to Section 2-203(C)(10).

(b) **Sewer.** All lots shall be served by either:

(i) Individual sewage disposal systems. Such system shall be located on the lot served or in common open space. A maximum of seventy percent (70%) of the lots may have primary and/or reserve septic fields within common open space. The record plat shall identify the location of all septic fields and shall assign them to lots, or

(ii) Communal sewage disposal system that shall be located within Common Open Space with maintenance to be provided pursuant to Section 2-203(C)(10).

(10) **Maintenance of Water and/or Sewage Disposal Systems.**

(a) **Individual Systems.** Maintenance of Individual Water and Individual Sewage Disposal Systems shall be the responsibility of the owner of the lot the system serves.

(b) **Communal.** If the development is served by a communal water and/or sewage disposal system, such systems shall be operated and maintained by LCSA, in accord with all LCSA adopted policies. If LCSA policies preclude maintenance by LCSA, then the HOA shall

contract with a public water or sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia. An access easement shall be provided for the entity maintaining the system. All costs of operation and maintenance of such communal systems shall be borne as a common expense by the owners of the lots served.

(11) **Lot Access.**

(a) Access to individual lots or common open space may be provided by a private access easement which shall comply with the requirements of the Facilities Standards Manual.

(b) Private access easements may serve as frontage in lieu of public road frontage for up to 25 lots per easement.

(c) The plat of subdivision shall contain a note detailing the maintenance provisions for the private access easement.

(12) **Fire Protection.** The development shall satisfy the fire protection standards set forth in the Facilities Standards Manual.

2-204 Homeowners' Association and Responsibilities.

(A) If the subdivision contains any of the common areas or improvements listed below, the development shall have an incorporated Homeowners' Association ("HOA"). The HOA shall have the right and responsibility to maintain the following areas or improvements:

(1) Common open space areas within the development that are not part of an individual lot;

(2) Lot(s), if owned by the HOA;

(3) Private roads, if any, within or serving the development, except at provided in Section 2-204(C);

(4) Communal water and/or sewage disposal systems, except as provided in Section 2-204(D);

(5) Any stormwater management facilities or areas;

(6) Fire protection pond(s), dry mains, or other improvements;

(7) Such other common facilities or improvements as may be designated in the bylaws of the HOA.

(B) Membership in the HOA shall be required for all purchasers of lots in the subdivision and their successors in title.

(C) Notwithstanding the requirements of Section 2-204(A) above, if the only common element is private roads or easements, then they shall either be maintained by an HOA or pursuant to a private road maintenance agreement. If such roads are to be maintained pursuant to a private road maintenance agreement, then the terms thereof shall be included on each record plat of subdivision for the development.

(D) Notwithstanding the requirements of Section 2-204(A) above, communal water or sewage disposal systems may be maintained by LCSA or a public water or sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia.

(E) Prior to approval of a record plat of subdivision for the cluster:

(1) If a Homeowner's Association is to be established, the landowner shall submit documents for the creation of the HOA to the County for review and approval, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common areas, including a legal description of such areas and a description of restrictions placed upon the use and enjoyment of the land.

(2) If a communal water and/or sewage disposal system is to be maintained by a third-party, a minimum two year maintenance contract is to be submitted for review by the County.

(3) If the subdivision is served by private roads and there is no HOA for the subdivision, the developer shall submit a private road maintenance agreement to the County for review and approval.

2-205 **Recognizing Protection by Right to Farm Act.** Record plats and deeds authorized pursuant to this section 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.).

Section 2-150 RR-1 Rural Residential District - 1

2-151 Purpose. This district is established to provide for residential development in a predominantly rural environment in areas currently zoned AR-1. A greater lot yield than permitted in the AR-1 district may be achieved where appropriate road access is available for the scale of development; where the proposed development is compatible with other properties in the vicinity, including agricultural and forestal districts, open space easements, predominant parcel sizes and adjacent uses; and where water and onsite sewage disposal systems are feasible. Limited rural economy uses are encouraged that are compatible with clustered residential development. A cluster subdivision pattern is required.

2-152 General Requirements. The requirements established in the following sections set forth the general and specific standards for development under the RR-1 District.

(A) **General**:

(1) The tract shall consist of a minimum of 15 acres plus 40,000 square feet contiguous acres prior to development.

(2) Rezoning requests shall be processed pursuant to the requirements of Section 6-1200. Rezoning requests for tracts smaller than 90 acres shall be processed in accordance with Section 6-1200 as modified by Section 6-1216.

(3) The residential development on this site shall be clustered according to the provisions of this Section.

(B) **Lot Yield.** The maximum number of lots shall be one lot per 7.5 gross acres.

2-153 Characteristics of Cluster Subdivision.

(A) The elements of the cluster subdivision are:
(1) Rural Residential Lots,
(2) Rural Economy Lot(s),
(3) Common Open Space.

(B) Depending on the tract size, the cluster subdivision shall include one or more Rural Residential Lots and at least one Rural Economy Lot and may include common open space.

(C) All lots within the cluster development shall be created at one time.

(D) The lots created by the cluster subdivision shall not be further subdivided.

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(E) The site layout of these elements shall occur during the approval of a rezoning.

(F) A HOA is required for any subdivision with common elements as described in Section 2-161(B).

(G) A minimum of 70% of the gross land area of the development shall be comprised of Rural Economy Lot(s) and, if present, Common Open Space, as defined in Section 2-154(C).

(H) The rezoning plat for the development shall contain a tabulation of density.

(I) The preliminary and record plats shall show the perimeter setback as required in Section 2-155(A)(2).

2-154 Standards. Development of the Rural Residential Lots, the Rural Economy Lot(s), and Common Open Space shall comply with the following standards.

(A) **Rural Residential Lots.** Rural Residential lots shall be grouped in clusters and shall comply with all of the following standards:

(1) **Maximum Gross Land Area.** Rural Residential Lots may comprise a maximum of 30% of the gross land area of the development.

(2) **Number of Lots in Cluster(s).** Rural Residential Lots shall be grouped in clusters consisting of a minimum of 5 lots and a maximum of 25 lots, except that a cluster may consist of fewer than 5 lots if any one of the following applies:

PC REC: (2) **Number of Lots in Cluster(s).** Rural Cluster Lots shall be grouped in clusters consisting of a minimum of 5 lots, except that a cluster may consist of fewer than 5 lots if any one of the following applies:

(a) There will be fewer than 5 lots in the entire subdivision.

(b) The area of the subdivision is less than 37.5 acres.

(c) It is demonstrated that a cluster of fewer than 5 lots will result in less disturbance of land within the Mountainside Development Overlay District (MDOD), Floodplain Overlay District (FOD) lands, and/or land containing steep slopes, and/or wetlands.

(3) **Number of Clusters.** Multiple groupings of cluster lots are

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required where the total number of lots on a site is greater than 25. A single grouping of cluster lots shall contain all the lots where the total number of lots on a site is 25 or fewer, except that multiple clusters may be allowed where it is demonstrated that multiple clusters will result in less disturbance of land within the Mountainside Development Overlay District (MDOD), Floodplain Overlay District (FOD) lands, and/or land containing steep slopes and/or wetlands.

(4) **Distance Between Clusters.** If more than one grouping of cluster lots is to be created from a parcel, a minimum of 500 feet shall separate the lot lines of each grouping of cluster lots (exclusive of common open space and Rural Economy Lots).

(5) **Lot Size.**

(a) Minimum: 40,000 square feet, exclusive of major floodplain.

(b) Maximum: 4 acres, exclusive of major floodplain.

PC REC: (5) **Minimum Lot Size.**
(a) **On-site Water and Wastewater.** 40,000 sq. ft., exclusive of major flood plain.
(b) **Off-site Wastewater, On-site Water.** 20,000 sq. ft., exclusive of major flood plain.
(c) **Off-site Water and Off-Site Wastewater.** No minimum lot size.
(6) **Maximum Lot Size.** 4 acres, exclusive of major flood plain.

(6) **Minimum Lot Width.** 175'

(7) **Maximum Length/Width Ratio.** 3:1.

(8) **Maximum Lot Coverage:** 15%.

(9) **Permitted Uses on Rural Residential Lots.** The uses allowed on the Rural Residential Lots are listed below and are subject to the Additional Regulations for Specific Uses in Section 5-600 as referenced.

(a) Accessory dwelling (accessory to single-family detached dwelling), pursuant to Section 5-613.

(b) Accessory uses, such as garages, sheds, decks, clotheslines, swimming pools, and other residential accessory uses and

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structures customarily found in association with and clearly incidental and subordinate in size to the principal residential structure and use.

(c) Agriculture, horticulture, animal husbandry, including bona fide agricultural structures, pursuant to Section 5-626.

(d) Bed and breakfast homestay, pursuant to Section 5-601(A).

(e) Child care home, pursuant to Section 5-609.

(f) Construction and/or sales trailer, during period of construction activity.

(g) Dwelling, single-family detached, including manufactured housing.

(h) Home occupation (accessory to single-family detached dwelling), pursuant to Section 5-400.

(i) Portable dwelling/trailer during construction of a primary residence, pursuant to Section 5-500.

(j) Small business (excluding Repair service occupations and Contractors and contracting) pursuant to Section 5-614.

(k) Stables, pursuant to Section 5-627.

(l) Stables, without commercial boarding or equestrian instruction, on less than 5 acres, accessory to a single-family residence.

(m) Telecommunications antenna, pursuant to Section 5-618(A).

(n) Utility substation, dedicated, pursuant to Section 5-616..

(B) **Rural Economy Lots.** Each cluster subdivision shall contain at least one Rural Economy Lot meeting the following regulations:

(1) **Minimum Lot Size.** 15 acres.

(2) **Minimum Lot Width**. 175 feet.

(3) **Maximum Length/Width Ratio.** 3:1.

(4) **Maximum Lot Coverage.** 8%.

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(5) **Permitted Uses on Rural Economy Lot.** The uses allowed on the Rural Economy Lot(s) are listed below and are subject to the Additional Regulations for Specific Uses in Section 5-600 as referenced

(a) Apartment or dwelling unit (accessory to a single family detached dwelling), pursuant to Section 5-613.

(b) Accessory uses, such as garages, sheds, decks, clotheslines, swimming pools and other residential accessory uses and structures customarily found in association with and clearly incidental and subordinate in use to a single family residential structure and use.

(c) Agriculture, horticulture, animal husbandry including bona fide agricultural structures, pursuant to Section 5-626.

(d) Animal hospital, pursuant to Section 5-631.

(e) Antique shop, pursuant to Section 5-650.

(f) Art gallery or art studio, pursuant to Section 5-650.

(g) Bed and breakfast homestay, pursuant to Section 5-601(A).

(h) Caretaker's residence.

(i) Child care home, pursuant to Section 5-609.

(j) Child or adult daycare center, pursuant to Section 5-609.

(k) Construction and/or sales trailer, during period of construction activity.

(l) Craft shop, pursuant to Section 5-650.

(m) Equestrian Facility, pursuant to 5-627.

(n) Guest House, accessory to a Single family dwelling, pursuant to Section 5-612.

(o) Home occupation, pursuant to Section 5-400.

(p) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area, and game preserve.

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(q) Portable dwelling/trailer during construction of a primary residence, pursuant to Section 5-500.

(r) Production nursery, pursuant to Section 5-605.

(s) School, 15 pupils or less.

(t) Single family dwelling, including manufactured housing, in association with a permitted use.

(u) Small business, excluding Repair Service occupations and Contractors and contracting, pursuant to Section 5-614.

(v) Telecommunications antenna, pursuant to Section 5-618(A).

(w) Utility substation, dedicated, pursuant to Section 5-616

(x) Veterinary service.

(y) Virginia Farm Winery.

(z) Wayside stand.

(6) **Special Exception Uses on Rural Economy Lot**. The following uses are permitted on a Rural Economy Lot by Special Exception pursuant to Section 6-1300.

(a) Golf course, with accessory clubhouse, pursuant to Section 5-648.

(b) Telecommunications monopole, pursuant to Section 5-618(B)(1) and Section 5-618(B)(2).

(c) Telecommunications tower pursuant to Section 5-618(C)(2).

(C) **Common Open Space Use.** Land that is neither a Rural Residential Lot nor a Rural Economy Lot and is not a road right-of-way shall be placed in common open space and shall be maintained by a Homeowner's Association as described in Section 2-161.

(1) **Permitted Uses on Common Open Space.** Uses allowed on the Common Open Space land are listed below and are subject to the Additional Regulations for Specific Uses in Section 5-600 as referenced.

(a) Agriculture, horticulture, animal husbandry including bona

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fide agricultural structures, pursuant to Section 5-626.

(b) Construction and/or sales trailer, during period of construction activity.

(c) Easements and improvements for drainage, access, sewer or water lines, or other public purposes.

(d) Passive open space or passive recreation, including but not limited to trails, picnic areas, community gardens.

(e) Sewage disposal system, communal.

(f) Sewer pumping station.

(g) Stables, pursuant to Section 5-627.

(h) Stormwater management facilities for the proposed development or for a larger area in compliance with a watershed stormwater management plan.

(i) Utility transmission lines, overhead.

(j) Utility substation, distribution, pursuant to Section 5-616.

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

(l) Water pumping station.

(m) Water supply system, communal.

(2) **Special Exception Uses on Common Open Space.** The following uses are permitted with the approval of a Special Exception on Common Open Space pursuant to Section 6-1300.

(a) Active recreation space, including golf course, with accessory clubhouse, pursuant to Section 5-648.

(b) Water storage tank, by Special Exception, pursuant to Section 5-621.

(c) Water treatment plant, by Special Exception, pursuant to Section 5-621.

2-155 Setbacks and Yards.

(A) **Setback.**

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(1) No structure shall be located 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; or thirty five (35) feet from any other road right of way, private access easement, and/or prescriptive easement.

(2) **Perimeter Setback.** Residential dwelling within the subdivision, including Rural Economy Lot(s) shall be set back a minimum of 100 feet from any lot line adjoining parcels not located within the cluster subdivision.

(B) **Yards.**

(1) **Front.** 35 feet minimum

(2) **Side.** 15 feet minimum.

(3) **Rear.** 35 feet minimum.

2-156 Building Requirements.

(A) **Building Height.** Thirty five (35) feet maximum, excluding agricultural, horticultural, and animal husbandry structures.

2-157 Utility Requirements.

(A) **Water.** All lots shall be served by either:

(i) Individual water supply system, located on the lot served, or

(ii) Communal water system, located within Common Open Space, with maintenance to be provided pursuant to Section 2-158

(B) **Sewer.** All lots shall be served by either:

(i) Individual sewage disposal systems, located on the lot. Such system shall be located on the lot served or in Common Open Space. A maximum of seventy percent (70%) of the lots may have primary and/or reserve septic fields within common open space. The record plat shall identify the location of all septic fields and shall assign them to lots, or

(ii) Communal sewage disposal system located within Common Open Space with maintenance to be provided pursuant to Section 2-158.

2-158 Maintenance of Water and/or Sewage Disposal Systems.

(A) **Individual Systems.** Maintenance of Individual Water and Individual Sewage Disposal Systems shall be the responsibility of the owner of the lot the system serves.

(B) **Communal.** If the development is served by a communal water and/or

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sewage disposal system, such systems shall be operated and maintained by LCSA, in accord with all LCSA adopted policies. If LCSA policies preclude maintenance by LCSA, then the HOA shall contract with a public water or sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia. An access easement shall be provided for the entity maintaining the system. All costs of operation and maintenance of such communal systems shall be borne as a common expense by the owners of the lots served.

2-159 Fire Protection. The development shall satisfy the fire protection standards set forth in the Facilities Standards Manual.

2-160 Lot Access.

(A) Access to individual lots may be provided by private access easement which shall comply with the requirements of the Facilities Standards Manual.

(B) Private access easements may serve as frontage in lieu of public road frontage for up to 25 lots per easement.

(C) The plat of subdivision shall contain a note detailing the provisions regarding the maintenance of the private access easement.

2-161 Homeowner's Association.

(A) If the subdivision contains any of the common improvements listed below, the development shall have an incorporated Homeowners' Association ("HOA"). The HOA shall have the right and responsibility to maintain the following areas or improvements:

(1) Common open space areas within the development that are not part of an individual lot;

(2) Lot(s), if owned by the HOA;

(3) Private roads, if any, within or serving the development, except as provided in Section 2-161(C);

(4) Communal water and/or sewage disposal systems, except at provided in Section 2-161(D);

(5) Any stormwater management facilities or areas;

(6) Fire protection pond(s), dry mains, or other improvements;

(7) Such other common facilities or improvements as may be designated in the bylaws of the HOA.

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(B) Membership in the HOA shall be required for all purchasers of lots in the subdivision and their successors in title.

(C) Notwithstanding the requirements of Section 2-161(A) above, if the only common element is private roads or easements, then they shall either be maintained by an HOA or shall be maintained pursuant to a private road maintenance agreement. If such roads are to be maintained pursuant to a private road maintenance agreement, then the terms thereof shall be included on each record plat of subdivision for the development.

(D) Notwithstanding the requirements of Section 2-161(A) above, communal water supply or sewage disposal systems may be maintained by LCSA or a public water or sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia.

(E) A portion of the Common Open Space may be conveyed to LCSA for the purpose of maintaining a communal water and/or sewage disposal system. Such Common Open Space, although not in the ownership of the HOA, may be used to satisfy the requirements of Section 2-153(G).

(F) Prior to approval of a record plat of subdivision for the cluster:

(1) If a Homeowner's Association is to be established, the landowner shall submit documents for the creation of the HOA to the County for review and approval, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common areas, including a legal description of such areas and a description of restrictions placed upon the use and enjoyment of the land;

(2) If a communal water and/or sewage disposal system is to be maintained by a third-party, a minimum two year maintenance contract is to be submitted for review and approval by the County.

(3) If the subdivision is served by private roads and there is no Homeowners' Association for the subdivision, the developer shall submit a private road maintenance agreement to the County for review and approval.

2-162 Recognizing Protection by Right to Farm Act. Record plats and deeds authorized pursuant to this section 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.).

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Section 2-250 RR-2 Rural Residential District - 2

2-251 Purpose. This district is established to provide for residential development in a predominantly rural environment in areas currently zoned AR-2. A greater lot yield than permitted in the AR-2 district may be achieved where appropriate road access is available for the scale of development; where the proposed development is compatible with other properties in the vicinity, including agricultural and forestall districts, open space easements, predominant parcel sizes and adjacent uses; and where water and onsite sewage disposal systems are feasible. Limited rural economy uses are encouraged that are compatible with clustered residential development. A cluster subdivision pattern is required.

2-252 General Requirements. The requirements established in the following sections set forth the general and specific standards for development under the RR-2 District.

(A) **General**:

(1) The tract shall consist of a minimum of 30 contiguous acres prior to development.

(2) Rezoning requests shall be processed pursuant to the requirements of Section 6-1200. Rezoning requests for tracts smaller than 140 acres shall be processed in accordance with Section 6-1200 as modified by Section 6-1216.

(3) The residential development on this site shall be clustered according to the provisions of this Section.

(B) **Lot Yield.** The maximum number of lots shall be one lot per 15 gross acres.

2-253 Characteristics of Cluster Subdivision.

(A) The elements of the cluster subdivision are:
(1) Rural Residential Lots,
(2) Rural Economy Lot(s)
(3) Common Open Space.

(B) Depending on the tract size, the cluster subdivision shall include one or more Rural Residential Lots and at least one Rural Economy Lot and may include common open space.

(C) All lots within the cluster development shall be created at one time.

(D) The lots created by the cluster subdivision shall not be further subdivided.

(E) The site layout of these elements shall occur during the approval of a rezoning.

(F) A HOA is required for any subdivision with common elements as described in Section 2-261(B).

(G) A minimum of 85% of the gross land area of the development shall be comprised of Rural Economy Lot(s) and, if present, Common Open Space, as defined in Section 2-254(C).

PC REC: (G) A minimum of 70% of the gross land area of the development shall be comprised of Rural Economy Lot(s) and, if present, Common Open Space, as defined in Section 2-254(C).

(H) The rezoning plats for the development shall contain a tabulation of density.

(I) The preliminary and record plat shall show the perimeter setback as required in Section 2-255(A)(2)

2-254 Standards. Development of the Rural Residential Lots, the Rural Economy Lot(s), and Common Open Space shall comply with the following standards.

(A) **Rural Residential Lots.** Rural Residential lots shall be grouped in clusters and shall comply with all of the following standards:

(1) **Maximum Gross Land Area.** Rural Residential Lots may comprise a maximum of 15% of the gross land area of the development,

(2) **Number of Lots in Cluster(s).** Rural Residential Lots shall be grouped in clusters consisting of a minimum of 5 lots and a maximum of 25 lots, except that a cluster may consist of fewer than 5 lots if any one of the following applies:

PC REC: (2) **Number of Lots in Cluster(s).** Rural Cluster Lots shall be grouped in clusters consisting of a minimum of 5 lots, except that a cluster may consist of fewer than 5 lots if any one of the following applies:

(a) There will be fewer than 5 lots in the entire subdivision.

(b) The area of the subdivision is less than 75 acres.

(c) It is demonstrated that a cluster of fewer than 5 lots will result in less disturbance of land within the Mountainside Development Overlay District (MDOD), Floodplain

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Overlay District (FOD) lands, and/or land containing steep slopes, and/or wetlands.

(3) **Number of Clusters.** Multiple groupings of cluster lots are required where the total number of lots on a site is greater than 25. A single grouping of cluster lots shall contain all the lots where the total number of lots on a site is 25 or fewer, except that multiple clusters may be allowed where it is demonstrated that multiple clusters will result in less disturbance of land within the Mountainside Development Overlay District (MDOD), Floodplain Overlay District (FOD) lands, and/or land containing steep slopes and/or wetlands.

(4) **Distance Between Clusters.** If more than one grouping of cluster lots is to be created from a parcel, a minimum of 500 feet shall separate the lot lines of each grouping of cluster lots (exclusive of common open space and Rural Economy Lots).

(5) **Lot Size.**

(a) Minimum: 40,000 square feet, exclusive of major floodplain.

(b) Maximum: 4 acres maximum, exclusive of major floodplain.

PC REC: (5) **Minimum Lot Size.**

(a) **On-site Water and Wastewater.** 40,000 sq. ft., exclusive of major flood plain.

(b) **Off-site Wastewater, On-site Water.** 20,000 sq. ft., exclusive of major flood plain.

(c) **Off-site Water and Off-Site Wastewater.** No minimum lot size.

(6) **Maximum Lot Size.** 4 acres, exclusive of major flood plain.

(6) **Minimum Lot Width.** 175'

(7) **Maximum Length/Width Ratio.** 3:1.

(8) **Maximum Lot Coverage:** 15%.

(9) **Permitted Uses on Rural Residential Lots.** The uses allowed on the Rural Residential Lots are listed below and are subject to the Additional Regulations for Specific Uses in Section 5-600 as referenced.

(a) Accessory dwelling (accessory to single-family detached

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dwelling), pursuant to Section 5-613.

(b) Accessory uses, such as garages, sheds, decks, clotheslines, swimming pools, and other residential accessory uses and structures customarily found in association with and clearly incidental and subordinate in size to the principal residential structure and use.

(c) Agriculture, horticulture, animal husbandry, including bona fide agricultural structures, pursuant to Section 5-626.

(d) Bed and breakfast homestay, pursuant to Section 5-601(A).

(e) Child care home, pursuant to Section 5-609.

(f) Construction and/or sales trailer, during period of construction activity.

(g) Dwelling, single-family detached, including manufactured housing.

(h) Home occupation (accessory to single-family detached dwelling), pursuant to Section 5-400.

(i) Portable dwelling/trailer during construction of a primary residence, pursuant to Section 5-500.

(j) Small business (excluding Repair service occupations and Contractors and contracting) pursuant to Section 5-614.

(k) Stables, pursuant to Section 5-627.

(l) Stables, without commercial boarding or equestrian instruction, on less than 5 acres, accessory to a single-family residence.

(m) Telecommunications antenna, pursuant to Section 5-618(A).

(n) Utility substation, dedicated, pursuant to Section 5-616.

(B) **Rural Economy Lots.** Each cluster subdivision shall contain at least one Rural Economy Lot meeting the following regulations:

(1) **Minimum Lot Size.** 25 acres.

(2) **Minimum Lot Width.** 175 feet.

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(3) **Maximum Length/Width Ratio.** 3:1.

(4) **Maximum Lot Coverage.** 8%.

(5) **Permitted Uses on Rural Economy Lot.** The uses allowed on the Rural Economy Lot(s) are listed below and are subject to the Additional Regulations for Specific Uses in Section 5-600 as referenced

(a) Apartment or dwelling unit (accessory to a single family detached dwelling), pursuant to Section 5-613.

(b) Accessory uses, such as garages, sheds, decks, clotheslines, swimming pools and other residential accessory uses and structures customarily found in association with and clearly incidental and subordinate in use to a single family residential structure and use.

(c) Agriculture, horticulture, animal husbandry including bona fide agricultural structures, pursuant to Section 5-626.

(d) Animal hospital, pursuant to Section 5-631.

(e) Antique shop, pursuant to Section 5-650.

(f) Art gallery or art studio, pursuant to Section 5-650.

(g) Bed and breakfast homestay, pursuant to Section 5-601(A).

(h) Caretaker's residence.

(i) Child care home, pursuant to Section 5-609.

(j) Child or adult daycare center, pursuant to Section 5-609.

(k) Construction and/or sales trailer, during period of construction activity.

(l) Craft shop, pursuant to Section 5-650.

(m) Equestrian Facility, pursuant to 5-627.

(n) Guest House, accessory to a Single-family dwelling, pursuant to Section 5-612.

(o) Home occupation, pursuant to Section 5-400.

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(p) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area, and game preserve.

(q) Portable dwelling/trailer during construction of a primary residence, pursuant to Section 5-500.

(r) Production nursery, pursuant to Section 5-605.

(s) School, 15 pupils or fewer.

(t) Single family dwelling, including manufactured housing, in association with a permitted use.

(u) Small business, excluding Repair Service occupations and Contractors and contracting, pursuant to Section 5-614.

(v) Telecommunications antenna, pursuant to Section 5-618(A).

(w) Utility substation, dedicated, pursuant to Section 5-616

(x) Veterinary service.

(y) Virginia Farm Winery.

(z) Wayside stand.

(6) **Special Exception Uses on Rural Economy Lot**. The following uses are permitted on a Rural Economy Lot with the approval of a Special Exception pursuant to Section 6-1300.

(a) Golf course, with accessory clubhouse, pursuant to Section 5-648.

(b) Telecommunications monopole, pursuant to Section 5-618(B)(1) and Section 5-618(B)(2).

(c) Telecommunications tower pursuant to Section 5-618(C)(2).

(C) **Common Open Space Use.** Land that is neither a Rural Residential Lot nor a Rural Economy Lot and is not a road right-of-way shall be placed in common open space and shall be maintained by a Homeowner's Association as described in Section 2-262.

(1) **Permitted Uses on Common Open Space.** Uses allowed on the Common Open Space land are listed below and are subject to the

Additional Regulations for Specific Uses in Section 5-600 as referenced.

(a) Agriculture, horticulture, animal husbandry including bona fide agricultural structures, pursuant to Section 5-626.

(b) Construction and/or sales trailer, during period of construction activity.

(c) Easements and improvements for drainage, access, sewer or water lines, or other public purposes.

(d) Passive open space or passive recreation, including but not limited to trails, picnic areas, community gardens.

(e) Sewage disposal system, communal.

(f) Sewer pumping station.

(g) Stables, pursuant to Section 5-627.

(h) Stormwater management facilities for the proposed development or for a larger area in compliance with a watershed stormwater management plan.

(i) Utility transmission lines, overhead.

(j) Utility substation, distribution, pursuant to Section 5-616.

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

(l) Water pumping station.

(m) Water supply system, communal.

(2) **Special Exception Uses on Common Open Space.** The following uses are permitted with the approval of a Special Exception on Common Open Space pursuant to Section 6-1300.

(a) Active recreation space, including golf course, with accessory clubhouse, pursuant to Section 5-648.

(b) Water storage tank, by Special Exception, pursuant to Section 5-621.

(c) Water treatment plant, by Special Exception, pursuant to Section 5-621.

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2-255 Setbacks and Yards.

(A) **Setback.**

(1) No structure shall be located 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; or thirty five (35) feet from any other road right of way, private access easement, and/or prescriptive easement.

(2) **Perimeter Setback.** Residential dwellings within the subdivision, including Rural Economy Lot(s), shall be setback a minimum of 100 feet from any lot line adjoining parcels not located within the cluster subdivision.

(B) **Yards.**

(1) **Front.** 35 feet minimum

(2) **Side.** 15 feet minimum.

(3) **Rear.** 35 feet minimum.

2-256 Building Requirements.

(A) **Building Height.** Thirty five (35) feet maximum, excluding agricultural structures.

2-257 Utility Requirements.

(A) **Water.** All lots shall be served by either:

(i) Individual water supply system, located on the lot served, or

(ii) Communal water system, located within Common Open Space, with maintenance to be provided pursuant to Section 2-258

(B) **Sewer.** All lots shall be served by either:

(i) Individual sewage disposal systems, located on the lot served or in Common Open Space. A maximum of seventy percent (70%) of the lots may have primary and/or reserve septic fields within Common Open Space. The record plat shall identify the location of all septic fields and shall assign them to lots, or

(ii) Communal sewage disposal system located within Common Open Space with maintenance to be provided pursuant to Section 2-258.

~~2-158~~2-258 Maintenance of Water and/or Sewage Disposal Systems.

(A) **Individual Systems.** Maintenance of Individual Water and Individual Sewage Disposal Systems shall be the responsibility of the owner of the

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lot the system serves.

(B) **Communal.** If the development is served by a communal water and/or sewage disposal system, such systems shall be operated and maintained by LCSA, in accord with all LCSA adopted policies. If LCSA policies preclude maintenance by LCSA, then the HOA shall contract with a public water or sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia. An access easement shall be provided for the entity maintaining the system. All costs of operation and maintenance of such communal systems shall be borne as a common expense by the owners of the lots served

~~2-159~~2-259 Fire Protection. The development shall satisfy the fire protection standards set forth in the Facilities Standards Manual.

~~2-160~~2-260 Lot Access.

(A) Access to individual lots may be provided by private access easement which shall comply with the requirements of the Facilities Standards Manual.

(B) Private access easements may serve as frontage in lieu of public road frontage for up to 25 lots per easement.

(C) The plat of subdivision shall contain a note detailing the provisions regarding the maintenance of the private access easement.

2-261 Homeowner's Association.

(A) If the subdivision contains any of the common improvements listed below, the development shall have an incorporated Homeowners' Association ("HOA"). The HOA shall have the right and responsibility to maintain the following areas or improvements:

(1) Common areas within the development that are not part of an individual lot;

(2) Lot(s), if owned by the HOA;

(3) Private roads, if any, within or serving the development, except as provided in Section 2-261(C);

(4) Communal water and/or sewage disposal systems, except as provided in Section 2-161(D);

(5) Any stormwater management facilities or areas;

(6) Fire protection pond(s), dry mains, or other improvements;

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(7) Such other common facilities or improvements as may be designated in the bylaws of the HOA.

(B) Membership in the HOA shall be required for all purchasers of lots therein and their successors in title.

(C) Notwithstanding the requirements of Section 2-261(A) above, if the only common element is private roads or easements, then they shall either be maintained by an HOA or shall be maintained pursuant to a private road maintenance agreement. If such roads are to be maintained pursuant to a private road maintenance agreement, then the terms thereof shall be included on each record plat of subdivision for the development.

(D) Notwithstanding the requirements of Section 2-261(A) above, communal water supply or sewage disposal systems may be maintained by LCSA or a public water or sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia.

(E) A portion of the Common Open Space may be conveyed to LCSA for the purpose of maintaining a communal water and/or sewage disposal system. Such Common Open Space, although not in the ownership of the HOA, may be used to satisfy the requirements of Section 2-253(G).

(F) Prior to approval of a record plat of subdivision for the cluster:

(1) If a Homeowner's Association is to be established, the landowner shall submit documents for the creation of the HOA to the County for review and approval, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common areas, including a legal description of such areas and a description of restrictions placed upon the use and enjoyment of the land;

(2) If a communal water and/or sewage disposal system is to be maintained by a third party, a minimum two year maintenance contract is to be submitted for review and approval by the County.

(3) If the subdivision is served by private roads and there is no Homeowners' Association for the subdivision, the developer shall submit a private road maintenance agreement to the County for review and approval.

2-262 Recognizing Protection by Right to Farm Act. Record plats and deeds authorized pursuant to this section 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.).

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AMENDMENTS TO ARTICLES 2 AND 4

- Section 2-1000 JLMA 1
- Section 2-1100 JLMA 2
- Section 2-1200 JLMA 3
- Section 2-1400 TR 10
- Section 2-1500 TR 3
- Section 2-1600 TR 2
- Section 2-1700 TR 1
- Section 4-1500 FOD
- Section 4-1900 LOD
- Section 4-2000 RSCOD

ATTACHMENT 12

ARTICLE II, DIVISION B – JOINT LAND MANAGEMENT AREA (JLMA) DISTRICTS

Section 2-1000 Joint Land Management Area-1 District: JLMA-1

2-1001 Purpose and Intent. This district is established to accommodate and foster the development of land within the joint land management areas (JLMAs) outside the incorporated towns in Loudoun County to:

(A) Ensure development in the JLMA-1 district is consistent with the JLMA serving as a gateway to the towns;

(B) Encourage an appropriate mix of residential and nonresidential land uses;

(C) Provide a variety of housing types and lot sizes;

(D) Where appropriate, achieve a pattern of development that generally conforms to the established, traditional pattern of development in the towns;

(E) Establish the type and scale of development desired for the entranceway of the towns; and

(F) Implement jointly adopted area plans, where applicable.

2-1002 Size and Location. This district modifies and replaces the Countryside Residential (CR-1) district within the JLMAs. It is the intent of the County that the JLMA-1 boundaries not be extended beyond the existing JLMA boundaries. The limits of this district are as designated on the Zoning Map.

2-1003 Use Regulations. Table 2-1003 summarizes the principal use regulations of the JLMA-1 district.

(A) **Organization of Use Table.** Table 2-1003 organizes the uses in the JLMA-1 district Use Table by Use Classifications, Use Categories and Use Types.

(1) **Use Classifications.** The Use Classifications are: residential uses; agricultural uses; public and institutional uses; commercial uses; and industrial uses. The Use Classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., residential uses and agricultural uses). The Use Classifications then organize land uses and activities into general "Use Categories" and specific "Use Types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.

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(2) **Use Categories.** The Use Categories describe the major sub-groups of the Use Classifications, based on common characteristics (e.g., the residential Use Classification is divided into two major Use Categories: Household Living and Group Living). Principal uses are identified in defining the Use Category. They are principal uses that most closely share the common characteristics that are key to the Use Category.

(3) **Use Types.** The Use Categories are then divided into specific Use Types. The specific Use Types are included in the respective Use Category. They identify the specific uses that are considered to fall within characteristics identified in the Use Category.

(B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-1003 are defined in Article VIII (Definitions).

(C) **Permitted and Special Exception Uses.** A "P" in the column identified "JLMA-1" indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the JLMA-1 district, subject to compliance with all applicable standards and regulations in this Ordinance and all other County ordinances. An "S" indicates that a Use Type is allowed in the JLMA-1 district as a special exception in accordance with the procedures and standards of Section 6-1300. In some instances, and based on the Additional Regulations for Specific Uses (Section 5-600), a Use Type will be permitted under certain conditions, or allowed as a special exception under other conditions. These uses are identified as "P/S".

(D) **Reference to General Use Category.** References to "General Use Category" under the Use Type column means all of the uses in the Use Category are allowed. The Use Category is defined in Article VIII. Where specific Use Types are listed in the Use Type column, only the listed Use Types in the Use Category are allowed. The Use Types are defined in Article VIII.

(E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-1003 (Additional Regulations for Specific Uses) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the "Additional Regulations for Specific Uses" in Section 5-600.

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TABLE 2-1003 JLMA-1 JOINT LAND MANAGEMENT AREA-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-1**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
RESIDENTIAL USES			
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	Manufactured housing subject to Section 5-620
	Guest house (accessory to single family detached dwelling)	P	Section 5-612
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Model home	P	Section 5-500(A)
	Portable dwelling/trailer during construction of primary residence	P	Section 5-500
Group Living	Congregate housing facility	S	
	Continuing care facility	S	
	Orphanage or similar institution	S	
	Tenant dwelling	S	Section 5-602
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Agricultural processing	P	Section 5-627
	Animal care business	P	Section 5-627
	Custom operators	P	
	Direct market business for sale of products produced on-site-including but not limited to PYO (pick-your-own)	P	Section 5-627

TABLE 2-1003 JLMA-1 JOINT LAND MANAGEMENT AREA-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-1**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Equestrian facilities	P	Section 5-627
	Equestrian facility, on lots of less than fifty (50) acres, or without frontage on a state maintained road	S	Section 5-627
	Farm based tourism events	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery sales, rental, and services	S	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm markets	P	Section 5-603
	Mill feed and farm supply center	S	Section 5-627
	Nursery, commercial	S	Section 5-605
	Nursery, production	P	Section 5-605
	Nursery, production, without frontage on a state maintained road	S	Section 5-605
	Pet farms	P	Section 5-627
	Stable, private	P	Section 5-627
	Stable, neighborhood, on lots less than twenty-five (25) acres, or without frontage on a state maintained road	S	Section 5-627
	Virginia Farm Winery	P	Section 5-627
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627
PUBLIC AND INSTITUTIONAL USES			
Day Care Facilities	Child care home	P	Section 5-609(A)

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TABLE 2-1003 JLMA-1 JOINT LAND MANAGEMENT AREA-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-1**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Child or adult day care center	S	Section 5-609(B)
Cultural and Government Facilities	Bus shelter	P	
	Community center	S	
	Community center, HOA facilities only	P	
	Commuter parking lot, with greater than 50 spaces	S	
	Commuter parking lot, with 50 spaces or less	P	
	Library	S	
	Structure or use for federal, state, County, or local governmental purposes, not otherwise listed	S	
Education	School (elementary or middle), for fifteen (15) pupils or less	S	Section 5-655
	School (elementary, middle, or high), for more than 15 pupils	S	
Park and Open Space	Cemetery	S	Section 6-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood or regional park, passive recreational uses	P	
	Community, neighborhood or regional park, active recreational uses	S	
	Wetlands mitigation bank	P	
Public Safety	Fire and/or rescue station	S	Section 5-638
	Police station or substation	S	Section 5-638
Religious Assembly	Church, synagogue or temple, with seating capacity of 300 or less in sanctuary or main area	P	Section 5-639

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TABLE 2-1003 JLMA-1 JOINT LAND MANAGEMENT AREA-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-1**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Church, synagogue or temple, with seating capacity of more than 300 in sanctuary or main activity area, or with accessory schools, day care centers with more than 50 children, recreational facilities	S	Section 5-639
Utility	Public utility service center and storage yard	S	Section 5-621
	Recycling drop off collection center, public	P	Section 5-607
	Recycling drop off collection center, private	S	Section 5-607
	Sewer and water treatment plant	S	Section 5-621
	Utility substation, distribution	S	Section 5-616
	Utility transmission line, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	Unless excepted by Section 1-103(D)
	Sewage and water pumping station	P	Section 5-621
	Water storage tank	S	Section 5-621
COMMERCIAL USES			
Office	Construction and/or sales trailer, during period of construction activity subject to establishment of date certain for removal	P	
Recreation and Entertainment	Camp, day and boarding	S	Section 5-645
	Golf course	S	Section 5-648
Retail Sales and Service	Artist studio	S	
	Small business	P/S	Section 5-614
Visitor Accommodation	Bed and breakfast, homestay	P/S	Section 5-601(A)

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TABLE 2-1003 JLMA-1 JOINT LAND MANAGEMENT AREA-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-1**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Bed and breakfast Inn	S	Section 5-601(A)
INDUSTRIAL USES			
Telecommunication Use and/or Structure	Radio and/or television tower	S	Section 5-618
	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunication tower	S	Section 5-618(C)(2)

2-1004 Lot and Building Requirements.

(A) **Minimum Lot Size.** Twenty thousand (20,000) square feet.

(B) **Minimum Lot Width.** Fifty (50) feet.

(C) **Minimum Front Yard.** Thirty-five (35) feet.

(D) **Minimum Rear Yard.** Twenty-five (25) feet.

(E) **Minimum Side Yard.** Nine (9) feet.

(F) **Building Height.** Thirty-five (35) feet maximum.

2-1005 General Development Requirements. The following general development requirements shall apply to all development in the JLMA-1 district.

(A) **Minimum Open Space.** Thirty (30) percent. Active recreational uses may be located within the open space.

(B) **Maximum Gross Density.** The maximum gross residential density shall be one (1) unit per forty thousand (40,000) square feet, calculated based on the overall parcel, excluding roads. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.

(C) **Utilities.**

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(1) Both municipal water and municipal sewer facilities must be provided to every development site, if available as determined by the Town, except for Town-owned or County-owned and operated public uses that may use communal systems (except in areas near Purcellville, which are subject to the existing annexation agreement between the County of Loudoun and the Town of Purcellville). If municipal water or municipal sewer facilities are not available, development may be served by private well or septic system, respectively.

~~(2)~~ All utility distribution lines shall be placed underground. Private wells, septic systems, and communal systems may be located within the open space ~~consistent with the standards of Section 6-2005.~~

~~(D) **Conservation Design.** Development shall comply with the conservation design standards of this Ordinance (Section 6-2000). Uses and activities allowed in the open space are as provided in Section 6-2000.~~

(E) **Neighborhood Development Standards.** To ensure new development in the JLMA-1 district reinforces existing development patterns in the adjacent town to the maximum extent feasible, reduces the need for automobile trips, minimizes the need for additional road improvements, and encourages walking to employment, shopping, and public facilities, development in this district shall meet the following requirements:

(1) **Street System/Connectivity.**

(a) **Connections to Existing Streets.** Connections to the existing or planned street system shall be made to the maximum extent feasible. All development plans shall incorporate and continue all streets stubbed to or shown as stubbed to the boundary of the development by previously approved development plans/plats or existing development.

~~(b)~~ **Provision for Future Connections to Adjoining Land.** All developable land shall provide for future public street connections to adjacent developable parcels by providing a local street connection at least every six hundred sixty (660) feet along each subdivision plat boundary that abuts potentially developable or re-developable land, except that such street connections are not required on steep slopes, MDOD sensitivity areas, ~~karst feature buffers within the LOD,~~ or FOD ~~RSCOD protected corridors~~ pursuant to Sections 5-1508, 4-1600, ~~4-1900~~, and 4-1500 ~~2000~~. ~~For the purposes of this regulation, "developable land" should be defined to include any vacant land areas not including or~~

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~~constrained by primary conservation areas and rights of way or restricted easements.~~

~~(c)~~ **Block Form and Size.** To the maximum extent feasible, blocks within developments shall maintain a rectilinear pattern except where deviation is necessitated by topographic or environmental considerations. Blocks shall measure not less than three hundred (300) nor more than six hundred sixty (660) feet along each side, as measured from the edge of the right-of-way, except where deviation is necessitated by topographic or environmental considerations, or where deviation is required to comply with regulations concerning steep slopes, MDOD sensitivity areas, or FOD ~~RSCOD~~ ~~protected corridors~~ pursuant to Sections 5-1508, 4-1600 and 4-1500~~2000,~~ ~~or conservation design standards.~~

(d) **Avoidance of Certain Street Types.** Cul-de-sacs and "P-loop" streets shall be avoided except where necessitated by topographic or environmental considerations.

(e) **Provision of "T" Intersections.** "T" intersections are encouraged in locations where views of important civic, public or open space areas can be highlighted.

(2) **Variation of Lot Sizes.**

(a) **General Rule.** In all new residential subdivisions containing ten (10) or more lots, a mixture of lot sizes and dimensions shall be provided in order to allow for a variety of housing opportunities and avoid monotonous streetscapes. For example, larger and wider lots are encouraged on corners. Smaller lots are encouraged adjacent to parks and open spaces. No more than 60 percent of all lots shall be similar in total lot area. For purposes of this subsection, "similar" lot areas shall be defined as within 500 square feet of each other.

(b) **Exception.** Up to seventy (70) percent of the lots within the subject subdivision may be similar if the Zoning Administrator, pursuant to Section 6-401, makes a finding that, notwithstanding deviation from the sixty (60) percent standard stated above, lot sizes and dimensions are sufficiently varied, for different housing types, to avoid monotonous streetscapes.

(c) **Dispersion of Lot Sizes.** Similar lot sizes shall be distributed throughout a subdivision rather than consolidated in one area, unless the Zoning Administrator, pursuant to Section 6-401, makes a finding that the intent

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of this district and of the Zoning Ordinance will be better served by a design that tends to consolidate lots of similar sizes.

(3) **Sidewalks.**

(a) **Provision of Sidewalks and/or Trails.** Sidewalks and/or trails shall be provided, at a minimum, along one side of all streets to provide pedestrian access to the town or neighborhood center, public buildings, schools, parks, and other destinations, or greater if required by the Facilities Standards Manual.

(b) **Sidewalk and/or Trail Connections.** Connections to existing or planned sidewalks and/or trails shall be made at the property boundaries of the project by incorporating and continuing all sidewalks and/or trails stubbed to or shown as stubbed to the boundary of the development by previously approved development plans/plats or existing development. All development plans shall provide for future sidewalk and/or trail connections to adjacent developable parcels at planned or current local street connections along each subdivision plat boundary.

(4) **Civic and Open Space.**

(a) **Variety of Spaces to Be Provided.** A variety of greens, parks or natural open spaces shall be located throughout the development, where appropriate ~~and as determined by conservation design~~, to provide community identity.

(b) **Access to Civic Spaces.** Direct and convenient pedestrian and bicycle access shall be provided on the site being developed to adjacent residential land uses and to the civic and open space.

(c) **Configuration of Park Access.** Land dedicated for parks shall be bordered on at least one side by public streets, preferably local or collector streets.

(5) **Other Design Requirements.**

(a) **Street Trees.** Street trees planted pursuant to Section 5-1300 shall be planted at a density of no less than one canopy shade tree per 25 feet on average, and shall be placed in arrangements consistent with the existing landscape of the vicinity.

(b) **Garages.** Garages shall be set back at least four (4) feet behind the plane of the front door of the principal building.

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Garages shall have vehicular access only from the side or rear of the lot.

(c) **On-Street Parking.** Parallel parking may be provided on streets in front of residential lots, except for lots fronting on collector or arterial roads.

(F) **Compatibility Standards.**

(1) A minimum buffer width of 25 feet with a Type 2 buffer yard shall be provided between existing agricultural uses and residential development sites.

(2) On non-residential development sites:

(a) Areas for loading, delivery, and waste collection receptacles shall be sited so as to reduce the impact on surrounding properties to the maximum extent feasible, with highest priority given to reducing the impact on residential properties.

(b) Outdoor lighting shall be directed towards the interior of the development site and shall be shielded to prevent all direct illumination of other properties.

2-1006 Alternate Neighborhood Development Standards. In lieu of the development requirements specified in Sections 2-1004 and 2-1005 above, either the Board of Supervisors may initiate, or the landowner(s) in a JLMA-1 district may request the adoption of alternate neighborhood development standards as a special exception pursuant to the standards of this Section and Section 6-1300. These alternate development standards may be reviewed for all or a portion of a JLMA-1 district. Once adopted, the alternate neighborhood development standards supercede the requirements of Sections 2-1004 and 2-1005. The following requirements shall be met:

(A) **Minimum Area.** Alternate neighborhood design standards shall be adopted for all of a JLMA-1 district or a portion of the district consisting of a minimum of twenty-five (25) contiguous acres.

(B) **Initiation.** A request to have alternate neighborhood development standards adopted for all or a portion of a JLMA-1 district may be initiated by the Board of Supervisors or the landowners in the area for which the request is made by submitting an application to the County for a Special Exception pursuant to Section 6-1300.

(C) **Study/Proposed Standards.** Subsequent to the request, the applicant shall submit a set of proposed alternate neighborhood development standards for consideration that comply with the standards in Section 2-1006(E). The proposed alternate neighborhood development standards shall be <u>in compliance with any overlay district requirements and</u> based on

~~a conservation design analysis of the land and~~ a study of the existing and prevailing patterns of development in the adjoining town in the vicinity of the lands where the alternate neighborhood development standards are proposed to be adopted, as they relate to lot sizes, yards, setbacks, lot coverage, building heights, garages, porches, civic and open spaces, open space areas, block form, street pattern, sidewalks, and street trees.

(D) **Recommendation of Staff and Town Council.** After their receipt, County staff shall forward a copy of the proposed alternate neighborhood development standards to the affected town for review and comment, and prepare a staff report on whether they comply with the standards of Section 2-1006(E).

(E) **Standards.** The Board of Supervisors shall adopt the alternate neighborhood development standards only if the Board finds that:

(1) The standards include requirements addressing lot size, lot width and length, yards, lot coverage, building height, and open space that are consistent with the existing and prevailing patterns of development in the adjoining town in the vicinity of the lands where the alternate neighborhood development standards are to be adopted; and

(2) The standards include specific provisions requiring street system connectivity, variation of lot sizes, the provision of civic and open spaces, the provision of sidewalks, the provision of street trees, a grid street pattern and block sizes in a form that is consistent with the existing and prevailing patterns of development in the adjoining town in the vicinity of the lands where the alternate neighborhood development standards are to be adopted.

(F) **Effect.** The approval of the special exception by the Board of Supervisors for all or a portion of a JLMA-1 district shall constitute a modification of the development standards for that area, subject to the conditions and terms of the special exception, and recognition by the County that all development within the area subject to alternate neighborhood development standards shall comply with the alternate neighborhood development standards. In the case of conflict between adopted alternate neighborhood development standards and any other provision of this Ordinance, the alternate neighborhood development standards shall apply.

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Section 2-1100 Joint Land Management Area-2 District: JLMA-2

2-1101 Purpose and Intent. This district is established to accommodate and foster the development of land within the joint land management areas (JLMAs) outside the incorporated towns in Loudoun County to:

(A) Ensure development in the JLMA-2 district is consistent with the JLMA serving as a gateway to the towns;

(B) Encourage an appropriate mix of residential and nonresidential land uses;

(C) Provide a variety of housing types and lot sizes;

(D) Where appropriate, achieve a pattern of development that generally conforms to the established, traditional pattern of development in the towns;

(E) Establish the type and scale of development desired for the entranceway of the towns; and

(F) Implement jointly adopted area plans, where applicable.

2-1102 Size and Location. This district modifies and replaces the Countryside Residential (CR-2) district within the JLMAs. It is the intent of the County that the JLMA-2 boundaries not be extended beyond the existing JLMA boundaries.

2-1103 Use Regulations. Table 2-1103 summarizes the principal use regulations of the JLMA-2 district.

(A) **Organization of Use Table.** Table 2-1103 organizes the uses in the JLMA-2 district Use Table by Use Classifications, Use Categories and Use Types.

(1) **Use Classifications.** The Use Classifications are: residential uses; agricultural uses; public and institutional uses; commercial uses; and industrial uses. The Use Classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., residential uses and agricultural uses). The Use Classifications then organize land uses and activities into general "Use Categories" and specific "Use Types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.

(2) **Use Categories.** The Use Categories describe the major sub-groups of the Use Classifications, based on common characteristics (e.g., the residential Use Classification is divided into two major

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Use Categories: Household Living and Group Living). Principal uses are identified in defining the Use Category. They are principal uses that most closely share the common characteristics that are key to the Use Category.

(3) **Use Types.** The Use Categories are then divided into specific Use Types. The specific Use Types are included in the respective Use Category. They identify the specific uses that are considered to fall within characteristics identified in the Use Category. For example, single family detached dwellings are a Use Type in the Household Living Use Category.

(B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-1103 are defined in Article VIII (Definitions).

(C) **Permitted and Special Exception Uses.** A "P" in the column identified "JLMA-2" indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the JLMA-2 district, subject to compliance with all applicable standards and regulations in this Ordinance and all other County ordinances. An "S" indicates that a Use Type is allowed in the JLMA-2 district as a special exception in accordance with the procedures and standards of Section 6-1300. In some instances, and based on the Additional Regulations for Specific Uses (Section 5-600), a Use Type will be permitted under certain conditions, or allowed as a special exception under other conditions. These uses are identified as "P/S".

(D) **Reference to General Use Category.** References to "General Use Category" under the Use Type column means all of the uses in the Use Category are allowed. The Use Category is defined in Article VIII. Where specific Use Types are listed in the Use Type column, only the listed Use Types in the Use Category are allowed. The Use Types are defined in Article VIII.

(E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-1103 (Additional Regulations for Specific Uses) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the "Additional Regulations for Specific Uses" in Section 5-600.

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TABLE 2-1103 JLMA-2 JOINT LAND MANAGEMENT AREA-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-2**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
RESIDENTIAL USES			
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	Manufactured housing subject to Section 5-620
	Guest house (accessory to single family detached dwelling)	P	Section 5-612
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Model home	P	Section 5-500(A)
	Portable dwelling/trailer during construction of primary residence	P	Section 5-500
Group Living	Congregate housing facility	S	
	Continuing care facility	S	
	Orphanage or similar institution	S	
	Tenant dwelling	S	Section 5-602
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services directly related to on-going agriculture,	Agricultural processing	P	Section 5-627
	Animal care business	P	Section 5-627
	Custom operators	P	Section 5-627

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TABLE 2-1103 JLMA-2 JOINT LAND MANAGEMENT AREA-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-2**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
horticulture and animal husbandry activity, on-site	Direct market business for sale of products produced on-site-including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Equestrian facility, on lots of less than fifty (50) acres, or without frontage on a state maintained road	S	Section 5-627
	Virginia farm winery	P	Section 5-627
	Farm based tourism events	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery sales, rental, and services	S	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm markets	P	Section 5-603
	Mill feed and farm supply center	S	Section 5-627
	Nursery, commercial	S	Section 5-605
	Nursery, production	P	Section 5-605
	Nursery, production, without frontage on a state maintained road	S	Section 5-605
	Pet farms	P	Section 5-627
	Stable, private	P	Section 5-627
	Stable, neighborhood, on lots less than twenty-five (25) acres, or without frontage on a state maintained road	S	Section 5-627
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627

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TABLE 2-1103 JLMA-2 JOINT LAND MANAGEMENT AREA-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-2**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
PUBLIC AND INSTITUTIONAL USES			
Day Care Facilities	Child care home	P	Section 5-609
	Child or adult day care center	S	Section 5-609
Cultural and Government Facilities	Bus shelter	P	
	Community center	S	
	Community center, HOA facilities only	P	
	Commuter parking lot, with greater than 50 spaces	S	
	Commuter parking lot, with 50 spaces or less	P	
	Library	S	
	Structure or use for federal, state, County, or local governmental purposes, not otherwise listed	S	
Education	School (elementary or middle), for fifteen (15) pupils or less	S	Section 5-655
	School (elementary, middle, or high), for more than 15 pupils	S	
Park and Open Space	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood or regional park, passive recreational uses	P	
	Community, neighborhood or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	S	Section 5-638
	Police station or substation	S	Section 5-638

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TABLE 2-1103 JLMA-2 JOINT LAND MANAGEMENT AREA-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-2**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Religious Assembly	Church, synagogue or temple, with seating capacity of 300 or less in sanctuary or main area	P	Section 5-639
	Church, synagogue or temple, with seating capacity of more than 300 in sanctuary or main activity area, or with accessory schools, day care centers with more than 50 children, recreational facilities	S	Section 5-639
Utility	Public utility service center and storage yard	S	Section 5-621
	Recycling drop off collection center, public	P	Section 5-607
	Recycling drop off collection center, private	S	Section 5-607
	Sewer and water treatment plant	S	Section 5-621
	Utility substation, distribution	S	Section 5-616
	Utility transmission line, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	Unless excepted by Section 1-103 (D)
	Sewage and Water pumping station	P	Section 5-621
	Water storage tank	S	Section 5-621
COMMERCIAL USES			
Food and Beverage	Restaurant	S	Section 5-643
Office	Construction and/or sales trailer, during period of construction activity subject to establishment of date certain for removal	P	
Recreation and Entertainment	Camp, day and boarding	S	Section 5-645
	Golf course	S	Section 5-648
Retail Sales and Service	Artist studio	S	

TABLE 2-1103 JLMA-2 JOINT LAND MANAGEMENT AREA-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-2**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Small business	P/S	Section 5-614
Visitor Accommodation	Bed and breakfast homestay	P/S	Section 5-601
	Bed and breakfast inn	S	Section 5-601
INDUSTRIAL USES			
Telecommunication Use and/or Structure	Radio and/or television tower	S	Section 5-618
	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunication tower	S	Section 5-618(C)(2)

2-1104 Lot and Building Requirements.

(F) **Minimum Lot Size.** Ten thousand (10,000) square feet.

(G) **Minimum Lot Width.** Fifty (50) feet.

(H) **Minimum Front Yard.** Fifteen (15) feet.

(I) **Minimum Rear Yard.** Twenty-five (25) feet.

(J) **Minimum Side Yard.** Eight (8) feet

(K) **Building Height.** Thirty-five (35) feet maximum.

2-1105 General Development Requirements. The following general development requirements shall apply to all development in the JLMA-2 district.

(A) **Minimum Open Space.** Thirty (30) percent. Active recreational uses may be located within the open space.

(B) **Maximum Gross Density.** The maximum gross residential density shall be one (1) unit per twenty thousand (20,000) square feet, calculated based on the overall parcel, excluding roads. Open space shall be preserved by

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

(C) **Utilities.**

(1) Both municipal water and municipal sewer facilities must be provided to every development site, if available as determined by the Town, except for Town-owned or County-owned and operated public uses that may use communal systems (except in areas near Purcellville, which are subject to the existing annexation agreement between the County of Loudoun and the Town of Purcellville). If municipal water or municipal sewer facilities are not available, development may be served by private well or septic system, respectively.

(2) All utility distribution lines shall be placed underground. Private wells, septic systems, and communal systems may be located within the open space ~~consistent with the standards of Section 6-2005.~~

(D) ~~**Conservation Design.** Development shall comply with the conservation design standards of this Ordinance (Section 6-2000). Uses and activities allowed in the open space areas as provided in Section 6-2000~~.

(E) **Neighborhood Development Standards.** To ensure new development in the JLMA-2 district reinforces existing development patterns in the adjacent towns to the maximum extent feasible, reduces the need for automobile trips, minimizes the need for additional road improvements, and encourages walking to employment, shopping, and public facilities, development in this district shall meet the following requirements:

(1) **Street System/Connectivity.**

(a) **Connections to Existing Streets.** Connections to the existing or planned street system shall be made to the maximum extent feasible. All development plans shall incorporate and continue all streets stubbed to or shown as stubbed to the boundary of the development by previously approved development plans/plats or existing development.

~~(b)~~ **Provision for Future Connections to Adjoining Land.** All developable land shall provide for future public street connections to adjacent developable parcels by providing a local street connection at least every six hundred sixty (660) feet along each subdivision plat boundary that abuts potentially developable or re-developable land, except that such street connections are not required on steep slopes, MDOD sensitivity areas, ~~karst feature buffers within the~~

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~~LOD, or RSCOD protected corridors~~ FOD pursuant to Sections 5-1508, 4-1600, ~~4-1900,~~ and 4-1500~~2000~~. ~~For the purposes of this regulation, "developable land" should be defined to include any vacant land areas not including or constrained by primary conservation areas and rights of way or restricted easements.~~

(c) **Block Form and Size.** To the maximum extent feasible, blocks within developments shall maintain a rectilinear pattern except where deviation is necessitated by topographic or environmental considerations. Blocks shall measure not less than three hundred (300) nor more than six hundred sixty (660) feet along each side, as measured from the edge of the right-of-way, except where deviation is necessitated by topographic or environmental considerations, or where deviation is required to comply with regulations concerning steep slopes, MDOD sensitivity areas, FOD ~~or RSCOD protected corridors~~ pursuant to Sections 5-1508, 4-1600 and 4-1500.~~4-2000, or conservation design standards~~.

(d) **Avoidance of Certain Street Types.** Cul-de-sacs and "P-loop" streets shall be avoided except where necessitated by topographic or environmental considerations.

(e) **Provision of "T" Intersections.** "T" intersections are encouraged in locations where views of important civic, public or open space areas can be highlighted.

(2) **Variation of Lot Sizes.**

(a) **General Rule.** In all new residential subdivisions containing ten (10) or more lots, a mixture of lot sizes and dimensions shall be provided in order to allow for a variety of housing opportunities and avoid monotonous streetscapes. For example, larger and wider lots are encouraged on corners. Smaller lots are encouraged adjacent to parks and open spaces. No more than 60 percent of all lots shall be similar in total lot area. For purposes of this subsection, "similar" lot areas shall be defined as within 500 square feet of each other.

(b) **Exception.** Up to seventy (70) percent of the lots within the subject subdivision may be similar if the Zoning Administrator, pursuant to Section 6-401, makes a finding that, notwithstanding deviation from the sixty (60) percent standard stated above, lot sizes and dimensions are sufficiently varied, for different housing types, to avoid monotonous streetscapes.

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(c) **Dispersion of Lot Sizes.** Similar lot sizes shall be distributed throughout a subdivision rather than consolidated in one area, unless the Zoning Administrator, pursuant to Section 6-401, makes a finding that the intent of this district and of the Zoning Ordinance will be better served by a design that tends to consolidate lots of similar sizes.

(3) **Sidewalks.**

(a) **Provision of Sidewalks and/or Trails.** Sidewalks and/or trails shall be provided, at a minimum, along one side of all streets to provide pedestrian access to the town or neighborhood center, public buildings, schools, parks, and other destinations, or greater if required by the Facilities Standards Manual.

(b) **Sidewalk and/or trail Connections.** Connections to existing or planned sidewalks and/or trails shall be made at the property boundaries of the project by incorporating and continuing all sidewalks and/or trails stubbed to or shown as stubbed to the boundary of the development by previously approved development plans/plats or existing development. All development plans shall provide for future sidewalk and/or trails connections to adjacent developable parcels at planned or current local street connections along each subdivision plat boundary.

(4) **Civic and Open Space.**

(a) **Variety of Spaces to Be Provided.** A variety of greens, parks or natural open spaces shall be located throughout the development, where appropriate ~~and as determined by conservation design,~~ to provide community identity.

(b) **Access to Civic Spaces.** Direct and convenient pedestrian and bicycle access shall be provided adjacent residential land uses and to the civic and open space.

(c) **Configuration of Park Access.** Land dedicated for parks shall be bordered on at least one side by public streets, preferably local or collector streets.

(5) **Other Design Requirements.**

(a) **Street Trees.** Street trees planted pursuant to Section 5-1300 shall be planted at a density of no less than one canopy shade tree per 25 feet on average, and shall be placed in arrangements consistent with the existing landscape of the vicinity.

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(b) **Garages.** Garages shall be set back at least four (4) feet behind the plane of the front door of the principal building. Garages shall have vehicular access only from the side or rear of the lot.

(c) **On-Street Parking.** Parallel parking may be provided on streets in front of residential lots, except for lots fronting on collector or arterial roads.

(F) **Compatibility Standards.**

(1) A minimum buffer width of 25 feet with a Type 2 buffer yard shall be provided between existing agricultural uses and residential development sites.

(2) On non-residential development sites:

(a) Areas for loading, delivery, and waste collection receptacles shall be sited so as to reduce the impact on surrounding properties to the maximum extent feasible, with highest priority given to reducing the impact on residential properties.

(b) Outdoor lighting shall be directed towards the interior of the development site and shall be shielded to prevent all direct illumination of other properties.

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Section 2-1200 Joint Land Management Area-3 District: JLMA-3

2-1201 Purpose and Intent. This district is established to accommodate and foster the development of land within the town's joint land management areas (JLMAs) outside the incorporated towns in Loudoun County to:

(A) Ensure development in the JLMA-3 district is consistent with the JLMA serving as a gateway to the towns;

(B) Provide for the continued practice of agriculture, farm operations, agriculturally related and home based businesses, low density clustered residential developments and other uses in a predominantly rural environment;

(C) Encourage an appropriate mix of residential and nonresidential land uses;

(D) Where appropriate, achieve a pattern of development that generally conforms to the established, traditional pattern of development in the towns.; and

(E) Implement jointly adopted plans where applicable.

2-1202 Size and Location. This district replaces the Agricultural Residential (A-3) district within the JLMAs. It is the intent of the County that the JLMA-3 district boundaries not be extended beyond the existing JLMA boundaries.

2-1203 Use Regulations. Table 2-1203 summarizes the principal use regulations of the JLMA-3 district.

(A) **Organization of Use Table.** Table 2-1203 organizes the uses in the JLMA-3 district use table by Use Classifications, Use Categories and Use Types.

(1) **Use Classifications.** The Use Classifications are: residential uses; agricultural uses; public and institutional uses; commercial uses; and industrial uses. The Use Classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., residential uses and agricultural uses). The Use Classifications then organize land uses and activities into general "Use Categories" and specific "Use Types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.

(2) **Use Categories.** The Use Categories describe the major sub-groups of the Use Classifications, based on common characteristics (e.g., the residential Use Classification is divided into two major Use Categories: Household Living and Group Living). Principal

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uses are identified in defining the Use Category. They are principal uses that most closely share the common characteristics that are key to the Use Category.

(3) **Use Types.** The Use Categories are then divided into specific Use Types. The specific Use Types are included in the respective Use Category. They identify the specific uses that are considered to fall within characteristics identified in the Use Category. For example, single family detached dwellings are a Use Type in the Household Living Use Category.

(B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-1203 are defined in Article VIII (Definitions).

(C) **Permitted and Special Exception Uses.** A "P" in the column identified "JLMA-3" indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the JLMA-3 district, subject to compliance with all applicable standards and regulations in this Ordinance and all other County ordinances. An "S" indicates that a Use Type is allowed in the JLMA-3 district as a special exception in accordance with the procedures and standards of Section 6-1300. In some instances, and based on the Additional Regulations for Specific Uses (Section 5-600), a Use Type will be permitted as a matter of right under certain conditions, or allowed as a special exception under other conditions. These uses are identified as "P/S".

(D) **Reference to General Use Category.** References to "General Use Category" under the Use Type column mean all of the uses in the Use Category are allowed. The Use Category is defined in Article VIII. Where specific Use Types are listed in the Use Type column, only the listed Use Types in the Use Category are allowed. The Use Type is defined in Article VIII.

(E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-1203 (Additional Regulations for Specific Uses) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the "Additional Regulations for Specific Uses" in Section 5-600.

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TABLE 2-1203 JLMA-3 JOINT LAND MANAGEMENT AREA-3 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-3**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
RESIDENTIAL USES			
Household Living	Accessory apartment or dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	Manufactured housing subject to Section 5-620
	Guest house (accessory to single family detached dwelling)	P	Section 5-612
	Home occupation dwelling (accessory to single family detached dwelling)	P	Section 5-400
	Portable dwelling/trailer during construction of primary residence	P	Section 5-500
Group Living	Congregate housing facility	S	
	Continuing care facility	S	
	Convent, monastery, or seminary	S	Section 5-656
	Orphanage or similar institution	S	
	Tenant dwelling	S	Section 5-602
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626

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TABLE 2-1203 JLMA-3 JOINT LAND MANAGEMENT AREA-3 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-3**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Agricultural processing	P	Section 5-627
	Animal care business	P	Section 5-627
	Custom operators	P	Section 5-627
	Direct market business for sale of products produced on-site-including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Equestrian facility, with more than 10 special events per year	S	Section 5-627
	Equestrian facility, on lots of less than 50 acres or without frontage on a state maintained road	S	Section 5-627
	Farm based tourism events	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm machinery sales, rental, and service	S	Section 5-627
	Farm markets	P	Section 5-603
	Mill feed and farm supply center	S	Section 5-627
	Nursery, production	P	Section 5-605
	Nursery, commercial	S	Section 5-605
	Nursery, production, without frontage on a state maintained road	S	Section 5-605
	Pet farms	P	Section 5-627
	Stable, private	P	Section 5-627
	Stable, neighborhood, on lots less than twenty-five (25) acres, or without frontage on a state maintained road	S	Section 5-627

TABLE 2-1203 JLMA-3 JOINT LAND MANAGEMENT AREA-3 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-3**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Virginia Farm Winery	P	Section 5-627
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627
Animal Services	Animal hospital	S	Section 5-631
	Kennel	S	Section 5-606(A)
	Kennel, Indoor	P	Section 5-606(B)
	Veterinary service	P	Section 5-627
PUBLIC AND INSTITUTIONAL USES			
Day Care Facilities	Child care home	P	Section 5-609(A)
	Child or adult day care center	S	Section 5-609(B)
Cultural and Government Facilities	Bus shelter	P	
	Community center	S	
	Community center, HOA facilities only	P	
	Commuter parking lot, with greater than 50 spaces	S	
	Commuter parking lot, with less than 50 spaces	P	
	Library	S	
	Structure or use for federal, state, County, or local governmental purposes, not otherwise listed	S	
Education	School (elementary or middle), for fifteen (15) or less pupils	P	Section 5-655
	School (elementary, middle, or high), for more than 15 pupils	S	
Health Services	Office, medical	S	

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TABLE 2-1203 JLMA-3 JOINT LAND MANAGEMENT AREA-3 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-3**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Hospital	S	Section 5-610
Park and Open Space	Arboretum	S	
	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood or regional park, passive recreational uses	P	
	Community, neighborhood or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	S	Section 5-638
	Police station or substation	S	Section 5-638
Religious Assembly	Church, synagogue or temple, with seating capacity of 300 or less in sanctuary or main area	P	Section 5-639
	Church, synagogue or temple, with seating capacity of more than 300 in sanctuary or main activity area, or with accessory schools, day care centers with more than 50 children, recreational facilities	S	Section 5-639
Utility	Public utility service center and storage yard	S	Section 5-621
	Recycling drop off collection center, public	P	Section 5-607
	Sewage and water treatment plant	S	Section 5-621
	Utility substation, dedicated	P	Section 5-621
	Utility substation, transmission	S	Section 5-616 and 5-621

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TABLE 2-1203 JLMA-3 JOINT LAND MANAGEMENT AREA-3 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-3**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Utility transmission line, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	Unless excepted by Section 1-103(D)
	Sewage and water pumping station	P	Section 5-621
	Water storage tank	S	Section 5-621
COMMERCIAL USES			
Conference and Training Centers	Rural agricultural corporate retreat	S	Section 5-619
Food and Beverage	Restaurant	S	Section 5-643
Office	Construction and/or sales trailer, during period of construction activity subject to establishment of date certain for removal	P	
	Educational or research facility related to the uses in this district	S	
Recreation and Entertainment	Camp, day and boarding	S	Section 5-645
	Country club	S	
	Golf course	S	Section 5-648
	Private club or lodge	S	
	Recreation establishment, outdoor	S	
Retail Sales and Service	Artist studio	S	
	Small business	P/S	Section 5-614
Visitor Accommodation	Bed and breakfast, homestay	P/S	Section 5-601(A)
	Bed and breakfast inn	S	Section 5-601(B)
	Country inn	S	Section 5-601

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TABLE 2-1203 JLMA-3 JOINT LAND MANAGEMENT AREA-3 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-3**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Guest farm or ranch, leasing no more than three (3) guest rooms	P	
INDUSTRIAL USES			
Telecommunications Use and/or Structure	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunication tower	S	Section 5-618(C)(2)

2-1204 Lot and Building Requirements.

(A) **Minimum Lot Size.** 20,000 square feet.

(B) **Minimum Lot Width.** Sixty (60) feet.

(C) **Front Yard.**

(1) **On Arterial Road**. Thirty-five (35) feet.

(2) **On Collector Road.** Twenty-five (25) feet.

(3) **On Other Roads.** Fifteen (15) feet.

(D) **Minimum Rear Yard.** Twenty-five (25) feet.

(E) **Minimum Side Yard.** Ten (10) feet.

(F) **Building Height.** Thirty-five (35) feet maximum, except no restriction for buildings used exclusively for agriculture.

(G) **Minimum Open Space.** Fifty (50) percent.

(H) **Gross Density.** One residential unit per three (3) acres.

~~**2-1205 Conservation Design.** Development shall comply with the conservation design standards of this Ordinance. Uses and activities allowed in the open space set-aside are as provided in Section 6-2000 (Conservation Design).~~

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2-1206 Neighborhood Development Standards. To ensure new development in the JLMA-3 district reinforces existing development patterns in the adjacent town to the maximum extent feasible, reduces the need for automobile trips, minimizes the need for additional road improvements, and encourages walking to employment, shopping, and public facilities, development in this district shall meet the following requirements:

(A) **Street System/Connectivity.**

(1) **Connections to Existing Streets.** Connections to the existing or planned street system shall be made to the maximum extent feasible. All development plans shall incorporate and continue all streets stubbed to or shown as stubbed to the boundary of the development by previously approved development plans/plats or existing development.

~~(2)~~ **Provision for Future Connections to Adjoining Land.** All developable land shall provide for future public street connections to adjacent developable parcels by providing a local street connection at least every six hundred sixty (660) feet along each subdivision plat boundary that abuts potentially developable or re-developable land, except that such street connections are not required on steep slope, MDOD sensitivity areas, ~~karst feature buffers in the LOD,~~ or FOD ~~RSCOD protected corridors~~ pursuant to Sections 5-1508, 4-1600, ~~4-1900~~, and ~~4-2000~~ 4-1500. ~~For the purposes of this regulation, "developable land" should be defined to include any vacant land areas not including or constrained by primary conservation areas and rights of way or restricted easements.~~

(3) **Block Form and Size.** To the maximum extent feasible, blocks within developments shall maintain a rectilinear pattern except where deviation is necessitated by topographic or environmental considerations. Blocks shall measure not less than three hundred (300) nor more than six hundred sixty (660) feet along each side, as measured from the edge of the right-of-way, except where deviation is necessitated by topographic or environmental considerations, or where deviation is required to comply with regulations concerning steep slope, MDOD sensitivity areas, or FOD ~~RSCOD protected corridors~~ pursuant to Sections 4-1508, 4-1600 and 4-1500 ~~4-2000, or conservation design standards (Section 6-2000)~~.

(4) **Avoidance of Certain Street Types.** Cul-de-sacs and "P-loop" streets shall be avoided except where necessitated by topographic or environmental considerations.

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(5) **Provision of "T" Intersections.** "T" intersections are encouraged in locations where views of important civic, public or open space areas can be highlighted.

(B) **Variation of Lot Sizes.**

(1) **General Rule.** In all new residential subdivisions containing ten (10) or more lots, a mixture of lot sizes and dimensions shall be provided in order to allow a variety of housing opportunities and avoid monotonous streetscapes. For example, larger and wider lots are encouraged on corners. Smaller lots are encouraged adjacent to parks and open spaces. No more than 60 percent of all lots shall be similar in total lot area. For purposes of this subsection, "similar" lot areas shall be defined as within 500 square feet of each other.

(2) **Exception.** Up to seventy (70) percent of the lots within the subject subdivision may be similar if the Zoning Administrator, pursuant to Section 6-401, makes a finding that, notwithstanding deviation from the sixty (60) percent standard stated above, lot sizes and dimensions are sufficiently varied, for different housing types, to avoid monotonous streetscapes.

(3) **Dispersion of Lot Sizes.** Similar lot sizes shall be distributed throughout a subdivision rather than consolidated in one area, unless the Zoning Administrator, pursuant to Section 6-401, makes a finding that the intent of this district and of the Zoning Ordinance will be better served by a design that tends to consolidate lots of similar sizes.

(C) **Sidewalks.**

(1) **Provision of Sidewalks and/or Trails.** Sidewalks and/or trails shall be provided, at a minimum, along one side of all streets to provide pedestrian access to the town or neighborhood center, public buildings, schools, parks, and other destinations, or greater if required by the Facilities Standards Manual.

(2) **Sidewalk and/or Trail Connections.** Connections to existing or planned sidewalks and/or trails shall be made at the property boundaries of the project by incorporating and continuing all sidewalks and/or trails stubbed to or shown as stubbed to the boundary of the development by previously approved development plans/plats or existing development. All development plans shall provide for future sidewalk and/or trail connections to adjacent developable parcels at planned or current local street connections along each subdivision plat boundary.

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(D) **Civic and Open Space.**

(1) **Variety of Spaces to Be Provided.** A variety of greens, parks or natural open spaces shall be located throughout the development, where appropriate ~~and as determined by conservation design~~, to provide community identity.

(2) **Access to Civic Spaces.** Direct and convenient pedestrian and bicycle access shall be provided (on the site being developed) to adjacent residential land uses and to the civic and open space.

(3) **Configuration of Park Access.** Land dedicated for parks shall be bordered on at least one side by public streets, preferably local or collector streets.

(E) **Other Design Requirements.**

(1) **Street Trees.** Street trees planted pursuant to Section 5-1300 shall be planted at a density of no less than one canopy shade tree per 25 feet on average, and shall be placed in arrangements consistent with the existing landscape of the vicinity.

(2) **Garages.** Garages shall be set back at least four (4) feet behind the plane of the front door of the principal building. Garages shall have vehicular access only from the side or rear of the lot.

(3) **On-Street Parking.** Parallel parking may be provided on streets in front of residential lots, except for lots fronting on collector or arterial roads.

2-1207 Utilities.

(A) Both municipal water and municipal sewer facilities must be provided to every development site, if available as determined by the Town, except for Town-owned or County-owned and operated public uses that may use communal systems (except in areas bear Purcellville, which are subject to the existing annexation agreement between the County of Loudoun and the Town of Purcellville). If municipal water or municipal sewer facilities are not available, development may be served by private well or septic system, respectively.

(B) All utility distribution lines shall be placed underground. Private wells, septic systems, and communal systems may be located within the open space ~~consistent with the standards of Section 6-2005~~.

2-1208 Use Limitations.

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(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.

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ARTICLE II, DIVISION C – TRANSITION DISTRICT REGULATIONS

Section 2-1400 TR-10 (Transitional Residential - 10)

2-1401 Purpose and Intent. The purpose and intent of the TR-10 district is to:

(A) Create a visual/spatial transition between the suburban area and the rural area of the County;

(B) Provide for an environment that is low density in character to facilitate a transition between the suburban area and the rural area of the County;

(C) Achieve a blend of rural and suburban development;

(D) Achieve a balance between the built and natural environment;

(E) Protect drinking water resources; and

(F) Implement requirements that open space be provided in conjunction with ~~conservation design and other~~ the standards of this Ordinance.

2-1402 Use Regulations. Table 2-1402 summarizes the principal use regulations of the TR-10 district.

(A) **Organization of Use Table.** Table 2-1402 organizes the uses in the TR-10 district by Use Classifications, Use Categories and Use Types.

(1) **Use Classifications.** The Use Classifications are: residential uses; agricultural uses; public and institutional uses; commercial uses; and industrial uses. The Use Classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., residential uses and agricultural uses). The Use Classifications then organize land uses and activities into general "Use Categories" and specific "Use Types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.

(2) **Use Categories.** The Use Categories describe the major sub-groups of the Use Classification, based on common characteristics (e.g., the residential Use Classification is divided into two major Use Categories: Household Living and Group Living). Principal uses are identified in defining the Use Category. They are principal uses that most closely share the common characteristics that are key to the Use Category.

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(3) **Use Types.** The Use Categories are then divided into specific Use Types. The specific Use Types are included in the respective Use Category. They identify the specific uses that are considered to fall within characteristics identified in the Use Category. For example, single family detached dwellings, multi-family dwellings and town houses are Use Types in the Household Living Use Category.

(B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-1402 are defined in Article VIII (Definitions).

(C) **Permitted and Special Exception Uses.** A "P" in the column identified "TR-10" indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the TR-10 district, subject to compliance with all applicable standards and regulations in this Ordinance and all other County ordinances. An "S" indicates that a Use Type is allowed in the TR-10 district as a special exception in accordance with the procedures and standards of Section 6-1300. In some instances, and based on the Additional Regulations for Specific Uses (Section 5-600), a Use Type will be permitted as a matter of right under certain conditions, or allowed as a special exception under other conditions. In those instances, it is identified as "P/S."

(D) **Reference to General Use Category.** References to "General Use Category" under the Use Type column, means all of the uses in the Use Category are allowed. The Use Categories are defined in Article VIII. Where specific Use Types are listed in the Use Type column, only the listed Use Types in the Use Category are allowed. The Use Types are defined in Article VIII.

(E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-1402 (Additional Regulations for Specific Uses) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the "Additional Regulations for Specific Uses" in Section 5-600. All the Use Categories and Use Types listed in Table 2-1402 are defined in Article VIII (Definitions).

TABLE 2-1402
TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE

P = PERMITTED S = SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	TR-10	ADDITIONAL REGULATIONS FOR SPECIFIC USES
RESIDENTIAL USES			
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613

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TABLE 2-1402 TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**TR-10**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Caretaker's residence (accessory to single family detached dwelling)	P	
	Dwelling, single-family detached, including manufactured housing	P	Manufacturing housing subject to Section 5-620
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Guest house (accessory to single family detached dwelling)	P	Section 5-612
	Portable Dwelling/Construction Trailer	P	
Group Living	Congregate housing facility	S	
	Continuing care facility	S	
	Convent or monastery	S	Section 5-656
	Orphanage or similar institution	S	
	Tenant dwelling (accessory to agriculture, horticulture or animal husbandry uses)	P/S	Section 5-602
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Agricultural processing	S	Section 5-627
	Animal care business	P	Section 5-627
	Custom operators	P	Section 5-627
	Direct market business for sale of products produced on-site-including but not limited to PYO (pick-your-own)	P	Section 5-627

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TABLE 2-1402 TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**TR-10**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Equestrian facilities	P	Section 5-627
	Equestrian facility, on lots of less than fifty (50) acres, or without frontage on a state maintained road	S	Section 5-627
	Farm co-ops	P	Section 5-627
	Farm based tourism	P	Section 5-628
	Farm markets	P	Section 5-603
	Pet farms	P	Section 5-627
	Nursery, commercial	S	Section 5-605
	Nursery, production	P	Section 5-605
	Nursery, production, without frontage on a state maintained road	S	Section 5-605
	Stables	P	Section 5-627
	Stable, neighborhood on lots less than twenty five (25) acres, or without frontage on a state maintained road	S	Section 5-627
	Virginia farm winery	P	
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627
Agricultural Support and Services Not Directly Associated with On-Site Agricultural Activity	Agricultural research facility	S	Section 5-644
	Animal care businesses	P	Section 5-630
	Central farm distribution hub	S	Section 5-630
	Equestrian facility	P	Section 5-630

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TABLE 2-1402 TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**TR-10**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Nursery, commercial	S	Section 5-605
	Stable, neighborhood, on lots of 25 acres or more, or frontage on state maintained road	P	Section 5-630
	Stable, private	P	Section 5-630
Animal Services	Animal hospital	S	Section 5-631
	Kennel	P	Section 5-606
	Kennel, Indoor	P	Section 5-606
	Veterinary service	P	
PUBLIC AND INSTITUTIONAL USES			
Aviation	Airport/landing strip	S	Section 5-633
Day Care Facilities	Child care home	P	Section 5-609(A)
	Child or adult day care center	S	Section 5-609(B)
Cultural and Governmental Facilities	Community center, HOA facilities only	P	
	Structures or uses for local government purposes not otherwise listed in the district	S	
Education	Colleges or universities (including dorms)	S	
	School (elementary or middle), for fifteen (15) pupils or less	P	Section 5-655
	School (elementary, middle, or high), for more than 15 pupils	S	
Park and Open Space	Arboretum	P	Section 5-636
	Botanical garden or nature study area	P	Section 5-636
	Cemetery	S	Section 5-637

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TABLE 2-1402 TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**TR-10**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood or regional park, passive recreational uses	P	
	Community, neighborhood or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	S	Section 5-638
	Police station or substation	S	Section 5-638
Religious Assembly	Church, synagogue, temple or mosque with seating capacity of 300 or less seats in sanctuary or main activity area	P	Section 5-639
	Church, synagogue, temple or mosque with seating capacity of more than 300 in sanctuary or main activity area, or with accessory schools, day care centers with more than 50 children, recreational facilities	S	Section 5-639
Utility	Communal sewer system	P	Section 5-621
	Communal water supply system	P	Section 5-621
	Public utility service center and storage yard	S	Section 5-621
	Public utility service center, without outdoor storage	P	Section 5-621
	Recycling drop off collection center, public	P	Section 5-607
	Recycling drop off collection center, private	S	Section 5-607
	Sewage and water treatment plant	S	Section 5-621
	Utility substation, dedicated	S	Section 5-621
	Utility substation, distribution	S	Section 5-616 and 5-621

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TABLE 2-1402 TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**TR-10**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Utility substation, transmission	S	Section 5-616 and 5-621
	Utility transmission line, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	Unless exempted by Section 1-103(D)
	Utility transmission line, underground	P	
	Water storage tank	S	Section 5-621
	Sewer and water pumping station	P	Section 5-621
COMMERCIAL USES			
Conference and Training Centers	Conference and training centers	S	Section 5-640
	Rural agricultural corporate retreat	S	Section 5-619
	Rural Resort	S	Section 5-601(D)
	Rural Retreat	S	Section 5-601(D)
Recreation and Entertainment	Camp, day and boarding, with 30 or fewer campers	P	Section 5-645
	Camp, day and boarding, with more than 30 campers	S	Section 5-645
	Campground	S	Section 5-646
	Eco-tourism	P	Section 5-647
	Golf course	S	Section 5-648
	Private club or lodge	S	
	Recreation establishment, outdoor	S	
	Rural recreation establishment, outdoor	P	
Retail Sales and Service	Antique shop	S	Section 5-650

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TABLE 2-1402 TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**TR-10**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Art gallery or art studio	S	Section 5-650
	Craft shop	S	Section 5-650
	Farm machinery sales and service	S	Section 5-615
	Mill, feed and farm supply center	S	
	Small business	P/S	Section 5-614
	Studio space – artist, craftsperson, writer, etc.	P	Section 5-650
Visitor Accommodation	Bed and breakfast homestay	P/S	Section 5-601(A)
	Bed and breakfast inn	S	Section 5-601(B)
	Country inn	S	Section 5-601(C)
INDUSTRIAL USES			
Telecommunication Facilities	Radio and/or television tower	S	Section 5-618
	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunication tower	S	Section 5-618(C)(2)
Waste-Related Uses	Yard Waste and/or Vegetative waste composting facility	S	
	Stockpiling of dirt	S	Section 5-657

2-1403 Development Standards.

(A) **General.** All development in the TR-10 district, unless exempted pursuant to Section 2-1403(B) shall be developed consistent with Section 5-701 (TR Districts Lot Standards) ~~and 6-2000 (Conservation Design)~~.

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(B) **Exemptions.** The development of a lot existing on January 7, 2003 is exempted from the standards and requirements of Section 5-701 (TR Districts Lot Standards). The development of such lot shall be subject to the development standards of Table 2-1403(B).

TABLE 2-1403(B): TR-10 BUILDING REQUIREMENTS FOR EXISTING LOTS (Lots Existing Prior to January 7, 2003)	
Minimum Required Yards	No building shall be located within 25 feet of any property line nor within 100 feet from the right-of-way of any arterial road, 75 feet from the right-of-way of any collector road, and 35 feet from any other road right-of-way, private access easement, and any prescriptive easement.
Maximum Floor Area Ratio	0.05
Maximum Building Height	35 feet. No restriction for buildings used exclusively for agriculture, horticulture and animal husbandry.

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Section 2-1500 TR-3 (Transitional Residential-3)

2-1501 Purpose and Intent.

(A) The purpose and intent of the TR-3 district is to:

(1) Create a visual/spatial transition between the suburban area and the rural area of the County;

(2) Achieve a blend of rural and suburban development;

(3) Encourage new development designs that incorporate both suburban and rural features;

(4) Achieve a balance between the built and natural environment;

(5) Protect and integrate open space and natural resources; and

(6) Implement requirements that open space be provided in conjunction with ~~conservation design and other~~ the standards of this Ordinance.

(B) **TR-3UBF** This sub-district establishes a minimum of 50% open space to be more compatible with adjacent suburban development.

(C) **TR-3LBR** is created as a sub-district of TR-3 to reflect differing open space requirements. This sub-district establishes a minimum of 70% open space in order to be more compatible with rural development patterns in adjoining jurisdictions and to protect the environment and areas surrounding the Bull Run.

(D) **TR-3LF** This sub-district establishes a minimum of 50% open space in order to be more compatible with adjacent suburban development.

2-1502 Use Regulations. Table 2-1502 summarizes the principal use regulations of the TR-3 districts.

(A) **Organization of Use Table.** Table 2-1502 organizes the uses in the TR-3 districts by Use Classifications, Use Categories and Use Types.

(1) **Use Classifications.** The Use Classifications are: residential uses; agricultural uses; public and institutional uses; commercial uses; and industrial uses. The Use Classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., residential uses and agricultural uses). The Use Classifications then organize land uses and activities into general "Use Categories" and specific "Use Types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of

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customers or residents, how goods or services are sold or delivered, and site conditions.

(2) **Use Categories.** The Use Categories describe the major sub-groups of the Use Classification, based on common characteristics (e.g., the residential Use Classification is divided into two major Use Categories: Household Living and Group Living). Principal uses are identified in defining the Use Category. They are principal uses that most closely share the common characteristics that are key to the Use Category.

(3) **Use Types.** The Use Categories are then divided into specific Use Types. The specific Use Types are included in the respective Use Category. They identify the specific uses that are considered to fall within characteristics identified in the Use Category. For example, single family detached dwellings, multi-family dwellings and town houses are Use Types in the Household Living Use Category.

(B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-1502 are defined in Article VIII (Definitions).

(C) **Permitted and Special Exception Uses.** A "P" in the column identified "TR-3" indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the TR-3 districts, subject to compliance with all applicable standards and regulations in this Ordinance and all other County ordinances. An "S" indicates that a Use Type is allowed in the TR-3 districts as a special exception in accordance with the procedures and standards of Section 6-1300. In some instances, and based on the Additional Regulations for Specific Uses (Section 5-600), a Use Type will be permitted as a matter of right under certain conditions or allowed as a special exception under other conditions. In those instances, it is identified as "P/S."

(D) **Reference to General Use Category.** References to "General Use Category" under the Use Type column, means all of the uses in the Use Category are allowed. The Use Category is defined in Article VIII. Where specific Use Types are listed in the Use Type column, only the listed Use Types in the Use Category are allowed. The Use Types are defined in Article VIII.

(E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-1502 (Additional Regulations for Specific Uses) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the "Additional Regulations for Specific Uses" in Section 5-600. All the Use Categories and Use Types listed in Table 2-1502 are defined in Article VIII (Definitions).

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TABLE 2-1502 TR-3 TRANSITIONAL RESIDENTIAL-3 DISTRICTS USE TABLE P = PERMITTED S = SPECIAL EXCEPTION					
USE CATEGORY	**USE TYPE**	**TR-3 UBF**	**TR-3 LBR**	**TR-3 LF**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
RESIDENTIAL USES					
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	P	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	P	P	Manufactured housing subject to Section 5-620.
	Home occupation (accessory to single family detached dwelling)	P	P	P	Section 5-400
	Portable Dwelling/ Construction Trailer	P	P	P	
	Guest house (accessory to single family detached dwelling	P	P	P	Section 5-612
Group Living	Congregate housing facility	S	S	S	
	Continuing care facility	S	S	S	
	Convent or monastery	S	S	S	Section 5-656
	Orphanage or similar institution	S	S	S	
	Tenant dwelling	P/S	P/S	P/S	Section 5-602
AGRICULTURAL USES					
Agriculture	General Use Category	P	P	P	Section 5-626
Horticulture	General Use Category	P	P	P	Section 5-626
Animal Husbandry	General Use Category	P	P	P	Section 5-626
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and	Agricultural processing		S		Section 5-627
	Animal care business	P	P	P	Section 5-627
	Custom operators	P	P	P	Section 5-627

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TABLE 2-1502 TR-3 TRANSITIONAL RESIDENTIAL-3 DISTRICTS USE TABLE P = PERMITTED S = SPECIAL EXCEPTION					
USE CATEGORY	**USE TYPE**	**TR-3 UBF**	**TR-3 LBR**	**TR-3 LF**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Animal Husbandry Activity, On-Site	Direct market business for sale of products produced on-site-including but not limited to PYO (pick-your-own)	P	P	P	Section 5-627
	Equestrian facilities	P	P	P	Section 5-627
	Equestrian facility, on lots of less than fifty (50) acres, or without frontage on a state maintained road	S	S	S	Section 5-627
	Farm co-ops	P	P	P	Section 5-627
	Farm based tourism	P	P	P	Section 5-628
	Farm markets	P	P	P	Section 5-603
	Nursery, commercial	S	S	S	Section 5-605
	Nursery, production		P		Section 5-605
	Nursery, production, without frontage on a state maintained road		S		Section 5-605
	Pet farms	P	P	P	Section 5-627
	Stables	P	P	P	Section 5-627
	Stable, neighborhood on lots less than twenty five (25) acres, or without frontage on a state maintained road	S	S	S	Section 5-627
	Virginia farm winery	P	P	P	
	Wayside stand	P	P	P	Section 5-604
Agricultural Support and Services <u>not</u> directly associated with	Agricultural Research Facility	S	S	S	Section 5-644
	Animal Care Business	P	P	P	Section 5-630

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TABLE 2-1502 TR-3 TRANSITIONAL RESIDENTIAL-3 DISTRICTS USE TABLE P = PERMITTED S = SPECIAL EXCEPTION					
USE CATEGORY	**USE TYPE**	**TR-3 UBF**	**TR-3 LBR**	**TR-3 LF**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
agricultural activity	Equestrian Facility	P	P	P	Section 5-630
	Equestrian facility on lots of less than 50 acres or without frontage on a state maintained road	S	S	S	Section 5-630
	Stable, neighborhood on lots	P	P	P	Section 5-630
	Stable, Private	S	S	S	Section 5-630
Animal Services	Animal Hospital	S	S	S	Section 5-631
	Kennel		S		Section 5-606
	Kennel, Indoor		P		Section 5-606
	Veterinary service	P	P	P	
PUBLIC AND INSTITUTIONAL USES					
Day Care Facilities	Child care home	P	P	P	Section 5-609(A)
	Child or adult day care center	S	S	S	Section 5-609(B)
Cultural and Governmental Facilities	Community center, HOA facilities only	P	P	P	
	Structures or uses for local government purpose not otherwise listed in the district	S	S	S	
Education	Colleges or universities (including dorms)	S	S	S	
	School (elementary or middle), for fifteen (15) pupils or less	P	P	P	Section 5-655
	School (elementary, middle, or high), for more than 15 pupils	S	S	S	
	Seminary	S	S	S	

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TABLE 2-1502 TR-3 TRANSITIONAL RESIDENTIAL-3 DISTRICTS USE TABLE P = PERMITTED S = SPECIAL EXCEPTION					
USE CATEGORY	**USE TYPE**	**TR-3 UBF**	**TR-3 LBR**	**TR-3 LF**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Vocational school	S	S	S	
Park and Open Space	Arboretum	P	P	P	Section 5-636
	Botanical garden or nature study area	P	P	P	Section 5-636
	Cemetery	S	S	S	Section 5-637
	Mausoleum	S	S	S	Section 5-637
	Crematorium	S	S	S	Section 5-637
	Community, neighborhood or regional park, passive recreational uses	P	P	P	
	Community, neighborhood or regional park, active recreational uses	S	S	S	
	Wetland mitigation bank	P	P	P	
Public Safety	Fire and/or rescue station	S	S	S	Section 5-638
	Police station or substation	S	S	S	Section 5-638
Religious Assembly	Church, synagogue, temple or mosque with seating capacity of 300 or less seats in sanctuary or main activity area	P	P	P	Section 5-639
	Church, synagogue, temple, or mosque with seating capacity of more than 300 in sanctuary or main activity area, or with accessory schools, day care centers with more than 50 children, recreational facilities	S	S	S	Section 5-639

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TABLE 2-1502 TR-3 TRANSITIONAL RESIDENTIAL-3 DISTRICTS USE TABLE P = PERMITTED S = SPECIAL EXCEPTION					
USE CATEGORY	**USE TYPE**	**TR-3 UBF**	**TR-3 LBR**	**TR-3 LF**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Utility	Communal sewer system	P			Section 5-621
	Communal water supply system	P			Section 5-621
	Public utility service center and storage yard	S	S	S	Section 5-621
	Public utility service center, without outdoor storage	P	P	P	Section 5-621
	Recycling drop off collection center, public	P	P	P	Section 5-607
	Recycling drop off collection center, private	S	S	S	Section 5-607
	Water and sewage treatment plant	S	S	S	Section 5-621
	Utility substation, dedicated	P	S	P	Section 5-621
	Utility substation, distribution	S	S	S	Section 5-616 and 5-621
	Utility substation, transmission	S	S	S	Section 5-616 and 5-621
	Utility transmission line, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	S	S	Unless exempted by Section 1-103 (D)
	Utility transmission line, underground	P	P	P	
	Water storage tank	S	S	S	Section 5-621
	Water and sewer pumping station	P	P	P	Section 5-621
COMMERCIAL USES					
Recreation and Entertainment	Camp, day and boarding, with 30 or fewer campers	P	P	P	Section 5-645
	Camp, day and boarding, with more than 30 campers	S	S	S	Section 5-645

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TABLE 2-1502 TR-3 TRANSITIONAL RESIDENTIAL-3 DISTRICTS USE TABLE P = PERMITTED S = SPECIAL EXCEPTION					
USE CATEGORY	**USE TYPE**	**TR-3 UBF**	**TR-3 LBR**	**TR-3 LF**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Golf course	S	S	S	Section 5-648
	Private club or lodge	S	S	S	
Retail Sales and Service	Small business	P/S	P/S	P/S	Section 5-614
Visitor Accommodation	Bed and breakfast homestay	P/S	P/S	P/S	Section 5-601(A)
	Bed and breakfast inn	S	S	S	Section 5-601(B)
	Country inn		S		Section 5-601(C)
INDUSTRIAL USES					
Telecommunication Facilities	Radio and/or television tower	S	S	S	Section 5-618
	Telecommunications antenna	P	P	P	Section 5-618(A)
	Telecommunications monopole	P	P	P	Section 5-618(B)(1)
	Telecommunications monopole	S	S	S	Section 5-618(B)(2)
	Telecommunication transmissions tower	S	S	S	Section 5-618(C)(2)
Waste-Related Uses	Yard Waste and/or Vegetative waste composting facility		S		

2-1503 Development Standards.

(A) **General.** All development in the TR-3 districts, unless exempted pursuant to Section 2-1503(B), shall be developed consistent with Section 5-701 (TR Districts Lot Standards~~) and 6-2000 (Conservation Design)~~.

(B) **Exemptions.** The development of a lot existing on January 7,2003 is exempted from the standards and requirements of Section 5-701 (TR Districts Lot Standards). The development of such lot shall be subject to the development standards of Table 2-1503(B).

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TABLE 2-1503(B): TR-3 BUILDING REQUIREMENTS FOR EXISTING LOTS (Lots Existing Prior to January 7, 2003)	
Minimum Required Yards	No building shall be located within 25 feet of any property line nor within 100 feet from the right-of-way of any arterial road, 75 feet from the right-of-way of any collector road, and 35 feet from any other road right-of-way, private access easement, and any prescriptive easement.
Maximum Floor Area Ratio	0.05
Maximum Building Height	35 feet. No restriction for buildings used exclusively for agriculture, horticulture and animal husbandry.

2-1504 **Other Special Requirements.** 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.

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Section 2-1600 TR-2 (Transitional Residential - 2)

2-1601 Purpose and Intent. The purpose and intent of the TR-2 district is to:

(A) Create a visual/spatial transition between the suburban area and the rural area of the County;

(B) Achieve a blend of rural and suburban development;

(C) Encourage new development designs that incorporate both suburban and rural features;

(D) Achieve a balance between the built and natural environment;

(E) Protect and integrate open space and natural resources; and

(F) Implement requirements that open space be provided in conjunction with ~~conservation design and other~~ the standards of this Ordinance.

2-1602 Use Regulations. Table 2-1602 summarizes the principal use regulations of the TR-2 district.

(A) **Organization of Use Table.** Table 2-1602 organizes the uses in the TR-2 district by Use Classifications, Use Categories and Use Types.

(1) **Use Classifications.** The Use Classifications are: residential uses; agricultural uses; public and institutional uses; commercial uses; and industrial uses. The Use Classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., residential uses and agricultural uses). The Use Classifications then organize land uses and activities into general "Use Categories" and specific "Use Types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.

(2) **Use Categories.** The Use Categories describe the major sub-groups of the Use Classification, based on common characteristics (e.g., the residential Use Classification is divided into two major Use Categories: Household Living and Group Living). Principal uses are identified in defining the Use Category. They are principal uses that most closely share the common characteristics that are key to the Use Category.

(3) **Use Types.** The Use Categories are then divided into specific Use Types. The specific Use Types are included in the respective Use Category. They

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identify the specific uses that are considered to fall within characteristics identified in the Use Category. For example, single family detached dwellings, multi-family dwellings and town houses are Use Types in the Household Living Use Category.

(B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-1602 are defined in Article VIII (Definitions).

(C) **Permitted and Special Exception Uses.** A "P" in the column identified "TR-2" indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the TR-2 district, subject to compliance with all applicable standards and regulations in this Ordinance and all other county ordinances. An "S" indicates that a Use Type is allowed in the TR-2 district as a special exception in accordance with the procedures and standards of Section 6-1300. In some instances and based on the Additional Regulations for Specific Uses (Section 5-600), a Use Type will be permitted under certain conditions (allowed as a permitted use), or allowed as a special exception under other conditions. In those instances, it is identified as "P/S."

(D) **Reference to General Use Category.** References to "General Use Category" under the Use Type column, means all of the uses in the Use Category are allowed. The Use Categories are defined in Article VIII. Where specific Use Types are listed in the Use Type column, only the listed Use Types in the Use Category are allowed. The Use Types are defined in Article VIII.

Additional Regulations for Specific Uses. References to sections in the final column of Table 2-1602 (Additional Regulations for Specific Uses) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the "Additional Regulations for Specific Uses" in Section 5-600. All the Use Categories and Use Types listed in Table 2-1602 are defined in Article VIII (Definitions).

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TABLE 2-1602 TR-2 TRANSITIONAL RESIDENTIAL-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**TR-2**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
RESIDENTIAL USES			
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	Manufactured housing subject to Section 5-620.
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Portable Dwelling/ Construction Trailer	P	
	Guest house (accessory to single family detached dwelling	P	Section 5-612
Group Living	Congregate housing facility	S	
	Continuing care facility	S	
	Orphanage or similar institution	S	
	Monastery or convent	S	Section 5-656
	Tenant dwelling	P/S	Section 5-602
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626

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TABLE 2-1602 TR-2 TRANSITIONAL RESIDENTIAL-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**TR-2**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Animal care business	P	Section 5-627
	Custom operators	P	Section 5-627
	Direct market business for sale of products produced on-site including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Equestrian facility, on lots of less than fifty (50) acres, or without frontage on a state maintained road	S	Section 5-627
	Farm co-ops	P	Section 5-627
	Farm based tourism events	P	Section 5-628
	Farm markets	P	Section 5-603
	Pet farms	P	Section 5-627
	Stables	P	Section 5-627
	Stable, neighborhood on lots less than twenty five (25) acres, or without frontage on a state maintained road	S	Section 5-627
	Wayside stand	P	Section 5-604
Animal Services	Veterinary service	P	
PUBLIC AND INSTITUTIONAL USES			
Day Care Facilities	Child care home	P	Section 5-609(A)
	Child or adult day care	S	Section 5-609(B)
Cultural and Governmental Facilities	Community center, HOA facilities only	P	
	Structures or uses for local government purposes not otherwise listed	S	

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TABLE 2-1602 TR-2 TRANSITIONAL RESIDENTIAL-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**TR-2**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Education	Colleges or Universities (including dorms)	S	
	School (elementary or middle), for fifteen (15) pupils or less	P	Section 5-655
	School (elementary, middle, or high), for more than 15 pupils	S	
	Seminary	S	
	Vocational school	S	
Park and Open Space	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Community, neighborhood, or regional park, passive recreational uses	P	
	Community, neighborhood, or regional park, active recreational uses	S	
	Wetlands mitigation bank	P	
Public Safety	Fire and/or rescue station	S	Section 5-638
	Police station or substation	S	Section 5-638
Religious Assembly	Church, synagogue, temple or mosque with seating capacity of 300 or less seats in sanctuary or main activity area	P	Section 5-639
	Church, synagogue, temple, or mosque with seating capacity of more than 300 in sanctuary or main activity area, or with accessory schools, day care centers, with more than 50 children, recreational facilities	S	Section 5-639
Utility	Communal sewer system	P	Section 5-621
	Communal water supply system	P	Section 5-621
	Public utility service center and storage yard	S	Section 5-621

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TABLE 2-1602 TR-2 TRANSITIONAL RESIDENTIAL-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**TR-2**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Public utility service center, without outdoor storage	P	Section 5-621
	Recycling drop off collection center, public	P	Section 5-607
	Recycling drop off collection center, private	S	Section 5-607
	Sewage and water treatment plant	S	Section 5-621
	Utility substation, dedicated	S	Section 5-621
	Utility substation, distribution	S	Section 5-616 and 5-621
	Utility substation, transmission	S	Section 5-616 and 5-621
	Utility transmission line, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	Unless exempted by Section 1-103 (D)
	Utility transmission line, underground	P	
	Water storage tank	S	Section 5-621
	Sewage and water pumping station	P	Section 5-621
COMMERCIAL USES			
Recreation and Entertainment	Golf course	S	Section 5-648
	Private club or lodge	S	
Retail Sales and Service	Small business	P/S	Section 5-614
Visitor Accommodation	Bed and breakfast homestay	P/S	Section 5-601(A)
	Bed and breakfast inn	S	Section 5-601(B)
INDUSTRIAL USES			
Telecommunication Facilities	Radio and/or television tower	S	Section 5-618

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TABLE 2-1602 TR-2 TRANSITIONAL RESIDENTIAL-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	TR-2	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunication tower	S	Section 5-618(C)(2)

2-1603 Development Standards.

(A) **General.** All development in the TR-2 district, unless exempted pursuant to Section 2-1603 (B) shall be developed consistent with Section 5-701 (TR Districts Lot Standards) ~~and 6-2000 (Conservation Design)~~.

(B) **Exemptions.** The development of a lot existing on the date of adoption is exempted from the standards and requirements of Section 5-701 (TR Districts Lot Standards. The development of such lot shall be subject to the development standards of Table 2-1603(B).

TABLE 2-1603(B): TR-2 BUILDING REQUIREMENTS FOR EXISTING LOTS (Lots Existing Prior to January 7, 2003)	
Minimum Required Yards	No building shall be located within 25 feet of any property line nor within 100 feet from the right-of-way of any arterial road, 75 feet from the right-of-way of any collector road, and 35 feet from any other road right-of-way, private access easement, and any prescriptive easement.
Maximum Floor Area Ratio	0.05
Maximum Building Height	35 feet. No restriction for buildings used exclusively for agriculture, horticulture and animal husbandry.

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Section 2-1700 TR-1 (Transitional Residential - 1)

2-1701 Purpose and Intent.

(A) The purpose and intent of the TR-1 districts is to:

(1) Create a visual/spatial transition between the suburban area and the rural area of the County;

(2) Achieve a blend of rural and suburban development;

(3) Encourage new development designs that incorporate both suburban and rural features;

(4) Achieve a balance between the built and natural environment;

(5) Protect and integrate open space and natural resources; and

(6) Implement requirements that open space be provided in conjunction with the ~~conservation design and other~~ standards of this Ordinance.

2-1702 Use Regulations. Table 2-1702 summarizes the principal use regulations of the TR-1 districts.

(A) **Organization of Use Table.** Table 2-1702 organizes the uses in the TR-1 districts by Use Classifications, Use Categories and Use Types.

(1) **Use Classifications.** The Use Classifications are: residential uses; agricultural uses; public and institutional uses; commercial uses; and industrial uses. The Use Classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., residential uses and agricultural uses). The Use Classifications then organize land uses and activities into general "Use Categories" and specific "Use Types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.

(2) **Use Categories.** The Use Categories describe the major sub-groups of the Use Classification, based on common characteristics (e.g., the residential Use Classification is divided into two major Use Categories: Household Living and Group Living). Principal uses are identified in defining the Use Category. They are principal uses that most closely share the common characteristics that are key to the Use Category.

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(3) **Use Types.** The Use Categories are then divided into specific Use Types. The specific Use Types are included in the respective Use Category. They identify the specific uses that are considered to fall within characteristics identified in the Use Category. For example, single family detached dwellings, multi-family dwellings and town houses are Use Types in the Household Living Use Category.

(B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-1702 are defined in Article VIII (Definitions).

(C) **Permitted and Special Exception Uses.** A "P" in the column identified "TR-1" indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the TR-1 districts, subject to compliance with all applicable standards and regulations in this Ordinance and all other county ordinances. An "S" indicates that a Use Type is allowed in the TR-1 districts as a special exception in accordance with the procedures and standards of Section 6-1300. In some instances and based on the Additional Regulations for Specific Uses (Section 5-600), a Use Type will be permitted as a matter of right under certain conditions or allowed as a special exception under other conditions. In those instances, it is identified as "P/S."

(D) **Reference to General Use Category.** References to "General Use Category" under the Use Type column, means all of the uses in the Use Category are allowed. The Use Categories are defined in Article VIII. Where specific Use Types are listed in the Use Type column, only the listed Use Types in the Use Category are allowed. The Use Types are defined in Article VIII.

(E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-1702 (Additional Regulations for Specific Uses) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the "Additional Regulations for Specific Uses" in Section 5-600. All the Use Categories and Use Types listed in Table 2-1702 are defined in Article VIII (Definitions).

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TABLE 2-1702 TR-1 TRANSITIONAL RESIDENTIAL-1 DISTRICTS USE TABLE P = PERMITTED S = SPECIAL EXCEPTION				
USE CATEGORY	**USE TYPE**	**TR-1 UBF**	**TR-1 LF**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
RESIDENTIAL USES				
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	P	Manufactured housing subject to Section 5-620.
	Home occupation (accessory to single family detached dwelling)	P	P	Section 5-400
	Portable Dwelling/ Construction Trailer	P	P	
	Guest house (accessory to single family detached dwelling	P	P	Section 5-612
Group Living	Congregate housing facility	S	S	
	Continuing care facility	S	S	
	Orphanage or similar institution	S	S	
	Monastery or convent	S	S	Section 5-656
	Tenant dwelling	P/S	P/S	Section 5-602
AGRICULTURAL USES				
Agriculture	General Use Category	P	P	Section 5-626
Horticulture	General Use Category	P	P	Section 5-626
Animal Husbandry	General Use Category	P	P	Section 5-626

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TABLE 2-1702 TR-1 TRANSITIONAL RESIDENTIAL-1 DISTRICTS USE TABLE P = PERMITTED S = SPECIAL EXCEPTION				
USE CATEGORY	**USE TYPE**	**TR-1 UBF**	**TR-1 LF**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Animal care business	P	P	Section 5-627
	Custom operators	P	P	Section 5-627
	Direct market business for sale of products produced on-site - including but not limited to PYO (pick-your-own)	P	P	Section 5-627
	Equestrian facilities	P	P	Section 5-627
	Equestrian facilities, on lots of less than fifty (50) acres, or without frontage on a state maintained road	S	S	Section 5-627
	Farm co-ops	P	P	Section 5-627
	Farm based tourism	P	P	Section 5-628
	Farm markets	P	P	Section 5-603
	Pet farms	P	P	Section 5-627
	Stables	P	P	Section 5-627
	Stable, neighborhood on lots less than twenty five (25) acres, or without frontage on a state maintained road	S	S	Section 5-627
	Wayside stand	P	P	Section 5-604
Animal Services	Veterinary service	P	P	

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TABLE 2-1702 TR-1 TRANSITIONAL RESIDENTIAL-1 DISTRICTS USE TABLE P = PERMITTED S = SPECIAL EXCEPTION				
USE CATEGORY	**USE TYPE**	**TR-1 UBF**	**TR-1 LF**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
PUBLIC AND INSTITUTIONAL USES				
Day Care Facilities	Child care home	P	P	Section 5-609(A)
	Child or adult day care	S	S	Section 5-609(B)
Cultural and Governmental Facilities	Community center, HOA facilities only	P	P	
	Structure or uses for local government purposes not otherwise listed in district	S	S	
Education	Colleges or universities (including dorms)	S	S	
	School (elementary or middle), for fifteen (15) pupils or less	P	P	Section 5-655
	School (elementary, middle, or high), for more than 15 pupils	S	S	
	Seminary	S	S	
	Vocational school	S	S	
Park and Open Space	Cemetery	S	S	Section 5-637
	Mausoleum	S	S	Section 5-637
	Crematorium	S	S	Section 5-637
	Community, neighborhood, or regional park , passive recreational uses	P	P	
	Community, neighborhood, or regional park, active recreational uses	S	S	
	Wetland mitigation bank	P	P	

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TABLE 2-1702 TR-1 TRANSITIONAL RESIDENTIAL-1 DISTRICTS USE TABLE P = PERMITTED S = SPECIAL EXCEPTION				
USE CATEGORY	**USE TYPE**	**TR-1 UBF**	**TR-1 LF**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Public Safety	Fire and/or rescue station	S	S	Section 5-638
	Police station or substation	S	S	Section 5-638
Religious Assembly	Church, synagogue, temple or mosque with seating capacity of 300 or less seats in sanctuary or main activity area	P	P	Section 5-639
	Church, synagogue, temple, or mosque with seating capacity of more than 300 in sanctuary or main activity area, or with accessory schools, day care centers with more than 50 children, recreational facilities	S	S	Section 5-639
Utility	Communal sewer system	P		Section 5-621
	Communal water supply system	P		Section 5-621
	Public utility service center and storage yard	S	S	Section 5-621
	Public utility service center, without outdoor storage	P	P	Section 5-621
	Recycling drop off collection center, public	P	P	Section 5-607
	Recycling drop off collection center, private	S	S	Section 5-607
	Sewage and water treatment plant	S	S	Section 5-621
	Utility substation, dedicated	P	P	Section 5-621
	Utility substation, distribution	S	S	Section 5-616 and 5-621
	Utility substation, transmission	S	S	Section 5-616 and 5-621

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TABLE 2-1702 TR-1 TRANSITIONAL RESIDENTIAL-1 DISTRICTS USE TABLE P = PERMITTED S = SPECIAL EXCEPTION				
USE CATEGORY	**USE TYPE**	**TR-1 UBF**	**TR-1 LF**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Utility transmission line, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	S	Unless exempted by Section 1-103(D)
	Utility transmission line, underground	P	P	
	Water storage tank	S	S	Section 5-621
	Water and sewer pumping station	P	P	Section 5-621
COMMERCIAL USES				
Recreation and Entertainment	Golf course	S	S	Section 5-648
	Private club or lodge	S	S	
Retail Sales and Service	Small business	P/S	P/S	Section 5-614
Visitor Accommodation	Bed and breakfast homestay	P/S	P/S	Section 5-601(A)
	Bed and breakfast inn	S	S	Section 5-601(B)
INDUSTRIAL USES				
Telecommunication Facilities	Radio and/or television tower	S	S	Section 5-618
	Telecommunications antenna	P	P	Section 5-618(A)
	Telecommunications monopole	P	P	Section 5-618(B)(1)
	Telecommunications monopole	S	S	Section 5-618(B)(2)
	Telecommunication tower	S	S	Section 5-618(C)(2)

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2-1703 Development Standards.

(A) **General.** All development in the TR-1 districts, unless exempted pursuant to Section 2-1703(B) shall be developed consistent with Section 5-701 (TR Districts Lot Standards) ~~and 6-2000 (Conservation Design)~~.

(B) **Exemptions.** The development of a lot existing on January 7, 2003 is exempted from the standards and requirements of Section 5-701 (TR Districts Lot Standards). The development of such lot shall be subject to the development standards of Table 2-1703(B).

TABLE 2-1703(B): TR-1 BUILDING REQUIREMENTS FOR EXISTING LOTS (Lots Existing Prior to January 7, 2003)	
Minimum Required Yards	No building shall be located within 25 feet of any property line nor within 100 feet from the right-of-way of any arterial road, 75 feet from the right-of-way of any collector road, and 35 feet from any other road right-of-way, private access easement, and any prescriptive easement.
Maximum Floor Area Ratio	0.05
Maximum Building Height	35 feet. No restriction for buildings used exclusively for agriculture, horticulture and animal husbandry.

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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);

(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;

(5) For the Potomac River, the flood of 1936 known elevations along with a hydraulic gradient established by past flood events and ground topography; and

(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

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

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 4-1900 Limestone Conglomerate Overlay District (LOD)**~~

~~**4-1901 Purpose and Intent.** A large area just east of the Catoctin Mountain range in the Rural Policy Area of Loudoun County is comprised of limestone and "Karst terrain" areas. The limestone geology of carbonate deposits is dissolved over time by mildly acidic precipitation, creating fissures. The deposits are highly permeable, allowing surface water to pass through quickly to underlying aquifers and groundwater, and to reappear elsewhere as springs. The terrain is also characterized by the presence of certain natural features, such as sinkholes and rock outcrops. Thus, development on Karst terrain has a direct correlation to the potential for collapse and ground slippage and the susceptibility of groundwater and surface water pollution, and spring contamination, posing serious risks to public health, safety, and welfare. The provisions of this Section 4-1900 are intended to regulate land use and development in areas underlain by limestone and in areas with Karst features and Karst terrain in such a manner so as to:~~

~~(A) Protect groundwater and surface water resources from contamination;~~

~~(B) Reduce potential for property damage resulting from subsidence or other earth movement; and~~

~~(C) Protect the health, safety, and welfare of the public.~~

~~**4-1902 Authority.** Authority for these provisions includes:~~

~~(A) Chapter 11, Title 15.2, Code of Virginia (Planning, Subdivision of Land and Zoning).~~

~~(B) Soil Conservation Districts Law, Va. Code Sections 21-2(c), 21-2(d).~~

~~(C) Virginia Environmental Quality Act, Va. Code Section 10-178.~~

~~(D) Erosion and Sediment Control Act, Va. Code Section 21-89.2.~~

~~**4-1903 Applicability and Exemptions.**~~

~~(A) **Applicability—Land Area and Features Included in the LOD.** This Section 4-1900 shall apply to all land area and karst features included in the Limestone Conglomerate Overlay District (LOD), as shown on the official Limestone Conglomerate Overlay District Map of Loudoun County~~

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~~("LOD Map"), which with all explanatory matter thereon, is hereby incorporated by reference.~~

~~(1) The LOD Map delineates the following features:~~

~~(a) The extent of the limestone bedrock formations;~~

~~(b) Sinkholes; and~~

~~(c) Rock outcrops.~~

~~(2) The LOD Map does not delineate required buffers around karst features. (*See* Section 4-1905 below.)~~

~~(B) **Applicability—Covered Activities.** This Section shall apply to all proposed land disturbing activities, including non-agricultural rural economy uses, new single family development, and subdivision, that occurs within the LOD. Expansion, alteration, or reconstruction of legally existing buildings, structures, and impervious surface areas existing on January 7, 2003 shall not be covered, provided that such alteration does not increase the total footprint of a structure or impervious surface by more than twenty five percent (25%) or 2,000 square feet, whichever is greater.~~

~~(C) **Exemptions.** The following land disturbing activities shall be allowed within the LOD, subject to the specific limits set forth below:~~

~~(1) **Agricultural Operations.** This section shall not apply to agricultural operations located in the LOD that are covered by a Conservation Farm Management Plan, approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service that includes best management practices, and a Nutrient Management Plan (where applicable). Structures associated with agricultural operations are not exempt from these provisions.~~

~~(2) **Existing Legal Lots within Sensitive Limestone Areas.** Following a Geotechnical or Geophysical study, a legal lot of record, which lot was: (a) in existence on January 7, 2003; and (b) contains in whole or in part a sensitive environmental resource associated with limestone bedrock area established by Section 4-1905, below, may be developed for a~~

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~~single family detached dwelling and permitted accessory structures. To the maximum extent feasible, no development shall take place within karst feature buffers, but where residential development takes place, such dwelling shall be sited on the lot as far from any karst feature as possible, and shall comply with the development standards in this section to the maximum extent feasible. Development on such lot shall not be allowed if subsidence poses a serious risk to public health or safety or to the safety of residents or users of the proposed development, as determined by the County~~

~~**4-1904 Review Procedures.** All development approvals, review procedures, modifications, and density calculations in the LOD are governed by Article VI, "Development Process and Administration," as applicable, and procedures in Chapter 8 of the Facilities Standards Manual (FSM).~~

~~**4-1905 Establishment of Sensitive Limestone Areas.**~~

~~(A) **Sensitive Environmental Resources Associated with Limestone Bedrock**. For all development applications involving properties subject to LOD as identified on the LOD Map, or by an approved Preliminary Soils Review, the applicant shall submit a Geotechnical or Geophysical Study in accordance with standards set forth in the Facilities Standards Manual, Chapter 6. Such Geotechnical or Geophysical Study shall identify the following sensitive environmental resources associated with limestone bedrock:~~

~~(1) Closed depressions;~~

~~(2) Open sinkholes;~~

~~(3) Rock outcrops;~~

~~(4) Seasonal high water table indicators;~~

~~(5) Surface drainage into ground;~~

~~(6) Faults;~~

~~(7) Other hazardous subsidence conditions;~~

~~(8) Underground solution channels; and~~

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~~(9) Other underground features that may affect the proposed development.~~

~~(10) Cave openings~~

~~If conditions warrant mitigation to protect sensitive environmental resources associated with limestone bedrock, then the study shall propose mitigation measures to be undertaken. Avoidance of sensitive environmental resources associated with limestone bedrock and of karst features shall be the preferred mitigation measure.~~

~~(B) **Karst Feature Buffers.** For each karst feature identified on the LOD Map or by an approved Preliminary Soils Review, or the required Geotechnical/Geophysical Study, a Karst Feature Buffer shall be established from the outermost edge of the feature. The minimum Karst Feature Buffer width shall be:~~

~~(1) Fifty (50) feet from any rock outcrop;~~

~~(2) One hundred (100) feet from the rim of any sinkhole; and~~

~~(3) One hundred (100) feet from any cave opening.~~

~~**4-1906 Permitted Uses and Activities.**~~

~~(A) **Uses and Activities within Karst Feature Buffers.**~~

~~(1) Land disturbing activities, development, and impervious surface coverage are prohibited within Karst Feature Buffers, except for the following:~~

~~(a) Fences that do not obstruct surface water flow;~~

~~(b) Trails and other passive recreation facilities, excluding buildings, for pedestrian, bike or other non motorized use, provided that such facility is designed with permeable materials and is located a minimum of 25 feet from the edge of a karst feature; and~~

~~(c) Restoration and revegetation.~~

~~(2) Residential structures shall be located outside Karst Feature Buffers, unless there are no feasible~~

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~~development sites available outside the buffers. Residential structures located within a Karst feature shall be sited on the lot as far away from the Karst feature to the maximum extent feasible.~~

~~(B) **Uses and Activities in the Limestone Conglomerate Overlay District, Outside Karst Feature Buffers.** All uses and structures permitted by right in the underlying zoning district are permitted within the Limestone Conglomerate Overlay District outside of Karst Feature Buffers, subject to the standards and mitigation measures in this Section and Zoning Ordinance.~~

~~**4-1907 Special Exception Uses.** All uses and structures permitted by special exception in the underlying zoning district may be permitted subject to the procedures and criteria stated in Section 6-1300, "Special Exception," of the Zoning Ordinance, to conditions identified in a grading permit application, when required, and to any mitigation measures required according to Section 4-1909, below~~

~~**4-1908 Development Standards for the LOD.** Unless otherwise exempt by Section 4-1903(C) above, all land disturbing activities permitted by right or special exception in the LOD shall adhere to the following development standards:~~

~~(A) **Structures in Potential Subsidence Areas.** No structure shall be built in an area where a Geotechnical or Geophysical Study indicates that potential subsidence may occur that would cause physical injury or harm to the public or future residents unless such a study indicates that such potential harm can be mitigated.~~

~~(B) **Site Grading.** To the maximum extent feasible, site grading shall maintain natural drainages. If not feasible, then drainage shall be designed to avoid damage to sensitive environmental resources associated with limestone bedrock as identified in the required Geotechnical or Geophysical study.~~

~~(C) **Surface Water Run-Off.**~~

~~(1) Non point source pollution load of nutrients and sediment shall not exceed the standards specified in Chapter 5 of the Facilities Standards Manual.~~

~~(2) Surface water run off shall not be redirected to enter a sinkhole or closed depression. Drainage plans shall be designed to route surface water run-~~

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~~off through vegetative filters or other filtration measures before it enters such features, and to protect neighboring properties from runoff on the subject property.~~

~~(D) **Revegetation.** Disturbed areas not covered by paving, stone, or other solid materials shall be revegetated with native plant species that are compatible with the natural vegetation and tree cover and that have low water and nutrient requirements.~~

~~(E) **Application of Wastewater Sludge.** Application of wastewater sludge shall be subject to the requirements of a nutrient management plan acceptable to the County pursuant to provisions contained in the Loudoun County Codified Ordinances~~

~~(F) **Communal Water and Wells.** Wells shall be installed in accordance with the provisions in Chapter 6 (proposed) of the Facilities Standards Manual, relating to "Subdivisions with Communal Water Systems," and "Subdivisions with Individual Wells." In addition to well protection standards in the FSM, structures and septic systems shall be located a minimum distance of 100 feet from all existing and proposed wells, both on- and off-site.~~

~~(G) **On-Site Sewage Disposal Systems.** On-site sewage disposal systems, as currently defined in the Land Subdivision Development Ordinance, are allowed for individual lots and subdivisions with fewer than eight (8) lots in the LOD. Sewage disposal systems shall be subject to the review processes and requirements in the existing LSDO (Section 1245.10) and shall comply with requirements of the State of Virginia Department of Health - Division of Sewage and Water Services, the Loudoun County Sanitation Authority regulations, the Loudoun County Health Department, and the following:~~

~~(1) Within the LOD, in areas that the Director of the Loudoun County Health Department deems appropriate for sewage disposal systems, the applicant shall only use a sewage disposal system that is at least 90% effective in removing nitrogens.~~

~~(2) For existing and new systems, owners shall submit evidence of pumping, inspection, and any necessary repairs and maintenance every three years. The applicant shall submit evidence of current~~

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~~inspection and maintenance before expansion or conversion of a land use.~~

~~(H) **Communal Wastewater Systems.** Proposed subdivisions containing eight (8) or more lots shall be served by communal wastewater systems, unless the applicant demonstrates to the County that other types of systems are available that will achieve the same or superior treatment results. The County shall allow communal wastewater systems in the LOD subject to the following standards:~~

~~(1) Where sufficient buildable land area exists on the portion of a property outside the LOD to accommodate a proposed communal wastewater disposal system, that area shall be used before any land within the LOD shall be used; or~~

~~(2) Where insufficient buildable land area exists outside of the LOD, as much of the proposed communal wastewater disposal system shall be sited outside the LOD as possible.~~

~~(3) Where any portion of a proposed communal wastewater disposal system is to be located within the LOD the applicant shall demonstrate through a Geophysical Study acceptable to the County that the communal wastewater disposal system will minimize run off generated, enhance filtration, and will not have an adverse environmental impact on underlying aquifers and groundwater. In addition, the applicant shall provide a plan for regular operation and maintenance.~~

~~(I) **Protection of Springs.** Land disturbing activities, development, and impervious surface coverage are prohibited within one hundred (100) feet from a spring, measured from the vertical source of a spring on flat terrain or from the first emergence of a spring on any steep slope (15% or greater).~~

~~(J) **Stormwater Management Ponds.**~~

~~(1) To the maximum extent feasible, stormwater management ponds shall not be located within areas containing open sinkholes and closed depressions.~~

~~(2) Stormwater management ponds constructed within the LOD shall be lined with impervious materials to~~

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~~prevent groundwater pollution, in accordance with Chapter 5 of the Facilities Standards Manual.~~

~~(K) **Warnings to Property Owners.** A note shall be placed on any record subdivision plat for land in the LOD, containing the following, or similar, language: "Household lawn fertilizers, herbicides, and pesticides for residential purposes should be limited due to the underlying geology of this property, and the potential for groundwater contamination. Application of fertilizers and lime is allowed within the Limestone Conglomerate Overlay District but should only be applied based on results of a soil test obtained through the Virginia Tech extension service or other County approved laboratory.~~

~~**4-1909 Mitigation Measures for the LOD.** In addition to compliance with the development standards in Section 4-1908, land disturbing activities shall employ one or more measures as necessary to mitigate any potential adverse impacts to the County's subsurface water resources or sensitive environmental resources associated with limestone bedrock, as identified in a preliminary soils review, required Geotechnical or Geophysical Study as set forth in Section 4-1905(A), or other hydrogeologic or environmental analysis,~~

~~(A) **General.** Mitigation measures shall be directly related to the proposed land disturbing activity and its potential adverse impact on karst features or sensitive environmental resources associated with limestone bedrock identified on the subject property.~~

~~(B) **Mitigation Measures.** If warranted by a study required by this Zoning Ordinance, the County shall require measures to mitigate the identified potential adverse impacts, including but not limited to the following:~~

~~(1) **Ineligibility for Density Increases.** The applicant may not be eligible for any density increases permitted under the clustering provisions of this Ordinance.~~

~~(2) **Use of a Cluster Subdivision.** Where not otherwise required by this Ordinance, the County may require cluster development.~~

~~(3) **Landscaping and Reductions in Impervious Surface Coverage.** The County may require:~~

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~~(a) Reductions in the maximum impervious surface coverage allowed;~~

~~(b) Reductions in the area devoted to landscaped lawns, and~~

~~(c) the use of xeriscape (i.e., use of native plant materials and landscape materials that have lower water and nutrient requirements).~~

~~(4) **Prohibition of Specific Pollution Sources.** The County may prohibit specific pollution sources, as defined in Chapter 5 of the Facilities Standards Manual if the applicant does not propose effective mitigation measures acceptable to the County, provide evidence that pollution sources will be properly monitored, and that they will adhere to facility design standards.~~

~~(a) The County may prohibit the following pollution sources, including, but not limited to:~~

~~(i) Uses and activities involving hazardous substances;~~

~~(ii) Uses and activities involving the application of high nitrate herbicides or pesticides;~~

~~(iii) Automobile service stations;~~

~~(iv) Underground storage tanks;~~

~~(v) Landfills and waste sites; and~~

~~(vi) Other uses and activities with high risk of releasing pollutants.~~

~~(5) **Storage Tanks.** The County may require leak testing and secondary containment of storage tanks.~~

~~(6) **Conservation of Indigenous Vegetation.** The County may require retention of indigenous vegetation to the maximum extent feasible, and in accordance with Tree Conservation Standards in Chapter 7 of the Facilities Standards Manual.~~

~~(7) **Groundwater Monitoring.** The County may require the applicant to establish a regular system of groundwater monitoring by a qualified professional for the proposed development.~~

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~~(8) **Explosives and Blasting**. The County may require the following blasting mitigation measures:~~

~~(a) A blasting plan for approval that contains blasting procedures;~~

~~(b) A pre-blasting site inspection to determine base-line conditions;~~

~~(c) Monitoring of initial blasts by appropriate seismic and noise measurements at sensitive locations identified in the blasting plan;~~

~~(d) Post-blasting inspections; and~~

~~(e) Restrictions on blasting and explosives, or limits on blasting to specific times and atmospheric conditions to minimize impact.~~

~~(9) **Silviculture.** Silviculture may be conducted only in conformance with a Forest Management Plan that is consistent with requirements in the Facilities Standards Manual and approved by both the Virginia Division of Forestry and the County. Silviculture does not include commercial planting or clear cutting of a forest.~~

~~(10) **Nutrient Management Plan.** The County may require a Nutrient Management Plan to be completed according to guidelines established by the Virginia Department of Conservation and Recreation. All nutrient management plans required by this section shall be subject to County approval.~~

~~(11) **Conservation Easements.** Conservation easements that permanently conserve sensitive limestone area may be dedicated to the County with its written consent and/or to a third party approved by the County.~~

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~~Section 4-2000 – River and Stream Corridor Overlay District (RSCOD)~~

~~**4-2001 Purpose and Intent.** These provisions are intended to promote, preserve, and enhance the important hydrologic, biological, ecological, aesthetic, recreational, and educational functions that river and stream corridors provide. Specifically, the provisions are intended to:~~

~~(A) Protect life and prevent or minimize property damage from soil erosion and flooding; and reduce public costs for flood control, rescue, and relief efforts occasioned by unwise use or occupancy of floodplains;~~

~~(B) Comply with federal and state laws and regulations that address the need for floodplain management and protection;~~

~~(C) Qualify Loudoun County residents for the insurance and subsidies provided by the National Flood Insurance Program;~~

~~(D) Conserve the natural state of watercourses and stream banks to enable a dynamic and healthy river and stream corridor ecosystem;~~

~~(E) Maintain water quality and minimize or remove pollutants delivered in stormwater through the natural capacity of riparian areas to filter and purify run-off;~~

~~(F) Protect against the damages of soil erosion and flooding;~~

~~(G) Reduce water treatment cost;~~

~~(H) Maintain and provide a riparian canopy to shade streams and promote desirable aquatic organisms and fish habitats;~~

~~(I) Conserve wildlife habitat and corridors;~~

~~(J) Perpetuate biological diversity and natural resource management to provide educational and recreational value;~~

~~(K) Protect and preserve functioning forest cover and riparian forest buffers for their biological and hydrological benefits;~~

~~(L) Protect wetlands;~~

~~(M) Preserve and protect Loudoun County's historic and prehistoric heritage in the form of archeological sites; and~~

~~(N) Protect the scenic value of the rivers and streams of Loudoun County.~~

~~**4-2002 Authority.** Authority for these provisions includes:~~

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~~(A) Flood Damage Reduction Act, Va. Code Sections 62.1-44.108 et seq.~~

~~(B) Chapter 11, Title 15.2, 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.~~

~~(H) Section 10. 1-2100 et seq. (The Chesapeake Bay Preservation Act) and Section 15.1-489, of the Code of Virginia.~~

~~4-2003 Applicability and Exemptions.~~

~~(A) **Applicability—Land Area & Features Included in the RSCOD.** This Section 4-2000 shall apply to all land areas and natural features within the River and Stream Corridor Overlay District (RSCOD), as shown on the official River and Stream Corridor Overlay District Map of Loudoun County ("RSCOD Map"), which with all explanatory matter thereon, is hereby incorporated by reference. The description of the Protected River and Stream Corridors ("Protected Corridors") in RSCOD is set forth in Section 4-2005, "Establishment of Protected Corridors." *(Note: Map sources are listed on RSCOD Map.)*~~

~~(B) **Applicability—Covered Activities.** This Section 4-2000 shall apply to all proposed land disturbing activity, including new single family development and subdivision that occurs within the RSCOD Protected River and Stream Corridors ("Protected Corridors"). This Section shall not apply to the expansion, alteration, or reconstruction of legally existing buildings, structures, and impervious surface areas existing on January 7, 2003, provided that such alteration does not increase the total footprint of a structure or impervious surface by more than twenty five percent (25%) or 2000 square feet whichever is greater.~~

~~(C) **Exemptions.** The following land disturbing activities are exempt from this Section 4-2000's requirements, subject to the specific limits set forth below:~~

~~(1) **Agricultural Operations.** This section shall not apply to agricultural operations located in the Protected Corridor that are covered by a Conservation Farm Management Plan, approved by the Loudoun County Soil and Water Conservation District or the~~

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~~U.S. Natural Resources and Conservation Service that includes best management practices. Structures associated with agricultural operations are not exempt from these provisions.~~

~~(2) **Existing Legal Lots within the Protected Corridor.** A legal lot of record (a) in existence on January 7, 2003; and (b) located in whole or in part within the Protected Corridor, may be developed for a single family detached dwelling use and accessory structures, provided such dwellings and structures are located outside of the 100 year floodplain. This exemption shall not apply to non-residential uses. Such dwelling and accessory structures shall be sited on the lot as far from the stream bank as feasible.~~

~~(3) **Man-Made Drainage Channels, Ditches, and Similar Structures**. Standards set forth in Section 4-2005, "Establishment of Protected Corridors," shall not apply to man made drainage channels, ditches, and similar structures. However, all other relevant development standards set forth in Section 4-2008 shall apply.~~

~~(D) **Zone District Development and Dimensional Standard Flexibility Provisions.** When twenty five percent (25%) or more of the total area of a parcel or lot is subject to RSCOD restrictions (excluding any management buffer), the following modifications of development and dimensional standards shall be applicable for the purposes of accommodating the density/intensity of development allowed in the underlying zoning district, unless the underlying zoning requires less restrictive standards:~~

~~(1) **Minimum Lot Size**: No minimum.~~

~~(2) **Minimum Lot Width**: No minimum.~~

~~(3) **Minimum Yards**.~~

~~(a) Residential: No minimum~~

~~(b) Nonresidential:~~

~~(i) Front. 15 feet~~

~~(ii) Side. 9 feet~~

~~(iii) Rear. 15 feet~~

~~(4) **Height**. 45 feet (residential); 55 feet, without additional setbacks being required (nonresidential)~~

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~~(5) **Parking (nonresidential only).** Twenty five percent (25%) reduction in the required off-street parking space requirement as set forth in Section 5-1002.~~

~~(6) **Buffering and Screening.** To the extent necessary to accommodate the density/intensity of development allowed in the underlying zoning district, the Zoning Administrator may waive or reduce the buffer yard requirements set forth in Section 5-1400 upon a showing that the building and/or yard has been designed to minimize adverse impact through a combination of architectural, landscape, and/or other design techniques.~~

~~**4-2004 Review Procedures.** All development approvals, review procedures, modifications, and density calculations in the RSCOD are governed by Article VI, "Development Process and Administration," as applicable, and procedures in Chapter 8 of the Facilities Standards Manual.~~

~~**4-2005 Establishment of Protected Corridors.**~~

~~(A) **General Rule - Protected Corridors along Streams and Rivers.**~~

~~(1) **Minimum Protected Corridor Width.** Except for those waters listed under section 4-2005(B)(1) below, for all stream and river segments draining 100 acres or more and shown on the RSCOD Map, the Protected Corridor shall be the greater of (1)(a) or (1)(b) below:~~

~~(a) The cumulative width of the following:~~

~~(i) The 100-year floodplain, and~~

~~(ii) Adjacent very steep slopes (greater than 25%) starting within 50 feet of the edge of the 100-year floodplain and extending no greater than 100 horizontal feet beyond the edge of the 100-year floodplain, and~~

~~(iii) A 50-foot Management Buffer measured from the edge of the 100-year floodplain in (a)(i) above or when adjacent very steep slopes are present, from the very steep slope areas in (a)(ii) above.~~

~~OR~~

~~(b) A minimum stream buffer measured as the area located within 100 feet of both sides of the stream or river, measured as a line extending perpendicularly from the stream bank of the active channel of the stream or river.~~

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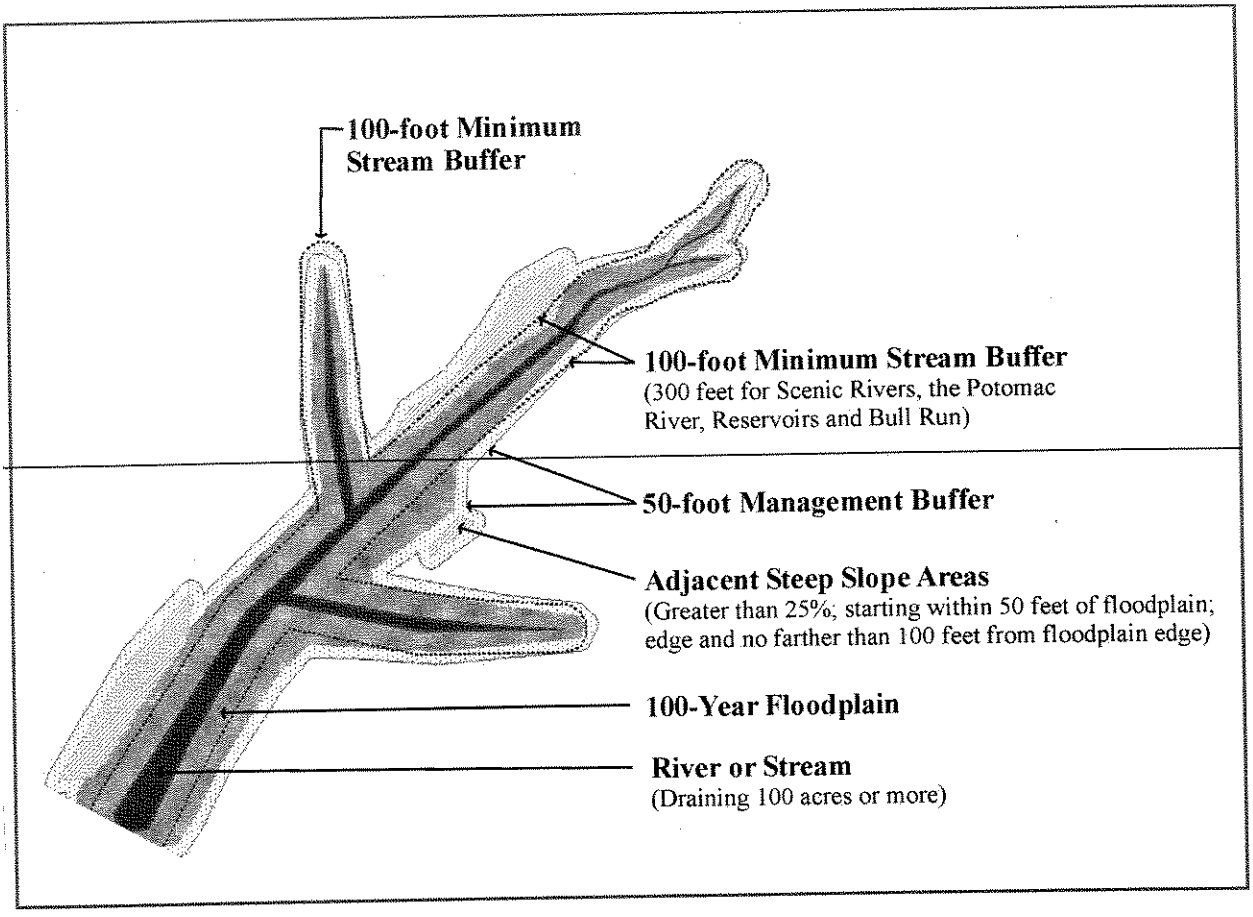

~~*Protected River and Stream Corridor ("Protected Corridor") Diagram*~~

~~(B) **Protected Corridors Along Specific Rivers/Streams and Water Supply Reservoirs**~~

~~(1) **Minimum Protected Corridor Width.** For the following specific rivers and streams and water supply reservoirs, the Protected Corridor shall be the greater of the Protected Corridor width required by Subsection 4-2005(A), "General Rule - Protected Corridors along Streams and Rivers," above, or the area located within three hundred (300) feet from:~~

~~(a) The defined stream bank of the Potomac River;~~

~~(b) The defined stream bank of Bull Run;~~

~~(c) The stream bank of the active channel for any state scenic rivers, including but not limited to Goose Creek, Catoctin Creek; and~~

~~(d) The projected shoreline of any drinking water supply reservoir, as denoted on the RSCOD map.~~

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~~**4-2006 Permitted Uses and Activities.**~~

~~(A) **General.** Only those uses and activities set forth in this subsection shall be permitted by right or special exception within a Protected Corridor, 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.~~

~~(B) **Permitted Uses.** The following uses shall be permitted in a Protected Corridor, subject to development standards in this section:~~

~~(1) Roads, railroad tracks, bridges, paths and trails, and below ground utilities when any such facilities cross a stream or river;~~

~~(2) Paths and trails, including footpaths, bicycling or hiking paths, and horse trails constructed of permeable materials;~~

~~(3) Stormwater management facilities that do not alter a river or stream channel;~~

~~(4) Sanitary sewer pipelines;~~

~~(5) Lakes, ponds, and water supply reservoirs;~~

~~(6) Historic sites, structures, archaeological sites, and restoration/recovery activities;~~

~~(7) Passive recreation, limited to hiking, non motorized biking, horseback riding, picnicking, camping, climbing, hunting, fishing, and wildlife viewing;~~

~~(8) Active recreation on the waters only, limited to swimming and non-powered boating with public points of entry identified and approved by the County;~~

~~(9) Silviculture, as defined in the Zoning Ordinance;~~

~~(10) Wildlife and fisheries management projects that are consistent with the purposes of the Federal Endangered Species Act or consistent with the regulations, policies, and habitat programs of the Commonwealth of Virginia;~~

~~(11) Conservation and educational activities, including but not limited to Adopt-a-Stream and Keep Loudoun Beautiful programs, teaching visits, and scientific study of nature, historic sites, and archaeological sites;~~

~~(12) Stream and riparian restoration projects;~~

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~~(13) Wetlands mitigation banking; and~~

~~(14) Water quality monitoring and stream gauging.~~

~~4-2007 Special Exception Uses.~~

~~(A) **General.** The following uses may be permitted in a Protected Corridor by special exception, subject to the procedures and criteria stated in Section 4-2008, "Development Standards," and Section 6-1300, "Special Exception:"~~

~~(1) Marinas or boat launches for non-powered boats, boat rental entry points, docks and piers; and~~

~~(2) Above ground structures or uses required for the operation of a public utility, such as intake and outfall structures of power plants, sewage treatment plants, water treatment plants, and substations.~~

~~(B) **Additional Criteria for a Special Exception Use.** In considering applications for a special exception, the Board of Supervisors shall find that the following standards, in addition to those of Section 6-1300, "Special Exception," have been met:~~

~~(1) The proposed use will not increase the danger to life and property due to increased flood heights or velocities.~~

~~(2) The proposed use will not increase the danger that materials may be swept downstream to the injury of others.~~

~~(3) The proposed water supply and sanitation systems are designed to prevent disease, contamination, and unsanitary conditions.~~

~~(4) The proposed use or structure must be located and designed to limit its susceptibility to flood damage, and alternative locations that are not subject to flooding must be considered.~~

~~(5) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site shall not cause significant damage, nor increase erosion downstream due to increased flood heights or velocities.~~

~~(6) The proposed use will not adversely affect water quality or impair the function or chemical, physical, biological, and ecological integrity of the stream or river corridor.~~

~~4-2008 Development Standards.~~ ~~All development and land disturbing activities permitted by right or special exception in the RSCOD Protected Corridor shall adhere to the following development standards:~~

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~~(A) **General.** To the maximum extent feasible, all uses and activities shall minimize land disturbance in the Protected Corridor.~~

~~(1) **Preferred Development Sites.** Preferred development sites for permitted uses and activities set forth in Section 4-2006 and special exception uses set forth in Section 4-2007 are those that:~~

~~(a) Avoid all parts of the Protected Corridor except to the extent that the Management Buffer is reduced or eliminated pursuant to Section 4-2009, "Permitted Reductions in Protected Corridor Width;"~~

~~(b) Do not impair, interrupt, or fragment the functioning of the river and stream ecology; and protect the safety of residents and their property.~~

~~(2) Restoration/Mitigation of Disturbance.~~

~~(a) **Disturbance During Development.** All areas disturbed during development in the Protected Corridor shall be restored to preexisting conditions by the applicant to the maximum extent feasible. Where restoration will not be feasible, then the applicant shall mitigate any disturbance of the Protected Corridor that exceeds 10,000 square feet in area by providing mitigation in other areas in the Protected in the form of:~~

~~(i) Providing riparian buffer pursuant to Chapter 7 of the FSM, either on the development site or off site; or~~

~~(ii) Enhanced BMPs pursuant to Chapter 5 of the FSM, either on the development site or off site; or~~

~~(iii) Stabilization of off-site stream banks; or~~

~~(iv) Off-site vegetation restoration of erosion that is affecting water quality; or~~

~~(v) Establishment of a restoration area equal in quality and quantity of the area encroaching into the 50 foot management buffer elsewhere on the lot or parcel in a way that maximizes the purpose and intent of the protected corridor.~~

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~~All mitigation areas shall be located in the general vicinity of the disturbed area (e.g., within the immediate drainage area) and shall be similar in size and quality as the disturbed area prior to development activity.~~

~~(b) **Pre-existing Conditions.** On site stream bank stabilization and vegetation restoration shall be required if a site shows evidence of pre existing erosion that is affecting water quality and/or stream banks that are unstable. Restoration shall be performed in accordance with Chapter 7 of the Facilities Standards Manual.~~

~~(B) **Alterations to the 100-Year Floodplain.** No alterations shall occur in the 100 year floodplain to create additional buildable land by elevating land or relocating or altering a natural stream channel, except as specifically allowed as either a permitted or special exception use. Where alterations are permitted, they shall be pursuant to the provisions in this Section 4-2000, and the following criteria:~~

~~(1) Alterations to the floodplain shall result in no off-site increase in the water surface elevation of the base flood. 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) The applicant shall provide plans for any alteration to the 100 year floodplain. The floodplain alteration plan shall further include plans for erosion control of cut and fill slopes and restoration of excavated areas. The site plan shall incorporate the use of natural materials (earth, stone, wood) on cut and fill slopes and provide for tree protection.~~

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~~(4) The flood carrying capacity within the altered floodplain shall be maintained.~~

~~(5) 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.~~

~~(C) **Vehicular, Pedestrian, and Utility Crossings.** Where permitted, road, driveway, railroad track, path and trail, and utility crossings of streams and rivers shall be subject to Chapter 5 of the Facilities Standards Manual and the following conditions:~~

~~(1) The proposed activity shall be supported by an analysis conducted by a qualified and licensed professional engineer (P.E.) or Class B surveyor (L.S.) that establishes that:~~

~~(a) No available, economically feasible alternative exists to locating within the Protected Corridor or to crossing the river or stream; and~~

~~(b) The crossing is designed to avoid or mitigate environmental damage to the Protected Corridor and disturbance of the aquatic environment, alteration of the waterway, downstream migration of sediment, damage to bank stability, and damage to stream or river bank and riparian area vegetation.~~

~~(2) The applicant shall mitigate any disturbance of the Protected Corridor by grading and planting to enhance the biological and hydrologic processes. Provisions for reclamation of the disturbed area shall be approved by the County and included in any development or subdivision agreement for the project, with adequate security to guarantee that the reclamation will be completed.~~

~~(3) Any stream or river crossing shall minimize the length of the crossing and minimize clearing and other land disturbance.~~

~~(4) Utility crossings shall be combined with road, railroad track, and driveway crossings when feasible. Crossings in a subdivision shall be spaced with a minimum separation of one thousand (1,000) feet unless closer spacing will reduce adverse environmental impacts.~~

~~(5) Rights of way shall be the minimum width necessary for installation, access, and maintenance.~~

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~~(6) The County shall allow construction of low-water crossings intended for use only by pedestrians, equestrians, or bicyclists, but not for crossings designated for automobiles or other vehicles, except as specified in the Facilities Standards Manual.~~

~~(7) Vehicular crossings shall be designed to allow wildlife to pass over or under the crossings.~~

~~(D) **Stormwater Management.** Stormwater management structures, practices, and activities permitted in the Protected Corridor, shall be subject to development standards in Chapter 5 of the Facilities Standards Manual, and shall adhere to the Virginia Stormwater Management Handbook and the Virginia Erosion and Sediment Control Handbook.~~

~~(E) **Lakes, Ponds, and Reservoirs.** Lakes, ponds, and reservoirs shall be designed using best management practices and with measures to mitigate the following potential adverse environmental impacts:~~

~~(1) Wetland loss;~~

~~(2) Forest habitat loss;~~

~~(3) Barriers to fish migration;~~

~~(4) Groundwater contamination;~~

~~(5) Downstream warming;~~

~~(6) Downstream water quality during dry weather;~~

~~(7) Potential interruption of downstream bedload movement;~~

~~(8) Damage to historic and cultural resources and archaeological sites; and~~

~~(9) Water quality of the pond or lake effluent.~~

~~(F) **Recreation Facilities.** Recreation facilities shall be subject to the following standards:~~

~~(1) Access to waterways shall be limited to specific points of entry as approved by the County.~~

~~(2) Facilities shall be located on previously disturbed areas to the maximum extent feasible.~~

~~(3) Facilities shall be designed to minimize disturbance to the biological and hydrologic processes in the Protected Corridor.~~

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~~(4) All paths and trails shall be constructed of permeable materials (e.g., permeable soft or pervious hardstand materials, including but not limited to pervious bitumen or concrete).~~

~~(G) **Silviculture.** Silviculture shall be subject to best management practice measures and shall be conducted only in accordance with an approved Forest Management Plan that is approved by both the Virginia Division of Forestry and the County. Silviculture does not include commercial harvesting or clear cutting of a forest.~~

~~(H) **Tree and Vegetation Conservation.** Natural vegetation in the Protected Corridor shall be preserved in accordance with Chapter 7 of the Facilities Standards Manual. Existing healthy trees and vegetation within the Protected Corridor shall be supplemented with additional native planting and landscaping approved by the County where necessary. This provision shall not prohibit removal of dead trees/vegetation that present a danger to public safety, noxious weeds, non native trees/vegetation that threaten native species growth or reintroduction, or any other tree/vegetation that is a threat to the public health or safety.~~

~~**4-2009 Permitted Reductions in Protected Corridor Width.** Where the Protected Corridor on a specific property includes a 50 foot Management Buffer as established by Section 4-2005(A)(1)(a) above, the County Zoning Administrator, upon the recommendation of the County Engineer, may approve a reduction of or elimination of the 50 foot Management Buffer in the following circumstances :~~

~~(A) **Demonstration of No Adverse Impact.** If the applicant can demonstrate that the existing floodplain is of sufficient size and quality so as to protect water quality and meet other purposes set forth in Section 4-2001and that reduction of the Management Buffer will not adversely impact other RSCOD elements, or~~

~~(B) **Economic Use of Property**. If the area of the property to be developed that is outside the Protected Corridor, including the 50 foot Management Buffer, is insufficient to accommodate the density or intensity of development allowed in the underlying zoning district, provided that:~~

~~(1) The applicant shall mitigate any adverse environmental impacts the reduction or elimination may have on primary conservation areas located on- or off site as identified through the conservation design process in Section 6-2000, if applicable.~~

~~(2) Any reduction shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities.~~

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AMENDMENTS TO ARTICLE 5

- Section 5-500 Temporary Uses/Zoning Permits
- Section 5-600 Additional Regulations for Specific Uses
- Section 5-700 Transition (TR) Districts Lot Standards
- Section 5-703 Agricultural Rural (AR) District Cluster Regulations
- Section 5-1200 Signs
- Section 5-1300 Tree Planting and Replacement
- Section 5-1400 Buffering and Screening
- Section 5-1504 Light and Glare Standards

ATTACHMENT 13

Section 5-500 Temporary Uses/Zoning Permits.

(A) **Construction Related Temporary Uses.**

(1) **Construction and Sales Trailers.** Temporary buildings, including but not limited to, construction and sales trailers, and storage of materials are permitted in conjunction with the construction of a building, buildings, subdivision, infrastructure, or development ~~when located on the same parcel where the construction is taking place and~~ when limited to the duration of the construction. Temporary buildings may be erected after preliminary subdivision plat or site plan approval so long as zoning requirements are met for the lot on which the temporary buildings are placed and appropriate building permits have been obtained. Such temporary buildings shall be removed as a condition of final bond release

(2) **Temporary Dwelling unit in conjunction with construction of a dwelling.** ~~However, the~~ The erection and occupancy of a temporary dwelling for up to twelve (12) months, which may be extended by the Zoning Administrator, is permitted during the construction of a dwelling on the same lot subject to obtaining ~~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.~~

PC REC: (2) Temporary Dwelling unit in conjunction with construction of a dwelling. ~~However, the~~ The erection and occupancy of a temporary dwelling for up to twelve (12) months, which may be extended by the Zoning Administrator in 6 month increments is permitted during the construction of a dwelling on the same lot subject to obtaining ~~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.~~

(3) **Sales and leasing**. Residential and non-residential sales and leasing are permitted as a temporary use in a dwelling, a model home, or temporary building located in the same subdivision or development where the dwellings or non-residential buildings are to be located and offered for sale or lease. The sales use is permitted until the issuance of the last occupancy permit within the subdivision or development.

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(4) **Model Homes**. Single family detached model homes are permitted in all districts where residential uses are allowed. Single family detached model homes may be constructed prior to record plat approval so long as zoning requirements are met for the lot on which the home is constructed and appropriate building permits have been obtained. If a model home has been constructed prior to record plat approval, it shall be depicted on the record plat. Single family attached model homes, multi-family model units, and model home courts are permitted subject to first obtaining record plat or site plan approval. In addition, if any model home incorporates features that are atypical to the ultimate residential use of the home, such as, but not limited to, utilization of the garage for a sales office without the provision of adequate on-site parking, or provision of a centralized parking area for a model court, then the use is also subject to review and approval through a site plan amendment process. Alternatively, the model unit or model court may be incorporated in the construction plans and profiles of the applicable development subdivision or site plan. The County may require a bond as appropriate to ensure that the atypical features including temporary parking lots will be removed or brought into conformance prior to conversion of the unit for residential occupancy. Notwithstanding, nothing herein shall be construed so as to require a garage in a model home to be utilized for parking, if the unit or lot otherwise meets the parking requirements of this ordinance. A model home shall obtain an occupancy permit prior to residential occupancy

(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 for temporary sales shall be valid for a period not to exceed 45 days, unless extended, and shall require that all structures and materials 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.

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(4) No more than two (2) signs consistent with Section 5-1203(S) of this Ordinance shall be permitted.

(C) **Temporary Special Events.** Temporary special events not exempt under subsection 5-500(C)(2) may be permitted on application for a temporary zoning permit to the Zoning Administrator, subject to this subsection's standards and requirements. No temporary special event zoning permit shall be required for events listed in subsection 5-500(C)(2) below.

(1) **Applicability.** Except as exempted below, these provisions apply to temporary special events that are planned for or which reasonably may be expected to attract more than 100 persons at any one time. Temporary special events include, but are not limited to, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, festivals, civil war enactments, equestrian shows and events, corporate receptions, and weddings unless exempt under subsection 5-500(C)(2) below. See Article 8 of this Zoning Ordinance for the definition of the term "special event."

(2) **Exempt Activities.** The following special events are exempt from the requirements of this section (i.e., they may occur without a temporary zoning permit). Exempt special events, however, shall remain subject to all other applicable provisions of this Ordinance and the Loudoun County Code, including, but not limited to standards governing health, sanitation, and noise control.

(a) Special events planned or reasonably expected to attract ~~less~~ fewer than 100 persons at any one time, and not occurring more than twenty four (24) times in any calendar year.

(b) Special events occurring within, or upon the grounds of, a private residence, where the property owner receives no compensation for hosting the event and guests/attendees are not charged an admission fee.

(c) Any event sponsored in whole or in part by Loudoun County or another political subdivision of the Commonwealth of Virginia;

(d) Any organized special events conducted at sites or facilities typically intended, used, or planned ~~and designed~~ for such events. Examples of such exempt activities include, but are not necessarily limited to:

(i) Sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities;

(ii) Wedding services conducted at country inns, banquet facilities/halls, reception halls, or similar facilities;

(iii) Wine tasting and wine tasting dinners at Virginia Farm Wineries or other wineries whose facilities are designed for such events;

(iv) Conferences, corporate meetings, including picnics, ~~at~~ and similar gatherings ~~events~~ at rural ~~agricultural~~ corporate campuses ~~retreats~~; and

(v) Large dinners and special events at country inns and bed and breakfast inns designed for that purpose.

(e) Special events for the purpose of selecting candidates for office, political fundraising, or meeting to debate public policy.

(3) **Exemption for Special Events Approved as Part of a Special Exception Use.** Temporary special events that are expressly approved as part of a special exception use are exempt from this subsection's requirements for a temporary zoning permit. If specific facilities or areas will be constructed or used to host the proposed special events, they shall be shown on the site plan required for the special exception use. Such temporary special events shall comply with any applicable conditions stated in the special exception approval.~~, and all other applicable provisions in this Section 5-500(C), the Zoning Ordinance, and the Loudoun County Code.~~

(4) **Permitted Locations.** Temporary special events not otherwise exempt under this Section 5-500(C) shall be permitted only when proposed to be held, in whole or in part, on any of the following properties, or a combination thereof:

(a) Private property within one or more of the Rural and Transition Residential Zoning Districts;

(b) Nonresidential private property within one or more of the Suburban Zoning Districts or Planned Development (PD) Zoning Districts; or

(c) Residential private property within any Suburban Zoning Districts or within a Planned Development (PD) Zoning District that contains a total gross acreage of at least two (2) acres.

(5) Referral Authorized.

(a) Upon acceptance of the application for a temporary special event permit, the Zoning Administrator may refer the application for

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comments to any town, county, or state departments or agencies, as appropriate, for full and adequate review of the merits of the application.

(b) Each reviewing agency or department shall submit its comments in writing to the Zoning Administrator within fifteen (15) calendar days from receipt of the Administrator's referral request.

(6) **Minimum Standards and Criteria for Review.** The Zoning Administrator shall approve a temporary zoning permit application for a special event if it meets all of the following standards and criteria:

(a) The proposed temporary event shall be located, operated, and maintained in a manner consistent with the provisions of this Ordinance.

(b) The particular location requested can reasonably accommodate the proposed temporary event, given the proposed use's nature, size, and duration.

(c) The operation of the requested event at the location proposed and within the time period specified shall not create significant adverse impacts, including but not limited to environmental, visual, glare, traffic, noise, or odor impacts, on adjacent properties, or improvements on adjacent properties, or in the surrounding area.

(d) The proposed event shall not create an unreasonable risk of:

(i) Significant damage to public or private property, beyond normal wear and tear;

(ii) Injury to persons;

(iii) Public or private disturbances or nuisances;

(iv) Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel; or

(v) Additional police, fire, trash removal, maintenance, or other public services demands, unless substantially mitigated by the applicant or operator.

(e) The time and location requested for the proposed special event shall not be already permitted or reserved for other activities.

(f) Permanent alterations to the site are prohibited, unless the Zoning Administrator specifically approves the alteration so that the permit applicant can comply with this subsection 5-500(C).

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(g) Permanent signs are prohibited. All temporary signs approved under Section 5-1200 of this Ordinance and that are associated with the temporary event use shall be removed when the special event ends.

(h) Temporary special events shall not violate any applicable conditions of approval that apply to the principal use on the site.

(i) The applicant or operator has received or complies with any other required permits, such as health department permits, or other federal, state, or county regulations.

(7) **Authority for Reasonable Conditions of Approval.** The Zoning Administrator may impose reasonable conditions ~~reasonably~~ necessary to assure compliance with the standards in this subsection, to ensure that operation and maintenance of the special event mitigate potential adverse impacts on existing uses on adjoining properties and in the surrounding area, and to protect the public health, safety and general welfare. Conditions may address, but are not limited to, provisions for adequate parking, storage, and lighting; provisions for security, traffic safety, fire and life safety; conditions limiting hours of operation; provision for adequate sewage disposal; and any other health and safety concerns the Zoning Administrator may deem necessary to comply with the standards in Section 5-500 (C)(6), above. In addition, the Zoning Administrator may require the posting of a bond to ensure timely removal of structures and materials and restoration of the area.

(8) **Term of Approval/Permit.** A temporary zoning permit for a temporary special event authorized pursuant to this subsection shall be limited to a maximum duration of fourteen (14) days, unless otherwise specifically authorized or extended by the Zoning Administrator. A permittee may request an extension of the approval term in writing before the expiration of the original approval term and the Zoning Administrator may approve an extension upon a finding that the temporary special event has substantially complied with all conditions of the original approval, and that the extension will not create substantial adverse impacts on adjacent properties. All structures and materials related to the special event shall be removed within the approval time period or as such period may be extended.

(9) **Maximum Number of Non-exempt Special Events per Property.** Within any single calendar year, the same property may host no more than ten (10) temporary non-exempt special events pursuant to this subsection. The temporary use permits for these special events may be reviewed and approved concurrently. ~~A minimum of thirty (30) days shall lapse between temporary special events on any one property, or the subsequent~~

~~special event shall be a minimum of two thousand (2,000) feet from the location of the previous temporary event.~~

(D) **Other Temporary Uses.** Other temporary activities for compensation not otherwise specifically addressed in this Section 5-500 may be permitted upon application for a temporary zoning 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. Other temporary activities permitted by temporary zoning permits under this subsection 5-500(D) must be clearly incidental and subordinate to the permitted principal use of the property.

(E) Generally Applicable Temporary Zoning Permit Requirements. All applications for a temporary zoning permit for a temporary use or event under this Section 5-500 shall comply with the following minimum requirements:

(1) All temporary zoning permits shall be applied for at least thirty (30) days in advance of the event or function.

(2) Unless the temporary event is addressed and covered through a previously approved special exception permit under subsection 5-500(C)(3) above, a separate temporary zoning permit shall be obtained for each temporary use or event. The County may allow concurrent review and approval.

PC REC:

(C) **Temporary Special Events.** ~~Temporary~~ special events may be permitted on application for a temporary zoning permit to the Zoning Administrator, subject to this subsection's standards and requirements.

(1) ~~**Applicability.** Except as exempted below, these provisions apply to temporary special events that are planned for or which reasonably may be expected to attract more than 100 persons at any one time. Temporary special events include, but are not limited to, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, festivals, civil war enactments, equestrian shows and events, corporate receptions, and weddings unless exempt under subsection 5-500(C)(2) below. See Article 8 of this Zoning Ordinance for the definition of the term "special event."~~

(2) ~~**Exempt Activities.** The following special events are exempt from the requirements of this section (i.e., they may occur without a temporary zoning permit). Exempt special events, however, shall remain subject to all other applicable provisions of this Ordinance and the Loudoun County Code, including, but not limited to standards governing health, sanitation, and noise control.~~

(a) ~~Special events planned or reasonably expected to attract less~~ fewer ~~than 100 persons at any one time, and not occurring more than twenty four (24) times in any calendar year.~~

(b) ~~Special events occurring within, or upon the grounds of, a private residence, where the property owner receives no compensation for hosting the event and guests/attendees are not charged an admission fee.~~

(c) ~~Any event sponsored in whole or in part by Loudoun County or another political subdivision of the Commonwealth of Virginia;~~

(d) ~~Any organized special events conducted at sites or facilities typically intended, used,~~ or planned ~~and designed for such events. Examples of such exempt activities include, but are not necessarily limited to:~~

~~(i) Sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities;~~

~~(ii) Wedding services conducted at country inns, banquet facilities/halls, reception halls, or similar facilities;~~

~~(iii) Wine tasting and wine tasting dinners at Virginia Farm Wineries or other wineries whose facilities are designed for such events;~~

~~(iv) Conferences,~~ corporate meetings, ~~including picnics, at and similar~~ gatherings ~~events at rural agricultural corporate campuses~~ retreats; ~~and~~

~~(v) Large dinners and special events at country inns and bed and breakfast inns designed for that purpose.~~

(e) ~~Special events for the purpose of selecting candidates for office, political fundraising, or meeting to debate public policy.~~

(2) **Exemption for Special Events Approved as Part of a Special Exception Use.** ~~Temporary~~ special events that are expressly approved as part of a special exception use are exempt from this subsection's requirements for a temporary zoning permit. If specific facilities or areas will be constructed or used to host the proposed special events, they shall be shown on the site plan required for the special exception use. Such ~~temporary~~ special events shall comply with any applicable conditions stated in the special exception approval, and all other applicable

provisions in ~~this Section 5-500(C),~~ the Zoning Ordinance, and the Loudoun County Code.

(3) **Permitted Locations.** ~~Temporary~~ special events ~~not otherwise exempt under this Section 5-500(C)~~ shall be permitted only when proposed to be held, in whole or in part, on any of the following properties, or a combination thereof:

(a) Public or ~~P~~private property within one or more of the Rural and Transition Residential Zoning Districts;

(b) Nonresidential private property within one or more of the Suburban Zoning Districts or Planned Development (PD) Zoning Districts; or

(c) Residential private property within any Suburban Zoning Districts or within a Planned Development (PD) Zoning District that contains a total gross acreage of at least two (2) acres.

(4) **Referral Authorized.**

(a) Upon acceptance of the application for a ~~temporary~~ special event permit, the Zoning Administrator may refer the application for comments to any town, county, or state departments or agencies, as appropriate, for full and adequate review of the merits of the application.

(b) Each reviewing agency or department shall submit its comments in writing to the Zoning Administrator within fifteen (15) calendar days from receipt of the Administrator's referral request.

(5) **Minimum Standards and Criteria for Review.** The Zoning Administrator shall approve a temporary zoning permit application for a special event if it meets all of the following standards and criteria:

(a) The proposed ~~temporary~~ event shall be located, operated, and maintained in a manner consistent with the provisions of this Ordinance.

(b) The particular location requested can reasonably accommodate the proposed temporary event, given the proposed use's nature, size, and duration.

(c) The operation of the requested event at the location proposed and within the time period specified shall not create significant adverse impacts, including but not limited to environmental, visual, glare, traffic, noise, or odor impacts, on adjacent properties, or improvements on adjacent properties, or in the surrounding area.

(d) The proposed event shall not create an unreasonable risk of:

(i) Significant damage to public or private property, beyond normal wear and tear;

(ii) Injury to persons;

(iii) Public or private disturbances or nuisances;

(iv) Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel; or

(v) Additional police, fire, trash removal, maintenance, or other public services demands, unless substantially mitigated by the applicant or operator.

(e) The time and location requested for the proposed special event shall not be already permitted or reserved for other activities.

(f) Permanent alterations to the site are prohibited, unless the Zoning Administrator specifically approves the alteration so that the permit applicant can comply with this subsection 5-500(C).

(g) Permanent signs are prohibited. All temporary signs approved under Section 5-1200 of this Ordinance and that are associated with the ~~temporary~~ event use shall be removed when the special event ends.

(h) ~~Temporary~~ special events shall not violate any applicable conditions of approval that apply to the principal use on the site.

(i) The applicant or operator has received or complies with any other required permits, such as health department permits, or other federal, state, or county regulations.

(6) **Authority for Reasonable Conditions of Approval.** The Zoning Administrator may impose reasonable conditions ~~reasonably~~ necessary to assure compliance with the standards in this subsection, to ensure that operation and maintenance of the special event mitigate potential adverse impacts on existing uses on adjoining properties and in the surrounding area, and to protect the public health, safety and general welfare. Conditions may address, but are not limited to, provisions for adequate parking, storage, and lighting; provisions for security, traffic safety, fire and life safety; conditions limiting hours of operation; provision for adequate sewage disposal; and any other health and safety concerns the Zoning Administrator may deem necessary to comply with the standards in Section 5-500 (C)(6), above. In addition, the Zoning Administrator

may require the posting of a bond to ensure timely removal of structures and materials and restoration of the area.

(7) **Term of Approval/Permit.** A temporary zoning permit for a ~~temporary~~ special event authorized pursuant to this subsection shall be limited to a maximum duration of fourteen (14) days, unless otherwise specifically authorized or extended by the Zoning Administrator. A permittee may request an extension of the approval term in writing before the expiration of the original approval term and the Zoning Administrator may approve an extension upon a finding that the ~~temporary~~ special event has substantially complied with all conditions of the original approval, and that the extension will not create substantial adverse impacts on adjacent properties. All structures and materials related to the special event shall be removed within the approval time period or as such period may be extended.

(8) **Maximum Number of Non-exempt Special Events per Property.** Within any single calendar year, the same property may host no more than ten (10) temporary ~~special~~ events pursuant to this subsection. The temporary use permits for these special events may be reviewed and approved concurrently. A minimum of ~~thirty (30)~~ 14 days shall lapse between ~~temporary~~ special events on any one property, or the subsequent special event shall be a minimum of two thousand (2,000) feet from the location of the previous event.

Section 5-500 Temporary Uses/Zoning Permits.

(A) **Construction Related Temporary Uses.**

(1) **Construction and Sales Trailers.** Temporary buildings, including but not limited to, construction and sales trailers, and storage of materials are permitted in conjunction with the construction of a building, buildings, subdivision, infrastructure, or development ~~when located on the same parcel where the construction is taking place and~~ when limited to the duration of the construction. Temporary buildings may be erected after preliminary subdivision plat or site plan approval so long as zoning requirements are met for the lot on which the temporary buildings are placed and appropriate building permits have been obtained. Such temporary buildings shall be removed as a condition of final bond release

(2) **Temporary Dwelling unit in conjunction with construction of a dwelling.** ~~However, the~~ The erection and occupancy of a temporary dwelling for up to twelve (12) months, which may be extended by the Zoning Administrator, is permitted during the construction of a dwelling on the same lot subject to obtaining ~~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.~~

PC REC: (2) Temporary Dwelling unit in conjunction with construction of a dwelling. ~~However, the~~ The erection and occupancy of a temporary dwelling for up to twelve (12) months, which may be extended by the Zoning Administrator in 6 month increments is permitted during the construction of a dwelling on the same lot subject to obtaining ~~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.~~

(3) **Sales and leasing.** Residential and non-residential sales and leasing are permitted as a temporary use in a dwelling, a model home, or temporary building located in the same subdivision or development where the dwellings or non-residential buildings are to be located and offered for sale or lease. The sales use is permitted until the issuance of the last occupancy permit within the subdivision or development.

(4) **Model Homes.** Single family detached model homes are permitted in all districts where residential uses are allowed. Single family detached model homes may be constructed prior to record plat approval so long as zoning requirements are met for the lot on which the home is constructed and appropriate building permits have been obtained. If a model home has been constructed prior to record plat approval, it shall be depicted on the record plat. Single family attached model homes, multi-family model units, and model home courts are permitted subject to first obtaining record plat or site plan approval. In addition, if any model home incorporates features that are atypical to the ultimate residential use of the home, such as, but not limited to, utilization of the garage for a sales office without the provision of adequate on-site parking, or provision of a centralized parking area for a model court, then the use is also subject to review and approval through a site plan amendment process. Alternatively, the model unit or model court may be incorporated in the construction plans and profiles of the applicable development subdivision or site plan. The County may require a bond as appropriate to ensure that the atypical features including temporary parking lots will be removed or brought into conformance prior to conversion of the unit for residential occupancy. Notwithstanding, nothing herein shall be construed so as to require a garage in a model home to be utilized for parking, if the unit or lot otherwise meets the parking requirements of this ordinance. A model home shall obtain an occupancy permit prior to residential occupancy

(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 for temporary sales shall be valid for a period not to exceed 45 days, unless extended, and shall require that all structures and materials 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.

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(4) No more than two (2) signs consistent with Section 5-1203(S) of this Ordinance shall be permitted.

(C) **Temporary Special Events.** Temporary special events not exempt under subsection 5-500(C)(2) may be permitted on application for a temporary zoning permit to the Zoning Administrator, subject to this subsection's standards and requirements. No temporary special event zoning permit shall be required for events listed in subsection 5-500(C)(2) below.

(1) **Applicability.** Except as exempted below, these provisions apply to temporary special events that are planned for or which reasonably may be expected to attract more than 100 persons at any one time. Temporary special events include, but are not limited to, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, festivals, civil war enactments, equestrian shows and events, corporate receptions, and weddings unless exempt under subsection 5-500(C)(2) below. See Article 8 of this Zoning Ordinance for the definition of the term "special event."

(2) **Exempt Activities.** The following special events are exempt from the requirements of this section (i.e., they may occur without a temporary zoning permit). Exempt special events, however, shall remain subject to all other applicable provisions of this Ordinance and the Loudoun County Code, including, but not limited to standards governing health, sanitation, and noise control.

(a) Special events planned or reasonably expected to attract ~~less~~ fewer than 100 persons at any one time, and not occurring more than twenty four (24) times in any calendar year.

(b) Special events occurring within, or upon the grounds of, a private residence, where the property owner receives no compensation for hosting the event and guests/attendees are not charged an admission fee.

(c) Any event sponsored in whole or in part by Loudoun County or another political subdivision of the Commonwealth of Virginia;

(d) Any organized special events conducted at sites or facilities typically intended, used, or planned ~~and designed~~ for such events. Examples of such exempt activities include, but are not necessarily limited to:

(i) Sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities;

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(ii) Wedding services conducted at country inns, banquet facilities/halls, reception halls, or similar facilities;

(iii) Wine tasting and wine tasting dinners at Virginia Farm Wineries or other wineries whose facilities are designed for such events;

(iv) Conferences, corporate meetings, including picnics, ~~at~~ and similar gatherings ~~events~~ at rural ~~agricultural~~ corporate campuses ~~retreats~~; and

(v) Large dinners and special events at country inns and bed and breakfast inns designed for that purpose.

(e) Special events for the purpose of selecting candidates for office, political fundraising, or meeting to debate public policy.

(3) **Exemption for Special Events Approved as Part of a Special Exception Use.** Temporary special events that are expressly approved as part of a special exception use are exempt from this subsection's requirements for a temporary zoning permit. If specific facilities or areas will be constructed or used to host the proposed special events, they shall be shown on the site plan required for the special exception use. Such temporary special events shall comply with any applicable conditions stated in the special exception approval. ~~, and all other applicable provisions in this Section 5-500(C), the Zoning Ordinance, and the Loudoun County Code.~~

(4) **Permitted Locations.** Temporary special events not otherwise exempt under this Section 5-500(C) shall be permitted only when proposed to be held, in whole or in part, on any of the following properties, or a combination thereof:

(a) Private property within one or more of the Rural and Transition Residential Zoning Districts;

(b) Nonresidential private property within one or more of the Suburban Zoning Districts or Planned Development (PD) Zoning Districts; or

(c) Residential private property within any Suburban Zoning Districts or within a Planned Development (PD) Zoning District that contains a total gross acreage of at least two (2) acres.

(5) Referral Authorized.

(a) Upon acceptance of the application for a temporary special event permit, the Zoning Administrator may refer the application for

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comments to any town, county, or state departments or agencies, as appropriate, for full and adequate review of the merits of the application.

(b) Each reviewing agency or department shall submit its comments in writing to the Zoning Administrator within fifteen (15) calendar days from receipt of the Administrator's referral request.

(6) **Minimum Standards and Criteria for Review.** The Zoning Administrator shall approve a temporary zoning permit application for a special event if it meets all of the following standards and criteria:

(a) The proposed temporary event shall be located, operated, and maintained in a manner consistent with the provisions of this Ordinance.

(b) The particular location requested can reasonably accommodate the proposed temporary event, given the proposed use's nature, size, and duration.

(c) The operation of the requested event at the location proposed and within the time period specified shall not create significant adverse impacts, including but not limited to environmental, visual, glare, traffic, noise, or odor impacts, on adjacent properties, or improvements on adjacent properties, or in the surrounding area.

(d) The proposed event shall not create an unreasonable risk of:

(i) Significant damage to public or private property, beyond normal wear and tear;

(ii) Injury to persons;

(iii) Public or private disturbances or nuisances;

(iv) Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel; or

(v) Additional police, fire, trash removal, maintenance, or other public services demands, unless substantially mitigated by the applicant or operator.

(e) The time and location requested for the proposed special event shall not be already permitted or reserved for other activities.

(f) Permanent alterations to the site are prohibited, unless the Zoning Administrator specifically approves the alteration so that the permit applicant can comply with this subsection 5-500(C).

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(g) Permanent signs are prohibited. All temporary signs approved under Section 5-1200 of this Ordinance and that are associated with the temporary event use shall be removed when the special event ends.

(h) Temporary special events shall not violate any applicable conditions of approval that apply to the principal use on the site.

(i) The applicant or operator has received or complies with any other required permits, such as health department permits, or other federal, state, or county regulations.

(7) **Authority for Reasonable Conditions of Approval.** The Zoning Administrator may impose reasonable conditions ~~reasonably~~ necessary to assure compliance with the standards in this subsection, to ensure that operation and maintenance of the special event mitigate potential adverse impacts on existing uses on adjoining properties and in the surrounding area, and to protect the public health, safety and general welfare. Conditions may address, but are not limited to, provisions for adequate parking, storage, and lighting; provisions for security, traffic safety, fire and life safety; conditions limiting hours of operation; provision for adequate sewage disposal; and any other health and safety concerns the Zoning Administrator may deem necessary to comply with the standards in Section 5-500 (C)(6), above. In addition, the Zoning Administrator may require the posting of a bond to ensure timely removal of structures and materials and restoration of the area.

(8) **Term of Approval/Permit.** A temporary zoning permit for a temporary special event authorized pursuant to this subsection shall be limited to a maximum duration of fourteen (14) days, unless otherwise specifically authorized or extended by the Zoning Administrator. A permittee may request an extension of the approval term in writing before the expiration of the original approval term and the Zoning Administrator may approve an extension upon a finding that the temporary special event has substantially complied with all conditions of the original approval, and that the extension will not create substantial adverse impacts on adjacent properties. All structures and materials related to the special event shall be removed within the approval time period or as such period may be extended.

(9) **Maximum Number of Non-exempt Special Events per Property.** Within any single calendar year, the same property may host no more than ten (10) temporary non-exempt special events pursuant to this subsection. The temporary use permits for these special events may be reviewed and approved concurrently. ~~A minimum of thirty (30) days shall lapse between temporary special events on any one property, or the subsequent~~

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~~special event shall be a minimum of two thousand (2,000) feet from the location of the previous temporary event.~~

(D) **Other Temporary Uses.** Other temporary activities for compensation not otherwise specifically addressed in this Section 5-500 may be permitted upon application for a temporary zoning 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. Other temporary activities permitted by temporary zoning permits under this subsection 5-500(D) must be clearly incidental and subordinate to the permitted principal use of the property.

(E) Generally Applicable Temporary Zoning Permit Requirements. All applications for a temporary zoning permit for a temporary use or event under this Section 5-500 shall comply with the following minimum requirements:

(1) All temporary zoning permits shall be applied for at least thirty (30) days in advance of the event or function.

(2) Unless the temporary event is addressed and covered through a previously approved special exception permit under subsection 5-500(C)(3) above, a separate temporary zoning permit shall be obtained for each temporary use or event. The County may allow concurrent review and approval.

PC REC:

(C) **Temporary Special Events.** ~~Temporary~~ special events may be permitted on application for a temporary zoning permit to the Zoning Administrator, subject to this subsection's standards and requirements.

(1) ~~**Applicability.** Except as exempted below, these provisions apply to temporary special events that are planned for or which reasonably may be expected to attract more than 100 persons at any one time. Temporary special events include, but are not limited to, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, festivals, civil war enactments, equestrian shows and events, corporate receptions, and weddings unless exempt under subsection 5-500(C)(2) below. See Article 8 of this Zoning Ordinance for the definition of the term "special event."~~

(2) ~~**Exempt Activities.** The following special events are exempt from the requirements of this section (i.e., they may occur without a temporary zoning permit). Exempt special events, however, shall remain subject to all other applicable provisions of this Ordinance and the Loudoun County Code, including, but not limited to standards governing health, sanitation, and noise control.~~

(a) ~~Special events planned or reasonably expected to attract less~~ ~~fewer than 100 persons at any one time, and not occurring more than twenty four (24) times in any calendar year.~~

(b) ~~Special events occurring within, or upon the grounds of, a private residence, where the property owner receives no compensation for hosting the event and guests/attendees are not charged an admission fee.~~

(c) ~~Any event sponsored in whole or in part by Loudoun County or another political subdivision of the Commonwealth of Virginia;~~

(d) ~~Any organized special events conducted at sites or facilities typically intended, used, or planned and designed for such events. Examples of such exempt activities include, but are not necessarily limited to:~~

~~(i) Sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities;~~

~~(ii) Wedding services conducted at country inns, banquet facilities/halls, reception halls, or similar facilities;~~

~~(iii) Wine tasting and wine tasting dinners at Virginia Farm Wineries or other wineries whose facilities are designed for such events;~~

~~(iv) Conferences, corporate meetings, including picnics, at and similar gatherings events at rural agricultural corporate campuses retreats; and~~

~~(v) Large dinners and special events at country inns and bed and breakfast inns designed for that purpose.~~

(e) ~~Special events for the purpose of selecting candidates for office, political fundraising, or meeting to debate public policy.~~

(2) **Exemption for Special Events Approved as Part of a Special Exception Use.** ~~Temporary~~ special events that are expressly approved as part of a special exception use are exempt from this subsection's requirements for a temporary zoning permit. If specific facilities or areas will be constructed or used to host the proposed special events, they shall be shown on the site plan required for the special exception use. Such ~~temporary~~ special events shall comply with any applicable conditions stated in the special exception approval, and all other applicable

provisions in ~~this Section 5-500(C),~~ the Zoning Ordinance, and the Loudoun County Code.

(3) **Permitted Locations.** ~~Temporary~~ special events ~~not otherwise exempt under this Section 5-500(C)~~ shall be permitted only when proposed to be held, in whole or in part, on any of the following properties, or a combination thereof:

(a) Public or ~~P~~private property within one or more of the Rural and Transition Residential Zoning Districts;

(b) Nonresidential private property within one or more of the Suburban Zoning Districts or Planned Development (PD) Zoning Districts; or

(c) Residential private property within any Suburban Zoning Districts or within a Planned Development (PD) Zoning District that contains a total gross acreage of at least two (2) acres.

(4) **Referral Authorized.**

(a) Upon acceptance of the application for a ~~temporary~~ special event permit, the Zoning Administrator may refer the application for comments to any town, county, or state departments or agencies, as appropriate, for full and adequate review of the merits of the application.

(b) Each reviewing agency or department shall submit its comments in writing to the Zoning Administrator within fifteen (15) calendar days from receipt of the Administrator's referral request.

(5) **Minimum Standards and Criteria for Review.** The Zoning Administrator shall approve a temporary zoning permit application for a special event if it meets all of the following standards and criteria:

(a) The proposed ~~temporary~~ event shall be located, operated, and maintained in a manner consistent with the provisions of this Ordinance.

(b) The particular location requested can reasonably accommodate the proposed temporary event, given the proposed use's nature, size, and duration.

(c) The operation of the requested event at the location proposed and within the time period specified shall not create significant adverse impacts, including but not limited to environmental, visual, glare, traffic, noise, or odor impacts, on adjacent properties, or improvements on adjacent properties, or in the surrounding area.

(d) The proposed event shall not create an unreasonable risk of:

(i) Significant damage to public or private property, beyond normal wear and tear;

(ii) Injury to persons;

(iii) Public or private disturbances or nuisances;

(iv) Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel; or

(v) Additional police, fire, trash removal, maintenance, or other public services demands, unless substantially mitigated by the applicant or operator.

(e) The time and location requested for the proposed special event shall not be already permitted or reserved for other activities.

(f) Permanent alterations to the site are prohibited, unless the Zoning Administrator specifically approves the alteration so that the permit applicant can comply with this subsection 5-500(C).

(g) Permanent signs are prohibited. All temporary signs approved under Section 5-1200 of this Ordinance and that are associated with the ~~temporary~~ event use shall be removed when the special event ends.

(h) ~~Temporary~~ special events shall not violate any applicable conditions of approval that apply to the principal use on the site.

(i) The applicant or operator has received or complies with any other required permits, such as health department permits, or other federal, state, or county regulations.

(6) **Authority for Reasonable Conditions of Approval.** The Zoning Administrator may impose reasonable conditions ~~reasonably~~ necessary to assure compliance with the standards in this subsection, to ensure that operation and maintenance of the special event mitigate potential adverse impacts on existing uses on adjoining properties and in the surrounding area, and to protect the public health, safety and general welfare. Conditions may address, but are not limited to, provisions for adequate parking, storage, and lighting; provisions for security, traffic safety, fire and life safety; conditions limiting hours of operation; provision for adequate sewage disposal; and any other health and safety concerns the Zoning Administrator may deem necessary to comply with the standards in Section 5-500 (C)(6), above. In addition, the Zoning Administrator

may require the posting of a bond to ensure timely removal of structures and materials and restoration of the area.

(7) **Term of Approval/Permit.** A temporary zoning permit for a ~~temporary~~ special event authorized pursuant to this subsection shall be limited to a maximum duration of fourteen (14) days, unless otherwise specifically authorized or extended by the Zoning Administrator. A permittee may request an extension of the approval term in writing before the expiration of the original approval term and the Zoning Administrator may approve an extension upon a finding that the ~~temporary~~ special event has substantially complied with all conditions of the original approval, and that the extension will not create substantial adverse impacts on adjacent properties. All structures and materials related to the special event shall be removed within the approval time period or as such period may be extended.

(8) **Maximum Number of Non-exempt Special Events per Property.** Within any single calendar year, the same property may host no more than ten (10) ~~temporary~~ special events pursuant to this subsection. The temporary use permits for these special events may be reviewed and approved concurrently. A minimum of ~~thirty (30)~~ 14 days shall lapse between ~~temporary~~ special events on any one property, or the subsequent special event shall be a minimum of two thousand (2,000) feet from the location of the previous event.

Section 5-600 Additional Regulations for Specific Uses. The following additional regulations apply to specific uses as set forth below. Theses are intended to serve as the minimum standards for theses 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. Unless otherwise specified, the following additional regulations may be modified by Special Exception in accordance with the provisions of Section 6-1300. Modifications may be approved by the Board of Supervisors upon a finding that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, preserve the County's historic or archeological heritage, or otherwise exceed the public purpose of the existing regulation. No modification shall be granted to any of the underlying zoning district regulations.

PC REC: Minor Special Exception

Section 5-600 Additional Regulations for Specific Uses. The following additional regulations apply to specific uses as set forth below. Theses are intended to serve as the minimum standards for theses 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. Unless otherwise specified, the following additional regulations may be modified by Minor Special Exception in accordance with the provisions of Section 6-1300. Modifications may be approved by the Board of Supervisors upon a finding that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, preserve the County's historic or archeological heritage, or otherwise exceed the public purpose of the existing regulation. No modification shall be granted to any of the underlying zoning district regulations.

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)~~(A) **Bed and Breakfast Homestay.**

~~(1)~~(1) The owner of the premises shall reside in and manage the establishment.

~~(2)~~(2) The establishment shall not contain restaurant facilities, but may provide food service for transient guests only.

~~(3)(3) No~~ ~~s~~Special ~~e~~Events ~~(e.g. weddings, receptions, and parties) or similar activities~~ conducted for compensation shall be permitted ~~except~~ as follows:

~~(a)~~(a) ~~Outdoor~~ Indoor ~~s~~Special ~~e~~Events are permitted on parcels of 10 (ten) acres or more; and

~~(b)~~(b) Indoor Outdoor ~~s~~Special ~~e~~Events are permitted pursuant to Section 5-500(C), unless the parcel is larger than 25 acres and elects to qualify as an Event Facility pursuant to Section 5-642~~ only by special exception~~. In addition, outdoor music shall not be allowed after 11:00 PM.

(4) For any establishment that 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.

PC REC: Delete Bed and Breakfast Homestay

~~(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) Special Events conducted for compensation shall be permitted as follows:~~

~~(a) Indoor Special Events are permitted on parcels of 10 (ten) acres or more; and~~

~~(b) Outdoor Special Events are permitted pursuant to Section 5-500 (C), unless the parcel is larger than 25 acres and elects to qualify as an Event Facility pursuant to Section 6-642. In addition, outdoor music shall not be allowed after 11:00 PM~~

~~(4) For any establishment that 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.~~

~~(4)~~(B) **Bed and Breakfast Inn.**

PC REC: (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~~ Inn shall not contain restaurant facilities but may provide food service for transient guests and visitors.

PC REC: (2) The establishment shall not contain restaurant facilities but may provide food service for overnight or other transient guests only.

(3) ~~Special events (e.g. weddings, receptions, and parties) or similar activities conducted for compensation shall be permitted pursuant to Section 5-500(C). Additional events beyond the limits established by Section 5-500(C) may be permitted by special exception.~~ Special Events conducted for compensation shall be permitted as follows:

(a) Indoor Special Events are permitted on parcels of 10 (ten) acres or more; and

(b) Outdoor special events are permitted pursuant to Section 50500(C), unless the parcel is larger than 25 acres and elects to qualify an Event Facility pursuant to Section 6-642. In addition, outdoor music shall not be allowed after 11:00 PM.

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PC REC: (3) ~~Special events (e.g. weddings, receptions, and parties) or similar activities conducted for compensation shall be permitted pursuant to Section 5-500(C). Additional events beyond the limits established by Section 5-500(C) may be permitted by special exception.~~ Weddings, receptions, private parties, meetings and similar activities may occur in accordance with paragraph 6 below.

(4) For any establishment that 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.

(5) Entrances and exits from the state-maintained road shall provide safe ingress and egress from roads, and shall be channeled to prevent unrestricted access to and from the premises.

(6) In the AR, TR, JLMA and PD-CV districts where it is identified as an allowed use, a bed and breakfast inn shall comply with the following additional requirements:

(a) **Intensity/Character.**

(i) The minimum lot area shall be as follows:

Use	Lot Area (Minimum)	No. of Guest Rooms
Level I- small scale	15 ~~20~~ acres	4 1-8 rooms
Level II- medium scale	30 acres	9 ~~12~~ 14 rooms
Level III-large scale	40 acres	~~13~~ 15-20 rooms

(b) **Size of Use.** The floor area ratio shall not exceed ~~0.01~~ 0.04.

(c) **Yard Standards.** The minimum required yards shall be as follows:

(i) Level I – small scale: 100 feet minimum from all lot lines.

(ii) Level II – medium scale: 150 feet minimum from all lot lines.

(iii) Level III – large scale: 200 feet minimum from all lot lines.

(d) **Landscaping/Buffering/Screening.**

(i) The use shall comply with the landscaping and screening standards of Section 5-653(A).

(ii) Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(iii) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(e) **Parking.**

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(i) **General.** Parking and loading for a bed and breakfast inn shall be provided as required by Section 5-1102.

(ii) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(f) **Exterior Lighting.** Exterior lighting for a bed and breakfast inn shall be for security purposes only, subject to Section 5-652(1)-(3).

(g) **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at ~~the property line~~ adjacent residential structures shall not exceed 55 dB(A). In addition, outdoor music shall not be allowed after 11:00 PM.

PC REC:

(6) ~~In the AR, TR, JLMA and PD-CV districts where it is identified as an allowed use, a bed and breakfast inn shall comply with the following additional requirements:~~

Intensity/Character.

(a) The minimum lot area shall be as follows:

Use	Lot Area (Minimum)	No. of Guest Rooms
Level I- small scale	~~20~~ 5 acres	~~4-8~~ 3-7 rooms
Level II- medium scale	~~30~~ 10 acres	~~9-12~~ 8-10 rooms
~~Level III large scale~~	~~40 acres~~	~~15-20 rooms~~

(b) **Indoor events:** weddings, meetings, private parties may be held within a building(s) approved for the Bed and Breakfast use. The maximum number of attendees is based on the occupancy load of the event space as determined by the Uniform Statewide Building Code.

(c) **Outdoor events:** weddings, meetings, private parties may be held outdoors. The maximum number of attendees is based on the acreage of the property as identified in the table below. Attendees in excess of the limits identified are subject to the provisions of Section 5-500(C) Special Events.

Minimum Acreage	No. of Attendees
Less than 10 acres	No outdoor events
10 acres	50 attendees
25 acres	125 attendees
40 acres	200 attendees
75 acres	350 attendees

(d) **Size of Use.** The floor area ratio shall not exceed ~~0.01~~ 0.04.

(e) **Yard Standards.** The minimum required yards shall be as follows:

(i) ~~Level I - small scale: 100 feet minimum from all lot lines.~~

(ii) ~~Level II - medium scale: 150 feet minimum from all lot lines.~~

(iii) ~~Level III - large scale: 200 feet minimum from all lot lines.~~

(iv) Outdoor areas, including parking areas, used for Banquet/Event facilities or for music shall be located a minimum of 500 lineal feet from a dwelling located on a separate lot.

(f) **Landscaping/Buffering/Screening.**

(i) The use shall comply with the landscaping and screening standards of Section 5-653(A).

(ii) Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(iii) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(g) **Parking.**

(i) **General.** Parking and loading for a bed and breakfast inn shall be provided as required by Section 5-1102.

(ii) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(h) **Exterior Lighting.** Exterior lighting for a bed and breakfast inn shall be for security purposes only, subject to Section 5-652(1)-(3).

(i) **Noise.** ~~The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line~~ shall not exceed 55 dB(A). No outdoor music between 11 pm and 10 am on Friday, Saturday, and holidays and between 10 pm and 10 am on Sunday through Thursday.

(7) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a Bed & Breakfast ~~Inn~~ and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

(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 (5).

(4) In the AR and TR districts, a country inn shall comply with the following additional requirements:

(a) Intensity/Character.

(i) The minimum lot area shall be as follows:

Use	Size of Lot (Minimum)	No. of Rooms	Category
Level I	20 acres	4-8 rooms	Minor SPEX
Level IA	40 acres-	4-8 rooms	Permitted
Level II	40 acres	9-20 rooms	Minor SPEX
Level IIA	60 acres	9-20 rooms	Permitted
Level III	60 acres	21-30 rooms	Minor SPEX
Level IIIA	80 acres	21-30 rooms	Permitted
Level IV	80 acres	31-40 rooms	Minor SPEX
Level IVA	100 acres	31-40 rooms	Permitted

(b) **Size of Use.**

(i) The floor area ratio shall not exceed ~~0.~~01 0.04.

(ii) The restaurant on premises shall not exceed ~~25~~ 49 percent of the total floor area of the country inn.

(c) **Yard Standards.** The minimum required yard setback shall be as follows:

(i) Level I – small scale: 100 feet minimum from all lot lines.

(ii) Level II – medium scale: 200 feet minimum from all lot lines.

(iii) Level III & IV – large scale: 250 feet minimum from all lot lines.

(d) **Landscaping/Buffering/Screening.**

(i) The use shall comply with the landscaping and screening standards of Section 5-653(A).

(ii) Parking areas shall be screened to comply with the standards of Section 5-653(B).

(iii) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(e) **Roads/Access.**

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(i) The country inn shall comply with the road access standards in Section 5-654.

(ii) There shall be no more than one point of access to a country inn. This requirement shall not preclude an additional access for emergency vehicles only.

(f) **Parking.**

(i) **General.** Parking and loading shall be provided as required by Section 5-1102.

(ii) **Surface.** All parking areas serving the use shall use a dust-free surfacing material, as provided in the Facilities Standards Manual.

(g) **Exterior Lighting.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(h) **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at ~~the property line~~ adjacent residential structures, shall not exceed 55 dB(A). In addition, outdoor music shall not be allowed after 11:00 PM.

(5) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a Country Inn and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

PC REC:

(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 and/or Banquet/Event facilities, in addition to guest rooms, that may provides meal service to guests and the general public.

(3) A maximum of 10% of the gross floor area of the Country inn may be comprised of accessory day treatment, spa facilities.

(4) ~~The establishment shall meet the standards contained in Section 5-601 (B)(3) through (5).~~For any establishment that 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.

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(5) Entrances and exits from the state-maintained road shall provide safe ingress and egress from roads, and shall be channeled to prevent unrestricted access to and from the premises.

(6) A Country Inn shall have at least four rooms for transient overnight occupancy and provide at least one of the following elements:

(a) More than 10 rooms not to exceed 40 rooms for transient overnight occupancy, such facility may include Banquet/Event facilities;

(b) Full service restaurant facilities may provide meals to guests and the general public. In addition, Banquet/Event facilities may be provided.

(7) ~~In the AR and TR districts, a country inn shall comply with the following additional requirements:~~

(a) Intensity/Character.

(i) The minimum lot area shall be 25 acres ~~as follows~~:

~~Use~~	~~Size of Lot (Minimum)~~	~~No. of Rooms~~	~~Category~~
~~Level I~~	~~20 acres~~	~~4-8 rooms~~	~~Minor SPEX~~
~~Level IA~~	~~40 acres~~	~~4-8 rooms~~	~~Permitted~~
~~Level II~~	~~40 acres~~	~~9-20 rooms~~	~~Minor SPEX~~
~~Level IIA~~	~~60 acres~~	~~9-20 rooms~~	~~Permitted~~
~~Level III~~	~~60 acres~~	~~21-30 rooms~~	~~Minor SPEX~~
~~Level IIIA~~	~~80 acres~~	~~21-30 rooms~~	~~Permitted~~
~~Level IV~~	~~80 acres~~	~~31-40 rooms~~	~~Minor SPEX~~
~~Level IVA~~	~~100 acres~~	~~31-40 rooms~~	~~Permitted~~

(b) **Indoor events:** weddings, meetings, private parties may be held within a building approved for the Country Inn use. The maximum number of attendees is based on the occupancy load of the event space as determined by the Uniform Statewide Building Code.

(c) **Outdoor events:** weddings, meetings, private parties may be held outdoors. The maximum number of attendees is based on the acreage of the property as identified in the table below. Attendees in excess of the limits identified are subject to the provisions of Section 5-500(C) Special Events.

Minimum Acreage	No. of Attendees
25 acres	125 attendees
40 acres	200 attendees
75 acres	350 attendees

(d) **Size of Use.**

(i) The floor area ratio shall not exceed ~~0.01~~ 0.04.

(ii) The restaurant and indoor Banquet/Event facilities on premises shall not exceed ~~25~~ 49 percent of the total floor area of the country inn.

(e) **Yard Standards.** The minimum required yard setback shall be as follows:

~~(i) Level I - small scale: 100 feet minimum from all lot lines.~~

~~(ii) Level II - medium scale: 200 feet minimum from all lot lines.~~

(iii) 4-40 Guest Rooms with Outdoor Events ~~Level III - large scale~~: 250 feet minimum from all lot lines but not less than 500 feet from an existing dwelling on a separate lot.

Staff Suggestion: To make this section consistent with the proposed amendment to the Bed and Breakfast standards, it may be advisable to phrase as follows:

(e) **Yard Standards.** The minimum required yard setback shall be ~~as follows: 4-40 Guest Rooms with Outdoor Events Level III - large scale~~: 250 feet from all lot lines. Outdoor areas, including parking used for Banquet/Event facilities or for music shall be located a minimum of 500 feet from an existing dwelling located on a separate lot.

(f) **Landscaping/Buffering/Screening.**

(i) The use shall comply with the landscaping and screening standards of Section 5-653(A).

(ii) Parking areas shall be screened to comply with the standards of Section 5-653(B).

(iii) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(g) **Roads/Access.**

(i) The country inn shall comply with the road access standards in Section 5-654.

(ii) There shall be no more than ~~one~~ two points of access ~~to a~~ for guests of the country inn. ~~This requirement shall not preclude an additional access for emergency vehicles only.~~

(h) **Parking.**

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(i) **General.** Parking and loading shall be provided as required by Section 5-1102.

(ii) **Surface.** All parking areas serving the use shall use a dust-free surfacing material, as provided in the Facilities Standards Manual.

(i) **Exterior Lighting.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(j) **Noise.** ~~The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line shall not exceed 55 dB(A).~~ No outdoor music between 11 pm and 10 am on Friday and Saturday, and holidays and between 10 pm and 10 am on Sunday through Thursday.

(8) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a Country Inn and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

(D) **Rural Retreats and Resorts.** Rural retreats and rural resorts shall comply with the following standards.

(1) **Parcel Size.** The minimum lot area of rural resorts and retreats shall comply with Section 5-601(D)(8)(a), except when located within the buffer area of a Planned Development-Rural Village (PD-RV) district.

(2) **Separation Requirement.** 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 conservation overlay district or an existing PD-CV or PD-RV zoned parcel.

(3) **Setbacks.** All new buildings, active recreational areas, parking, and lighted areas shall be set back a minimum of 200 feet from adjacent properties.

(4) **Access.** All rural retreats and resorts shall comply with the road access standards in Section 5-654.

(5) **Water and Sewer.** 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. Communal water and sewer systems may be located within the open ~~space or Rural Economy Conservation Lands, as applicable, consistent with the standards of Section 6-2005 (Conservation Design).~~

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(6) **Open Space.** A minimum of 75% of the site 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.

(7) **May be Open to Public.** These establishments may be open to the general public for patronage. A Rural Retreat or Rural Resort shall be entitled to treatment as an Event Facility pursuant to Section 5-642.

(8) **Additional Standards for AR and TR Districts.** In the AR and TR districts, rural retreats and resorts shall comply with the following additional requirements in addition to the general standards identified above. Where there is a conflict between these standards and the general standards controlling the development of rural resorts and retreats, these standards shall control.

(a) **Intensity/Character.** The minimum lot area shall be as follows.

Use	Size of Lot (Minimum)	Nos. of Guest Rooms
Level I – Rural Retreat small scale	40 acres	Up to 20 rooms
Level II – Rural Retrea medium scale	60 acres	21-40 rooms
Level III –Rural Retrea large scale	80 acres	41-60 rooms
Level I – Rural Resort small scale	100 acres	61-80 rooms
Level II – Rural Resort medium scale	120 acres	81-100 rooms
Level III –Rural resort scale	150 acres	101-120 rooms
More than 120 rooms requires special exception approval pursuant to Section 6-1300		

(b) **Size of Use.**

(i) The restaurant and banquet facilities, ~~on premises shall not exceed 20 percent of the total floor area of the rural retreat or resort. The~~ and conference and training facilities shall ~~not constitute over 30~~ be less than fifty (50) percent of the total floor area of the rural retreat or resort.

(ii) Outdoor storage related to the rural retreat or resort facilities shall be permitted.

(iii) The floor area ratio shall not exceed ~~0.02~~ 0.04.

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(c) **Yard Standards.** The minimum required yards shall be as follows:

(i) Level I-Rural Retreat: 125 feet minimum from all lot lines.

(ii) Level II-Rural Retreat: 200 feet minimum from all lot lines.

(iii) Level III-Rural Retreat: 250 feet minimum from all lot lines.

(iv) Level I-Rural Resort: 300 feet minimum from all lot lines.

(v) Level II-Rural Resort: 350 feet minimum from all lot lines.

(vi) Level III-Rural Resort: 375 feet minimum from all lot lines.

(d) **Landscaping/Buffering/Screening.**

(i) The use shall comply with the landscaping and screening standards of Section 5-653(A).

(ii) Parking areas shall be screened to comply with the standards of Section 5-653(B).

(iii) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(e) **Roads/Access.**

(i) The rural retreat or resort shall comply with the road access standards in Section 5-654.

(ii) There shall be no more than two points of access to a rural retreat or resort. This requirement shall not preclude an additional access for emergency vehicles only.

(f) **Parking.**

(i) **General.** Parking and loading shall be provided as required by Section 5-1102.

(ii) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(g) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(h) **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at ~~the property line~~ adjacent residential structures, shall not exceed 55 dB(A). In addition, outdoor music shall not be allowed after 11:00 PM.

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5-602 Tenant Dwellings. Tenant dwellings may be located in the AR, A-3, A-10, TR, CR and JLMA districts, in accord with the list of permitted and special exception uses for the individual zoning districts, subject to the following additional criteria:

PC REC:

5-602 Tenant Dwellings. Tenant dwellings may be located in the ~~AR~~, A-3, A-10, TR, CR and JLMA districts, in accord with the list of permitted and special exception uses for the individual zoning districts, subject to the following additional criteria:

(A) **Tenant Dwellings.** One (1) tenant dwellings 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.

(3) **Tenant Dwellings for Seasonal Labor/Special Exception.** In addition to those structures permitted under Section 5-602(A)(1) and (2) above, additional tenant dwellings for seasonal labor may be permitted by special exception.

(B) **General Standards.** Tenant dwellings shall meet the following additional criteria:

(1) **Screening.** Portable dwellings shall be screened from view from public roads and neighboring properties.

(2) **On Internal Roads/No Direct Access to Public Roads.** Structures for multi-family dwelling units shall be accessed by internal 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) **Separate Dwelling.** 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) **Home Occupations.** Occupants of tenant dwellings may conduct home occupations subject to the provisions of Section 5-400.

(5) **Size of Tenant Dwelling.** No tenant dwelling unit shall exceed 2,500 square feet in floor area.

(6) ~~**Occupants of Tenant Dwellings.** Tenant dwellings shall be occupied only by persons or families that derive all or part of their income from labor performed on the farm.~~

(7) **Sanitary and Bathing Facilities.** All dwellings shall have indoor sanitary, cooking, and bathing facilities, consistent with the requirements of the Uniform Statewide Building Code.

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(C) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(D) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(E) **Landscaping/Buffering/Screening.**

(1) The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) ~~Driveways shall not be located within a required buffer yard area, except as minimally necessary to access the site.~~

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 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 "on-site" shall be defined as all locations (separate parcels) used by the owner or tenant for farming (agriculture, horticulture or animal husbandry).

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(B) Permanent retail sales areas within structures shall not exceed, in the aggregate, ~~1800~~ ten thousand (10,000) square feet in floor area or a Floor Area Ratio of 0.02, whichever is greater.

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

(D) Sales areas for accessory products shall be limited to 25% of the gross sales area.

(E) Accessory products include those products related to the care and culture of products produced on the farm, such as pottery, baskets, and garden accessories.

(F) Entrances and exits to the wayside stand from public roadways shall provide safe ingress and egress from roads, and shall be channeled to prevent unrestricted vehicular access to and from the premises.

(G) The sale of seasonal produce harvested on the farm may occur throughout the area of actual production.

(H) Wayside stands may erect signs in compliance with Section 5-1203(L).

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 plant 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:

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(A) **Kennels.**

(1) **General.** 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.
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) **"Kept."** 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) **Not Applicable to Animal Hospital/Grooming Use.** This Section shall not apply to any establishment whose principal use is grooming or any animal hospital.

(B) **Indoor Kennel.**

(1) **General.** 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) **No Opening to Outside.** Indoor Kennels 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 pursuant to special exception review (Section 6-1300).

(3) **Accessory Uses.** Indoor Kennels 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.

(C) **Kennels in AR, TR, and JLMA Districts.** Kennels in the AR, TR and JLMA districts shall comply with the following standards.

(1) **Location on Site/Dimensional Standards.** An outdoor kennel shall be set back 100 feet from a lot line.

(2) **Roads/Access.**

(a) All kennels shall comply with the road access standards of Section 5-654.

(b) There shall be no more than one point of access from a kennel to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(3) **Landscaping/Buffering/Screening.**

(a) The use shall comply with the landscaping and screening standards of Section 5-653(A).

(b) Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(4) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(5) **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A).

(6) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standard Manual.

5-607 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.

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(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.

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(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

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(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.

NOT SUBJECT TO THIS AMENDMENT

(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~~[REPEALED].

(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.

NOT SUBJECT TO THIS AMENDMENT

(13) All material recovery facilities shall accept only glass, metals, plastics, papers, corrugated cardboard, construction debris, and other identified reusable recyclable items; hazardous or toxic materials shall not be accepted.

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(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.

NOT SUBJECT TO THIS 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

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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 ½) 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 in proximity ~~adjacent~~ to the child care structure in such a way that provides safe and clearly designated access ~~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.**

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(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~~ 2,500 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~~ 2,500 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 and Countryside Villages. 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.

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(C) In districts other than A-10, AR-1, AR-2, RR-1, RR-2, A-3 and PD-CV, 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.

PC REC:

(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~~. One additional accessory apartment or dwelling unit is permitted on a parcel with an area of 10 acres or more.

(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.

PC REC:

(G) In the AR-1, AR-2, RR-1, RR-2 Districts, one additional accessory dwelling shall be permitted for each 25 acres in excess of 10 acres. Additional dwellings may be permitted by special exception for seasonal labor.

5-614 Small Businesses.

(A) **Purpose and Intent.**

(1) **General**. The purpose of this section is to allow residents in the AR-1, AR-2, RR-1, RR-2, A-3, A-10, TR, CR, JLMA and PD-CV districts to locate and operate small-scale service and contracting businesses or lease such 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 that have adequate roads, public facilities and utilities. However, some small businesses may locate within these districts 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) **Allow Local, Small-Scale Businesses to Locate and Operate at the Owner's Principal Place of Residence.** 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 that 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.

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(3) **Uses Temporary for Starting New Business.** 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 shall relocate to a location appropriately zoned for commercial, business or employment uses. The Board of Supervisors may impose appropriate conditions limiting the duration or transfer of special exceptions granted under the provisions of this Ordinance.

(4) **Adaptive Re-use of Farm Structures.** In addition to home occupations and small businesses, the adaptive re-use of farm structures for the intended use of home occupations and small businesses is allowed with respect to the use of small businesses.

(B) **Definitions**. For the purposes of Section 5-614, Small Businesses in the AR, A-3, A-10, TR, CR, JLMA and PD-CV districts, terms used are defined under "Small Business" in Article 8 of this ordinance.

(C) **Permitted Small Business Uses.**

(1) **Home Occupation.** ~~Small businesses are permitted in AR, A-3, A-10, TR, CR, JLMA, and PD-CV districts, subject to the definition of "Home Occupation" contained in Section 5-400.~~ Home Occupations are subject to the requirements contained in Section 5-400.

(2) **Other.** 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. Uses numbered (1) through (8) below ~~The following uses~~ may be approved as "small businesses" in the AR-1, AR-2, A-3, A-10, TR, CR, JLMA and PD-CV zoning districts. Uses (1), (2), (5), (6), (7), and (8) below may be approved as "small businesses" in the RR-1 and RR-2 zoning districts:

(1) Business service occupations.

(2) Personal service occupations.

(3) Repair service occupations.

(4) Contractors and contracting.

(5) Professional office-based services.

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(6) Studios for fine arts and crafts.

(7) Antique sales and the sale of any goods or items produced on the premises.

(8) 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.

	Acreage	No. of Employees	Heavy Equip. (On-Site)	Business Vehicles (On-Site)
(a)	0-3	1 maximum	none	2 maximum
(b)	3 but <10	3 maximum	none	2 maximum
(c)	10 but <50	4 maximum	2 maximum	4 maximum
(d)	50 or greater	10 maximum	5 maximum	6 maximum

(2) Regulations for Accessory Buildings.

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

(d) Building Height: 35 feet maximum.

(3) Notwithstanding the limitations placed on home occupations in Section 5-400, 100% of an existing farm structure may be used. An approved zoning/building permit shall be received for the change in use.

(4) **Regulations for Storage Yards.**

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

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(d) Storage yards shall be screened consistent with the requirements of Section 5-653(C) (Screening of Outdoor Storage and Storage Yards).

(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 proposed modification to the regulations will improve on the existing regulations, or otherwise exceed the public purpose of the existing regulations. The Board may impose appropriate conditions to assure that the public purposes are satisfied.

(H) **Sketch and Site Plans.**

(1) **Sketch Plan.** A sketch plan is required as part of a zoning permit application for permitted small businesses. Sketch plans shall include a drawing of all aspects of the business operations including the size and dimensions of the residence; the size and dimensions of areas within the residence to be used for the business; size, dimensions, and location of any 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 ~~RSCOD regulations and~~ flood plain map. In addition, the sketch plan shall include the required off-site information needed to illustrate conformance with the small business regulations, (Section 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 plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structure to adjacent lot lines must be accurately depicted.

(2) **Special Exceptions.** 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 AR-1, AR-2, RR-1, RR-2, A-3, A-10, CR, TR, JLMA and PD-CV Districts."

(J) **Applicability of District Regulations to Small Business Uses.**

(1) The AR-1, AR-2, RR-1, RR-2, A-3, A-10, TR, CR, JLMA and PD-CV 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.

(K) **Parking.**

(1) **General.** Parking shall be provided in accordance with Section 5-1102 when employees and customers are to be on the premises.

(2) **Buffering/Screening.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Location.** No parking shall be permitted in a required yard or setback.

(L) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(M) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

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) 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.

(G) No structure shall be located within 500 feet of an existing residential structure.

(H) 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)~~ one (1) acre 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.

5-618 Telecommunications Use And/Or Structures. The following performance standards shall be applied to telecommunication uses and/or structures.

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(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:

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(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 AR, A-10, TR, JLMA-1, JLMA-2, JLMA-3, A-3, CR-1, CR-2, CR-3, CR-4, PD-TREC 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 AR-1, AR-2, RR-1, RR-2, A-10, TR, JLMA-1, JLMA-2, JLMA-3, A-3, CR-1, CR-2, CR-3, CR-4, PD-TREC 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, PD-TRC and PD-CV 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, 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

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(iii) There is some valid economic, technological, or physical justification as to why co-location is not possible.

(iv) 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, or PD-RV 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

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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:

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(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, AR-1, AR-2, RR-1, RR-2, TR, JLMA-1, JLMA-2, JLMA-3, A-3, CR-1, CR-2, CR-3, CR-4, RC, CLI, PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-TC, PD-TREC 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-RV and PD-CV, 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.

(iv) 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.

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(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 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.

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(A) **Purpose and Intent.** The purpose of this section is to provide for rural corporate retreat facilities that will be compatible with agriculture, forestry, open space and/or historic preservation.

(1) ~~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 wit rural settings.~~

(2) ~~The location of the Rural Agricultural Corporate Retreat use in the AR,A-3, A-10, TR-10, JLMA-3 and JLMA-20 zoning districts will afford the opportunity to preserve the rural and historic character of the zoning districts and will promote agriculture as an industry. The Corporate Retreat use will provide a means for agricultural activities to continue through and economic partnership.~~

(3) ~~It~~ The Rural Corporate Retreat is intended to promote the rural amenities of the AR, A-3, A-10, TR-10, JLMA-3 and JLMA-20 districts as an ideal work place ~~for "think tank" operations and to utilize the environmental, cultural, and aesthetic qualities to lure corporate users. Likewise, t~~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.

(4) ~~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.~~

(5) Rural ~~Agricultural~~ Corporate Retreats shall be permitted in the AR, A-3, A-10, TR-10, JLMA-3 and JLMA-20 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 that does not meet the criteria of subsection 5-619(C), may be permitted subject to special exception approval.

(6) The Rural ~~Agricultural~~ Corporate Retreat use shall not involve the handling or processing of hazardous or toxic materials. The Rural Corporate Retreat use shall comply with the applicable performance standards of Section 5-1500.

(B) ~~**Definitions.** For the purposes of Section 6-619, "Rural Agricultural Corporate Retreat, Accessory to Agricultural Uses, in the AR, A-3, A-10, JLMA-3 and JLMA-20 districts", is defined uner "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) **Minimum Acreage.** The minimum acreage shall be 50 acres.

(2) **Open Space.** A minimum of 75% of the total property acreage shall be kept in an agricultural, forestry, open space, and/or historic preservation use.

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(3) **Frontage and Access.** The property on which the Rural Corporate Retreat is located shall have frontage and access on a state-maintained road.

(4) **Floor Area Ratio.** The maximum floor area ratio shall be ~~0.01~~ 0.04. The total acreage shall be used for determining the permitted floor area.

(5) **On-Site Food Services.** The retreat facilities may provide on-site food service for employees~~, trainees,~~ and ~~business~~ retreat visitors, but may not contain restaurant facilities open to the general public.

(6) **Setbacks.** All retreat facilities buildings shall be set back a minimum of 200 feet from adjacent properties.

(7) **Storage Areas.** Storage areas related to the retreat facilities shall be permitted.

(8) **Programs.** The retreat facilities use may include ~~associated~~ training programs, seminars, and ~~related~~ similar activities.

(9) **Special Events.** Special events shall receive approval pursuant to Section 5-500, unless the facility meets the requirements of Section 5-642 ~~specifically approved by special exception (Section 6-1300).~~.

(10) **Products Sold On-Site.** No products shall be sold on-site except those that are clearly incidental and integral to ~~the training programs and seminars~~ the purpose and program of the retreat.

(11) **One Principal Dwelling.** No more than one principal dwelling unit shall be permitted. Tenant dwellings shall be permitted in accord with Section 5-602.

(12) **On-Site Recreation.** The retreat facilities may provide on-site recreation facilities to be used solely by employees~~, trainees, and business~~ and visitors, but not by the general public.

(13) **Average Daily User and Acreage Ratio:** ~~25~~ 100 users per 50 acres. Notwithstanding, there shall be no more than ~~100~~ 450 users on greater than 200 acres without first securing special exception approval. The term Average Daily Users includes employees~~, trainees, and business~~ and 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.

(14) ~~**Remove Property from Land Use Program.** The portion of the property used as a Rural Agricultural Corporate Retreat shall be removed from the Land Use Program (Special Assessment for Land Preservation) for taxation purposes.~~

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

(D) **Sketches, Site Plans, Special Exceptions and Statements of Use.**

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(1) **Sketch Plan.** A sketch plan 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 ~~RSCOD regulations and~~ flood plain map. In addition, the sketch plan shall include the required information needed to illustrate conformance with the Rural ~~Agricultural~~ Corporate Retreat regulations of this Section 5-619.

(2) **Special Exception Review for Those Who Do Not Comply with Standards.** For Rural ~~Agricultural~~ Corporate Retreats that 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 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.

(3) **Statement of Use.** 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 proposed modification to the regulations will improve on the existing regulations, or otherwise exceed the public purpose of the existing regulations. The Board may impose appropriate conditions to assure that the public purposes are satisfied.

5-620 Manufactured Housing. The following standards shall apply to the development of manufactured housing:

(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" overhand on the front and back and a minimum of 6" on the sides.

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(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 AR-1, AR-2, RR-1, RR-2, A-3, A-10, and TR-10 districts shall not be subject to this section.

(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)~~ one half (1/2) 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.

(D) Utility Substations are governed by Section 5-616 of this Ordinance.

5-622 Magazine Contained Explosive 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

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"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.

(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.

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(2) Vehicle wholesale auctions shall be located on parcels where at least a portion of the parcel is located within the noise contour 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.

5-625 Winery, Commercial. Commercial wineries in the AR and JMLA districts shall comply with the following standards.

(A) **Intensity/Character.**

(1) **Site Size.** The minimum lot area for a commercial winery is 10 acres.

(2) **Wine Tasting Rooms and Accessory Food Sales.** Facilities for wine tasting rooms and accessory food sales (including a kitchen) shall not exceed ~~20~~ 49 percent of the total gross floor area of all structures at the commercial winery.

(3) **Hours of Operation.** Hours of operation shall be limited to 10:00 a.m. to 10:00 p.m.

(B) **Size of Use.**

(1) **Floor Area Ratio.** The floor area ratio for a commercial winery shall not exceed ~~0.02~~ 0.04.

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(2) **Storage Yards.** The total area of storage yards shall not exceed 20 percent of the total area of the principal structure~~, and shall not be visible from any public right-of-way~~.

(C) **Location on Site/Dimensional Standards.** A commercial winery shall be set back at least 125 feet from all lot lines.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking and Storage Areas.** Parking and storage areas shall be screened to comply with the requirements of Section 5-653(B).

(E) **Roads/Access Standards.**

(1) **General Access Standards.** A commercial winery shall comply with the road access standards of Section 5-654.

(2) **Driveways.** Driveways to a commercial winery shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Vehicles/Equipment.** Commercial wineries that use heavy equipment shall have direct access to a paved public road.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(H) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) Surface. All parking shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-626 Agriculture, Horticulture and Animal Husbandry.

(A) **Parcel Size.** Agriculture, Horticulture and Animal Husbandry uses shall be located on parcels ~~3~~ 2 acres in size or larger.

(B) **Setbacks for Certain Structures.** No structure for housing livestock shall be located closer than 100 feet from any property line adjoining lots where a residential dwelling existing at the time of construction of the structure is the principal use, unless such residential dwelling is located more than 100 feet from the property line.

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5-627 Agriculture Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry).

(A) Intensity/Character.

(1) **In Association with On-Going Agriculture, Horticulture, or Animal Husbandry Use.** The agriculture support use (direct association) shall be allowed only in direct association with an on-going agriculture, horticulture, or animal husbandry use or activity.

(2) **Site Size.** The minimum lot area for any agriculture support use (direct association) shall be 5 acres.

(3) **Visitors/Customers/Parking Spaces.** The minimum lot area shall increase based on the number of visitors/customers attracted to the use, as follows:

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

(4) **Hours of Operation.** Hours of operation for any agriculture support use (direct association) shall be limited to the hours from 6:00 a.m. to 9:00 p.m.

(5) **Owner.** The agriculture support use (direct association) shall be operated or maintained by the owner or occupant of the land upon which the primary associated agriculture, horticulture, or animal husbandry use is being conducted.

(B) **Size of Use.**

(1) **Structure.** The size of structures used in the agricultural support use (direct association) shall not exceed the following gross floor area (total all structures):

Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	12,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Additional structure size allowed by right at rate of 2,400 square feet per 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size for agriculture support (direct association uses)	36,000 square feet

(2) **Storage Areas.** The total area of all storage areas used in the agricultural support use (direct association) shall not exceed the following size in square feet:

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Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	5,000 square feet
An additional 1,000 square feet of storage area shall be allowed by right for each additional 10 acres, not to exceed a maximum of 20,000 square feet.		

(C) **Location on Site/Dimensional Standards.** Structures or storage areas of an agricultural support use (direct association) shall be set back from lot lines as follows:.

Use	Lot Area (Min.)	Size of Structure (Max.)	Setback from Lot Lines
Level I—small scale	7 to 25 acres	12,000 square feet	60 ft.
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet	120 ft.
Level III—large scale	> 50, up to 100 acres	36,000 square feet	175 ft.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Storage Areas.** All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Road/Access Standards.**

(1) **General Access Standards.** An agriculture support use (direct association) shall comply with the road access standards of Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Vehicles/Equipment.** Any agricultural support use (direct association) that involves the use of or services heavy equipment shall have direct access to a paved public road maintained by the state. Direct access shall not be provided by a private easement.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(H) **Hazardous Chemicals, Pesticide Use.** The use and application of herbicides, pesticides, and potentially hazardous chemicals and substances such as paints and solvents shall be prohibited within the required buffer.

(I) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

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(2) **Surface.** All parking areas serving the agricultural support use (direct association) shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-628 Farm Based Tourism. Farm based tourism uses in the AR, TR and JLMA districts shall comply with the following standards.

(A) Intensity/Character Standards.

(1) **Site Size.** The minimum lot area for a farm based tourism use shall be 5 acres.

(2) **Visitors/Customers/Parking Spaces** The lot area shall increase based on the number of visitors/customers attracted to the use, as follows.

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

(3) **Hours of Operation.** Hours of operation shall be limited to 8:00 a.m. to 6:00 p.m.

(4) **Owner.** The farm based tourism use shall be operated or maintained by the owner, operator, or occupant of the land upon which the primary associated agriculture, horticulture or animal husbandry use is being conducted.

(5) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as for Farm Based Tourism and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

(B) **Size of Use Standards.**

(1) **Structure.**

(a) The size of structures used for the farm based tourism use shall not exceed the following gross floor areas (total all structures):

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

(2) **Storage Areas.** The total area of all storage areas shall not exceed 25 percent of the total floor area of the structures used for the farm based tourism use.

(C) **Location on Site/Dimensional Standards.**

(1) **Lot Lines.** Structures for farm based tourism uses shall be set back from lot lines as follows:

Use	Size of Structures (Maximum)	Setback from Lot Lines
Level I—small scale	Up to 5,000 square feet	100 ft.
Level II—medium scale	>5,000 square feet up to 7,500 square feet	150 ft.
Level III—large scale	>7,500 square feet, up to 10,000 square feet	200 ft.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Areas.** All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Road/Access Standards.**

(1) **General Access Standards.** Farm based tourism uses shall comply with the road access standards of Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-654(A) (Exterior Lighting Standards).

(G) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-629 Sawmills. Sawmills shall comply with the following standards.

(A) **Intensity/Character Standards.**

(1) **Site Size.** The minimum lot area for a sawmill shall be 12 acres.

(2) **Customers/Parking Spaces.** The minimum lot area shall increase based on the number of customers attracted to the use, as follows.

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Use	Scope of Use/Event	Lot Area (Minimum)
Level I—small scale	No more than 25 customers on any one day; no more than 13 vehicles allowed on site at any one time.	12 acres
Level II—medium scale	> 25 customers on any one day, no more than 100; no more than 50 vehicles allowed on site at any one time.	20 acres
Level III—large scale	> 100 customers on any one day, no more than 150; no more than 75 vehicles allowed on site at any one time.	25 acres

(3) **Hours of Operation.** Hours of operation for a sawmill shall be limited from 6:00 a.m. to 6:00 p.m.

(B) **Size of Use Standards.**

(1) **Structure.** Excluding the actual timber cutting equipment, the size of all structures used at the sawmill shall not exceed the following gross floor areas (total all structures):

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

(2) **Storage Yards.** The size of storage yards used for a sawmill shall not exceed the following size in square feet:

Use	Lot Area (Minimum)	Size of Storage Yard (Maximum)
Level I—small scale	12 acres	4,500 square feet
Level II—medium scale	20 acres	9,000 square feet
Level III—large scale	25 acres	15,000 square feet

(C) **Location on Site/Dimensional Standards.**

(1) **Lot Lines.** Structures and storage yards shall be set back from lot lines as follows:

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

(2) **Sawdust and or Wood Chip Pile.** Sawdust or wood chip piles at the sawmills shall not exceed 25 feet.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access Standards.**

(1) **General Access Standards.** A sawmill shall comply with the road access standards of Section 6-564.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652 (Exterior Lighting Standards).

(G) **Noise Standards.** The maximum allowable dB(A) level of impulsive sound emitted by the use, as measured at the property line, shall not exceed 55 dB(A).

(H) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) Surface. All parking areas serving the sawmill shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-630 Agriculture Support Use (No Direct Association with Agriculture, Horticulture, Animal Husbandry).

(A) Intensity/Character.

(1) **Site Size.** The minimum lot area for an agriculture support use (no direct association) shall be 5 acres, except the following uses shall have the following minimum lot area:

Use	Lot Area (Minimum)
Agricultural Research Facility	25 acres
Central Farm Distribution Hub for Agricultural Products	25 acres

(2) **Visitors/Customers/Parking Spaces.** The minimum lot area shall increase based on the number of visitors/customers attracted to the use, as follows:

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

(3) **Hours of Operation.** Hours of operation for an agricultural support use (no direct association) shall be limited to the hours from 6:00 a.m. to 10:00 p.m.

(B) **Size of Use.**

(1) **Structure Size.** The size of structures used on the agricultural support use (no direct association) shall not exceed the following floor area ratio or gross floor area, as applicable:

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Agricultural Research Facility	25 acres	Maximum FAR: 0.02
Central Farm Distribution Hub for Agricultural Products	25 acres	Maximum FAR: 0.02
All Other Uses		
Level I—small scale	5 to 25 acres	12,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Additional structure size allowed by right at rate of 2,400 square feet per 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size for agriculture support (direct association uses)	36,000 square feet

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

(C) **Location on Site/Dimensional Standards.** An agricultural support use (no direct association) shall be set back from lot lines as follows:

Use	Lot Area (Min)	Size of Structures (Max.)	Setback from Lot Lines
Agricultural Research Facility	25 acres	Maximum FAR (all structures): 0.02	150 ft.
Central Farm Distribution Hub for Agricultural Products	25 acres	Maximum FAR (all structures): 0.02	150 ft.
All Other Uses			
Level I—small scale	5 to 25 acres	12,000 square feet	80 ft.
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet	150 ft.
Level III—large scale	> 50, up to 100 acres	36,000 square feet	200 ft.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

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(3) **Storage Areas.** All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access.**

(1) **General Access Standards.** An agricultural support use (no direct association) shall comply with the road access standards in Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Vehicles/Equipment.** Any use that involves the use of or services heavy equipment shall have direct access to a paved public road.

(4) **Number of Access Points.** There shall be no more than two points of access from the use to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(H) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-631 Animal Hospital. Animal hospitals in the AR, RR, and JLMA districts shall comply with the following standards.

(A) **Intensity/Character.**

(1) **Site Size.** The minimum lot area for any animal hospital shall be 5 acres.

(B) **Size of Use.**

(1) **Floor Area Ratio.** The maximum floor area ratio shall not exceed 0.04.

(2) **Storage Yards.** The total area of storage yards shall not exceed 10 percent of the total area of the principal structure.

(3) **Location on Site/Dimensional Standards.** An animal hospital shall have the following minimum required yards:

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

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(b) Structures greater than 5,000 square feet and less than 15,000 square feet of gross floor area: 150 feet minimum from all lot lines.

(c) Structures greater than 15,000 square feet of gross floor area: 200 feet minimum from all lot lines.

(C) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(D) **Roads/Access.**

(1) **General Access Standards.** An animal hospital shall comply with the road access standards of Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Number of Access Points.** There shall be no more than two points of access from an animal hospital to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(E) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(F) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(G) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-632 Seasonal Labor Dormitory. Seasonal labor dormitory uses in the AR and JLMA-20 districts shall comply with the following standards.

(A) **Intensity/Character.**

(1) **Location of Use.** The use shall be located on the site of active agriculture, horticulture or animal husbandry operations.

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(2) **Dwelling Unit Size.** The minimum size of a dormitory shall be based on a rate of 100 square feet per seasonal laborer housed, up to a maximum of 2,500 square feet.

(3) **Residents.** Residents shall be employed on site at an on-going agriculture, horticulture or animal husbandry operation during their occupancy of the unit.

(B) **Location on Site.**

(1) **Located on Internal Site Roads.** Dormitories shall be accessed by internal site roads and shall not have direct access to public roads.

(2) **Setback from Single-Family Dwellings.** Dormitories shall be set back 300 feet from off-site single family detached units.

(C) **Landscaping/Buffering/Screening.** Yards, berms, vegetative screening, fences or walls shall be provided to buffer adjacent properties and public streets from dormitory structures.

(D) **Sanitary and Bathing Facilities.** All dwellings shall have indoor sanitary and bathing facilities consistent with the requirements of the Loudoun County Health Department.

(E) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(F) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(3) **Landscaping/Buffering.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

5-633 Airport/Landing Strip. The following standards shall apply to airport/landing strips in the AR, JLMA-20 and TR-10 districts.

(A) **Intensity/Character.**

(1) **Scope of Aviation Operations.**

(a) The airport/landing strip shall be for private aviation aircraft only, limited exclusively to the use of the landowner and guests; commercial operations, including flight training, ground school, and sales, are prohibited.

(b) Instrument-guided flight to access the airport/landing strip is prohibited.

(c) Jet-propelled aircraft shall not use the airport/landing strip.

(d) Takeoffs or landings are prohibited between the hours of 6:00 p.m. and 6:00 a.m.

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(2) **Accessory Aircraft Repairs and Servicing.**

(a) Typical accessory support services for the airport landing strip are allowed, including but not limited to fueling stations, fuel tanks, and storage.

(b) Routine minor repairs and necessary maintenance of aircraft are permitted accessory uses, provided all routine repairs and maintenance occur within an enclosed structure, such as a hangar.

(B) **Site Size.** The minimum lot area for an airport/landing strip shall be 25 acres, except that a use consisting only of a landing strip with no accessory structures or facilities other than a fueling station shall be a minimum of 15 acres in size.

(C) **Structure Size.**

(1) **Structure Size.** The size of structures necessary to service the use, such as aircraft service buildings, shall not exceed the following gross floor area (total all structures): 15,000 square feet.

(2) **Storage Yards.** The maximum total area of storage yards for all lots smaller than 25 acres shall be 5,000 square feet. For lots greater than 25 acres, an additional 1,000 square feet shall be allowed for each additional 10 acres, not to exceed a maximum of 20,000 square feet.

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

(1) **Aviation Structures, Storage Yards and Runway or Landing Strip.** All aviation structures, storage yards, and the runway or landing strip, shall be set back from lot lines as follows:

(a) Structures less than 2,500 square feet of gross floor area: 125 feet minimum from all lot lines.

(b) Structures greater than 2,500 and up to 15,000 square feet of gross floor area: 200 feet minimum from all lot lines.

(c) Structures over 15,000 square feet of gross floor area: 250 feet minimum from all lot lines.

(d) Runway or landing strip: 650 feet minimum from all lot lines.

(E) **Landscaping/Buffering/Screening.**

(1) **Runway Buffer Area.** A buffer area shall be provided extending from the end of all runways or landing strips. The size of the buffer shall encompass a minimum land area equal to a one-quarter mile radius measured from the edge of the end of every runway. No uses shall be allowed within this runway buffer area.

(2) **Parking.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

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(3) **Outdoor Services/Activities.** All tanks, storage yards, and vehicles and equipment stored outdoors shall be screened and landscaped consistent with the standards of Section 5-653(C).

(F) **Road/Access.** Any airport/landing strip use shall comply with the road access standards of Section 5-654.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(H) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-634 Agricultural Cultural Center. An agricultural cultural center in the AR districts shall comply with the following standards.

(A) **Intensity/Character of Use.** The minimum lot area for an agricultural cultural center shall be 10 acres.

(B) **Size of Use.**

(1) **Floor Area Ratio.** The maximum floor area ratio shall be ~~0.02~~ 0.04.

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

(C) **Location on Site.**

(1) **Lot Lines.** An agricultural cultural center shall be set back from lot lines as follows:

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

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

(c) Structures over 18,000 square feet of gross floor area: 225 feet minimum from all lot lines.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

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(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access.**

(1) **General Access Standards.** An agricultural cultural center shall comply with the road access standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving an agricultural cultural center of up to 5,000 square feet gross area shall use a dust-free surfacing material as provided in the Facilities Standards Manual. Parking areas in excess of 5,000 square feet of gross floor area shall provide paved parking for visitors and users.

5-635 Fairground. The following standards shall apply to fairgrounds in the AR and JLMA-20 districts.

(A) **Intensity/Character of Use.** The minimum lot area for the use shall be 25 acres.

(B) **Size of Use.**

(1) **Floor Area Ratio.** The maximum floor area ratio shall be 0.04.

(2) **Storage Areas.** The total area of storage areas shall not exceed 10 percent of the total area of the principal structures.

(3) **Building Height.** Building height shall not exceed 35 feet.

(4) **Location on Site.** The use shall be set back from lot lines as follows:

(a) Structures of less than 20,000 square feet of gross floor area: 150 feet minimum from all lot lines.

(b) Structures greater than 20,000 square feet, up to 40,000 square feet of gross floor area: 200 feet minimum from all lot lines.

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(c) Structures greater than 40,000 square feet of gross floor area: 225 feet minimum from all lot lines.

(C) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Areas.** All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

(D) **Roads/Access.**

(1) **General Access Standards.** Fairgrounds shall comply with the road access standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than two points of access to a fairground. This requirement shall not preclude an additional access for emergency vehicles only.

(3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(E) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A)(1)-(3).

(F) **Noise.**

(1) **Location in Relation to Residential Use.** No loading/unloading activities, or other noise-producing activities shall be allowed within 250 feet of an existing adjacent single family detached use during the hours of 11:00 p.m. and 6:00 a.m.

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

(G) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving a fairground shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-636 Arboretum, Botanical Garden, Nature Study Area. The following standards shall apply to the development of arboretums, botanical gardens, and nature study areas in the AR, JLMA-20 and PD-CV districts.

(A) **Intensity/Character of Use.**

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(1) **Site Size.** The minimum lot area for any arboretum, botanical garden or nature study area shall be 5 acres.

(2) **Hours of Operation.** The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m., except that permitted temporary special events at an arboretum, botanical garden, or nature study area may operate beyond the 9:00 p.m. time according to the terms of the temporary special events permit.

(3) **Accessory Uses.** Accessory uses shall only permitted on lots 20 acres in size or larger. Accessory uses to an arboretum, botanical garden, or nature study area may include retail sales (e.g., gift shops), small restaurants or cafes, or visitor centers subject to the following standards:

(a) Retail sales shall be limited to the sale of items directly related to the nature and character of the principal permitted use.

(b) Accessory uses other than a visitors center shall contain no more than 1,000 square feet of gross floor area. A visitors center shall contain no more than 2,500 square feet of gross floor area.

(B) **Size of Use.**

(1) **Floor Area Ratio.** The maximum floor area ratio shall be 0.02.

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

(C) **Roads/Access.** Uses shall comply with the road access standards of Section 5-654.

(D) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(E) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

5-637 Cemetery, Mausoleum, Crematorium. The following standards shall apply to the development of cemeteries, mausoleums, and crematoriums.

(A) **Intensity/Character of Use.**

(1) **Site Size.** The minimum lot area for any cemetery, mausoleum, or crematorium shall be 10 acres.

(2) **Hours of Operation.** The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m. or dusk, whichever occurs first.

(B) **Size of Use.**

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(1) **Maximum Floor Area Ratio.** The maximum floor area ratio shall be ~~0.02~~ 0.04.

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

(C) **Location on Site/Dimensional Standards.**

(1) **General.** Cemetery, mausoleum, or crematorium uses shall be set back 150 feet from lot lines.

(2) **Setback from Residences without Property Owner Consent.** Cemetery, mausoleum and crematorium uses shall be set back a minimum of 250 yards from a residence if property owner consent is not received to be located closer to the residence. Cemetery, mausoleum or crematorium uses shall be set back a minimum of 300 yards from a city, town or water company well (Section 57-26 Code of Virginia).

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Areas.** All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access.**

(1) **General Access Standards.** Uses shall comply with the road access standards of Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(F) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

5-638 Public Safety Uses (Fire/Rescue Stations, Police Station/Substation). The following standards shall apply to the development of fire/rescue stations and police stations/substations in the AR, TR and JLMA districts.

(A) **Size of Use.**

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(1) **Site Size.** The minimum lot area for any public safety use shall be ~~3~~ two (2) acres.

(2) **Floor Area Ratio.** The maximum floor area ratio shall be 0.3.

(3) **Storage Yards.** The total area of storage yards shall not exceed 20 percent of the total area of the principal structure.

(4) **Setback from Lot Lines.** Public safety uses shall be set back from lot lines as follows:

(a) Structures of less than 4,000 square feet of gross floor area: 60 feet minimum from all lot lines.

(b) Structures greater than 4,000 square feet, and up to 8,000 square feet of gross floor area: 100 feet minimum from all lot lines.

(c) Structures greater than 10,000 square feet of gross floor area: 120 feet minimum from all lot lines.

(B) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(C) **Roads/Access.**

(1) **General Access Standards.** Uses shall comply with the road access standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than two points of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(D) **Parking.** Parking and loading shall be provided as required by Section 5-1102(B)(4). These spaces shall be in addition to vehicle storage spaces for vehicles not in use.

(E) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A)(1) and (2) (Exterior Lighting Standards).

5-639 Religious Assembly Uses (Church, Synagogue, Temple, Mosque). The following standards shall apply to the development of religious assembly uses in the AR, JLMA and TR-10 districts

(A) **Size of Use.**

(1) **Site Size.** The minimum lot area for a religious assembly use shall be:

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(a) Religious assembly uses with seating capacity of 300 seats or less: 10 acres.

(b) Religious assembly uses with seating capacity of 300 seats or more seats, or religious assembly uses that include accessory uses (schools, day care centers, recreation facilities): 20 acres.

(2) **Maximum Floor Area Ratio.** The maximum floor area ratio, as measured utilizing all structures and the total gross acreage of the site shall be ~~0.02~~ 0.20.

(3) **Storage Yards.** The total area of storage yards shall not exceed 10 percent of the total area of the principal structure.

(B) **Location on Site.**

(1) **Setbacks from Lot Lines.** A religious assembly use (including all accessory uses and structures) shall be set back from lot lines a minimum of 75 feet for buildings and other structures and a minimum of 50 feet for parking ~~as follows:~~

(a) ~~Structures of less than 9,000 square feet of gross floor area: 125 feet minimum from all lot lines.~~

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

(c) ~~Structures over 18,000 square feet of gross floor area: 225 feet minimum from all lot lines.~~

(C) **Child Care Facilities.** Religious assembly uses with child care facilities shall comply with the requirements of Section 5-609.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with landscaping and screening standards of Section 5-653(A).

(2) **Parking Area.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access.**

(1) **General Access Standards.** Religious assembly uses shall comply with the road access standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than two points of access to a public road from a religious assembly use. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Parking.**

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(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(H) **Modification of Performance Standards.** The Zoning Administrator shall have the authority to grant modifications to any of the standards listed in this Section 5-639 in order to eliminate a substantial burden on religious exercise as guaranteed by the federal *Religious Land Use and Institutionalized Persons Act of 2000* (42 U.S.C. Sec. 2000cc), as amended. In granting such a modification, the Zoning Administrator may require conditions consistent with the federal Act that will secure substantially the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties.

5-640 Conference and Training Centers. Conference and training centers in the AR, JLMA-20 and TR-10 districts shall comply with the following standards.

(A) **Intensity/Character.** The minimum lot area shall be as follows.

Use	Lot Area (Minimum)	Average Daily Users
Level I-small scale	50 acres	Up to 50 users
Level II-medium scale	100 acres	>50 and up to 100 users
Level III-large scale	150 acres	>100 and up to 150 users
Level IV	Requires special exception approval pursuant to Section 5-1300	>150 users
Average daily users include the employees, trainees and conferees the conference and training center is designed to accommodate. Service trips, which are trips made to the facility for the purpose of delivering food, supplies, and related materials are in addition to the average daily users.		

(B) **Size of Use.**

(1) **Floor Area Ratio.** The maximum floor area ratio shall be ~~0.03~~ 0.04.

(2) **Accessory Uses.** Dining and banquet facilities may be provided for employees, trainees and conferees. The banquet and dining facilities shall not exceed 20 percent of the total area of the principle permitted structure. The lodging facilities shall not constitute over 40 percent of the total area of the principal permitted structure.

(3) **Special Events Only by Section 5-500 or Special Exception.** Special events shall receive approval pursuant to Section 5-500, or be specifically provided for in the approval of a special exception (Section 6-1300), as applicable.

(4) **No Products Sold On-Site.** No products shall be sold on-site, except those that are clearly incidental and integral to the training programs and seminars. Shirts, glasses, golf equipment, pens and pencils, mugs and similar items with the logo of the

company or firm conducting or sponsoring the conference or seminars are considered incidental and integral to the training program.

(5) **Storage Yards.** The total area of storage yards shall not exceed 10 percent of the total area of the principle structures.

(6) **On-Site Recreation Facilities.** On-site recreation facilities may be used solely by employees, trainees or conferees.

(7) **Open Space.** A minimum of 75 percent of the site shall remain as open space.

(8) **Location on Site/Dimensional Standards.** Conference and training centers shall be set back from lot lines as follows:

Use	Lot Area (Min)	Setback from Lot Lines
Level I—small scale	50 acres	150 ft.
Level II—medium scale	100 acres	200 ft.
Level III—large scale	150 acres	250 ft.

(C) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(D) **Roads/Access.**

(1) **General.** The conference and training center use shall comply with the road access standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(E) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The maximum allowable dB(A) level of impulsive sound from the site, as measured at adjacent residential structures ~~the property line~~, shall not exceed 55 dB(A). In addition, outdoor music shall not be allowed after 11:00 PM.

5-641 Teahouse; Coffeehouse. Teahouse or coffeehouse uses in the AR districts shall comply with the following standards.

(A) **Intensity/Character Standards.** Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.

(B) **Size of Use.**

(1) **Site Size.** The minimum lot area shall be 5 acres.

(2) **Structure.** The size of structures used shall not exceed 2,500 square feet in gross floor area (total all structures).

(C) **Location on Site/Dimensional Standards.** The teahouse or coffeehouse use shall be setback 50 feet from lot lines.

(D) **Landscaping/Buffering/Screening.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(E) **Parking.** Parking and loading shall be provided as required by Section 5-1102.

(F) **Roads Access Standards.**

(1) **General Access Standards.** The use shall comply with the road access standards in Section 5-654.

(2) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A)(1), (2) and (4).

5-642 Banquet Facility or Event Facility. Any banquet facility or event facility use in the AR districts shall comply with the following standards:

(A) **Intensity/Character Standards.** Hours of operation shall be limited to 9:00 a.m. to ~~2:00~~ 12:00 a.m.

(B) **Activities included in Use.** Special events (e.g. weddings, receptions, and parties) or similar activities conducted for compensation shall be permitted as follows:

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Table 5-642(B)		
Use	Lot Area (Minimum)	Permitted attendance
Level I	25 to 50 acres	150
Level II	Over 50 acres	350
Level III		More than 350 requires a major special exception

(C) **Size of Use.** The minimum lot area for a banquet facility shall be 25 acres.

(D) **Additional Use**. Subject to all other applicable provisions of this Ordinance and the Loudoun County Code, including, but not limited to standards governing health, sanitation, and noise control, a banquet/event facility may be an additional use for the following uses as long as all performance standards contained in this Ordinance are also met: Bed and Breakfast Inn, Country Inn, Rural Retreat, Rural Resort, Rural Corporate Retreat, Country Club, Virginia Farm Wineries, and Training and Conference Centers

(E) **Location on Site/Dimensional Standards.** The banquet facility use shall be set back 200 feet from lot lines.

(F) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(G) **Roads/Access Standards.**

(1) **General Access Standards.** A banquet facility is permitted vehicular access equal to the average number of vehicle trips per day (VTD) that would be generated if the property were developed to its maximum residential density. During permitted events the Resort or Retreat is permitted vehicle access equal to the number of trips generated by the allowed number of visitors. (see Section 5-601(C)(5)(a)) ~~shall comply with the road access standards of Section 5-654.~~

(2) **Number of Access Points.** There shall be no more than two points of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(H) **Parking.** Parking and loading shall be provided as required by Section 5-1102.

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(I) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A)(1)-(3).

(J) **Noise.** A banquet facility shall comply with the noise standards of Section 5-652(B) (Noise Standards).

PC REC:

5-642 Banquet Facility/Event Facility. Any ~~banquet facility or event facility~~ Banquet/Event Facility use in the AR districts shall comply with the following standards:

(A) **Intensity/Character Standards.** Hours of operation shall be limited to 9:00 a.m. to ~~2:00~~ 12:00 midnight.

(B) **Size of Use.** The minimum lot area for a ~~b~~Banquet/~~f~~Facility shall be 25 acres.

(C) **Location on Site/Dimensional Standards.** The ~~b~~Banquet/~~f~~Facility use shall be set back 200 feet from lot lines.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access Standards.**

(1) **General Access Standards.** A a ~~b~~Banquet/~~f~~Facility shall comply with the road access standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than two points of access to a public road for the Banquet/Facility use. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Parking.** Parking and loading shall be provided as required by Section 5-1102.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A)(1)-(3).

(H) **Noise.** A ~~b~~Banquet/~~f~~Facility shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(I) **Indoor and Outdoor Events.**

(a) **Indoor events:** weddings, meetings, private parties may be held within a building approved for the Banquet/Event Facility use. The maximum number of attendees is

based on the occupancy load of the event space as determined by the Uniform Statewide Building Code.

(b) **Outdoor events:** weddings, meetings, private parties may be held outdoors. The maximum number of attendees is based on the acreage of the property as identified in the table below:

Minimum Acreage	No. of Attendees
25 acres	125 attendees
40 acres	200 attendees
75 acres	350 attendees

5-643 Restaurant. Any restaurant use in the AR districts shall comply with the following standards.

(A) **Intensity/Character Standards.** Hours of operation shall be limited from 6:00 a.m. to 12:00 midnight.

(B) **Size of Use.**

(1) **Site Size.** The minimum lot area shall be 20 acres except that there shall be no minimum lot size for adaptive reuse of farm structures existing as of January 7, 2003.

(2) **Floor Area Ratio.** The floor area ratio shall not exceed 0.01 except that there shall be no maximum floor area ratio for adaptive reuse of farm structures existing as of January 7, 2003.

(3) **Location on Site/Dimensional Standards.** The use shall be set back from lot lines as follows:

(a) Structures of up to 1,500 square feet of gross floor area: 100 feet minimum from all lot lines.

(b) Structures greater than 1,500 and up to 4,000 square feet of gross floor area: 150 feet minimum from all lot lines.

(c) Structures over 4,000 square feet of gross floor area: 175 feet minimum from all lot lines.

(C) **Parking.** Parking and loading shall be provided as required by Section 5-1102.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

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(3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access Standards.**

(1) **General.** A restaurant shall comply with the road access standards of Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

5-644 Educational or Research Facilities Use Related to the Agriculture, Horticulture and Animal Husbandry Uses in the District. Any educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the AR and TR districts shall comply with the following standards.

(A) **Size of Use Standards.**

(1) **Site Size.** The minimum lot area shall be 25 acres.

(2) **Visitors/Customers/Parking Spaces.** The minimum lot area shall increase based on the number of visitors/customers attracted, as follows.

Scope of Use/Event	Lot Area (Minimum)
No more than 200 visitors on any one day; no more than 100 vehicles allowed on site at any one time. Additional visitors allowed by right at rate of 5 per acre in excess of 25 acres.	25 acres

(3) **Structure.** The floor area ratio shall not exceed ~~0.01~~ 0.04.

(4) **Storage Yards.** The maximum total area of storage yards shall not exceed 10 percent of the total area of the principal structure.

(B) **Location on Site/Dimensional Standards.** The use shall be set back from lot lines as follows:

(1) Structures up to 7,000 square feet of gross floor area: 100 feet minimum from all lot lines.

(2) Structures greater than 7,000 square feet of gross floor area and up to 12,000: 150 feet minimum from all lot lines.

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(3) Structures greater than 12,000 square feet of gross floor area: 200 feet minimum from all lot lines.

(C) **Parking.** Parking and loading shall be provided as required by Section 5-1102.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** Storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access.**

(1) **General.** The use shall comply with the road access standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than two points of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-645 Camp, Day and Boarding. Day and boarding camps in the AR, TR, JLMA and PD-CV districts shall comply with the following standards.

(A) **Intensity/Character.**

(1) **Site Size.**

(a) The minimum lot area for a day and boarding camp for less than 15 campers shall be 20 acres.

(b) The minimum lot area for a day and boarding camp for more than 15 campers shall comply with the following standards.

Use	Scope of Use/Campers	Lot Area (Minimum)
Level I—small scale	Up to 30 campers daily	~~40~~ 15 acres

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Use	Scope of Use/Campers	Lot Area (Minimum)
Level II—medium scale	> ~~30 and~~ U~~up~~ to ~~60~~100 campers or boarders daily	~~80~~ 40 acres
Level III—largescale	~~>60 and u~~Up to 250 ~~100~~ campers or boarders daily	~~160~~ 100 acres
Level IV	> ~~400~~ 250 campers or boarders daily.	~~Over 160 acres.~~ Special exception pursuant to Section 6-1300

(2) **Not Permanent Residence.** Day and boarding camps shall not be used as permanent residences, except for the owner or manager and permanent maintenance personnel.

(3) **Service Buildings.** Service buildings with restroom and other facilities shall be provided in accordance with the Loudoun County Health Department requirements.

(B) ~~**Size of Use.**~~

(1) ~~**Structure Size**~~

(a) ~~The size of structures (excluding tent platforms) used at a day and boarding camp for less than 15 campers shall not exceed 6,000 square feet in gross floor area.~~

(b) ~~The minimum size of structures (excluding tent platforms) at day and boarding camp for more than 15 boarders shall comply with the following standards.~~

~~Use~~	~~Scope of Use/Campers~~	~~Total Size of Structures (Maximum)~~
~~**Level I—small scale**~~	~~Up to 30 campers daily~~	~~8,000 square feet~~
~~**Level II—medium scale**~~	~~> 30 and up to 60 campers daily~~	~~16,000 square feet~~
~~**Level III—large scale**~~	~~> 60 and up to 100 campers daily~~	~~32,000 square feet~~
~~**Level IV**~~	~~> 100 campers daily~~	~~Special exception pursuant to Section 6-1300~~

(2) **Location on Site/Dimensional Standards.** Structures shall be set back from lot lines as follows:

Use			Setback from Lot Lines
~~**Camp with less than 15 campers**~~	~~20 acres~~	~~6,000 square feet~~	~~100 ft.~~
Level I—small scale	~~40 acres~~	~~8,000 square feet~~	150 ft.
Level II—medium scale	~~80 acres~~	~~16,000 square feet~~	200 ft.
Level III—large scale	~~160 acres~~	~~32,000 square feet~~	250 ft.
Level IV			300 ft.

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(C) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(D) **Roads/Access.**

(1) **General Access Standards.** The use shall comply with the road access standards of Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Number of Access Points.**

(a) **Camp with Less Than 15 Campers/Level I Camp.** There shall be no more than one point of access to a public road from a camp with less than 15 campers or a Level I day and boarding camp. This requirement shall not preclude an additional access for emergency vehicles only.

(b) **Level II or III Day and Boarding Camp.** There shall be no more than two points of access to a road from a Level II or III day and boarding camp. This requirement shall not preclude an additional access for emergency vehicles only.

(E) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

(2) **Surface.** All parking and loading areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-646 Campgrounds. Campgrounds in the AR, TR, and JLMA districts shall comply with the following standards.

(A) **Intensity/Character.**

(1) **Site Size.**

(a) The minimum lot area for a campground shall be 40 acres.

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(b) The minimum lot area for a campground shall increase based on the following standards.

Use	Scope of Use/Campsites	Lot Area (Minimum)
Level I—small scale	Up to 50 campsites	40 acres
Level II—medium scale	>50 up to 100 campsites	80 acres
Level III—large scale	>100 up to 150 campsites	160 acres
Level IV	> 150 campsites	Special exception pursuant to Section 6-1300

(2) **Not Permanent Residence.** Campgrounds shall not be used as permanent residences, except for the owner or manager and permanent maintenance personnel.

(3) **Camping Sites.** Camping sites shall be a minimum of 1,250 square feet and at least 25 feet in width.

(4) **Recreational Area.** Each campground shall provide a recreational area consisting of 100 square feet per campsite.

(5) **Public Telephone.** At least one (1) public telephone shall be provided for each 50 campsites.

(6) **Streets and Walks Lighted.** Streets and walks shall be lighted every 400 feet.

(7) **Service Buildings.** Service buildings with restroom and other facilities shall be provided in accordance with the Loudoun County Health Department requirements.

(8) **Groundcover.** All areas within a campground shall have sufficient groundcover to prevent erosion and blowing dust.

(B) **Size of Use.**

(1) **Structure Size.** The size of structures (excluding tent platforms) used at a campground shall not exceed the following standards:

Use	Scope of Use/Campers	Total Size of Structures (Maximum)
Level I—small scale	Up to 50 campsites	8,000 square feet
Level II—medium scale	>50 up to 100 campsites	16,000 square feet
Level III—large scale	>100 up to 150 campsites	32,000 square feet
Level IV	>150 campsites	Special exception pursuant to Section 6-1300

(C) **Location on Site/Dimensional Standards.** A campground shall be set back from lot lines as follows:

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

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(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(E) **Roads/Access.**

(1) **General Access Standards.** The use shall comply with the road access standards of Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Number of Access Points.**

(a) There shall be no more than one point of access to a public road from a Level I campground. This requirement shall not preclude an additional access for emergency vehicles only.

(b) There shall be no more than two points of access to a public road from a Level II, III or IV campground. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(H) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-647 Cross-Country Ski Business and Eco-Tourism. Any cross-country ski business and eco-tourism use in the AR, JLMA-20 and TR-10 districts shall comply with the following standards:

(A) **Intensity/Character of Use.** The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.

(B) **Size of Use.**

(1) **Size of Use.** The minimum lot area of an eco-tourism use shall be 5 acres.

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(2) **Structure Size.** The size of structures used shall not exceed 5,000 square feet in gross floor area.

(3) **Storage Areas.** The total area of storage areas shall not exceed 1000 square feet.

(C) **Roads/Access.**

(1) **General Access Standards.** The eco-tourism use shall comply with the road access standards in Section 5-654.

(2) **Number of Access Points**. There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(D) **Exterior Lighting.** The only exterior lighting allowed for an eco-tourism use shall be for security purposes only.

(E) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-648 Golf Course. Any golf course in the AR, RR, TR, JLMA and PD-CV districts shall comply with the following standards.

(A) **Intensity/Character.**

(1) **Site Size.** The minimum lot area for a golf course shall be:

(a) 75 acres for 9 holes.

(b) 150 acres for 18 holes.

(2) **Hours of Operation.** The hours of operation for a golf course shall be limited to 6:00 a.m. to 9:00 p.m.

(3) **Accessory Uses.** Accessory uses to a golf course may include a club house which includes a pro shop and small restaurant or café, subject to the following standards:

(a) The golf pro shop shall be limited to sales of golf-related items.

(b) Accessory uses shall constitute no more than 25 percent of the total size of the golf clubhouse.

(B) **Size of Use.**

(1) **Structure Size.** The size of structures used at a golf course shall not exceed 25,000 square feet in gross floor area (total all structures).

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(2) **Storage Yards.** The total area of storage yards shall not exceed 5,000 square feet.

(C) **Location on Site/Dimensional Standards.** A golf course shall be set back 200 feet from lot lines.

(D) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(E) **Landscaping/Screening.**

(1) **Buffer.** A minimum of the first 50 feet of setback area shall be buffered, screened and landscaped consistent with the standards of Section 5-653(A)..

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(F) **Roads/Access.**

(1) **General Access Standards.** A golf course shall comply with the road access standards in Section 5-654.

(2) **Number of Access Points.** There shall be no more than two points of access to a public road from a golf course. This requirement shall not preclude an additional access for emergency vehicles only.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

5-649 Outdoor Amphitheater. Any outdoor amphitheater in the AR districts shall comply with the following standards.

(A) **Intensity/Character.**

(1) **Site Size.** The minimum lot area for an outdoor amphitheater shall be 50 acres.

(2) **Accessory Uses.** Accessory uses to an outdoor amphitheater may include concession facilities for the sales of drinks and food during events, and offices used solely for the purpose of operating and managing the outdoor amphitheater. The concession facilities shall constitute no more than 5,000 square feet, and be integrated into the general structure and design of the outdoor amphitheater.

(B) **Size of Use.** The seating capacity of the outdoor amphitheater shall not exceed 2,000 persons.

(C) **Location on Site/Dimensional Standards.** An outdoor amphitheater shall be set back from lot lines a minimum of 1000 feet.

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(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(E) **Roads/Access.**

(1) **General.** The use shall comply with the road access standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than two points of access to an outdoor amphitheater. This requirement shall not preclude an additional access for emergency vehicles only.

(3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(F) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards), except that fully shielded lighting fixtures are not required around the outdoor amphitheater itself.

(H) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-650 Antique Shop; Art Gallery or Studio; Craft Shop. Any antique shop, art gallery or studio, or craft shop in the AR, RR, TR-10 and PD-CV districts shall comply with the following standards.

(A) **Intensity/Character Standards.** Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.

(B) **Size of Use.**

(1) **Site Size.** The minimum lot area shall be 1 acre.

(2) **Structures.**

(a) The total size of all structures used for art galleries or studios and craft shops shall not exceed 3,000 square feet in gross floor area.

(b) The total size of all structures used for antique shops shall not exceed 10,000 square feet in gross floor area.

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(3) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as for an Antique Shop; Art Gallery or Studio; or Craft shop and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

(C) **Location on Site/Dimensional Standards.** The antique shop, art gallery or studio, or craft shop shall be set back a minimum of 100 feet from all lot lines.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(E) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(F) **Roads/Access Standards.**

(1) **General Access Standards.** The use shall comply with the road access standards in Section 5-654.

(2) **Number of Access Points.** The use shall have no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(H) **Noise.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-651 Auction House. Any auction house in the AR districts shall comply with the following standards.

(A) **Intensity/Character Standards.**

(1) **Hours of Operation.** Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.

(2) **Sanitary Facilities.** Bathroom facilities shall be provided on site, consistent with the requirements of the Uniform Statewide Building Code.

(B) **Size of Use.**

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(1) **Site Size.** The minimum lot area shall be 10 acres.

(2) **Structure.** There shall be only one structure allowed on the lot which shall not exceed 10,000 square feet in size.

(3) **Outdoor Storage.** The maximum area of outdoor storage shall not exceed 2,000 square feet.

(4) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as for an Auction House and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

(C) **Location on Site/Dimensional Standards.** The auction house shall be set back a minimum of 100 feet from all lot lines.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Outdoor Storage.** All outdoor storage shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access Standards.**

(1) **General Access Standards.** An auction house shall comply with the road access standards in Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(H) **Noise Standards**. The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-652 Exterior Lighting and Noise Standards for Specific Uses. The following exterior lighting and noise standards shall apply to specific uses in this section when they are expressly referenced in the standards for the specific use.

(A) **Exterior Lighting Standards.**

(1) **Pole-Mounted Exterior Lighting.** The maximum height of pole-mounted exterior lighting shall be 25 feet.

(2) **Shielded Lighting/Light Element.** Fully shielded lighting fixtures shall be used in all areas. The light element (lamp or globe) of a fixture shall not extend below the cutoff shield.

(3) **Hours of Operation.** All exterior lighting shall be extinguished from 10:00 p.m. to 6:00 a.m., except for exterior lighting that is determined necessary for security purposes.

(4) **No Illuminated Signage.** Signage related to the use shall not be illuminated.

(B) **Noise Standards.**

(1) **Location in Relation to Residential Use.** No loading/unloading activities or other noise-producing activities shall be allowed within 250 feet of an existing single family residential use.

(2) **Maximum dB(A).** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at ~~the property line of any adjacent residential lot where the lot is designed for a single family dwelling unit as a principal use,~~ adjacent residential structures shall not exceed 55 dB(A). In addition, outdoor music shall not be allowed after 11:00 PM.

5-653 Landscaping Standards for Specific Uses. The following ~~exterior lighting and noise~~ landscaping, buffering, and screening standards shall apply to specific uses in this section when they are expressly referenced in the standards for the specific use.

(A) ~~**Landscaping/Buffering/Screening in**~~ **Setbacks or Yards Adjacent to Certain Sized Lots.** A minimum of the first 50 feet of setback or yard area adjacent to any existing lot four (4) ~~three~~ acres or less in size that contains a house within 300 feet of the adjacent property line shall be landscaped ~~and screened~~ with ~~solid fencing and/or~~ a landscaped area that provides 3 canopy tree(s) per 100 lineal feet of the adjacent property line. The Zoning Administrator may waive, reduce and/or modify these tree planting requirements if in his/her opinion the topography or existing vegetation adequately screens such parking areas from adjacent properties ~~year round screening and is equivalent to a Type Three (3) Buffer Yard (Section 5-1400). The use of natural topography, vegetation, and trees that provide screening at the density, depth and height of the Type Three (3) Buffer Yard shall be credited towards this Type Three (3) Buffer Yard requirement in accordance with Section 5-1409(E).~~.

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(1) In the A-3, A-10, AR-1, AR-2, RR-1 and RR-2 zoning districts, the Zoning Administrator may permit the required buffer to ~~circumnavigate~~ the proposed use, rather than to be located on the property line.

STAFF REC: (1) In the A-3, A-10, AR-1, AR-2, RR-1 and RR-2 zoning districts, the Zoning Administrator may permit the required buffer to ~~circumnavigate~~ surround the proposed use, rather than to be located on the property line.

(B) ~~**Screening of**~~ **Parking Areas.** Parking areas shall be provided with 1 canopy tree per each 10 parking or 2 loading spaces ~~Yards, berms, vegetative screening, fences or walls shall be provided to buffer adjacent properties and public streets from~~ for off-street parking areas and service areas for loading and unloading. The Zoning Administrator may waive, reduce and/or modify these tree planting requirements if in his/her opinion the topography or existing vegetation adequately screens such parking areas from adjacent properties.

(C) **Screening of Outdoor Storage and Storage Yards.** Outdoor storage and storage yards shall be screened to minimize visibility from ~~view from~~ adjacent public roads and adjacent single family detached uses by six (6) canopy trees per one hundred (100) lineal feet of perimeter of storage area.

5-654 Road Access Standards for Specific Uses. The following road access standards shall apply to specific uses in this section when they are expressly referenced in the standards for specific use.

TABLE ~~5-653~~ [redacted]: ROAD ACCESS STANDARDS

Average Generated Daily Vehicle Trips (VTD)	Onsite Private ~~Access~~ Road Construction Standards	Public Road Access	
		Public Paved Road Standards [1]	Public Unpaved Road Standards [1]
1 - 20 VTD	FSM Chapter 4, Table 3, Type C1 Roadway	~~16-18 Foot Pavement Section~~ Permitted	~~16-18 Foot Minimum Travelway~~ Permitted
21 - 70 VTD	FSM Chapter 4, Table 3, Type C2 Roadway	~~16-18 Foot Pavement Section~~ Permitted	~~16-18 Foot Minimum Travelway~~ Permitted
71 - 250 VTD	FSM Chapter 4, Table ~~1~~ 3, ~~A1~~ Type C3 Roadway	~~18-20 Foot Pavement Section~~ Permitted	~~18 Foot Minimum Travelway Section~~ Permitted
251 - 600 VTD	FSM Chapter 4, Table 1, ~~A2~~ Type A1 Roadway	~~18-22 Foot Pavement Section~~ Permitted	~~Not Permitted~~ Special Exception Review required (Section 6-1300)
More than 600 VTD	~~Special Exception Review required (Section 6-1300)~~ FSM Chapter 4, Table 1, Type A1 Roadway	Special Exception Review required (Section 6-1300)	~~Not Permitted~~ Special Exception Review required (Section 6-1300)

[1] Characteristics of the first public road accessed by project's private access road.

5-654 Road Access Standards for Specific Uses. The following road access standards shall apply to specific uses in this section when they are expressly referenced in the standards for specific use. **All Facilities Standards Manual provisions regarding waivers apply.**

5-655 Elementary or Middle School for 15 pupils or less

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(A) **Size of Use**: The minimum lot area for an elementary or middle school for 15 pupils or less is 5 acres.

(1) Road/Access Standards shall comply with the road access standards of Section 5-654.

(2) Exterior Lighting Standards. All exterior lighting shall comply with the standards of Section 5-652(A) Exterior Lighting Standards).

(3) Outdoor play space shall be provided in accordance with the standards established in Section 5-609 Child Care.

5-656 Convent or Monastery. In the AR, TR, and JLMA-3 districts, a convent or monastery shall comply with the following additional requirements:

(A) Intensity/Character

(1) The minimum lot area shall be as follows, unless the convent or monastery is developed as an adaptive re-use pursuant to Section 5-656(A)(2):

Use	Size of Lot (Minimum)	No. of Residents
Level I – small scale	5 acres	4-10 residents
Level II – medium scale	10 acres	11-20 residents
Level III – large scale	20 acres	21-30 residents
Level IV- requires special exception approval pursuant to Section 6-1300	30 acres	31-40 residents

(2) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as for a Convent/Monastery and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

(B) **Building/Lot requirements**

(1) **Size of use.** The floor area ratio shall not exceed ~~0.01~~ 0.04.

(2) **Minimum Required Yard Standards.** The minimum required yards shall be as follows:

(a) Level I – small scale: 50 feet minimum from all lot lines;

(b) Level II – medium scale: 100 feet minimum from all lot lines

(c) Level III- large scale: 150 feet minimum from all lot lines

(3) **Landscaping/Buffering/Screening.**

(a) The use shall comply with the landscaping and screening standards of Section 5-653(A).

(b) Parking areas shall be screened to comply with the standards of Section 5-653(B).

(c) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(4) **Roads/Access.** The convent or monastery shall comply with the road access standards in Section 5-654.

(5) **Parking.**

(a) **General.** Parking and loading shall be provided as required by Section 5-1102.

(b) **Surface.** All parking areas serving the use shall use a dust-free surfacing material, as provided in the Facilities Standards Manual.

(6) **Exterior Lighting.** All exterior lighting shall comply with the standards of Section 5-652(A) Exterior Lighting Standards.

5-657 Stockpiling of Dirt. Any stockpiling of dirt in the AR and TR districts shall comply with the following standards:

(A) **Intensity/Character Standards.**

(1) **Size of Use:**

(a) Minimum Lot Size: Five (5) Acres

(b) **Pile Area:** A single stockpile of dirt pile shall not exceed an area greater than two (2) acres.

(c) **Height:** A single stockpile of dirt shall not exceed 25 feet above original natural grade. For each additional five (5) acres in lot area, the height may increase one (1) foot and in no case shall the height exceed 50 feet above original natural grade. Additionally, no stockpile shall be visible above the existing tree line as viewed from any property line.

(d) **Slope:** Slope shall not exceed a 3:1 ratio.

(2) **Siting:**

(a) No stockpile of dirt is permitted in the Mountainside Overlay District ~~, the Limestone Conglomerate Overlay District or the River/Stream Corridor Overlay District~~ and/or FOD.

(b) To the maximum extent feasible stockpiles of dirt shall not be located in wetlands, hydric soils, or areas identified as containing endangered species or plants ~~that are outside of primary conservation areas.~~.

(c) Stockpiles of dirt shall only be permitted on forested sites when there is an approved forest management plan.

(3) **Location on Site/Dimensional Standards:**

(a) **Setback from Single-Family Dwellings:** No stockpile of dirt, loading/unloading activities, general stockpile of dirt operations, or related activities shall be allowed within 500 feet of an existing residential structure.

(b) **Other setbacks:** No stockpile of dirt shall be located within 100 feet of any lot line and/or street to include ingress-egress easements.

(4) **Hours of Operation:** The hours of operation shall be limited to 7:00 AM to 6:00 PM.

(B) **Access/Vehicular Circulation:**

(1) **Access:** Access to the lot shall be from a paved, State maintained road at least twenty (20) feet in width.

(2) **Driveways/Internal Access Roads (driveways):** Driveways shall not be located within a required buffered setback area except as minimally necessary to access the site. Such driveways shall be all-weather roads negotiable by loaded transport vehicles.

(3) **Vehicular Circulation:** Adequate-stacking space shall be provided on site to accommodate anticipated traffic. Such stacking space shall be screened in accordance with the requirements in Section 5-650 (B).

(4) **Debris:** To prevent the tracking of debris, mud, dirt or other material on public rights-of-way, the public rights-of-way shall be hosed off on a daily basis when the stockpile of dirt facility is in operation. During winter months the road shall be chemically treated to prevent icing conditions after hosing off the road.

(C) **Materials:** Stockpiles of dirt may be comprised only of uncontaminated dirt and naturally occurring rock. Incorporated organic material, including roots, twigs, limbs, logs, leaves, and grass may not exceed three (3) percent by volume at any location in the stockpile of dirt. Processing within the stockpile of dirt is limited to grading, sorting, and compacting of dirt and waste rock. Screening of dirt shall not be permitted.

(D) **Exterior Lighting:** Exterior Lighting shall be permitted for security purposes only and in accordance with Section 5-649. Signage for the stockpile of dirt use shall not be illuminated.

(E) **Landscaping and Screening:** Landscaping and Screening shall be provided in accordance with Section 5-650.

(F) **Noise:** Noise created by the activity at the stockpile of dirt shall comply with Section 5-649(B).

Compliance with other Ordinances: Nothing herein shall relieve the stockpile of dirt activity from complying with other Federal, State or County Codes. Where there is a conflict in the applicable ordinances, the more restrictive shall apply. A Zoning Permit is required prior to the commencement of the Stockpiling of Dirt. In addition, prior to commencing any stockpile of dirt activity, a preliminary soil report shall be provided to the County Soil Scientist in accordance with Chapter 6 of the Facilities Standards Manual.

5-658 Funeral Homes. Funeral homes, when located within the PD-IP zoning district, are subject to the following additional provisions:

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

(B) The minimum lot size for a funeral home use shall be 1.5 acres.

(C) The funeral home use shall be established on a parcel of land fronting on, and with direct access to, an existing collector or arterial road.

(D) Sufficient car stacking space shall be provided on the lot such that a collector or arterial road need not be used for the forming of funeral processions. The area of the lot used for the forming of funeral processions shall have direct, but limited, access to the collector or arterial road.

5-659 Drive-through Facilities Associated With Banks, Financial Institutions and Pharmacies. Drive-through facilities with up to 3 service lanes and an escape lane shall be permitted in association with banks, financial institutions and pharmacies that also provide a standard range of customer services in a building, subject to the following additional provisions:

(A) Notwithstanding the requirements of Section 5-1400(A) and (B), where the bank or financial institution or pharmacy property abuts a residentially zoned or used property a Type Four (4) Rear Yard Buffer including structure shall be provided adjacent to the residential property (Section 5-1400). Further, 70% of canopy trees and 100% of all other plants required in the buffer shall be evergreens.

(B) Stacking space shall be sufficient to avoid vehicle stacking into drive lanes, parking spaces and public street

Base Text From ZOAM 2005-0001

5-660 Country Club. Country clubs in the AR-1 and AR-2 shall comply with the following standards:

(A) Intensity/Character. The minimum lot area shall be as follows:

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

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Use	Lot Area* (Minimum)
* Lot area shall include total acreage of abutting parcels under common ownership and control.	
** For purposes of determining FAR and yards, the "property line" is determined to be the outer line of the properties under common ownership and control.	

(B) Size of Use.

(1) Floor Area Ratio. The maximum floor area ratio shall be 0.02.

(2) Maximum Structure Size. The maximum size of structures shall be as follows:

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

(3) Accessory Structures. The total area of all accessory structures shall not exceed 15 percent of the total gross floor area of the principal structures used for the Country Club use.

(4) Distribution of Uses.

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

(C) Use Limitations.

(1) Enclosed principal structures for dining and banquet facilities, conference facilities, spa, fitness facilities, and recreational activities (such as pool and tennis) shall be sited and designed to take advantage of the topography and existing vegetation to blend into the rural landscape to the maximum extent feasible. Except where to do so conflicts with the provisions of Section 6-2000 Conservation Design, such principal structures shall be clustered to maximize usage of site infrastructure (i.e. parking, travelway, utilities). Principal structures that have reason to be separated from the main Country Club complex (e.g. maintenance facilities, structures housing livestock) are not required to be clustered.

(2) Structures shall be sited to minimize visual impacts on adjacent properties and promote the rural character of the landscape. Siting on primary ridgelines or hilltops, visible from the adjacent public roadways is prohibited; however, if, because of engineering constraints (e.g. utility easements, drainage, access easements, soil conditions, etc.) it becomes necessary to site a facility in a location that is visible from adjacent public roadways, the Zoning Administrator may require additional

landscaping and buffering to mitigate the visual impact from adjacent public roadways.

(3) Use of the facility, not sponsored by a member, shall require a temporary permit per Section 5-500(C).

(D) **Minimum Required Yards.**

(1) Principal and accessory structures shall have a minimum yard of 50 feet from all property lines (the "property line" is determined to be the outer line of the properties under common ownership and control).

(2) In order to encourage preservation of environmental resources and to attain compliance with Section 6-2000, the yard requirements may be reduced up to 25% by the Zoning Administrator.

(3) Accessory structures, not requiring a building permit, may be located a minimum of 25 feet from all property lines.

(E) **Landscaping/Buffering/Screening.**

(1) **Buffer.** Principal or accessory structures associated with the Country Club use shall comply with the Type 3 landscaping and screening standards of Section 5-1414(B(3) where adjacent to parcels of 3 acres or less. In order to take advantage of natural topography, vegetation, and trees, the required yard or setback buffer area may be located anywhere between the use and the property line.

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(F) **Roads/Access.**

(1) **General.** The country club use shall comply with the road access standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than two direct points of access from the use to a public road. This requirement shall not preclude an additional access for emergency vehicles.

(3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(G) **Water and Sewer**. At a minimum, a communal water system and a communal wastewater collection and treatment system shall serve the establishment.

(H) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

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(2) **Surface.** Where practicable, a pervious surface shall be provided. Where not practicable, a dust-free surfacing material shall be provided in accordance with the requirements of the Facilities Standards Manual.

(I) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(J) **Noise Standards.** The maximum allowable dB(A) level of impulsive sound from the site, as measured at the property line, shall not exceed 55 dB(A).

PC REC: Edits based on proposed language above

5-660 Country Club. Country clubs in the AR-1 and AR-2 shall comply with the following standards. Throughout this section, "Lot Area" shall include the total acreage of abutting parcels under common ownership and control, or under a common development plan, and "Property Line" shall be the outer line of the properties under common ownership and control, or under a common development plan."

(A) Intensity/Character. The minimum lot area shall be as follows:

Use	Lot Area* (Minimum)
Level I-small scale	50 acres
Level II-medium scale	75 acres
Level III-large scale	150 acres
~~*Lot area shall include total acreage of abutting parcels under common ownership and con~~ ~~**For purposes of determining FAR and yards, the "property line" is determined to be the outer line of the properties under common ownership and control.~~	

(B) Size of Use.

(1) Floor Area Ratio. The maximum floor area ratio shall be ~~0.02.~~ 0.04.

(2) Maximum Structure Size. The maximum size of structures shall be as follows:

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

(3) Accessory Structures. The total area of all accessory structures shall not exceed 15 percent of the total gross floor area of the principal structures used for the Country Club use.

(4) Distribution of Uses.

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

(C) Use Limitations.

(1) Enclosed principal structures for dining and banquet facilities, conference facilities, spa, fitness facilities, and recreational activities (such as pool and tennis) shall be sited and designed to take advantage of the topography and existing vegetation to blend into the rural landscape to the maximum extent feasible. ~~Except where to do so conflicts with the provisions of Section 6-2000 Conservation Design, s~~Such principal structures shall be clustered to maximize usage of site infrastructure (i.e. parking, travelway, utilities). Principal structures that have reason to be separated from the main Country Club complex (e.g. maintenance facilities, structures housing livestock) are not required to be clustered.

(2) Structures shall be sited to minimize visual impacts on adjacent properties and promote the rural character of the landscape. Siting on primary ridgelines or hilltops, if visible from the adjacent public roadways is prohibited; however, if, because of engineering constraints (e.g. utility easements, drainage, access easements, soil conditions, etc.) it becomes necessary to site a facility ~~in a location that is visible from adjacent public roadways, the Zoning Administrator may require~~ on a primary ridgeline or hilltop, then the applicant shall provide additional landscaping and buffering to mitigate the visual impact from adjacent public roadways.

(3) ~~Use of the facility, not sponsored by a member, shall require a temporary permit per Section 5-500(C).~~

(D) Minimum Required Yards.

(1) Principal and accessory structures shall have a minimum yard of 50 feet from all property lines (the "property line" is determined to be the outer line of the properties under common ownership and control).

(2) In order to encourage preservation of environmental resources ~~and to attain compliance with Section 6-2000~~, the yard requirements may be reduced up to 25% by the Zoning Administrator.

(3) Accessory structures, not requiring a building permit, may be located a minimum of 25 feet from all property lines.

(E) Landscaping/Buffering/Screening.

(1) **Buffer.** Principal or accessory structures associated with the Country Club use shall comply with the Type 3 landscaping and screening standards of Section 5-1414(B(3) where adjacent to parcels of 3 acres or less that are not part of a common development plan. In order to take advantage of natural topography, vegetation, and

trees, the required yard or setback buffer area may be located anywhere between the use and the property line.

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(F) **Roads/Access.**

(1) **General.** The country club use shall comply with the road access standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than two direct points of access from ~~the~~ a Country Club use to a public road. This requirement shall not preclude an additional access for emergency vehicles.

(3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(G) **Water and Sewer.** ~~At a minimum, a~~ A Country Club shall be served by a communal water system and a communal wastewater collection and pre-treatment or treatment system .~~shall serve the establishment.~~

(H) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** Where practicable, a pervious surface shall be provided. Where not practicable, a dust-free surfacing material shall be provided in accordance with the requirements of the Facilities Standards Manual.

(I) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(J) **Noise Standards.** The maximum allowable dB(A) level of impulsive sound from the site, as measured at the property line, shall not exceed 55 dB(A).

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Section 5-700 Regulations for Optional Development Types

5-701 Transition (TR) Districts Lot Standards.

(A) **Purpose.** The purpose of the Transition (TR) Districts Lot Standards is to:

(1) Provide for development in the Transition (TR) zoned areas of the County, in ways that encourage efficient development patterns. ~~and protect primary conservation areas in ways that conform with conservation design standards~~.

(2) Facilitate a transition in the scale of development from the suburban area to the rural area of the County.

~~(3)~~ Facilitate the protection of the 300-foot buffer proposed along the Bull Run. ~~, consistent with the standards and requirements of RSCOD.~~

~~(4)~~ Facilitate the protection of the 300-foot buffer along the Goose Creek and the Goose Creek Reservoir and the Beaverdam Reservoir. ~~, consistent with the standards and requirements of RSCOD.~~

(B) **Applicability.** The procedures and standards of this section shall apply to the subdivision of two or more lots on all lands located in the TR-10, TR-3 (TR-3UBF, TR-3LBR, TR-3LF), TR-2, and TR-1 (TR-1UBF, TR-1LF) districts.

(C) **Standards.** The standards of this section shall apply to all development subject to the TR Districts Lot Standards.

(1) **Base Density.** The maximum gross density allowed in the TR districts under these standards is:

(a) TR-10 district: 1 dwelling unit per 10 acres.

(b) TR-3 districts: 1 dwelling unit per 3 acres.

(c) TR-2 district: 1 dwelling unit per 20,000 sq. ft.

(d) TR-1 districts: 1 dwelling unit per 40,000 sq. ft.

(2) **Open Space.** A minimum percentage of the site shall consist of open space, as follows:

(a) In the TR-10 district, a minimum of 70 percent of the site shall be maintained as open space.

(b) In the TR-3 districts:

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(i) In the TR-3LBR sub-district, a minimum of 70 percent of the site shall be maintained as open space.

(ii) In the TR-3UBF and TR-3LF sub-districts, a minimum of 50 percent of the site shall be maintained as open space.

(c) In the TR-2 district, a minimum of 50 percent of the site shall be maintained as open space.

(d) In the TR-1UBF and TR-1LF sub-districts, a minimum of 50 percent of the site shall be maintained as open space.

(3) **Lot and Open Space Standards.** The two elements of the subdivision are (1) the lot area(s) and (2) the open space. The site layout of these elements shall occur during the review of a preliminary plat for subdivision. ~~, simultaneously with the analysis and site planning required to comply with Section 6-2000 (Conservation Design).~~ Establishment of the lots and open space on the site shall comply with the following standards:

(a) **Lot Standards.** Lots shall comply with the following standards (see Table 5-701(C)(3)(a)).

TABLE 5-701(C)(3)(a): LOT STANDARDS

District	Lot Grouping	Min. Size Lot	Min. Front Yard	Min. Rear Yard	Min. Side Yard	Max. Building Height
TR-10	Minimum: 5 Maximum: No maximum Lots of less than 5 acres must be grouped in accord with Section 5-701(C)(3)(a)(ii).	None	20 feet	25 feet	10 feet	35 feet
TR-3LBR	Minimum: 5; Maximum 25	None	12 feet	25 feet	7 feet	35 feet
TR-3LF, TR-3UBF	Minimum: 5; Maximum 25	None	12 feet	25 feet	7 feet	35 feet
TR-2	Minimum: 5; Maximum 25	None	10 feet	25 feet	5 feet	35 feet
TR-1LF, TR-1UBF	Minimum: 5; Maximum 25	None	10 feet	25 feet	5 feet	35 feet

(i) **Lot Yield.** The total number of lots on a site shall not exceed the number permitted to accommodate the base density established by Section 5-701(C)(1), regardless of whether the lot is used for a residential or nonresidential use.

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(ii) **Number of Lots in a Group.** Lots that are less than 5 acres in size shall be located in a contiguous group, with adjacent and fronting lots oriented toward each other, as on a street, green or paved square. The number of grouped lots shall consist of a minimum of 5 lots and a maximum of 25 lots with the exception of TR-10, except that a contiguous group may consist of fewer than 5 lots if:

1. There will be fewer than 5 lots on the entire site that are less than 5 acres in size; or

2. It is demonstrated that a grouping of fewer than 5 lots will result in greater amounts of contiguous open space or result in less denigration of features within an environmental overlay district~~ primary conservation areas~~ than residential grouping(s) of 5 lots or more.

(iii) **Number of Groups.** A single group shall contain all the lots on a site that are less than 5 acres, where the total number of such lots is 25 or fewer, except that multiple groups may be allowed where:

1. It is demonstrated that multiple groups will result in greater amounts of contiguous open space; or result in less denigration of features within an environmental overlay district~~ primary conservation areas;~~ and

2. None of the groups contain fewer than 5 lots, unless allowed as provided in Section 5-701(C)(3)(a)(ii).

(iv) **Dimensional Standards of Lots.**

1. In the TR districts there is no maximum or minimum lot size.

2. The yard requirements for the lots in the TR districts shall comply with the standards established in Table 5-701(C)(3)(a).

3. The maximum building height shall not exceed 35 feet.

(b) ~~**Open Space.** The required percentage of open space on the site shall consist of, in order of priority, (1) primary conservation area lands, and (2) other lands (lands other than primary conservation areas), as follows:~~

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(i) ~~**Primary Conservation Area Lands.** All primary conservation area lands shall be included in the open space and shall comply with the requirements of Section 6-2000 (Conservation Design), Section 4-1600 (MDOD), Section 4-1900 (LOD), Section 4-2000 (RSCOD), and Section 5-1508 (Steep Slope Standards), where applicable. One hundred percent (100%) of the primary conservation area lands protected shall be credited against the open space requirement for the subdivision.~~

(ii) ~~**Other Lands.** If all primary conservation area lands constitute less than the required percentage of open space, the balance of the open space shall consist of other lands (lands other than primary conservation areas) on the site, in accord with Section 6-2006(A).~~

(iii) **Allowed Uses in Open Space.**

~~1.~~ The uses allowed ~~on primary conservation area lands~~ are limited to those uses and activities for the respective protected area allowed in the environmental overlay districts or steep slope standards pursuant to Section 4-1600 (MDOD), ~~Section 4-1900 (LOD),~~ Section 4-~~2000~~1500 (FOD) ~~(RSCOD)~~ and Section 5-1508 (Steep Slope Standards) ~~(also see Section 6-2005(A) (Conservation Design));~~

2. The uses allowed on the open space lands shall be limited to:

   a. Activities and uses allowed in open space, as defined in this Ordinance;

   b. In the TR-10 district and TR-3 districts, uses permitted in the Agriculture, Horticulture and Animal Husbandry Use Categories; and

   c. Easements and improvements for drainage, passive open space, communal sewer systems and septic systems, communal water supply systems, wells and other water supply systems.

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Such uses and activities shall be subject to applicable environmental overlay district regulations and steep slope standards.

(c) **Siting of the Open Space and Building Lots.**

(i) The location of the open space on the site shall be identified consistent with the requirements of Sections 5-701(C)(3)(b) ~~and 6-2006(A)~~.

(ii) The building lots shall be located on that portion of the site that is outside the open space ~~and within the DDA, and sited consistent with the requirements of Section 6-2006(A).~~

(iii) The lots and buildings within the subdivision shall be sited so as to reduce visibility of the lot groups from public rights-of-way and from other lot groups, by using existing topography, vegetation, distance and other factors to minimize impact. Options include siting lots and buildings sufficiently below ridgelines or treelines that the horizon will remain visually defined by the ridgeline or treeline rather than by the rooftops of the buildings, or placing lots and buildings at the far edge of a field as seen from a public right-of-way or other lot group.

(iv) The residential lot group(s) shall be sited so as to relate to the open space and the other lot groups on the site and on adjacent lands, by maximizing the contiguity of other open space features such as vegetation, and natural features such as stream corridors, floodplains, wetlands, steep slopes, ridges, mountainsides, and wildlife habitat.

~~(D) **Ownership and Maintenance of Conservation Areas and Open Space.** The conservation areas in the open space shall be owned and maintained in accordance with the provisions of Section 6-2008.~~

(E) **Homeowners' Association and Responsibilities.**

(1) If any of the following features are present, the development shall have an incorporated Homeowners' Association ("HOA"). If any of the following areas or improvements are present within the development, the HOA shall have the right and responsibility to maintain the areas or improvements:

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(a) Common areas within the development, if any, that are not part of the required open space;

(b) The open space, if owned by the HOA;

(c) Any common recreational facilities;

(d) Private roads, if any, within or serving the development;

(e) Any storm water management ponds or areas;

(f) Fire protection pond(s), dry mains, or other improvements;

(g) Such other common facilities or improvements as may be designated in the bylaws of the HOA.

(2) Prior to approval of a record plat for subdivision for the development:

(a) The landowner shall submit documents for the creation of the HOA to the County for review and approval, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common areas, including a legal description of such areas and a description of restrictions placed upon the use and enjoyment of the land.

(b) The landowner shall agree that the association shall be established by the landowner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before approval of the first record plat for the property; and

(c) Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.

(F) **Recognizing Protection by Right to Farm Act.** In the TR districts, record plats and deeds authorized pursuant to this section 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.).

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 and A-10 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

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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 and A-10 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.**

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(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.

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(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

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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.**

	A-3 District	A-10
(a)	**Lot Size.** 10 acres min.	30 acre min.
(b)	**Lot Width.** 300 ft. min.	500 ft. min.
(c)	**Length/Width Ratio.** 5:1 max.	5.1 max.
(d)	**Building Area.** 7,500 sq.ft. min.	15,000 sq.ft. max.
(e)	**Front and Side Yard.** 25 feet min.	
(f)	**Rear Yard.** 20 feet min.	
(g)	**Building Height.** 35 feet max.	

(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.

(2) The number of dwelling units permitted at a minimum lot size of three (3) or ten (10) acres in the A-3 or A-10 zoning districts

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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

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(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.

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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.

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(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.

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(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

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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.

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Illustration of Hamlet Lot and Building Area

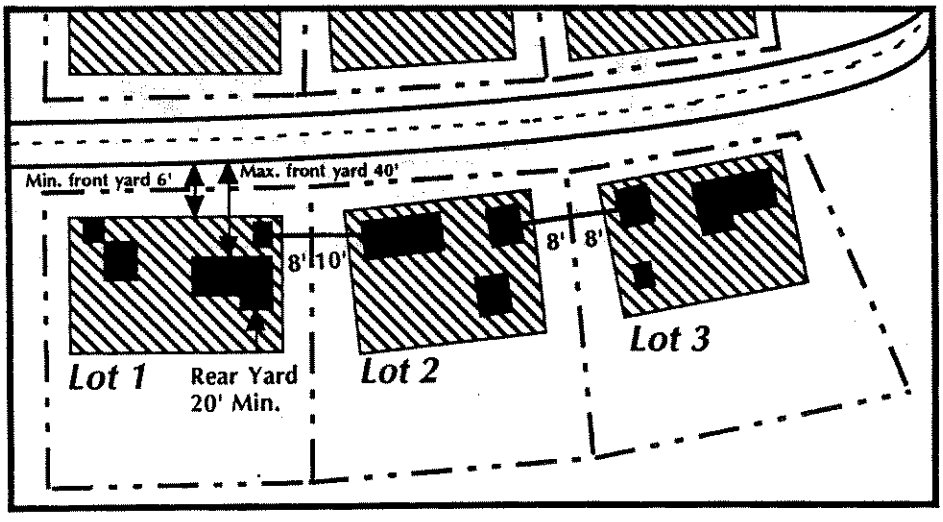
Hamlet Building Area
(min. 1/6 ac. max.1/4 acre)

Structure located on
Hamlet Lot Building Area

Hamlet Lot
Eased Open Space

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements



Minimum lot size 10,000 sq. ft.

Section 5-700
Revision Date: June 17, 1998
Loudoun County Zoning Ordinance

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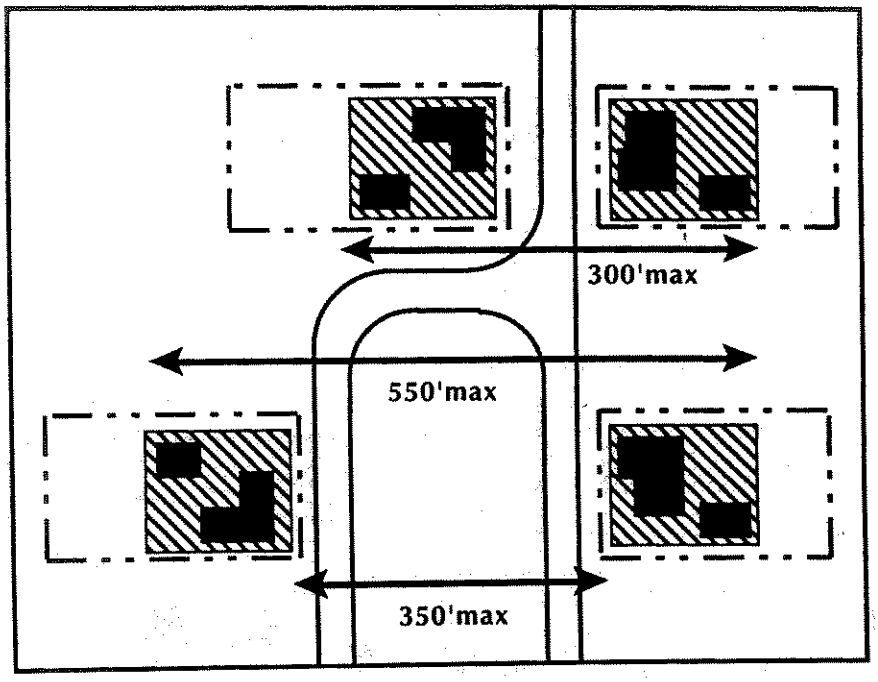
Example of Maximum Widths in Rural Hamlets

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements



Section 5-700
Revision Date: June 17, 1998
Loudoun County Zoning Ordinance

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Example of Hamlet Calculations and Ratios

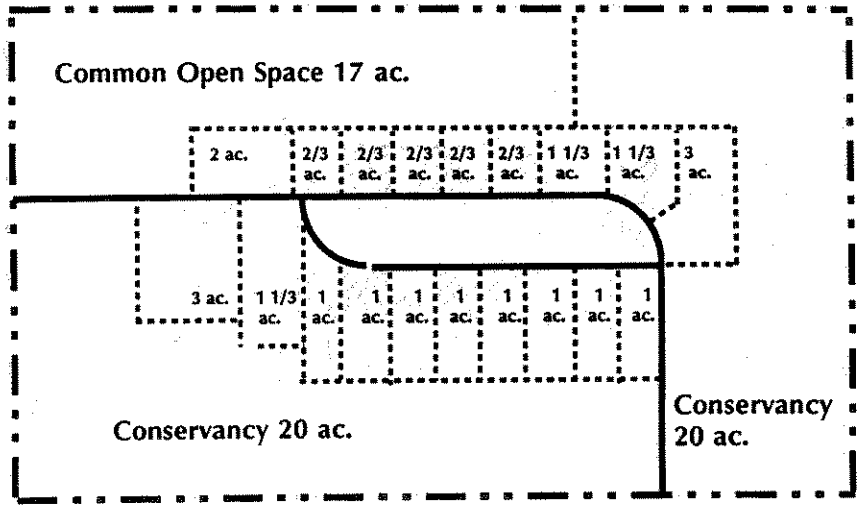
Figure 1. Hamlet Example Summary

88 ac. / 20 Hamlet and 2 Conservancy lots

90.34% All eased land

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements



Section 5-700
Revision Date: June 17, 1998
Loudoun County Zoning Ordinance

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1

Example of Hamlet Calculations and Ratios

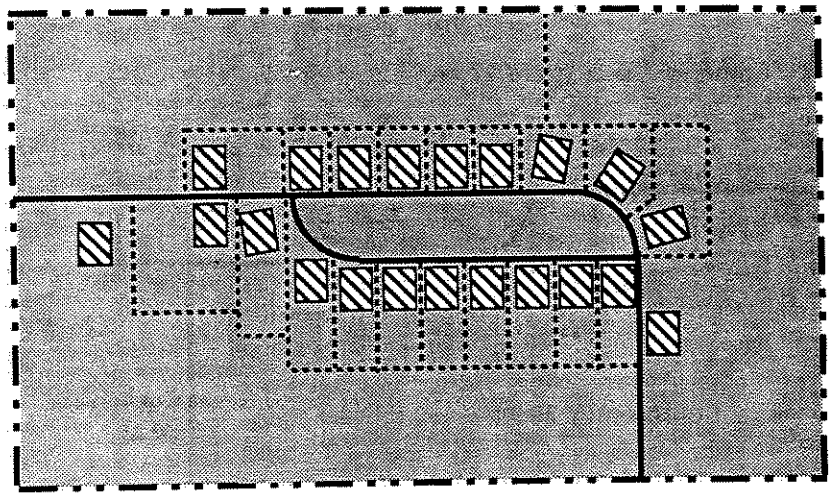
Figure 2. Illustrations of Eased Land and Building Areas in Hamlet

Eased area of Conservancy and Hamlet Lots and Common Open Space

Designated Building Areas

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements



Section 5-700
Revision Date: June 17, 1998
Loudoun County Zoning Ordinance

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~~**5-703 Agricultural Rural (AR) District Cluster Option.**~~

~~(A) **Purpose.** The purpose of the Agricultural Rural (AR) District Cluster Option is to provide for residential single family detached development in the AR-1 and AR-2 districts that addresses conservation design standards, accommodates rural economy uses and ensures the form and character of residential development is consistent with the open character of the rural economy uses.~~

~~(B) **General Requirements.** The requirements established in the following sections set forth the general and specific standards for development under the AR District Cluster Option.~~

~~(1) **General.** A landowner may exercise the residential cluster option:~~

~~(a) In the AR-1 district: on a site consisting of a minimum of 30 contiguous acres.~~

~~(b) In the AR-2 district: on a site consisting of a minimum of 60 contiguous acres.~~

~~For the purposes of this section, contiguous land ownership is not broken by a road or a public or private right of way or easement.~~

~~(2) **Density/Clustering.** Under this AR cluster option, the residential development on the site shall be clustered according to the provisions of this section, and the maximum number of lots shall be:~~

~~(a) AR-1 district: 1 lot per 10 acres, including the Rural Economy Conservation Lands lot.~~

~~(b) AR-2 district: 1 lot per 20 acres, including the Rural Economy Conservation Lands lot.~~

~~Accessory dwelling units and guest houses shall not be counted as dwelling units in the density calculation.~~

~~(3) **Rural Economy Conservation Lands.** A minimum percentage of the site shall consist of Rural Economy Conservation Lands, subject to a conservation easement precluding further subdivision, as follows:~~

~~(a) AR-1 district: 70 percent.~~

~~(b) AR-2 district: 85 percent.~~

~~(C) **Residential Cluster and Rural Economy Conservation Lands Standards.** The two elements of the residential cluster option are (1) the~~

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~~residential cluster and (2) the Rural Economy Conservation Lands lot. The site layout of these elements shall occur during the review of a preliminary plat for subdivision, simultaneously with the analysis and site planning required to be undertaken to comply with Section 6-2000 (Conservation Design). Development of the residential cluster and the Rural Economy Conservation Lands shall comply with the following standards.~~

~~(1) **Residential Clusters.** Clusters and lots within clusters shall comply with the following standards, except as exempted by Section 5-703(C)(1)(e).~~

(a) ~~**Number of Lots in Cluster(s).** Residential cluster(s) shall consist of a minimum of 5 lots and a maximum of 25 lots, except that a cluster may consist of fewer than 5 lots if:~~

(i) ~~There will be fewer than 5 lots on the entire site that is to be developed under the cluster option;~~

(ii) ~~In the AR-1 district, the area of the site is less than 50 acres; or~~

(iii) ~~It is demonstrated that a cluster of fewer than 5 lots will result in greater amounts of contiguous Rural Economy Conservation Lands or result in less denigration of primary conservation areas.~~

(b) ~~**Number of Clusters.** Multiple clusters shall be required where the total number of lots on a site is greater than 25. A single cluster shall contain all the lots where the total number of lots on a site is 25 or fewer, except that multiple clusters may be allowed where:~~

(i) ~~It is demonstrated that multiple clusters will result in greater amounts of contiguous Rural Economy Conservation Lands or result in less denigration of primary conservation areas; and~~

(ii) ~~None of the clusters contains fewer than 5 lots, unless allowed as provided in Section 5-703(C)(1)(a) above.~~

(c) ~~**Dimensional Standards of Lots Within Cluster(s).**~~

(i) ~~The area of any individual residential cluster lot shall not exceed 3 acres, except common open space owned by an HOA may exceed the 3 acre maximum lot size.~~

(ii) ~~There is no minimum lot size for a residential lot in the cluster(s).~~

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(iii) ~~Residential structures within the cluster shall be set back a minimum of 100 feet from any lot line adjoining an agricultural, horticultural, or animal husbandry use.~~

(iv) ~~The residential cluster lots shall be located in a contiguous group, with adjacent and fronting lots oriented towards each other as on a street or along a common area.~~

(d) ~~**One Dwelling Unit on a Lot.** The only principal use on each residential cluster lot, except the Rural Economy Conservation Lands lot, shall be one single family detached dwelling unit, and any accessory uses (including communal systems) allowed for the single family detached unit under this Ordinance.~~

(e) ~~**HOA Common Area.** In addition to the number of lots permitted above, a common open space area owned by an HOA may be provided within the DDA, created pursuant to Section 6-2000.~~

~~(2) **Rural Economy Conservation Lands Lot.** The required percentage of Rural Economy Conservation Lands on the site shall include primary conservation area lands and other lands, as may be necessary to meet the required percentage. The Rural Economy Conservation Lands shall be designed to be contiguous, and shall be included within one lot. Such lot shall be counted against the maximum number of lots permitted.~~

(a) ~~**Allowed Uses on Rural Economy Conservation Lands.** The following uses are allowed on the Rural Economy Conservation Lands:~~

(i) ~~The uses allowed on primary conservation area lands on the Rural Economy Conservation Lands are limited to those uses and activities for the respective protected area allowed in the environmental overlay districts or steep slope standards pursuant to Section 4-1600 (MDOD), Section 4-1900 (LOD), Section 4-1500 (FOD) 2000 (RSCOD) and Section 5-1508 (Steep Slope Standards).~~

(ii) ~~The uses allowed on the other Rural Economy Conservation Lands are limited to those uses specified below which are subject to the Additional Regulations for Specific Uses in Section 5-600:~~

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~~1. One single family detached unit (including accessory uses such as an accessory apartment) is permitted, in association with on-going agricultural uses. It shall be calculated as part of the density allowed on the site under the cluster option.~~

~~2. Permitted Agriculture, Horticulture and Animal Husbandry Uses.~~

~~3. Permitted Agriculture Support and Services uses related to Agricultural, Horticulture and Animal Husbandry.~~

~~4. Permitted Group Living uses (except co-housing and rooming houses).~~

~~5. Permitted Conference and Training Center uses.~~

~~6. Agricultural Cultural Center and Fairgrounds uses.~~

~~7. Permitted Commercial Uses.~~

~~8. Uses and structures accessory to those uses allowed to be developed on Rural Economy Conservation Lands pursuant to this subsection, consistent with the limitations of the accessory use standards.~~

~~9. Easements and improvements for drainage.~~

~~10. Passive open space.~~

~~11. Communal sewer systems and septic systems.~~

~~12. Communal water supply systems, wells, and other water supply systems.~~

~~13. HOA structure(s) if the Rural Economy Conservation Land is owned as common open space by the HOA.~~

~~(3) **Cluster Development Relationships.**~~

(a) ~~**Visual Compatibility.** The lots and buildings of the residential cluster(s) shall be sited so as to reduce visibility of the cluster(s) from public rights of way and from other cluster(s), by using existing topography, vegetation, distance and other factors to minimize impact. Options include siting lots and buildings sufficiently below~~

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~~ridgelines or treelines that the horizon will remain visually defined by the ridgeline or treeline rather than by the rooftops of the cluster, or placing lots and buildings at the far edge of a field or pasture as seen from a public right-of-way or other cluster so that the view remains defined by an open and rural character.~~

(b) ~~**Contiguity of Rural Economy Conservation Lands.** The Rural Economy Conservation Lands lot shall be designed to maximize, to the extent feasible, the contiguity of such lands with other Rural Economy Conservation Lands off-site.~~

~~(D) **Utility Requirements.**~~

~~(1) **Water.** Residential lots may be served with individual wells or by communal water supply systems. Such wells and water supply systems or their components may be located on or off the individual lot, and may be located within the Rural Economy Conservation Lands consistent with the standards of this section and Section 6-2005.~~

~~(2) **Wastewater.** Residential lots may be served by communal sewer systems or by septic systems. Such systems and their components may be located on or off the individual lot, and may be located within the Rural Economy Conservation Lands consistent with the standards of this section and Section 6-2005.~~

~~(E) **Fire Protection.** The residential cluster shall satisfy the fire protection standards set forth in the Facilities Standards Manual, or if no such standards are in effect, shall have an 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 as determined by the Director of Building and Development.~~

~~(F) **Roads.** The residential cluster lots may be served by a private access easement with gravel road surfaces that comply with standards contained in the Facilities Standards Manual.~~

~~(G) **Ownership and Maintenance of Rural Economy Conservation Lands.** The primary conservation areas and other lands on the Rural Economy Conservation Lands shall be owned and maintained in accordance with the provisions of Section 6-2008.~~

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~~(H) **Homeowners' Association and Responsibilities.**~~

~~(1) The cluster development shall have an incorporated Homeowners' Association ("HOA") if any of the following areas or improvements are present within the cluster development. The HOA shall have the right and responsibility to maintain the areas or improvements.~~

~~(a) Common areas within the cluster, if any, that are not part of the required Rural Economy Conservation Lands;~~

~~(b) The Rural Economy Conservation Lands, if owned by the HOA;~~

~~(c) Private roads, if any, within or serving the cluster development;~~

~~(d) Any stormwater management ponds or areas;~~

~~(e) Fire protection pond(s), dry mains, or other improvements;~~

~~(f) Such other common facilities or improvements as may be designated in the bylaws of the HOA.~~

~~(2) Prior to approval of a record plat for subdivision for the cluster:~~

~~(a) The landowner shall submit documents for the creation of the HOA to the County for review and approval, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common areas, including a legal description of such areas and a description of restrictions placed upon the use and enjoyment of the land.~~

~~(b) The landowner shall agree that the association shall be established by the landowner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before approval of first record plat for the property; and~~

~~(c) Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.~~

~~(I) **Recognizing Protection by Right to Farm Act.** Record plats and deeds authorized pursuant to this section 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.) on the Rural Economy Conservation Lands.~~

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~~**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.~~

~~(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.~~

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SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX **DRAFT**

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign: Bonus Multiplier	Ground Mounted Sign: Max. Area of Any One Sign	Ground Mounted Background Structure: Bonus Multiplier (See Note 1)	Ground Mounted Background Structure: Max. Area of Background Structure	Ground Mounted 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
(1) RESIDENTIAL/AGRICULTURE SIGNS													
(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	

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LAND USE/ SIGN CATEGORY (or similar) (See Note 6)	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign: Bonus Multiplier	Ground Mounted Sign: Max. Area of Any One Sign	Ground Mounted Background Structure: Bonus Multiplier (See Note 1)	Ground Mounted Background Structure: Max. Area of Background Structure	Ground Mounted 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
(1) RESIDENTIAL/AGRICULTURE SIGNS (Continued)													
(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.

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SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX **DRAFT**

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign: Bonus Multiplier	Ground Mounted Sign: Max. Area of Any One Sign	Ground Mounted Background Structure: Bonus Multiplier (See Note 1)	Ground Mounted Background Structure: Max. Area of Background Structure	Ground Mounted 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
(2) PUBLIC/QUASI PUBLIC SIGNS													
(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	
(3) COMMERCIAL/OFFICE SIGNS													
(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	

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SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX **DRAFT**

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign: Bonus Multiplier	Ground Mounted Sign: Max. Area of Any One Sign	Ground Mounted Background Structure: Bonus Multiplier (See Note 1)	Ground Mounted Background Structure: Max. Area of Background Structure	Ground Mounted 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)													
(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, PD-TREC PD-RV and PD-CV 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-TREC PD-TRC, PD-RV, PD-CV 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	

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LAND USE/ SIGN CATEGORY (or similar) (See Note 6)	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign: Bonus Multiplier	Ground Mounted Sign: Max. Area of Any One Sign	Ground Mounted Background Structure: Bonus Multiplier (See Note 1)	Ground Mounted Background Structure: Max. Area of Background Structure	Ground Mounted 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)													
(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.

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SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX **DRAFT**

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign: Bonus Multiplier	Ground Mounted Sign: Max. Area of Any One Sign	Ground Mounted Background Structure: Bonus Multiplier (See Note 1)	Ground Mounted Background Structure: Max. Area of Background Structure	Ground Mounted 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)													
(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 façade 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 façade 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 façade must be the same.

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SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX **DRAFT**

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign: Bonus Multiplier	Ground Mounted Sign: Max. Area of Any One Sign	Ground Mounted Background Structure: Bonus Multiplier (See Note 1)	Ground Mounted Background Structure: Max. Area of Background Structure	Ground Mounted 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)													
(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	

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LAND USE/ SIGN CATEGORY (or similar) (See Note 6)	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign: Bonus Multiplier	Ground Mounted Sign: Max. Area of Any One Sign	Ground Mounted Background Structure: Bonus Multiplier (See Note 1)	Ground Mounted Background Structure: Max. Area of Background Structure	Ground Mounted 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)													
(v) Child Care Center	20 SF	2	10 SF			1.5	15 SF	6 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	

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SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX **DRAFT**

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign: Bonus Multiplier	Ground Mounted Sign: Max. Area of Any One Sign	Ground Mounted Background Structure: Bonus Multiplier (See Note 1)	Ground Mounted Background Structure: Max. Area of Background Structure	Ground Mounted 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)													
(cc) Restaurant - (Freestanding Building with over 4000 SF floor area)	120 SF	3	20 SF freestanding 60 SF bldg mounted	1.5	30 SF	1.5	45 SF	8 FT	Backlight	10 FT	Freestanding Building Mounted	15 FT Roofline	Drive-through menu does not count toward sign area.
(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, AR, RR, JLMA, TR 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 Building Mounted	8 FT	

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LAND USE/ SIGN CATEGORY (or similar) (See Note 6)	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign: Bonus Multiplier	Ground Mounted Sign: Max. Area of Any One Sign	Ground Mounted Background Structure: Bonus Multiplier (See Note 1)	Ground Mounted Background Structure: Max. Area of Background Structure	Ground Mounted 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) 1 freestanding sign/vehicular entrance, no more than 3 for center and 1 building mounted sign/façade no more than 3 for business (in-line structure)	20 SF	1.5	30 SF	1.5	45 SF	8 FT	Backlight or White Light	10 FT	Freestanding Building Mounted	15 FT Roofline	
(4) INDUSTRIAL SIGNS													
(a) PD-IP and PD-GI Development Entrance Signs		2/vehicular entrance	60 SF			2	120 SF	5FT	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	

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LAND USE/ SIGN CATEGORY (or similar) (See Note 6)	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign: Bonus Multiplier	Ground Mounted Sign: Max. Area of Any One Sign	Ground Mounted Background Structure: Bonus Multiplier (See Note 1)	Ground Mounted Background Structure: Max. Area of Background Structure	Ground Mounted 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
(5) TEMPORARY SIGNS	(For Temporary Real Estate Signs, See Number 6 Below)												
(a) Temporary Signs - On-	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-		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 10 SF Residential	1/contractor per job site 1/contractor per job site	20 SF 10 SF						None	10 FT	Ground Mounted	8 FT	Residential signs only in A-3,A-10,A-25,**AR, RR &** CR Districts. Contractor to remove sign upon completion of construction.

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SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX **DRAFT**

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign: Bonus Multiplier	Ground Mounted Sign: Max. Area of Any One Sign	Ground Mounted Background Structure: Bonus Multiplier (See Note 1)	Ground Mounted Background Structure: Max. Area of Background Structure	Ground Mounted 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
(6) REAL ESTATE SIGNS													
(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).

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SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX **DRAFT**

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign: Bonus Multiplier	Ground Mounted Sign: Max. Area of Any One Sign	Ground Mounted Background Structure: Bonus Multiplier (See Note 1)	Ground Mounted Background Structure: Max. Area of Background Structure	Ground Mounted 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
(7) MISCELLANEOUS SIGNS													
(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-TREC, PD-RV, and PD-CV 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	

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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.

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-TREC, PD-TC, CLI, RC, and PD-H Districts.

(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, AR-1, AR-2, RR-1, RR-2, 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, AR-1, AR-2, RR-1, RR-2, 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:

(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.

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, AR-1 or AR-2 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 and A-10 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.

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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

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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.

(H) The Zoning Administrator, upon recommendation by the Loudoun County Sheriff's office, may waive, reduce or modify the screening requirements for any school use, upon finding that the screening requirements obstruct visibility and create a security concern.

(I) In the A-3, A-10, AR-1. AR-2, RR-1 and RR-2 zoning districts, the Zoning Administrator may permit the required buffer to circumnavigate the proposed use, rather than to be located on the property line as required by Section 5-1407(A).

STAFF REC: (I) In the A-3, A-10, AR-1. AR-2, RR-1 and RR-2 zoning districts, the Zoning Administrator may permit the required buffer to ~~circumnavigate~~ surround the proposed use, rather than to be located on the property line as required by Section 5-1407(A).

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.

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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.

5-1413 **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

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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.

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(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).

(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

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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.

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SECTION 5-1414(A) - BUFFER YARD AND SCREENING MATRIX

ADJACENT LAND USE GROUPS

PROPOSED 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														

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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													

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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 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													

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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													

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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	
N/A N/A														
Farming, including livestock and horticultural activity Fur Bearing Animal Raising Stable and Equestrian Center														

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SECTION 5-1414 B(1)
BUFFER YARD TYPE 1

FRONT YARD BUFFER WIDTH	REQUIRED PLANT UNITS PER 100 LINEAL FEET
10' Minimum	2 Canopy Tree(s) 0 Understory Trees 0 Shrubs 0 Evergreen Trees
REAR YARD BUFFER WIDTH	
10' Minimum	1 Canopy Tree(s) 4 Understory Trees 6 Shrubs 0 Evergreen Trees
SIDE YARD BUFFER WIDTH	
5' minimum	0 Canopy Tree(s) 4 Understory Trees 6 Shrubs 0 Evergreen Trees

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SECTION 5-1414 B(2)
BUFFER YARD TYPE 2

FRONT YARD BUFFER WIDTH	REQUIRED PLANT UNITS PER 100 LINEAL FEET
15' Minimum	3 Canopy Tree(s) 2 Understory Trees 10 Shrubs 0 Evergreen Trees
REAR YARD BUFFER WIDTH	
20' minimum	2 Canopy Tree(s) 6 Understory Trees 10 Shrubs (75% of which must be evergreens) 0 Evergreen Trees
SIDE YARD BUFFER WIDTH	
15' minimum	2 Canopy Tree(s) 3 Understory Trees 8 Shrubs (75% of which must be evergreens) 0 Evergreen Trees

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SECTION 5-1414 B(3)
BUFFER YARD TYPE 3

	REQUIRED PLANT UNITS PER 100 LINEAL FEET
FRONT YARD BUFFER WIDTH	
20' Minimum	3 Canopy Tree(s) 3 Understory Trees 24 Shrubs 0 Evergreen Trees
REAR YARD BUFFER WIDTH	
25' minimum	4 Canopy Tree(s) 7 Understory Trees 30 Shrubs (75% of which must be evergreens) 0 Evergreen Trees
SIDE YARD BUFFER WIDTH	
20' minimum	2 Canopy Tree(s) 5 Understory Trees 20 Shrubs 0 Evergreen Trees
STRUCTURE REQUIRED IN REAR YARD	A six foot high stockade fence, providing a minimum opacity of 95%, or a six foot high masonry wall.
BERM REQUIRED ADJACENT TO AN ARTERIAL ROAD	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.

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SECTION 5-1414 B(4)
BUFFER YARD TYPE 4

	REQUIRED PLANT UNITS PER 100 LINEAL FEET
FRONT YARD BUFFER WIDTH	
20' Minimum	4 Canopy Tree(s) 3 Understory Trees 20 Shrubs 0 Evergreen Trees
REAR YARD BUFFER WIDTH	
30' minimum	4 Canopy Tree(s) 7 Understory Trees 15 Shrubs 10 Evergreen Trees
SIDE YARD BUFFER WIDTH	
20' minimum	2 Canopy Tree(s) 3 Understory Trees 25 Shrubs 6 Evergreen Trees
STRUCTURE REQUIRED IN REAR AND SIDE YARD	* 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.**

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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	Botanical Name
American Sycamore	Platanus occidentallis
Bradford Pear	Pyrus calleryana bradford
Crimson King Maple	Acer plantanoindes Crimsom King
English Oak	Quercus robur
Ginkgo (Male)	Ginkgo bilboa
Japanese Pagoda	Sophora japonica
Japanese Zelkova	Zelkova serrata
Japonica Regent	Sophora japonica regent
Littleleaf Linden	Tilia cordata
London Plane	Plantanus acerifolia
Norway Maple	Acer platanoides
Pin Oak	Quercus palustris
Red Oak	Quercus borealis
Red Maple	Acer rubrum
Silver Linden	Tilia tomentosa
Sugar Maple	Acer saccharum
Sweet Gum	Liquidambar styraciflua
Thornless Honey Locust	Gleditsia triacanthos inermis
Willow Oak	Quercus phellos
Yellowwood	Cladrastis lutea

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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

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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	Botanical Name
American Plum	Prunus americana
Amur Maple	Acer griseum
Dogwood	Cornus florida
Downy Serviceberry	Amelanchier arborea
Flowering Cherry	Prunus (various species)
Flowering Crabapple	Malus (various species)
Golden Raintree	Koelreuteria
Golden Chain	Laburnum Vossi
Purple Leaf Plum	Prunus cerasifera bliricana
Red Bud	Cercus canadensis
Shadblow	Amelanchier canadensis
Washington Hawthorne	Crataegus plaenopyrum

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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:

Common Name	Botanical Name
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

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DIVISION E: Performance Standards

Section 5-1500 **PerformanceStandards.**

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.

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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, AR-1, AR-2, 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.

(2) 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:

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Area of Measurement

Type of vibration	At residential district boundaries	At other lot lines within district
Continuous	.003	.015
Impulsive (100 per minute or fewer)	.006	.030
Fewer than 8 pulses per 24 hours	.015	.075

(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.**

Area of Measurement

Type of vibration	At residential district boundaries	At other lot lines within district
Continuous	.003	.030
Impulsive (100 per minute or fewer)	.006	.060
Fewer than 8 pulses per	.015	.150

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24 hours

(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

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subject only to the following performance standards as they relate to noise and earthborn vibrations:

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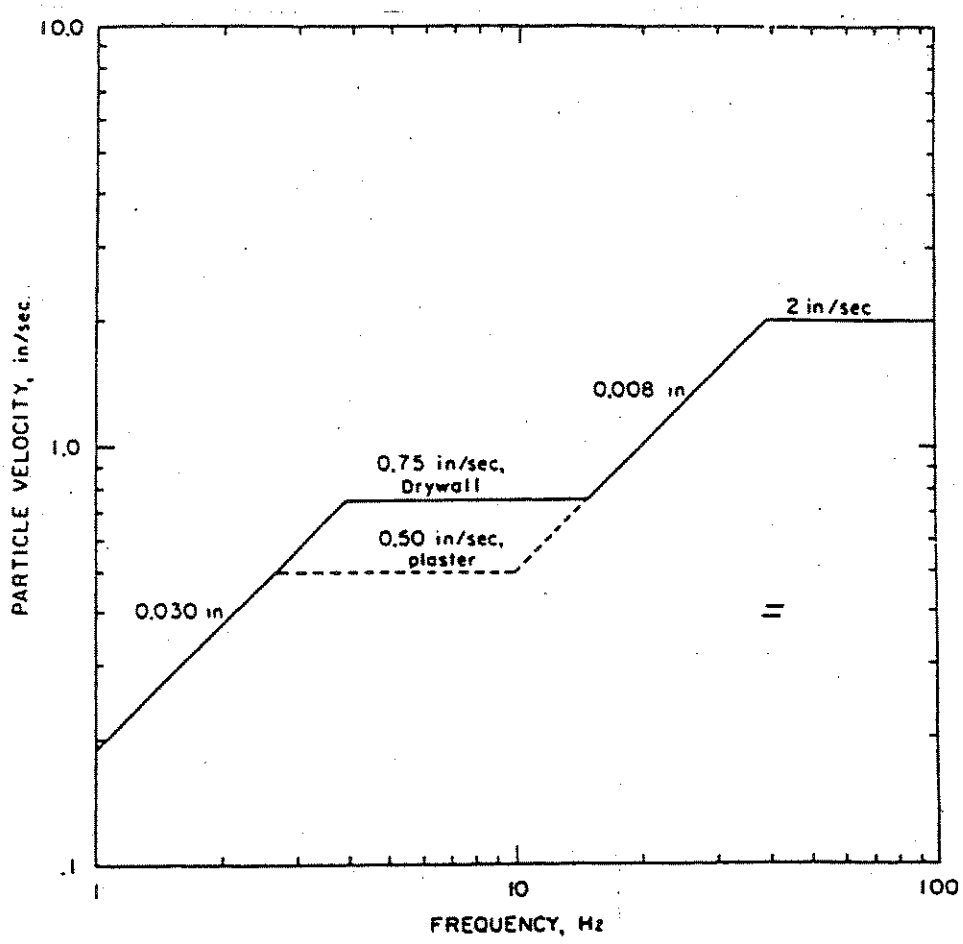
(1) Blasting vibration shall be limited to a peak particle velocity* for a corresponding frequency level, as shown in the chart below.



*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.

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(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.

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5-1508 Steep Slope Standards

(A) **Purpose and Intent.** Improper uses and disturbances in steep slope areas cause erosion, result in structural failure of structures and roads, and lead to downstream flooding and other hazards. Development in these areas also requires higher volumes of cut and fill and greater removal of vegetation than on flatter lands. The provisions in this Section 5-1508, including a prohibition of development on very steep slope areas greater than 25% and performance standards for development on moderately steep slope areas from 15% to 25%, are intended to specifically promote the following:

(1) Undertake development in a manner that will protect life and property from hazards due to slope, unstable and erodible soils, earth movement, and other geologic and hydrologic hazards;

(2) Reduce potential for increased erosion, sedimentation, and surface runoff, and the resulting adverse impacts on water quality;

(3) Promote a safe means of ingress and egress for vehicular and pedestrian traffic in sloped areas;

(4) Preserve the visual quality of steep slope areas, which are a valuable natural and economic resource; and

(5) Encourage innovative and imaginative building techniques to create structures and site plans that are suited to sloped terrain.

(B) **Applicability and Exemptions.**

(1) **Applicability.**

(a) **General Rule**. Except as exempted in (2) below, this section shall apply to all land disturbing activity, including new development and subdivision, proposed on areas of properties containing steep slopes as those terms are defined in Section 5-1508(C)(1) below.

~~(b) **Steep Slopes in the RSCOD—Conflicting Provisions** This Section 5-1508 shall apply to steep slope areas, as defined in Section 5-1508(C)(1) below, that are located within a Protected River and Stream Corridor subject to Section 4-2000, River and Stream Corridor Overlay District (RSCOD). However, to the extent that the standards in this Section 5-1508 conflict with provisions in the RSCOD (Section 4-2000), the standard that affords the steep slopes the greater level of protection shall apply.~~

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(c) **Steep Slopes in the MDOD—Conflicting Provisions.** This Section 5-1508 shall apply to steep slope areas, as defined in Section 5-1508(C)(1) below, that are located within the Mountain Development Overlay District and subject to the standards in the MDOD, Section 4-1600. However, to the extent that the standards in this Section 5-1508 conflict with provisions in the MDOD (Section 4-1600), the standard that affords the steep slopes the greater level of protection shall apply.

(2) **Exemptions.**

(a) **Single Family Dwelling on Existing Legal Lot.** A legal lot of record, intended for single family development, may be developed for a single-family detached dwelling use. Such exemption shall not apply to non-residential uses. Development on such lot shall be subject to all other applicable standards in this Section.

(b) **Agricultural Operations.** Agricultural operations shall be conducted only in accordance with the Facilities Standards Manual and a Conservation Farm Management Plan approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service that includes best management practices. Structures associated with agricultural operations are not exempt from these provisions.

(c) **Timber Harvesting.** Timber harvesting shall be conducted only in conformance with a Forest Management Plan approved by both the Virginia Department of Forestry and the County.

(3) **Modifications.** Administrative modifications of standards are allowed, in accordance with Section 6-408, "Modifications," of the Zoning Ordinance.

(C) Establishment of Steep Slope Areas.

(1) **Identification of Steep Slope Areas.** Steep slope areas are classified into one of the following two categories:

(a) Very Steep Slope Areas. This category of steep slope areas includes land areas with slopes greater than 25%. ~~Very steep slope areas shall be considered primary conservation areas for purposes of applying Conservation Design pursuant to Section 6-2004~~.

(b) **Moderately Steep Slope Areas.** This category of steep slope areas includes only land areas with slopes from 15% to 25%. ~~Moderately steep slope areas shall not be~~

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~~considered primary conservation areas for purposes of applying Conservation Design pursuant to Section 6-2004~~.

(2) **Minimum Size of Steep Slope Area.** Steep slope standards do not apply to isolated steep slope areas that are less than 5,000 square feet in land area. For purposes of this provision, the entire contiguous area of the steep slopes shall be included in the minimum size calculation, regardless of the number of individual lots or different land ownerships involved.

(D) Permitted Uses and Activities.

(1) **Very Steep Slope Areas.**

(a) **Applicability.** This subsection (D)(1) applies to lands with very steep slope areas, as defined in subsection (C)(1)(a), above.

(b) **General Prohibition on Land Disturbance.** Land disturbing activities, including but not limited to clearing, excavation, grading, construction, reconstruction, and investigative land disturbing activities such as test wells, are prohibited on any very steep slope area, except as allowed under subsection (c) below.

(c) **Permitted Uses and Activities.** The following uses are permitted on very steep slope areas, subject to the applicable development standards in Section (E) below:

(i) Passive recreation uses, including trails for non-motorized use only;

(ii) Open space, and other conservation uses;

(iii) Limited land-disturbing activity not to exceed 5,000 square feet in the aggregate on any property for the sole purpose of surveying and land investigation. No heavy equipment shall be used to conduct or undertake such limited land-disturbing activity; and

(iv) Minor utilities, roads and driveways, subject to standards in the Facilities Standards Manual and in subsection (E)(4), below.

(2) **Moderately Steep Slope Areas.**

(a) **Applicability.** This subsection (D)(2) applies to lands with moderately steep slope areas, as defined in subsection (C)(1)(b), above.

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(b) **Permitted Uses and Activities.** All uses and activities allowed by right in the underlying zoning district, subject to the review procedures and standards in this ordinance.

(c) **Special Exception Uses on Moderately Steep Slope Areas.** The County may permit all special exception uses allowed in the underlying zoning district, subject to Section 6-1300, "Special Exceptions."

(E) Development Standards - Very Steep Slopes. Development and uses on very steep slope areas shall be planned to minimize disturbance to soil geology, hydrology, and environmental features. At a minimum, development on very steep slope areas shall comply with the guidelines in the Facilities Standards Manual, ~~applicable conservation design standards,~~ and the following standards.

(1) **Grading Standards.** The applicant shall preserve natural landforms and minimize grading and other land disturbance.

(a) **Cutting to Create Benches.** Cutting and grading to create benches or pads for additional or larger building sites shall be avoided to the maximum extent feasible.

(b) **Limits on Changing Natural Grade.** The original, natural grade of a lot shall not be raised or lowered more than four (4) feet at any point for the construction of any structure or improvements, except:

(i) The lot's original grade may be raised or lowered a maximum of six (6) feet if retaining walls are used to reduce the steepness of man-made slopes, provided that the retaining walls comply with the requirements set forth in this Section.

(ii) As necessary to construct a driveway from the road to a garage or parking area, grading changes or retaining walls up to six (6) feet may be allowed

(iii) These standards limiting change of natural grade shall not apply to grading required to construct or excavate a foundation or basement.

(iv) The Zoning Administrator may approve modifications to this standard if he/she finds that the application:

Is consistent with the intent of this Section 5-1508; and, results in less total site disturbance than would compliance with the maximum limits on changing natural grade stated in this subsection.

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(c) **Grading for Accessory Building Pads Prohibited.** Separate building pads for accessory buildings and structures other than private garages, such as tennis courts, swimming pools, outbuildings, and similar facilities, shall be prohibited on moderately steep slope areas.

(2) **Excavation.** To the maximum extent feasible, excavation for footings and foundations shall be limited to lessen site disturbance and ensure compatibility with sloped terrain. .

(3) **Retaining Walls.** Use of retaining walls is encouraged to reduce the steepness of man-made slopes and to provide planting pockets conducive to vegetation, with adherence to the following standards:

(a) Retaining walls shall not exceed four (4) feet in height from the finished grade, except for:

(i) A structure's foundation or basement wall (i.e., a retaining wall may be part of a permitted dwelling unit);

(ii) As necessary to construct a driveway from the street to a garage or parking area; and

(iii) As otherwise expressly allowed by this Section.

(b) In no case shall a retaining wall exceed six (6) feet in height.

(c) Terracing shall be limited to two tiers, except that the County may approve more than two tiers when a greater number of tiers will result in less land disturbance and less steep man-made slopes.

(i) The width of the terrace between any two vertical retaining walls shall be at least five (5) horizontal feet.

(ii) Terraces created between retaining walls shall be permanently landscaped or revegetated pursuant to Landscaping Standards in Section 5-1300.

(d) Retaining walls shall be faced with stone or earth-colored materials similar to the surrounding natural landscape.

(4) **Roads, Driveways, and Minor Utility Standards.**

(a) All roads and driveways shall follow natural contour lines to the maximum extent feasible.

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(b) No roads, driveways, and minor utilities shall cross very steep slopes greater than 50%.

(c) Roads shall not be constructed on very steep slopes greater than 25%, unless no other alternative exists to access a legal lot of record approved prior to the effective date of this Section.

(d) Driveways and minor utilities shall not be allowed to cross very steep slopes greater than 25%. However, a short run of no more than 100 feet or 10% of the driveway and/or minor utility's entire length, whichever is greater shall be allowed to cross very steep slopes between 25% and 50%, based on a geotechnical study and findings that:

(i) Such driveway and minor utility will not have significant adverse visual, environmental or safety impacts, or appropriate engineering or other measures will be taken by the developer to substantially mitigate any such adverse impact; and

(ii) No alternative location for access and minor utility is feasible or available.

(e) Shared driveways shall be required to the maximum extent feasible where their use will minimize or eliminate land disturbance, provided that shared driveways are subject to a common access easement.

(f) The centerline grade of private roads and driveways shall comply with applicable standards stated in the Loudoun County Facilities Standards Manual.

(g) Storm drainage and culvert design shall conform to the requirements of the Loudoun County Facilities Standards Manual.

(5) **Revegetation Required.** Any slope exposed or created in new development on steep slope areas shall be revegetated or landscaped, except that Section 5-1300 shall not apply to agricultural uses.

(6) **Stormwater Best Management Practices.** The applicant shall incorporate stormwater management best management practices and erosion and sediment control practices, as required by Chapter 5 of the Facilities Standards Manual and such practices shall be approved by the Department of Building and Development prior to issuance of a zoning permit.

(F) **Development Standards - Moderately Steep Slopes**. No zoning permit shall be issued for any use, structure or activity on any parcel of land which includes

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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.

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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.

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AMENDMENTS TO ARTICLE 6

- Section 6-400 Administration
- Section 6-700 Site Plan
- Section 6-1216 Minor Rezoning
- Section 6-2000 Conservation Design

ATTACHMENT 14

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.

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(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 AR-2 district.

(C) 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.

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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. Additionally, such submission requirements shall also include, in the case of an application for Zoning Map Amendment, Zoning Concept Plan Amendment, Zoning Ordinance Modification, Special Exception or Variance, a completed Disclosure of Real Parties In Interest Form disclosing the equitable ownership of the real estate to be affected. 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.

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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.

6-407 **Map Interpretations and Boundary Determination.**

(A) The environmental overlay districts and steep slope maps are intended to show the location of environmental resources in the County, including the following:

(1) Mountainside Development Overlay District (MDOD) Map, described in Section 4-1600;

~~(2) Limestone Conglomerate Overlay District (LOD) Map, described in Section 4-1900;~~

(3) ~~River and Stream Corridor Overlay District (RSCOD) Map, described in Section 4-2000;~~ Floodplain Overlay District; described in Section 4-1500; and

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(4) Loudoun County Steep Slopes Map, described in Section 5-1508.

The Zoning Administrator, in consultation with the Department of Building and Development, is charged with making necessary cartographic interpretations of those maps at the request of the applicant or on his/her own initiative. The Zoning Administrator is authorized to interpret the exact location of the boundaries if there appears to be a conflict between the mapped resource boundary, elevations, and actual physical conditions. The Zoning Administrator may require information from the applicant, including, but not limited to a topographic survey and/or engineering studies in conformance with the provisions of the Facilities Standards Manual.

(B) The applicant may appeal interpretations to the Board of Zoning Appeals in accordance with the provisions of Section 6-1700, "Appeals," of the Zoning Ordinance.

~~**6-408 Modifications.**~~

~~(A) **Intent and Purpose.** A modification is intended to promote conservation design and protection of primary conservation areas and steep slopes by allowing the applicant to seek minor adjustments in applicable environmental standards to preserve the maximum amount of most significant resources. Applicants may only apply for modifications from the following environmental standards:~~

~~(1) Mountainside Development Overlay District (MDOD), Section 4-1600;~~

~~(2) Limestone Conglomerate Overlay District (LOD), Section 4-1900;~~

~~(3) River and Stream Corridor Overlay District (RSCOD), Section 4-2000;~~

~~(4) Steep Slope Standards, Section 5-1508; and~~

~~(5) Conservation Design, Section 6-2000.~~

~~(B) **Limits on Scope of Modifications.** Only modifications from dimensional standards (e.g., setbacks, height, distances) may be granted. No modification shall alter the required dimensional standards by more than ten percent (10%) for the purpose of promoting overall compliance with environmental protection standards.~~

~~(C) **Review Criteria.** The applicant shall submit documentation with evidence that the modification meets the following criteria:~~

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~~(1) The modification will cause no significant adverse environmental impacts to primary conservation areas or steep slopes.~~

~~(2) The modification will result in protection of the maximum amount of most significant resources on a site.~~

~~(3) The modification will result in an innovative design, improve upon existing regulations, or otherwise exceed the public purpose of the existing regulations.~~

~~(D) **Review Procedure.** All applications for a modification shall be submitted in writing to the Zoning Administrator.~~

~~(E) For any modification that does not comply with the standards in this Section 6-408, or that exceeds the ten percent (10%) limit, the applicant may submit a request for variance, as governed by Section 6-1607, "Standards for Variances," of this Zoning Ordinance.~~

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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 nonresidential uses in the AR-1, AR-2, RR-1 and RR-2 Districts, including all permitted uses within the "agriculture support and services related to agriculture, horticulture, and animal husbandry" use category, but not including basic agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-703.

(D) 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.

(E) Those special exception uses and structures which require a site plan.

(F) Any development in which any required off-street parking space is to be used by more than one establishment.

(G) When an alteration or amendment is proposed to the site improvements or design of a previously approved site plan.

(H) When an existing residential use is proposed for a change to a commercial, industrial, or multi-family residential use.

(I) All public buildings and institutions.

(J) 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.

(K) Above-ground structures associated with a public utility, utility substation, water or sewer pumping station, water or sewer treatment facility or commercial communication tower.

(L) Temporary or permanent parking uses and parking structures.

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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.

6-703 Rural Sketch Plan.

(A) A Rural Sketch Plan is required as part of a zoning permit application in the A-3, A-10, AR-1, AR-2, RR-1 and RR-2 zoning districts for the following permitted uses: Animal Care Business, Bed and Breakfast Homestay, Child Care Home, Farm Market, Stable (Private or Neighborhood), and Wayside Stand.

(B) Rural Sketch plans shall include a drawing of all aspects of the business operations including the location, size and dimensions of buildings, the size and dimensions of areas within existing structures to be used for the business; size, dimensions, and location of any accessory structures, outdoor storage yards, and screening buffering; quantity and dimensions of parking spaces; location of proposed signs, if any; location of wells and septic systems; and the approximate location of any on-site floodplain as determined from the County map. In addition, the Rural Sketch plan shall include the location and width of adjacent right-of-way, adjoining properties, and easements.

(C) The Rural Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.

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(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 AR-2 District.

6-1216 **RR-1 and RR-2 District Minor 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 RR-1 or RR-2 Districts:

(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.

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(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 RR-1 or RR-2 Districts.

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~~DIVISION G: CONSERVATION DESIGN~~

~~Section 6-2000 Conservation Design.~~

~~6-2001 Purpose and Intent.~~ ~~These provisions are intended to:~~

~~(A) Consider the resources on a site and surrounding areas and detail a process whereby development is designed around a property's natural and historic features.~~

~~(B) Conserve open land, including those areas containing unique and sensitive natural features such as rivers and streams and associated 100 year floodplains, karst features, very steep slopes, and areas required to be protected by applicable federal and state laws and regulations.~~

~~(C) Retain and protect existing environmental, natural, and heritage resources.~~

~~(D) Create a linked network of open spaces;~~

~~(E) Provide full density credit and allow for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups and residential preferences;~~

~~(F) Promote rural economy uses;~~

~~(G) Provide reasonable economic use of the property; and~~

~~(H) Impose, as necessary, conditions of approval to safeguard the public health, safety, and welfare.~~

~~6-2002 Applicability and Exemptions.~~

~~(A) **General.** The applicant shall follow the requirements in this Section 6-2000 and shall submit a conservation design plan preceding submittal of the applications specified in 6-2002(C). County approval of a conservation design plan is required prior to any land disturbing activity, except as exempted pursuant to Section 6-2002(C).~~

~~(B) **Applicability—Zoning Districts.** The standards and procedures contained in this section shall apply only to the following zoning districts and applicable subdistricts as specified therein :~~

~~(1) AR-1 Agricultural Rural 1~~

~~(2) AR-2 Agricultural Rural 2~~

~~(3) TR-1 Transitional Residential 1~~

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~~(4) TR-2 Transitional Residential 2~~

~~(5) TR-3 Transitional Residential 3~~

~~(6) TR-10 Transitional Residential 10~~

~~(7) JLMA-1 Joint Land Management Area 1~~

~~(8) JLMA-2 Joint Land Management Area 2~~

~~(9) JLMA-3 Joint Land Management Area 3~~

~~(10) JLMA-20 Joint Land Management Area 20~~

~~(11) PD-CV Planned Development Countryside Village~~

~~(C) **Applicability—Development Applications.** The standards in this Section 6-2000 shall apply when the applicant is required to submit the following application types:~~

~~(1) **Subdivision**, including preliminary subdivision plat, as set forth in Section 6-800, "Subdivision Approval," of the Zoning Ordinance and Chapter 1243, "Subdivision Procedures," of the Land Subdivision Development Ordinance (LSDO). Lots that have been reviewed and created pursuant to this Section 6-2000 shall not be required to go through the conservation design process again.~~

~~(2) **Site plan**, as set forth in Section 6-700, "Site Plan Review," of the Zoning Ordinance and Chapter 1244, "Site Plan Procedures," of the LSDO unless the parcel subject to the site plan has already been reviewed and approved pursuant to this Section 6-2000.~~

~~(D) **Exemptions.** This Section 6-2000 shall not apply to land disturbing activity or development of sites that are specifically exempt, as set forth in subsections (1) through (5) below:~~

~~(1) **Single-Family Dwelling on Existing Legal Lot.** A legal lot of record which lot was in existence on January 7, 2003 may be developed for a single-family detached dwelling use. Development on such lot shall be subject to all other applicable standards in this Zoning Ordinance, including:~~

~~(a) Section 4-1600, Mountainside Development Overlay District (MDOD);~~

~~(b) Section 4-1900, Limestone Conglomerate Overlay District (LOD);~~

~~(c) Section 4-2000, River and Stream Corridor Overlay District (RSCOD);~~

~~(d) Section 5-1508; Steep Slope Standards; and~~

~~(e) All other applicable federal, state, or local regulations.~~

~~(2) This exemption shall not apply to non-residential development. All non-residential development on a legal lot of record, which lot was in existence on January 7, 2003, shall be subject to this Section 6-2000.~~

~~(3) **Agricultural Operations and Certain Rural Economy Uses.** This section shall not apply to agricultural operations that are covered by a Conservation Farm Management Plan, approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service that includes best management practices, nor shall it apply to certain rural economy uses listed below. Structures associated with agricultural operations are not exempt from environmental provisions; however, the following rural economy uses are exempt from Section 6-2000:~~

~~(a) Agriculture;~~

~~(b) Horticulture;~~

~~(c) Animal Husbandry; and~~

~~(d) Agricultural support and services directly associated with ongoing agricultural, horticulture, and animal husbandry activities on site.~~

~~(4) **Timber Harvesting.** Timber harvesting shall be conducted only in conformance with a Forest Management Plan approved by both the Virginia Division of Forestry and the County.~~

~~(5) **Route 28 Highway Transportation Improvement District.** Any property within the Route 28 Highway Transportation Improvement District shall be exempt from this Section 6-2000 unless the owner or developer of the property voluntarily requests that such procedures apply.~~

~~(6) **Minor Land Disturbing Activities.** Activities that will disturb less than 5,000 square feet in area and less than 18 inches in depth and that are not required to obtain a building permit are exempt.~~

~~**6-2003 Review Procedures/Administration.**~~

~~(A) Conservation Design Plan Review Procedures.~~

~~(1) **General.** Any development application specified in Section 6-2002(C) in the zoning districts designated in Section 6-2002(B) shall require County approval of a conservation design plan. The County shall grant approval for a conservation design plan only upon compliance with the following provisions:~~

~~(a) The applicant shall submit a conservation design plan to the County prior to or concurrently with the initial submission for approval of any application type set forth in Section 6-2002(C).~~

~~(b) The conservation design plan shall demonstrate compliance with the standards established in this Section 6-2000.~~

~~(c) Deviation from the approved conservation design plan without obtaining County approval shall require corrective measures to be taken by the landowner to remedy the discrepancy. The necessary corrections shall be made within ten (10) working days from the date the landowner is notified by the County of the deviation. Remediation activities shall be required to restore and/or replace the nonconforming areas to meet the County approved conservation design plan. Delay of required remediation activities beyond the ten (10) working day period shall constitute a violation of this Zoning Ordinance, and is punishable by fine as set forth in Section 6-500, "Enforcement and Penalties."~~

~~(d) The Board of Zoning Appeals shall review any appeals from determination by County staff or the Zoning Administrator taken pursuant to the standards in this Section 6-2000.~~

~~(2) Conservation Design Process.~~

~~(a) Step 1 – Site Analysis Map.~~

~~(i) Contemporaneously with submission of any application type set forth in Section 6-2002 (C), the applicant shall prepare a site analysis map that provides information about existing site conditions and context, and that comprehensively analyzes existing conditions both on the proposed development site and on property within 500 feet of the site. It is the intent of this section that the information required to be presented in the site analysis map be produced primarily from existing sources, maps, and data.~~

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~~(ii) The applicant shall follow the site analysis map preparation requirements set forth in the Facilities Standards Manual.~~

~~(b) Step 2 – Site Inspection.~~

~~(i) After submitting the site analysis map, the applicant shall schedule a site inspection of the property by the staff and shall provide copies of the draft site analysis map prior to the on site meeting. The purpose of this site visit is to:~~

~~1. Familiarize staff with the property's existing conditions and special features;~~

~~2. Identify potential site development issues; and~~

~~3. Provide an opportunity to discuss site development concepts, including the general layout of primary conservation areas, rural economy conservation lands, and open space as applicable , as well as potential locations for proposed structures, utilities, roads, and other development features. Comments made by officials or staff shall be interpreted as being only suggestive. No official decisions shall be made during the site inspection.~~

~~(ii) The applicant shall provide a permission form to allow staff to enter the property.~~

~~(iii) County staff shall schedule the site inspection within ten (10) days of site analysis map submittal and shall invite the applicant to participate in site inspection.~~

~~(c) Step 3 – Conservation and Development Areas Map.~~

~~(i) The applicant shall prepare a map to identify primary conservation areas, rural economy conservation lands, and open space areas, as applicable, and the development delineation area (DDA), in accordance with the delineation requirements described in Section 6-2004, "Delineation of Primary Conservation Areas, Rural Economy Conservation Lands, and Open Space Areas" below.~~

~~(d) Step 4 – Conservation Design Plan.~~

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~~(i) The applicant shall follow submission requirements for a conservation design plan in accordance with the delineation requirements, described in Section 6-2004 below. The conservation design plan submittal shall include the following components:~~

~~1. Site Analysis Map;~~

~~2. Conservation and Development Areas Map;~~

~~3. Preliminary Site Improvements Plan, showing proposed site development, including minor utilities, roads, other development features, and lot lines, that includes the DDA; and~~

~~4. Preliminary studies and reports as required in other sections of the Zoning Ordinance and Facilities Standards Manual.~~

~~6-2004 Delineation of Primary Conservation Areas, Rural Economy Conservation Lands, and Open Space Areas.~~

~~(A)~~ **~~Primary Conservation Area Delineation.~~**

~~(1) The applicant shall delineate "primary conservation areas" on a conservation and development areas map, based on the requirements set forth in the following sections of the Zoning Ordinance:~~

~~(a) Section 4-1600, Mountainside Development Overlay District (MDOD);~~

~~(b) Section 4-1905(B), Karst Feature Buffers within the Limestone Conglomerate Overlay District (LOD);~~

~~(c) Section 4-2000, River and Stream Corridor Overlay District (RSCOD);~~

~~(d) Section 5-1508(C)(2)(b), Very Steep Slope Areas ; and~~

~~(e) Areas required to be protected by applicable federal and state laws and regulations.~~

~~(2) One hundred percent (100%) of the primary conservation areas shall be included in and credited against the rural economy conservation lands and/or open space requirements as applicable of the relevant zoning districts. However, if land in the primary conservation areas exceed the rural economy conservation lands an/or open space requirements, as applicable, such land shall be protected pursuant to the provisions of the applicable overlay districts and development standards.~~

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~~(B) **Rural Economy Conservation Lands Delineation (AR-1 and AR-2 only).** The applicant shall delineate rural economy conservation lands in the applicable AR zoning district. The total Rural Economy Conservation Lands to be set aside shall at a minimum be equal to the amount of property needed to satisfy the minimum zoning district open space requirement. However, if the amount of primary conservation areas required to be protected by this ordinance exceeds the applicable zoning district open space requirement, the primary conservation areas in their entirety shall be protected pursuant to the provisions of the applicable overlay zoning districts or development standards.~~

~~(C) **Open Space Delineation (all other districts).** The applicant shall delineate open space on the basis of the minimum percent open space required in each zoning district. The total open space required to be protected shall at a minimum be comprised of the sum of primary conservation areas and additional open space needed to satisfy the minimum zoning district open space requirements. However, if the amount of primary conservation areas required to be protected by this ordinance exceeds the applicable zoning district open space requirement, the primary conservation areas in their entirety shall be protected pursuant to the provisions of the applicable overlay districts and development standards.~~

~~(D) **Development Delineation Area (DDA).** After identifying the primary conservation areas, rural economy conservation lands, and/or open space on a site, as applicable, the applicant shall identify a DDA within which development may occur pursuant to Section 6-2006(B). DDA's may be multiple and non contiguous on a site.~~

~~**6-2005 Conservation Areas and Open Space Permitted Uses and Activities.**~~

~~(A) **Primary Conservation Areas.** Only the uses and activities permitted in the environmental overlay districts or very steep slope areas listed in Section 6-2004(A)(1) shall be permitted in primary conservation areas.~~

~~(B) **Rural Economy Conservation Lands (AR-1 and AR-2 Districts).** Land disturbing activity as part of a development project or subdivision shall not occur in the designated rural economy conservation lands except for the following uses and activities:~~

~~(1) Open space uses as set forth in the definition of "open space" in Article VIII and the rural economy uses allowed as part of a residential cluster option in the AR districts pursuant to Section 5-703 (C)(2)(a);~~

~~(2) Conservation practices that protect or enhance the value(s) of the resource;~~

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~~(3) Disturbance or construction activity in the rural economy conservation lands may occur with County approval, for the following additional limited purposes:~~

~~(a) Mitigation of development activities;~~

~~(b) Restoration of previously disturbed or degraded areas to enhance habitat values or other natural resource values;~~

~~(c) Construction of a trail or pedestrian walkway that will provide public access for educational purposes;~~

~~(d) Provision of individual septic systems or communal wastewater systems package sewage disposal systems when such systems cannot reasonably be contained within the DDA or other nearby developed areas;~~

~~(e) Provision of wells and water supply systems when such systems cannot reasonably be contained within the DDA or other nearby developed areas;~~

~~(f) Construction of stormwater management systems when such systems cannot reasonably be contained within the DDA or other nearby developed areas; and~~

~~(g) Utility installations and emergency public safety activities when such utilities and activities cannot reasonably be contained within the DDA or other nearby developed areas.~~

~~(i) Construction, installation, and maintenance of utilities shall comply with all applicable state and federal requirements and permits.~~

~~(ii) Utilities shall be designed and constructed in a manner that protects primary conservation areas.~~

~~(iii) No more land shall be disturbed than is necessary to provide for the proposed utility or activity.~~

~~(C) **Open Space In the TR Districts.** Land disturbing activity as part of a development project or subdivision shall be limited in the delineated open space to the following uses and activities:~~

~~(1) Open space uses as set forth in the definition of "open space" in Article VIII and uses allowed in the open space as part of the residential cluster option in the TR Districts as set forth in Section 5-701.~~

~~(2) Conservation practices that protect or enhance the value(s) of the resource;~~

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~~(3) Disturbance or construction activity in open space may occur with County approval, for the following additional limited purposes:~~

~~(a) Mitigation of development activities;~~

~~(b) Restoration of previously disturbed or degraded areas to enhance habitat values or other natural resource values;~~

~~(c) Construction of a trail or pedestrian walkway that will provide public access for educational purposes;~~

~~(d) Provision of individual septic systems or communal wastewater systems package sewage disposal systems when such systems cannot reasonably be contained within the DDA or other nearby developed areas;~~

~~(e) Provision of wells and water supply systems when such systems cannot reasonably be contained within the DDA or other nearby developed areas;~~

~~(f) Construction of stormwater management systems when such systems cannot reasonably be contained within the DDA or other nearby developed areas; and~~

~~(g) Utility installations and emergency public safety activities when such utilities and activities cannot reasonably be contained within the DDA or other nearby developed areas.~~

~~(i) Construction, installation, and maintenance of utilities shall comply with all applicable state and federal requirements and permits.~~

~~(ii) Utilities shall be designed and constructed in a manner that protects primary conservation areas.~~

~~(iii) No more land shall be disturbed than is necessary to provide for the proposed utility or activity.~~

~~(D) **Open Space (all other districts).** Land disturbing activity as part of a development project or subdivision shall be limited in the delineated open space to the following uses and activities:~~

~~(1) Open space uses as set forth in the definition of "open space" in Article VIII.~~

~~(2) Conservation practices that protect or enhance the value(s) of the resource;~~

~~(3) Disturbance or construction activity in open space may occur with County approval, for the following additional limited purposes:~~

~~(a) Mitigation of development activities;~~

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~~(b) Restoration of previously disturbed or degraded areas to enhance habitat values or other natural resource values;~~

~~(c) Construction of a trail or pedestrian walkway that will provide public access for educational purposes;~~

~~(d) Provision of individual septic systems or communal wastewater systems package sewage disposal systems when such systems cannot reasonably be contained within the DDA or other nearby developed areas;~~

~~(e) Provision of wells and water supply systems when such systems cannot reasonably be contained within the DDA or other nearby developed areas;~~

~~(f) Construction of stormwater management systems when such systems cannot reasonably be contained within the DDA or other nearby developed areas; and~~

~~(g) Utility installations and emergency public safety activities when such utilities and activities cannot reasonably be contained within the DDA or other nearby developed areas.~~

~~(i) Construction, installation, and maintenance of utilities shall comply with all applicable state and federal requirements and permits.~~

~~(ii) Utilities shall be designed and constructed in a manner that protects primary conservation areas.~~

~~(iii) No more land shall be disturbed than is necessary to provide for the proposed utility or activity.~~

~~6-2006 Conservation Design Standards.~~

~~(A) **Configuration of Primary Conservation Areas, Rural Economy Conservation Lands, and Open Space Areas** The applicant shall configure, rural economy conservation lands (in the AR-1 and AR-2 districts), and open space (in non AR-1 and AR-2 districts) in a manner to:~~

~~(1) Conform with adopted open space and trail plans, where applicable;~~

~~(2) Provide contiguity with other open space, agricultural lands, and conservation areas both on- and off-site, except that maintaining contiguity with agricultural lands is not necessary in non-agricultural districts;~~

~~(3) Protect unique site features and resources;~~

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~~(4) Provide a minimum buffer width of 100 feet from adjacent public parkland, within which no new structures shall be constructed, nor shall any clearing of forests take place.~~

~~(5) Provide a minimum buffer width of 100 feet from existing agricultural activities in agricultural districts; and~~

~~(6) Avoid fragmentation of primary conservation areas.~~

~~(B) **Development Delineation Area (DDA) Configuration.** The applicant shall configure the DDA according to the following criteria:~~

~~(1) In all cases the DDA shall be located outside of all primary conservation areas. In addition, for all subdivision applications, the DDA shall be located outside the designated Rural Economy Conservation Lands and the open space area, as applicable. The DDA may be multiple and non-contiguous on a site and shall indicate the specific area(s) of a site within which:~~

~~(a) Land disturbing activity, including clearing and grading, shall be contained;~~

~~(b) Ingress and egress for development may be provided;~~

~~(c) "Building envelope(s)" of sufficient size to permit reasonable use of the property shall be located; and~~

~~(d) Wells and septic systems are appropriately located based on required hydrogeologic testing, and in accordance with applicable requirements in Chapter 8 of the Facilities Standards Manual.~~

~~(2) **Field Designation.** The DDA shall be designated in the field prior to commencement of excavation, grading, or construction with construction barrier fencing or other methods approved by staff.~~

~~(C) **Roads, Driveways, Minor Utilities**. The applicant shall align roads, driveways, and minor utilities according to standards set forth in the Facilities Standards Manual and the following criteria:~~

~~(1) The road plan shall provide vehicular access to each house.~~

~~(2) The alignment of roads, driveway, and minor utilities shall minimize impacts on primary conservation areas.~~

~~(D) **Pedestrian and Maintenance Access.** Pedestrian and maintenance access to commonly owned open space, if any, shall be provided in accordance with the following requirements:~~

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~~(1) For commonly owned open space, as defined in the Zoning Ordinance, each neighborhood or cluster shall provide at least one centrally located access point per fifteen (15) lots. The access easement shall be a minimum of thirty five (35) feet wide.~~

~~(2) Pedestrian access to conservation land or open space used for agriculture or rural economy uses may be appropriately restricted for public safety and to prevent interference with agricultural operations or rural economy use.~~

~~(3) Pedestrian access to primary conservation areas may be appropriately restricted to protect resources.~~

~~(E) **Density/Intensity Calculations.**~~

~~(1) The gross land area located within any portion of a required primary conservation area shall be included as part of the total land area for purposes of calculating the permitted floor area and number of residential units in the underlying zoning district and open space. Development of the floor area and number of residential units allowed in the underlying zoning district shall occur in the DDA.~~

~~(2) Up to 100% of density that would be allowed on the gross land area of the subject property shall be located within the DDA portions of the same property., Lot size and dimensions shall comply with applicable zoning district cluster subdivision standards if a cluster subdivision is being developed.~~

~~**6-2007 Reasonable Economic Use of Property.** It is the intent of this Section 6-2000 that landowners be provided a reasonable economic use of property. If the requirements of this Section deny all reasonable economic use of property, a landowner may seek a variance in accordance with Section 6-1607, "Standards for Variances," of this Zoning Ordinance.~~

~~**6-2008 Ownership and Maintenance of Rural Economy Conservation Lands and Open Space.**~~

~~(A) **Restriction on Future Subdivision and Development.** All primary conservation areas, rural economy conservation lands, and open space delineated as part of the conservation design process shall be permanently restricted from future subdivision and/or development, as applicable, through an easement granted to Loudoun County.~~

~~(B) **Ownership Options.** The applicant shall propose measures or methods for long term ownership of rural economy conservation lands and open space areas. The methods that may be used, include but are not limited to fee simple dedication to the County with county approval, ownership by a~~

~~homeowner association, retention of ownership by the developer or owner, or transfer of title to a private conservation organization.~~

~~(C) **Management and Maintenance of Rural Economy Conservation Lands and Open Space Areas.**~~

~~(a) Unless otherwise agreed to by the County or unless the land is dedicated to the County, the cost and responsibility of maintaining conservation areas and open space areas shall be borne by the property owner, condominium/homeowner association, conservation organization, or other entity as identified pursuant to Section 6-2008 (B), above.~~

~~**6-2009 Incentives and Flexibility.**~~

~~(A) **Incentives for Resubmission and Redesign of Existing Approved But Undeveloped Subdivisions.** For the purpose of encouraging the resubmittal and redesign of existing approved but undeveloped subdivisions in the AR, TR, and JLMA zoning districts that do not meet the purposes or standards of the Environmental Overlay Districts (MDOD, LOD, RSCOD) and Steep Slope regulations, and principles of Conservation Design, the County may grant the following incentives to an applicant:~~

~~(1) Allow the full number of lots achievable under the approved subdivision plat to be located within the Designated Development Area by allowing lot sizes to be reduced below the minimum required in the underlying zoning district.~~

~~(2) Reduce the applicable zoning district open space requirement by twenty five percent (25%).~~

~~(3) Allow a full credit against the applicable open space requirement for all primary conservation areas, including RSCOD.~~

~~(4) A reduction or elimination of applicable zoning district dimensional standards, including but not limited to height, lot width, yards, lot coverage, and buffers/setbacks.~~

~~(5) Use of the Rural Economy Conservation Lands or open space areas as applicable, may be allowed pursuant to underlying zoning districts.~~

~~(B) **Zoning District Flexibility Provisions.** For all development subject to the requirements of Conservation Design, certain zoning district dimensional and development standards may be modified as provided below to provide flexibility in achieving the purposes of this section and~~

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~~compliance with the Environmental Overlay District (RSCOD, LOD, and MDOD) and Steep Slope requirements:~~

~~(1) **Minimum Lot Size**: No minimum.~~

~~(2) **Minimum Lot Width**: No minimum.~~

~~(3) **Minimum Yards**.~~

~~(a) Residential: No minimum~~

~~(b) Nonresidential (minimum):~~

~~(i) Front. 15 feet~~

~~(ii) Side. 9 feet Rear.~~

~~(iii) Rear. 15 feet~~

~~(4) **Height (maximum)**. 45 feet (residential); 55 feet, without additional setbacks being required (nonresidential)~~

~~(5) **Parking (nonresidential only)**. Twenty five percent (25%) reduction in the required off street parking space requirement as set forth in Section 5-1102.~~

~~(6) **Buffering and Screening.** To the extent necessary to accommodate the density/intensity of development allowed in the underlying zoning district, the Zoning Administrator may waive or reduce the buffer yard requirements set forth in Section 5-1400 upon a showing that the building and/or yard has been designed to minimize adverse impacts through a combination of architectural, landscape, and/or design techniques.~~

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AMENDMENTS TO ARTICLE 8 DEFINITIONS:

PC REC:

Accessory Building: A subordinate building of not more than the greater of (i) 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure, or (ii) 2,500 sq. ft. ~~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.

PC REC:

Banquet/Event Facility: A use in which the principal function is hosting ~~special occasion events~~ private parties at which food and beverages are served to groups of people, and which has facilities for the refrigeration and ~~heating~~ preparation of food, or which provides facilities for food through a caterer. Banquet/Event facilities, held indoors or outdoors, may also be an ancillary component of other uses such as, but not limited to: restaurants, hotels, bed and breakfasts, country inns, rural retreats, rural resorts, conference centers and similar uses.

PC REC:

~~**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.~~

PC REC:

Bed and Breakfast ~~Inn~~ (formerly Bed and Breakfast Homestay and Bed and Breakfast Inn): A business operated in one or more ~~a~~ structures which is used ~~primarily~~ for providing overnight accommodations to the public and which may include rooms for meetings as well as Banquet/Event Facility(ies) for private parties. ~~even though the~~ An owner or manager may lives on the premises. The number of guest rooms may range from three ~~four~~ (~~4~~3) to no more than ten (10) ~~twenty (20)~~. The establishment shall not contain restaurant facilities, but may provide food service for overnight guests or other transient guests ~~only~~ attending meetings or private parties.

Cluster Development (AR and RR Districts only): A type of development design that allows for the subdivision of a tract of land with a more compact residential design plus one or more large lots suitable for rural economy uses or common open space. Land not included within lots or required for public or private streets shall be maintained as common open space. Communal water and/or sewer systems are permitted under this development type within the common open space.

Country Club: A land area and structures containing a club house, dining and/or banquet facilities, conference rooms, spa, fitness facilities, or recreational facilities, available to members and their guests for a membership fee. A Country Club shall include an equestrian facility and/or a golf course and may include swimming pools, tennis courts, squash courts, stables and riding facilities.

PC REC:

Country Inn: A business operated in one or more structures which offers overnight accommodations and may contain meeting rooms, dining, and banquet/event facilities in a predominately rural area. The number of overnight guest rooms may range from four (4) to forty (40). An owner may live on the premises. ~~Overnight accommodations are available, and~~ A Country Inn may include a full-service restaurant ~~provides breakfast , lunch and dinner to~~ for guests and the general public and meeting facilities. A Country Inn may also include a Banquet/Event Facility as an ancillary use

PC REC:

Dwelling, Accessory: A dwelling or apartment within or detached from the principal dwelling of no more than ~~1,200~~ 2,500 square feet of gross floor area, the use of which is associated with and subordinate to the principal dwelling and which is located upon the same lot as the principal dwelling.

Originating Tract: A lot or parcel of land in the AR-1 or AR-2 Zoning District which is to be the subject of a subdivision through either the "Principal/Subordinate" or "Cluster" subdivision options as identified in the Zoning Ordinance. This designation is for the purpose of establishing a base density of development in order to implement these two subdivision options.

Principal Lot: One of the types of lots permitted within the Principal/Subordinate Subdivision Development Option. Permitted density is assigned to the Principal Lot for purposes of tracking the number of lots which can be subdivided within the development. The Principal Lot may be further subdivided up to the maximum number of lots assigned to the Originating Tract of the subdivision.

Principal/Subordinate Subdivision Option: A division of land in which a maximum lot yield is calculated for an Originating Tract based on the gross acreage of such tract. The Principal/Subordinate Subdivision option results in the creation of one Principal Lot and one or more Subordinate Lots. Lots are served by individual well and septic systems located on the subject lot.

PC REC: **Private Parties:** Events that are not open to the public and are by invitation only.

Rural Cluster Lot: A type of lot located within an AR-1 or AR-2 District cluster subdivision.

Rural Economy Lot: A type of lot located within an AR-1, AR-2, RR-1 or RR-2 District cluster subdivision. A minimum of one Rural Economy Lot is required to be located within any AR-1, AR-2, RR-1 or RR-2 cluster subdivision. The primary use of such lot is for rural economy uses, with residential uses permitted in association with a rural economy use.

Rural Residential Lot: A type of lot located within a RR-1 or RR-2 District cluster subdivision. The primary use of such lot is residential.

Sewer, Public: A central, communal or municipal wastewater treatment system serving more than two (2) lots owned or operated by a municipality, the Loudoun County Sanitation Authority (LCSA), or a public sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia, for the collection, treatment and disposal of sewage.

Sewer System, Central: The sewage treatment system for Eastern Loudoun County owned and operated by the LCSA that is served by the Blue Plains and/or Broad Run treatment plants, and/or capacity supplied by the Upper Occoquan Sanitary Authority.

Sewer System, Communal: A sewage treatment system for the collection, treatment and/or disposal of sewage operated and/or owned ~~or operated~~ by the LCSA, or operated by a public sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia that is designed to serve small-scale development, including clusters, where permitted by this Ordinance. Such system may serve only one lot, where a communal system is required by this Ordinance for a specific use.

Sewer System, Municipal: A sewage treatment system that is owned or operated by one or the incorporated towns within Loudoun County.

Sewage disposal system, individual: A complete system for the collection, treatment and/or disposal of sewage, located on the lot served.

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PC REC: **Special Event:** A temporary commercial or festive activity or promotion at a specific location that is open to the public and is planned or reasonably expected to attract large assemblies of persons. ~~Temporary~~ Sspecial events include, but are not limited to, carnivals, festivals, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, civil war reenactments, equestrian shows, firework displays and events, or similar events open to the public ~~corporate receptions, and weddings~~. In addition, a private party held at properties other than a Banquet/Event Facility (e.g. Hotel, Conference Center, Restaurant, Bed and Breakfast, Country Inn, Rural Retreat or Rural Resort or similar facility) or which is held on property other than property which is occupied by the host, shall be deemed a special event. An outdoor event or outdoor private party held at a Bed and Breakfast that exceeds the limits for such events as contained in Section 5-601(B)(6)(c) of this Ordinance shall be deemed a Special Event, as shall an outdoor event or outdoor private party held at a Country Inn that exceeds the limits for such events as contained inSection5-601(C)(7)(c). "Special event" does not include temporary or seasonal retail sales of goods, products, or services, such as temporary sales of Christmas trees, farm produce, fireworks, and other similar seasonal goods.

STAFF REC: **Special Event:** A temporary commercial or festive activity or promotion at a specific location that is open to the public and is planned or reasonably expected to attract large assemblies of persons. ~~Temporary~~ Sspecial events include, but are not limited to, carnivals, festivals, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, civil war reenactments, equestrian shows, firework displays and events, or similar events open to the public ~~corporate receptions, and weddings~~. In addition, a private party held at ~~properties other than~~ a Banquet/Event Facility~~, (e.g.~~ Hotel, Conference Center, Restaurant, Bed and Breakfast, Country Inn, Rural Retreat or Rural Resort or similar facility) shall not be deemed a special event. A private party ~~or~~ which is held on property other than property which is occupied by the host, shall be deemed a special event. An outdoor event or outdoor private party held at a Bed and Breakfast that exceeds the limits for such events as contained in Section 5-601(B)(6)(c) of this Ordinance shall be deemed a Special Event, as shall an outdoor event or outdoor private party held at a Country Inn that exceeds the limits for such events as contained in Section5-601(C)(7)(c).

Subordinate Lot: One of the types of lots permitted within the Principal/Subordinate Subdivision Development Option. Subordinate Lots may not be further subdivided.

Water, public: A central communal or municipal water supply system serving more than two (2) lots owned or operated by a municipality or the Loudoun County Sanitation Authority (LCSA) or a public water utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia for the purpose of furnishing potable water.

Water Supply System, Central: The water supply system for Eastern Loudoun County owned and operated by the LCSA for which the source of water is purchased from the City of Fairfax and County of Fairfax water supply system.

Water Supply System, Communal: A water supply system owned or operated by the LCSA or a public water utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia that is designed to serve small-scale development, including clusters, where permitted by this Ordinance. Such system may serve only one lot, where a communal system is required by this Ordinance for a specific use.

Water Supply System, Municipal: A water supply system that is owned or operated by one of the incorporated towns within Loudoun County.

Water supply system, individual: A water supply system located on the lot served.

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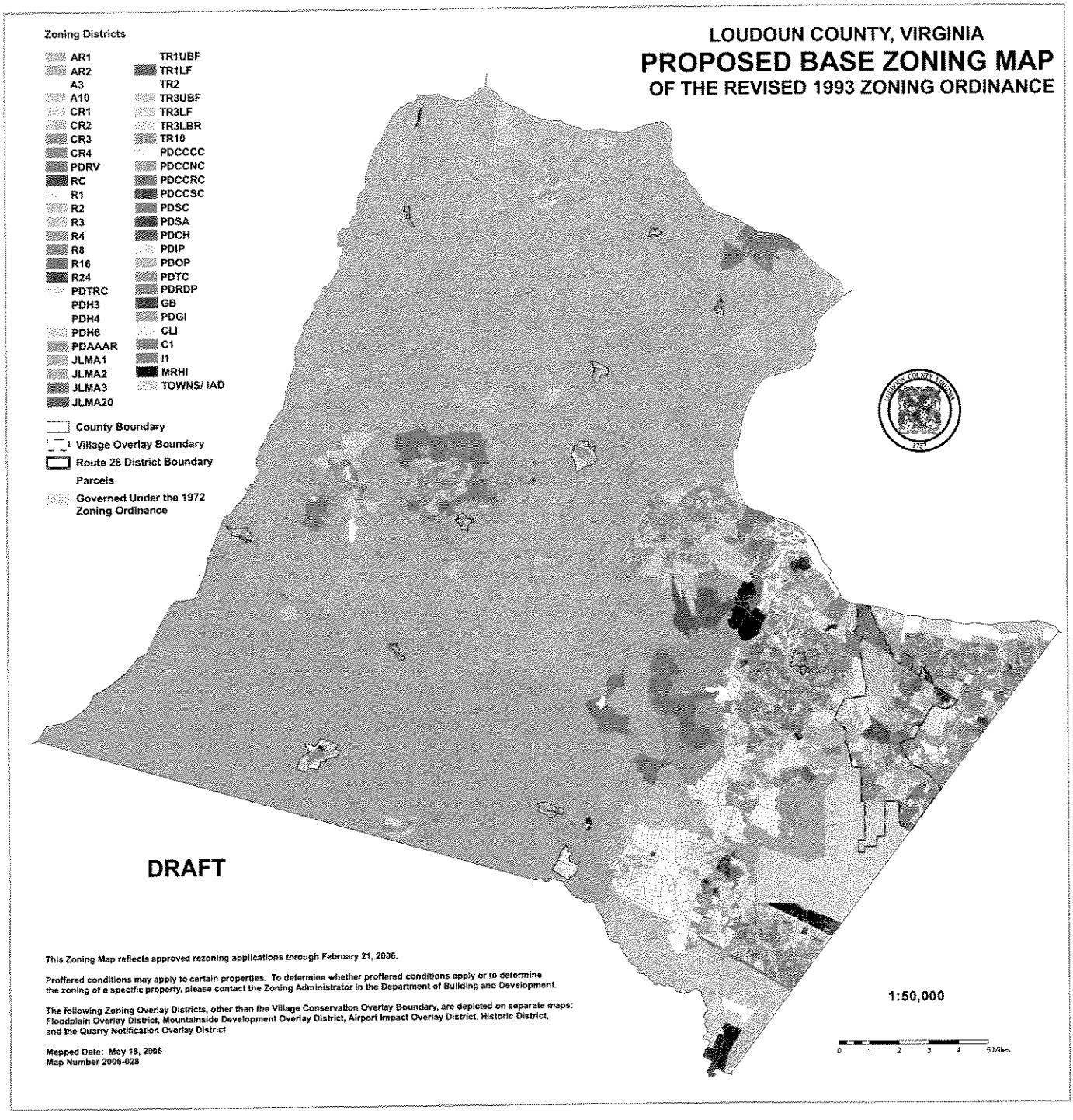

ATTACHMENT 16

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Draft Amendments to the LSDO to Implement the Rural Option 1/20/06

1241.05 Definitions

" Division"- The creation of lots in the AR-1 and AR-2 Zoning Districts pursuant to Section 1241.06 of the LSDO and Sections 2-103 and 2-203 of the Loudoun County Zoning Ordinance, as amended.

"Land use and use of land" shall include "building use" and "use of building."

"Lot" - A numbered and recorded portion of a tract, division, or subdivision intended for transfer of ownership or for development. "Lot" shall include the words "plot" and "parcel".

"Lot line" - A line dividing one lot from another or from a street or other public or private area.

"Officially submitted" - The status of a plan or plat which has been determined by the Director to have been filed in accordance with all submission requirements of this ordinance, including the Facilities Standards Manual. The date on which the plat or plan is officially submitted shall establish the filing date for the plat or plan.

" Originating Tract"- A lot or parcel of land in the AR-1 or AR-2 Zoning District which is to be the subject of a subdivision through the " Principal/Subordinate" Subdivision Option as identified in Sections 2-103 and 2-203 of the Zoning Ordinance. This designation is for the purpose of establishing a base density of development in order to implement this subdivision option.

"Principal Lot"- A lot or parcel of land in the AR-1 or AR-2 Zoning District which has been created through the "Principal/Subordinate" Subdivision Option as identified in Sections 2-103 and 2-203 of the Zoning Ordinance. Future subdivision and development of such lots are restricted by the requirements contained in the AR-1 and AR-2 Zoning Districts.

"Plan" - The proposal for a development or a subdivision, including all covenants, grants, or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities, and such other information as required by the ordinance to which the proposed development or subdivision is subject.

(a) **Preliminary plat:** A plat of a proposed land subdivision or development showing the character and proposed layout of the tract. Also referred to as "preliminary plat of subdivision" when pertaining to a subdivision.

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(b) **Construction plan:** A plan including specifications for improvements as required by this Ordinance, the Facilities Standards Manual, Erosion Control Ordinance of Loudoun County, and the Virginia Department of Transportation.

(c) **Site plan:** A site plan is a "plan of development" within the meaning of Virginia Code Section 15.2-2286, as further defined in the Zoning Ordinance.

(d) **Site plan amendment:** A minor change or revision to a previously approved site plan as defined in the Facilities Standards Manual.

(e) **Record plat:** A plat of a subdivision which, when approved, shall meet all the applicable requirements of this Ordinance and the Zoning Ordinance and shall be in a form suitable for recording.

(f) **Preliminary/record plat:** A plat of subdivision that meets all requirements of both a preliminary plat and record plat and is submitted as a combined application.

"Subdivision" - The division of any parcel of land into two (2) or more new parcels, each separately transferable from the other, and shall include condominium development~~; provided however, that a division of a tract in the A-25 District, in accordance with the provisions of the Zoning Ordinance, by a plat which bears the certificate of approval of the Zoning Administrator pursuant to Section 1241.06, shall not be considered a subdivision for the purposes of this Ordinance~~. Separation of interests in land for the purpose of lease, transfer of (partial) undivided interest, granting or extinguishment of easements, subordinating or otherwise affecting the priority of liens, plats of confirmation, and any other such transfers of interests in land not directed at the creation of new, separately transferable parcels shall not be considered as an act of subdivision.

"Subdivider" - An individual, corporation, proprietor, trust, trustee, joint venture, partnership, or other entity owning any tract, lot, or parcel of land to be subdivided; or a group of two or more persons or entities owning any tract, lot, or parcel of land to be subdivided who have given their power of attorney to one of their group or to another individual or entity to act on their behalf in planning, negotiating, representing, or executing the legal requirements of the subdivision.

"Subdivide" - The creation of a subdivision.

"Subordinate Lot"- A lot in the AR-1 or AR-2 Zoning District created pursuant to the "Principal/Subordinate Subdivision Option" as identified in Sections 2-103 and 2-203 of the Zoning Ordinance. Future subdivision of such lots is restricted by the requirements contained in the AR-1 and AR-2 Zoning Districts.

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"Surveyor" - A certified land surveyor licensed by the Commonwealth of Virginia.

1241.06 ~~A-25~~ Lot Creation in the AR-1 and AR-2 Zoning Districts ~~Parcel Divisions~~

Lots within the AR-1 and AR-2 Zoning Districts may be created under one of the following three development options:

(1) Division - Lots proposed to be created in accordance with the Base Density Division Option contained in the Zoning Ordinance may do so in accordance with the following procedures:

(~~1~~A) A request for certificate of approval of a plat of D~~d~~ivision ~~pursuant to Section 2- of the Zoning Ordinance,~~ shall contain the following:

(a~~i~~) The proposed plat of D~~d~~ivision; and

(~~b~~ii) Unexecuted deed or deeds granting any required street dedication necessary to satisfy the requirements of the Zoning Ordinance; and

(iii) An unexecuted Private Roads Maintenance Agreement if private access easements are to be established.

(iv) A letter signed by the Health Director evidencing conformance with applicable requirements of the County Health Department.

(~~2~~B) The ~~Zoning Administrator~~ Director shall, within thirty (30) days after receipt of such plat and accompanying deeds, if applicable, review such plat and either execute the certificate of approval thereon or deny approval stating the specific reasons for such denial.

(~~3~~C) In conducting such review the ~~Zoning Administrator~~ Director shall determine whether such plat meets all of the requirements of the Zoning Ordinance and plat requirements contained in Chapter 8.103.8 of the FSM and Section 1241.06 of this Ordinance.

(2) Principal/Subordinate Subdivision Option-Lots proposed to be created in accordance with the Principal/Subordinate Subdivision Option contained in the Zoning Ordinance shall be developed in accordance with the following procedures.

(A) The creation of a single Subordinate Lot shall follow the procedures and requirements of the provisions of Section 1243.05.1

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(B) The creation of more than 1 Subordinate Lot but less than 5 Subordinate Lots at a time shall follow the procedures and requirements of Preliminary/Record Plat requirements.

(C) The creation of more than 4 Subordinate Lots at a time shall follow the procedures and requirements of Preliminary Plat of Subdivision.

(D) The creation of Subordinate Lots intended for members of the immediate family as identified in Section 1243.04 shall follow the process and requirements associated with family subdivisions.

3. Cluster Subdivision - Lots proposed to be created in accordance with the Cluster Subdivision provisions of the Zoning Ordinance shall be developed in accordance with the following procedures.

(A) The creation of a single cluster lot shall follow the procedures and requirements of the provisions of Section 1243.05.1.

(B) The creation of five (5) lots or fewer shall follow the procedures and requirements for a Preliminary/Record Plat.

(C) The creation of more than 5 lots shall follow the procedures and requirements for a Preliminary Plat of Subdivision.

1243.04 Family Subdivisions

A single division of a lot or parcel into no more than six (6) additional lots for the purpose of sale or as a gift of each of said lots to a member of the immediate family of the property owner is permitted subject to the provisions of the Code of Virginia, 1950, as amended, and the requirements of this Section 1243.04. No person who has previously received a conveyance of land as a grantee under Section 15.2-2244, Section 15.1-466(A)(12) or (13) or Section 15.1-466(G) or any predecessor Section of the Code of Virginia, 1950, or any local ordinance enacted pursuant thereto shall be eligible to be a grantee of a lot or parcel created pursuant hereto. Any such division shall not be for the purpose of circumventing this chapter or other chapters of the Loudoun County Code. For the purpose of this section, "a member of the immediate family" is defined as any natural person who is a natural or legally defined child, stepchild, grandchild, spouse, brother, sister or parent of the property owner; and "property owner" is defined as the natural person(s) (a) who is the sole owner of the property; or (b) who is the

(i) sole owner of all stock or other documents of ownership of the corporation, or
(ii) sole partner of the general partnership, or
(iii) sole managing partner of the limited partnership, or

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(iv) sole member of the limited liability company, or

sole trustee and sole beneficiary, with sole possession of any right of revocation, of the trust, that is the sole owner of the property. Such conveyance to a member of the immediate family may be made to such member and his or her spouse if title is conveyed to them as tenants by the entirety.

1245.02 Private Access Easement Roads

Private access easement roads designed and constructed in accordance with the Facilities Standards Manual may serve as frontage in lieu of public street for the following types of development lots~~,~~:

1. U~~up~~ to a maximum of seven (7) lots

   (a~~1~~) Family Subdivisions (See Chapter 1243).

   (b~~2~~) Structures contained in a Historic Site (HS) District (See Section 6-1800, Zoning Ordinance).

   (c~~3~~) Cluster subdivisions in the A-10, Low Density Rural District.

   ~~(4) Low Density 25 Acres Residential Developments (See Section 5-701, Zoning Ordinance).~~

   (d~~5~~) Subdivisions in the ~~A-25 and~~ A-10 Zoning Districts.

   (e~~6~~) Subdivisions utilizing the Rural Hamlet Option or Countryside Hamlet Option ~~(See Sections 5-702 and 5-703 Zoning Ordinance)~~.

   (f~~7~~) Development in accordance with the provisions of the Rural Village Conservancy in the PD-RV District (See Section 4-1204, Zoning Ordinance).

   (g~~8~~) Lots created for use by LCSA, VDOT, municipal utilities, public utilities as defined in section 56-232 of the Virginia State Code, or public service corporation as defined in Section 56-1 of the Virginia State Code and meets the requirements of Section 5-621 (See Section 1-404(B)(2), Zoning Ordinance).

   (h) Divisions as defined in Chapter 1241 of this Ordinance in the AR-1 and AR-2 Zoning Districts.

2. Up to a maximum of 25 lots.

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(a) Subdivisions in the AR-1, AR-2, RR-1, RR-2 Zoning Districts.

1245.10 On-site Sewage Disposal Systems

No preliminary plan of subdivision shall be approved where a well and/or sewage disposal system is to be provided for each building lot in the subdivision, until written approval of proposed locations for such systems has been secured from the Health Director. Such approved locations shall be shown to scale on the preliminary plan and on the record plat.

The Health Director, or his designee, shall review and approve or deny the applicant's proposal for wells and sewage disposal systems and shall advise the Commission of its findings. The groundwater source must be an approved source of supply reasonably calculated to be capable of furnishing the needs of the eventual inhabitants of the subdivision. The Health Director, or his designee, may require geotechnical or other tests to determine the suitability of the soil for subsurface disposal; and may require hydrogeologic or other tests to determine the adequacy of the groundwater supply for the proposed use or uses. Hydrogeologic tests shall be in conformance with Section 6.600 of the Facilities Standards Manual, which is incorporated herein by reference. Geotechnical, hydrogeologic and/or other tests shall be the responsibility of the developer, with supervision by the Health Director. ***No record plat of subdivision shall be approved where a well is to be provided for each lot, until written approval of constructed wells has been secured from the Health Director.***

Any proposed lots which have been completely tested and do not meet Health Department requirements may be approved with a note similar to the following placed on the plat:

> "**NOTE**: This lot is not considered to be approved as a building lot as it is unsuitable for the installation of an on-site sewage disposal system and/or individual water supply under the current standards of the Loudoun County Health Department."

4.330 PRIVATE ROADWAY STANDARDS

A. General

The following shall apply to the categories of private roadways, except as noted herein:

1. Traffic control signage and lane markings provided on private roadways shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). When a signal is warranted, signalization shall meet

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VDOT standards.

2. Private roadways may be designed with a curb and gutter section or a shoulder section. Shoulder sections shall have stabilized shoulders which may be a paved, gravel, or sodded grass surface. Shoulders shall meet VDOT slope requirements.

3. Private roadways shall be designed to accommodate an SU-30 design vehicle (AASHTO) and to accommodate emergency vehicles in accordance with the design criteria contained within Tables I, II and III of this chapter. The travel way inside radius at an intersection shall be a minimum of 25 feet, except for alleys.

4. Where parking is provided on the roadway, pavement width shall be increased appropriately. Parking geometry designs shall meet the requirements of this chapter.

5. An entrance permit shall be secured from the Virginia Department of Transportation in order to tie into an existing VDOT maintained road.

6. Sidewalks shall be placed within the public access easements. Handicap accessible ramps and provisions, in accordance with State and Federal requirements, shall be provided at roadway intersections with curb gutter.

7. Roadway design details which are not standard designs used by VDOT, such as CG-6R or YI-1 components, shall be submitted as detailed drawings to the Director for approval.

8. All private roadways and access easements discussed in this chapter, except <u>those created as part of the Base Density Division Option pursuant to LSDO Section 1241.06, and</u> located within a proposed Family Subdivision pursuant to LSDO Section 1243.04, require construction plans and profiles and an approved Performance Bond prior to record plat approval for the subdivision the roadways or access easements are to serve.

8.102 PRELIMINARY PLAT OF SUBDIVISION

The purpose of the preliminary plat of subdivision is to conceptually show the probable lot layout and location of streets and other necessary infrastructure to demonstrate geometric locations of all lots and improvements of such proposed subdivision.

A. The preliminary plat of subdivision shall contain the following data, legibly

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drawn, on sheets of 24 inches by 36 inches in size, with appropriate matchlines, (if necessary). The failure to depict the following items on the preliminary plat of subdivision, shall not relieve the developer of any requirement to depict such items on subsequent application.

1. The title "Preliminary Plat of Subdivision".

2. Scale. (See 8.101)

   a. Lots less than or equal to 3 acres: 1 inch equals no more than 100 feet.

   b. Lots greater than 3 acres 1 inch equals no more than 200 feet.

3. North arrow.

4. Date. A date shall be shown on the cover sheet

5. The proposed name of the subdivision. (See 8.101)

6. a. The name and address of the owner of record.

   b. The name of the subdivider.

   c. The professional engineer or surveyor who prepared the plat.

7. The number of sheets comprising the plat.

8. A revision block. (See 8.101)

9. Source of title. (See 8.101)

10. Zoning requirements. (See 8.101)

    In addition to the applicable zoning requirements, as stated in Section 8.101.5, the following note shall be provided on preliminary plats of subdivision which are preceded by a rezoning or special exception application:

    > "All development within this subdivision shall be in substantial conformance with (A) the requirements of the applicable concept development plan, proffers and special exception conditions in accordance with (insert specific reference to County application numbers), pursuant to

A-480

which such concept development plan, proffers and special exception conditions were approved, and (B) any conditions setforth as conditions of approval of this preliminary plat."

11. Zoning, variance, special exception, subdivision, or subdivision exception information. (See 8.101)

12. Election District and Loudoun County, Virginia in Title Block.

13. Vicinity map. (See 8.101)

14. Boundary lines and total acreage of the proposed subdivision and the acreage remaining in the original tract, if any.

15. Proposed lot lines, (showing approximate dimensions), proposed block and lot numbers, and the approximate area of each lot.

16. Coordinate Grid lines. (See 8.101)

17. Adjoining property information. (See 8.101)

18. The Zoning District and jurisdictional boundaries. (See 8.101)

19. Tax map reference. (See 8.101)

20. The approximate location of existing buildings within the subdivision.

21. The proposed location, width, centerline and projected Average Daily Traffic (ADT's) of each road or other public or private way within the subdivision. Pedestrian circulation paths shall be shown, including proposed trails and sidewalks, if such improvement is required.

22. The approximate location, width, ADT's and centerline of adjoining roads, and access easements with their names and/or route numbers.

23. Proposed roads shall include approved and/or reserved road names and road sign locations per the Codified Ordinances of Loudoun County.

24. Proposed yard and setback lines. (See 8.101)

25. The approximate location and approximate area of any land to be dedicated or reserved for public use, road right-of-way use, or common use of future property owners in the subdivision.

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26. Approximate watercourse locations and names, if any, and floodplain delineation per the Floodplain Map of Loudoun County or per a floodplain study performed in accordance with Chapter 5 of this manual which has been approved by the County or which has been submitted and accepted by the County for review; or per a vertical field survey in accordance with Chapter 5 of this manual. A note stating the source of the floodplain delineation shall be included.

27. General location of existing drainage ways, ponds, on site sewage disposal, on site water supply systems and existing and proposed public water and sewer lines.

28. Archeological, natural e.g., Champion trees, etc., and historical features, cemeteries and historic landmarks on the site, as identified in adopted Federal and State documents.

29. Current topographic information, indicating when and by what means it was made, having contour intervals of 5 feet or less, showing all the area covered by the subdivision not including residue parcel(s) and related to the National Geodetic vertical datum of 1929.

30. Stakeout and plan. (See 8.101)

31 Graphically shown on the plan, 65 and 60 LDN Limits and any areas within one mile of the 60 LDN line, as defined by the Zoning Ordinance of Loudoun County.

32. Approval block. (See 8.101)

33. Proffered preservation areas shall be clearly delineated (e.g., trees, structures, etc.).

34. For lots less than 3 acres in size a typical lot detail shall be provided at a scale of not less than 1 inch = 50 feet.

35. A tabulation of lot yield for those properties being developed pursuant to the Cluster Subdivision option or Principal/Subordinate option in the AR-1 or AR-2 Zoning Districts.

8.103 PLATS FOR SUBDIVISION AND OTHER MISCELLANEOUS PLATS

A. The plats shall be prepared by a professional surveyor or engineer. These plats shall contain the data listed below, legibly drawn, on sheets of 18 inches by 24

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inches in size, with appropriate matchlines (if necessary). The following shall be included for each plat as appropriate.

1. Scale.

   a. Lots less than 1/4 acre 1 inch equals no more than 50 feet.

   b. Lots 1/4 to 3 acres 1 inch equals no more than 100 feet.

   c. Lots greater than 3 acres 1 inch equals no more than 200 feet.

2. North arrow.

3. Date.

4. The name of the subdivision.

5. a. The name of the owner(s) of record.

   b. The name and address of the engineer or surveyor who prepared the plat.

6. Number of sheets comprising the plat.

7. A revision block.

8. Tax map reference(s).

9. Seal and signature.

10. A certificate, endorsed by the engineer or surveyor, setting forth the source of title of the land subdivided and the place of record of the last instrument(s) in the chain of title, in accordance with Section 15.2-2262 of the Code of Virginia, as amended.

11. The boundary survey with an error of closure within the limits established by the Commonwealth of Virginia.

12. Coordinate grid lines.

13. The original tracings and paper copies submitted for signature and recordation shall be drawn legibly and accurately per Virginia State Library and Archives Standards for plats.

14. Zoning requirements.

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15. Zoning district and jurisdictional boundaries.

16. Zoning, variance, special exception, subdivision, or subdivision exception information.

17. Election District and Loudoun County, Virginia in the Title Block.

18. Vicinity Map.

19. The plat shall show parcel and lot lines, showing dimensions, block and lot numbers, and the area of each parcel or lot including area outside of major floodplain. Dimensions shall be shown in feet and decimals of a foot to the closest one-hundredth of a foot, and bearings in degrees, minutes, and seconds. The data for curves shall be shown in detail at the curve or in a curve data table containing the following: radius, delta, arc, tangent, chord, and chord bearing. Acreage shall be shown to the ten thousandth decimal place and square footage to the nearest whole foot and all of the remaining area in the original tract/residue parcels to the nearest one hundredth of an acre.

20. Roadways shall include approved and/or reserved names per the Codified Ordinances of Loudoun County. Existing public roadways shall include route numbers and road names.

21. The location, dimensions of easements, dimensions and area of roadways, public sites (schools, fire and rescue facilities, etc.), parks and other public areas shall be included.

22. Adjoining property information.

23. Graphically shown on the plan, 65 and 60 LDN Limits and any area within one mile of the 60 LDN line, as defined by the Zoning Ordinance of Loudoun County.

24. Yard and setback lines.

25. If land is being dedicated or reserved for public use for roads, parking areas for public use, or for common use of the future property owners of the subdivision, the record plat shall so state and illustrate such.

26. As applicable, the location, width, and centerline of existing/proposed roads, easements, parking areas, and public or private rights-of-way within or immediately abutting the property. Deed book and page

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numbers shall be provided, as applicable.

27. If not otherwise contained within the deed accompanying the plat, the plat shall contain a statement to the effect that the subdivision is with the free consent and in accordance with the desire of the undersigned owners and trustees of the property and shall be duly acknowledged in accordance with Section 15.2-2264 of the Code of Virginia of 1950, as amended.

28. The plat shall indicate Health Director approved sewerage disposal systems and water supply systems, as specified in the Loudoun County Codified Ordinances.

29. The plat shall contain a statement setting forth the persons or entities responsible for maintenance of stormwater detention, drainage facilities, easements, sidewalks, trails, lighting and other facilities, as required.

30. In the ~~CR1-4,~~ RR, ~~A-25,~~ AR-1, AR-2, A-10 and A-3 Zoning Districts, record plats shall contain the following statement:

"In all areas within the ~~CR1-4,~~ RR~~,~~ -1, RR-2, ~~A-25,~~ AR-1, AR-2 , A-3, or A-10 Zoning Districts, agricultural and rural economy activities are the preferred land uses. Owners of land within ~~CR1-4,~~ RR-1, RR-2, ~~A-25,~~ AR-1, AR-2, A-3 or A-10 Zones are hereby notified that agricultural and rural economy activities shall be given preference by the County when conflicts arise concerning the compatibility of such farm or rural economy uses with adjacent or nearby non-farm ~~activities~~ or non-rural economy uses. The County shall not restrict or interfere with farming and rural economy activities in the ~~CR1-4,~~ RR~~,~~ -1, RR-2,~~A-25,~~ AR-1, AR-2, A-10, or A-3 Zones. The farming and rural economy activities, including such effects as noise, odors, and machinery traffic, shall not be recognized or accepted by the County as valid or proper cause for complaints from adjacent or nearby residential neighbors.

31. Watercourses and names, if any, and a floodplain easement in accordance with Chapter 5 of this manual.

32. All restrictive covenants or reference thereto.

33. An Approval Block.

34. If private roads or access easements are proposed, the following notes shall be added as appropriate:

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a. Construction of the access easement shown hereon shall conform to the standards set forth in the Loudoun County Land Subdivision and Development Ordinance.

b. Construction of the Class III road shown hereon shall conform to the standards set forth in Chapter Four of this manual.

c. The access road or access easement shown hereon is private and its maintenance, including snow removal is NOT a public responsibility. It shall not be eligible for acceptance into the State secondary system for maintenance until such time as it is constructed and otherwise complies with all requirements of the Virginia Department of Transportation for the addition of subdivision roads current at the time of such request. Any costs required to cause this road to become eligible for addition to the State system shall be provided from funds other than those administered by the Virginia Department of Transportation and Loudoun County.

35. The location of structures to be retained, including stone walls within areas to be dedicated for public use.

36. Designation of ADU lots in accordance with Zoning Ordinance.

37. If the property is being developed pursuant to the Principal/Subordinate Subdivision Option, the following as appropriate:

a. Tabulations showing the lot yield originally calculated for the Originating Tract, all prior subdivisions from the Originating Tract, and all resulting Principal Lots and number of Subordinate Lots created pursuant to each such subdivision.

b. Labels clearly identifying the Principal and Subordinate lot(s).

c. A note stating that "Subordinate lots are ineligible for further subdivision."

38. If the property is being developed pursuant to the Cluster Subdivision Option in the AR-1, AR-2, RR-1 or RR-2 Zoning District, the following as appropriate:

a. Inclusion of a note on the record plat and documentation within the deed that agricultural operations enjoy the protection of the Right to Farm Act.

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b. A tabulation of density for such cluster subdivision.

c. ***Inclusion of note on the record plat and documentation within the deed stating that all lots are ineligible for further subdivision.***

C. Final Documents

Prior to plat approval, the following items must be submitted for review and approval to the Director:

1. If improvements required under these regulations are not completed, a financial guarantee in the form of a cash bond, certified check, or surety performance bond and agreement as required by Section 8.300 of this chapter. Such guarantee must be accepted by the Board of Supervisors or designee prior to plat approval.

2. An unexecuted copy of the deed, accompanied by a Certificate of Authenticity signed by the developer and duly acknowledged before an officer authorized to take acknowledgments of deeds, to the effect that this is a true copy of the proposed deed which will be presented for recordation, unless revisions are required by the Director, in which case such deed will be recorded in the form as approved by the Director or designee. Such deed shall:

   a. Contain a correct description of the land subdivided or adjusted and state that such subdivision or adjustment is with the free consent and in accordance with the desire of the undersigned owners and trustees of the property and shall be duly acknowledged in accordance with Section 15.2-2264 of the Code of Virginia, as amended.

   b. Contain language such that, when the deed is recorded, it shall operate to transfer in fee simple to the Board of Supervisors such portion of the platted premises as is on such plat set apart for roads, easements, or other public use and to create a public right-of-passage over the same.

   c. Contain protective or restrictive covenants, if applicable.

   d. Contain, when applicable, provisions for maintenance and indemnification by the property owner with respect to any

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structure, including permanent fences and stone walls, within the proposed and future right-of-way.

3. In cases where land or facilities are to be dedicated to and held in perpetuity by a homeowner's association, copies of homeowner's association documents shall be submitted.

4. A letter from the obligor acknowledging that a maintenance and indemnification agreement satisfactory to the Board of Supervisors to provide for public facilities maintenance must be executed and delivered to the Director prior to final release of the financial guarantee.

5. Certificate by subdivider that structures subject to Zoning Ordinance minimum yard requirements, which are not shown on the plat, will be removed, unless satisfactory alternate arrangements have been approved by the Director.

6. The submitted mylar and paper copies shall be at the scale of the original plat, without enlargement or reduction to change the size of the plat. If the plat contains lots served by well or septic drainfields, a second reproducible mylar copy of the plat shall be submitted.

7. If not included in the deed, a Deed of Release if there are deed of trust trustees who did not enter into the application or a letter or other documentation from the owner which certifies that there is no deed of trust lien on the property

8. A letter from the owner which states that a performance bond or check adequate to insure the installation of required water or sewerage facilities in a manner which will satisfy the requirements of the County Health Department, the town, or the Authority, as applicable, has been furnished to such public authority.

9. When the developer is required to establish an owners' association prior to approval of the plat to satisfy proffer or other zoning or regulatory requirements, documentation evidencing the creation and legal existence of the association.

10. A copy of the document establishing the funding mechanism providing maintenance of the common facilities in accordance with the Zoning Ordinance (AR and RR Districts only).

11. A copy of a minimum two year maintenance contract if communal

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and/or sewage disposal system is to be maintained by an entity other than LCSA (AR and RR Districts only).

8.103.8 AR-1 and AR-2 Division Plats

A. The plats shall be prepared by a professional engineer or surveyor. These plats shall contain the data listed below, legibly drawn.

1. Title

2. North Arrow

3. Date

4. The name of the Division

5. The name of the owner of record and land record reference for source of Title.

6. The Name of the engineer or surveyor who prepared the plat.

7. Number of sheets comprising the plat.

8. Tax Map reference.

9. Sheet size and scale. The original tracings and paper copies submitted for signature and recordation shall be drawn legibly and accurate per Virginia State Library and Archives Standards for plats.

10. Election District and Loudoun County, Virginia within the Title Block.

11. The plat shall show parcel and lot lines, including dimensions. Dimensions shall be shown in feet and decimals of a foot to the closest one-hundredth of a foot, and bearings in degrees, minutes and seconds. The data for curves shall be shown in detail at the curve or in a curve data table containing the following: radius, delta, arc, tangent, chord, and chord bearing. If land is being dedicated or reserved for public use for roads, parking areas or for common use of the future property owners, the plat shall so state and dimension such.

12. If not otherwise contained in the deed accompanying the plat, the plat shall contain a statement to the effect that the Division is with the free consent and in accordance with the desire of the undersigned owners of the property and shall be duly acknowledged in accordance

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with Section 15.2-2264 of the Code of Virginia of 1950 as amended.

13. Seal and signature.

14. If private access easements are proposed, the following notes shall be added as appropriate:

    a. Construction of the access easement shown hereon shall conform to the standards set forth in the Loudoun County Land Subdivision and Development Ordinance.

    b. Construction of the Class III road shown hereon shall conform to the standards set forth in Chapter Four of this manual.

    c. The access road or access easement shown hereon is private and its maintenance, including snow removal is NOT a public responsibility. It shall not be eligible for acceptance into the State secondary system for maintenance until such time as it is constructed and otherwise complies with all requirements of the Virginia Department of Transportation for the addition of subdivision roads current at the time of such request. Any costs required to cause this road to become eligible for addition to the State system shall be provided from funds other than those administered by the Virginia Department of Transportation and/or Loudoun County.

B. Documents to accompany Division Plats

1. If applicable, an unexecuted copy of the Private Roads Maintenance Agreement with maintenance agreement language per Chapter 1245 of the Land Subdivision and Development Ordinance where applicable, shall be submitted for review and recommendation concurrent with the associated Division plat.

2. A letter signed by the Health Director evidencing conformance with applicable requirements of the County Health Department.

3. If applicable, an unexecuted Deed of Easement establishing ingress/egress rights, maintenance and construction responsibilities including snow removal.

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(i) The floor area ratio shall not exceed ~~0.01~~ 0.04.

(ii) The restaurant and indoor Banquet/Event facilities on premises shall not exceed ~~25~~ 49 percent of the total floor area of the country inn.

(e) **Yard Standards.** The minimum required yard setback shall be as follows:

~~(i) Level I – small scale: 100 feet minimum from all lot lines.~~

~~(ii) Level II – medium scale: 200 feet minimum from all lot lines.~~

(iii) 4-40 Guest Rooms with Outdoor Events ~~Level III – large scale~~: 250 feet minimum from all lot lines but not less than 500 feet from an existing dwelling on a separate lot.

Staff Suggestion: To make this section consistent with the proposed amendments to the Bed and Breakfast standards, it may be advisable to phrase as follows:

(e) **"Yard Standards.** The minimum required yard setback shall be ~~as follows: 4-40 Guest Rooms with Outdoor Events Level III – large scale~~: 250 feet from all lot lines, but outdoor areas, including parking, used for Banquet/Event facilities or for music shall be located a minimum of 500 feet from an existing dwelling located on a separate lot."

(f) **Landscaping/Buffering/Screening.**

(i) The use shall comply with the landscaping and screening standards of Section 5-653(A).

(ii) Parking areas shall be screened to comply with the standards of Section 5-653(B).

(iii) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(g) **Roads/Access.**

(i) The country inn shall comply with the road access standards in Section 5-654.

(ii) There shall be no more than ~~one~~ two points of access ~~to a~~ for guests of the country inn. ~~This requirement shall not preclude an additional access for emergency vehicles only.~~

(h) **Parking.**

Town of Lovettsville

March 15, 2006

Robert Klancher, Vice-Chairman
Loudoun County Planning Commission
1 Harrison Street, S.E.
Leesburg, Virginia 20177

Dear Mr. Klancher:

I wish to take this opportunity to thank the members of the Loudoun County Planning Commission and Planning Staff for your work on preparing the Zoning Ordinance for the County of Loudoun. I have been unable to attend your Work Sessions due to prior commitments, and I do appreciate the chance to relate my feelings and the Town Council's thoughts on the zoning around the Town of Lovettsville.

It was the consensus of the members of the Town Council who were present last Thursday night to support the AR-1 zoning around the Town. Also, the Council agreed to support the previous decision of no JLMA around the Town at this time.

Other discussions regarding our positions on these most important matters included our utmost concern for impact on our Town wells should CR-1 zoning be in place around the Town of Lovettsville. Water is the most precious commodity we have, and must be treated with respect. My feeling is, if a well, and a septic and drain field are allowed on every acre of land, it will someday impact our lives in a way that will not be pleasant. After attending the LCSA Water Forums, I support the idea of regulating maintenance of septic tanks and drain fields, as well as the new alternative plants. With respect to the JLMA, or the old Urban Growth Area, currently we have no plans for annexation. However, this does not preclude future Town Councils from proceeding in that direction. Presently, we need to concentrate on the development within our Corporate Limits, and always have to recognize the limitations and regulations imposed by the Commonwealth of Virginia on our utility systems and the future expansions thereof.

I remember the past discussions on the "greenbelts" around the towns, to distinguish the town/county boundaries. We are attempting to carry out those ideas in our Town. I also remember the discussions about identifying the "gateways" into the towns, and perhaps concentrate on ways to improve and beautify these areas. These are but a couple of policies that should continue to be implemented to "make Loudoun the most beautiful County".

If you should have any questions, or if I can be of further assistance, please do not hesitate to contact me.

Thank you for your time.

Sincerely,

Elaine Walker
Mayor

CC: Julie Pastor

RECEIVED
MAR 15 2006
PLANNING DEPARTMENT

A-492

PUBLIC COMMENT

ATTACHMENT 19

A-493

From: "Mike Nardolilli" <mnardolilli@nvct.org>
To: <martman@loudoun.gov>
Date: Wed, May 17, 2006 4:44 PM
Subject: PIN 538208697000

To Whom It May Concern:

As President of the Northern Virginia Conservation Trust ("NVCT"), I am writing about the May 18, 2006 letter I received from your office concerning the proposed changes to the development rights on our land (PIN 538208697000).

NVCT is dedicated to preserving this land in its natural state and in November, 2005 voluntarily placed this property under conservation easement with the Land Trust of Virginia. The LTV easement prohibits all development on the land. Because of this fact, NVCT has filed an appeal with the Board of Equalization contesting the $166,700 real estate assessment on this vacant land which cannot be developed.

Accordingly, NVCT is supportive of any reductions to the development rights on this parcel as long as such reductions are reflected in lowered tax assessment on this property. It is our understanding that the proposed changes would do just that. We would ask that someone in the County to please contact the undersigned just to confirm that our understanding is correct.

Sincerely,

Michael Nardolilli
President
The Northern Virginia Conservation Trust
4022 Hummer Road
Annandale, Va. 22003
703-354-5093
www.mnardolilli@nvct.org
www.nvct.org

From: Melinda Artman
To: cilldara@megapipe.net
Date: Wed, May 17, 2006 9:55 AM
Subject: Re: Property #443308447000 information

Dear Ms. Landau:

I will make sure that the Board of Supervisors receive this e-mail. If adopted, the proposed amendments would preclude your ability you subdivide. Under the proposal you would need at least 20 acres to subdivide. The proposed amendments offer the opportunity, however, to have many more commercial uses than the existing ordinance. Perhaps these additional uses make your property condusive to leasing for these agriculturally related/friendly uses.

Please feel free to contact me if you have any additional questions.

Melinda M. Artman
Zoning Administrator

>>> "" <cilldara@megapipe.net> 5/16/2006 9:50 PM >>>
Dear Mr. York-
Yesreday I recieved a letter from your office about the proposed Zoning amendments. I am considering subdividing my horse farm(the maintenance of the land is too much for me) and I am wondering if I will be able to.
I have 13.5 acres and I am thinking of selling off 8, maintaining the remaining 5.5 for a smaller horse farm. Will I be able to do this? I do not fully comprehend the notice on Attachment 1 regarding subdivision. Unfortunately i won't be able to attend the meetings. I hope you can help me out with an explanation.
Thank you very much.
Diann Landau
Lovettsville

CC: Bearer, Juanita; Lohr, Michelle ; York, Scott; York, Scott

From: Melinda Artman
To: Towman427@aol.com
Date: Wed, May 17, 2006 10:00 AM
Subject: Re: Rural policy area ??

Hello!

The way the proposed ordinance is written, it isn't exactly accurate to say "one house per 10 acres", although that comes close. It is more accurate to say that the proposal provides the opportunity to create a lot for every ten acres you have. The use of the lot can be for a dwelling, but it can also be for a variety of other uses (commercial) that are compatible with a rural environment. Depending upon the subdivision option a land owner choosed, the lots could be as small as desired, or a minimum of two acres so long as the *number of lots created* do not exceed one lot per ten acres. [Here's an example: a property owner has 100 acres. He can have 10 lots. Nine of the lots are two acres each, one lot is 82 acres.]

I hope this is helpful to you.

Please call me at (703) 737-8915 if you have additional questions.

Melinda M. Artman
Zoning Administrator

>>> <Towman427@aol.com> 5/16/2006 11:21 PM >>>
Hi,
I am a property owner in the area that the zoning will be changed. I would like to make sure on what the AR 1 is. Is that 1 house to 1 acre ? 10 acre ? 20 ? NEED to save as much land as possible !! While we still can !
Thanks for you time. Terry Crisp

CC: Bearer, Juanita; Lohr, Michelle

A-496

MOUNTVILLE, LLC

Post Office Box 2228, Middleburg, Virginia 20117

RE:
Proposed Comprehensive Plan & Zoning Changes Affecting our Property
Comprehensive Plan amendment: CPAM-2005-0005
Zoning Map amendments: ZMAP-2005-0042 & ZMAP-2006-0002
Zoning text amendment: ZOAM-2005-0002

Parcel (co property identification number): 498156440000
Proposed zoning district classification(s): AR2 agricultural rural - 2

Tuesday, 23 May 2006

Dear Malinda

We are in receipt of notice of change. We will be unable to attend the public hearing and wish to formally oppose any change of zoning to our property.

The neighbourhood to the east and north of us has several 3-5 acre developed lots. We intend to subdivide this property into 4 lots of 10-12 acres each, which is far larger than the lots abutting us.

We have already completed the engineering, survey and septic sites and are preparing an application at this time.

The proposed amendments would have a significant financial impact on the value of this property.

Regards,

Jack Andrews

Jack Andrews
Mountville,llc

A-491

PHONE - 540) 687 6470 FAX – 540) 687 6471
INFO @ PETERBAY.NET

From: Melinda Artman
To: Gontarek, Stan
Date: 5/30/2006 9:02:29 AM
Subject: Re: Proposed Zoning Changes

Dear Mr. Gontarek and Ms. Christian:

This e-mail is to acknowledge receipt of your comments and to offer assurance that it will be included in the materials that the Board of Supervisors will receive concerning the remapping of rural Loudoun.

Very truly yours,

Melinda M. Artman
Zoning Administrator

>>> "Stan Gontarek" <yankeedog@starpower.net> 5/29/2006 1:31 PM >>>
Mr. Chairman:

Parcel Reference: 514383826000

Owing to family commitments, we are unable to attend the public hearings relating to the proposed zoning changes (CPAM-2005-0005/ZMAP-2005-0042 & ZMAP-2006-0002/ZOAM-2005-0002), we are sending an e-mail to your office stating our objections to the proposals.

We bought our property in 1999 with A3 zoning and paid the fair market value at that time reflecting the zoning at that time.

Loudoun County is now proposing restricting our property to one residential unit. The rezoning would substantially devalue our property and prevent us from building.

If the zoning changes are implemented, we, and other landowners like us, should receive adequate payment to compensate for the current and future loss in value of our property.

This is a "taking" without compensation.

Please confirm receipt of this e-mail and that our objections will be considered fairly.

Stanley Gontarek and Susan Christian

CC: Bearer, Juanita; Lohr, Michelle

A-499

From: Nahid Shadrokh <thelovettsvillehome@yahoo.com>
To: <bos@loudoun.gov>, Meland Artman <martman@loudoun.gov>
Date: 4/22/2006 8:35:08 PM
Subject: Assisted Living Facility (The Lovettsville Home)

To: Sally Kurtz
John Herbert
Frank Hiatt
From: Nahid Shadrokh Resident of Lovettsville
Administrator & Clinial manager of The Lovettsville Home

I, Nahid Shadrokh, a Physical Therapist with ten years nursing background together with my sister (Registerd Nurse), My brother in-law (PHD micro biologist), and my husband (senior net work engineer), started a small Assisted living facility business in Lovettsville more than one year ago. Unfortunately, the Lovettsville location of our business (The Lovettsville Home) has gone through several changes, from AR1 to A3 and back to AR1 with currently unknown Zoning designation.

It is noticeable that we have spent a great deal of time and mony to succeed as we were encouraged by Loudoun County goverment Zoning officials. Then, The Lovettsville Home location was considerd as A3 zone that allows Assisted Living Facility services under exceptional permit. It is necessary to reiterate that we have filed

per-application and met all riquirments for Assisted Living Facility licensure so far.

Recently, when I have requested for certificat of occupancy, I was denied on the basis of newly proposed Zoning change.

Now, I kindly demand that you consider applying A3 zoning regulation for Lovettsville Home Facility so that we can proceed with our business plan via exceptional permit.

Alternatively, Assisted Living Facility, Continuing Care, and Home for Adult

SHOULD BE included in the AR1 Zoning regulation to encourage business activities for many people.in the same area.

In conclusion, we are a dedicated professional medical team determined to countinue our business and insist on serious review of our request.

We are looking forward to positive response to our request.

Regards,
The Lovettsville Home
Nahid Shadrokh
Administrator & Clinical Manager
39196 Rodeffer Rd
Lovettsville, VA 20180
Tel: 703-943-7543

Yahoo! Messenger with Voice. PC-to-Phone calls for ridiculously low rates.

A-500

From: "Bird, Andrew R (Titan) @ TLOTSD" <andrew.bird@L-3Com.com>
To: <btullock@loudoun.gov>, <LWaters1@loudoun.gov>, <ssnow@loudoun.gov>, <JClem1@loudoun.gov>, <eugenedelgaudio@erols.com>, <mstaton@loudoun.gov>, <syork@loudoun.gov>, <jburton@loudoun.gov>, <skurtz@loudoun.gov>
Date: 4/20/2006 8:40:48 AM
Subject: Request for Text Amendment

Members of the Board,

I am attaching the text of remarks that I made to the Planning Commission on Februaury 11, 2006, at their hearing on the proposed amendments to the Zoning Ordinance of Loudoun County. It is crucial to the existence of charitable, civic, and fraternal organizations in this county that some provision in the Zoning Ordinance permit their lodges and/or club facilities as permitted uses in the AR-1 and/or AR-2 districts proposed in the amendments be added to the text of tnhese districts. The rationale for this request is laid out in the attached.

Thank you for your attention to this important matter.

Andrew R. Bird, III
(h) 703-787-6650
(o) 703-390-7360

CC: <rjgillespie1@verizon.net>, <joekiser@verizon.net>, <tim@acesemb.com>

A-501

STATEMENT OF LOUDOUN LODGE #2406
BENEVOLENT AND PROTECTIVE ORDER OF ELKS
OF THE UNITED STATES OF AMERICA
Presented by Andrew R. Bird, III,
Chair of Trustees, Loudoun Elks Lodge # 2406

The Benevolent and Protective Order of Elks is a nationwide organization of well over a million American citizens of which Loudoun Lodge #2406 is part, with a membership of just over 250 in Loudoun County. Elks love their country and desire to preserve its cherished institutions, traditions and values; respect our neighbors and constantly seek to promote their well-being; love and enjoy life and believe this enjoyment is increased by sharing it with family, friends, and the community in which we live. We do not ask members to subscribe to any set of beliefs, nor interfere with their present life, nor act contrary to the dictates of conscience, but encourage those among us to put their beliefs more into practice, thereby becoming a better American and humanitarian. Our members find fulfillment in service to humanity, feeding the hungry, sheltering the homeless, aiding those in distress, and proving themselves to be true friends to all in need.

Loudoun Lodge #2406, BPOE, participates in many different charitable community functions and events. Some of these events are:

Chistmas in April; Sterling Fest; Food Baskets (2 weeks groceries for 17 needy families in Loudoun) at Easter, Thanksgiving, and Christmas; Christmas Toys for Tots; Clothing for Loudoun Women's Shelter; Motorized Wheel Chair for Disabled Loudoun Citizen; Highway Clean-up; Honor Guard participation in parades and for military honors at veteran's funerals; Honor Guard Laying of Wreath at Tomb of Unknown Soldier in connection with World War II Memorial Dedication; Memorial and Veterans' Day Ceremonies

Loudoun Lodge #2406 also participates in and supports in activities of the Grand Lodge (National) of the Benevolent and Protective Order of Elks, bringing the beneficial effects to the Loudoun Community:
Drug Awareness; Va. Elks Youth Camp (we send eight kids a year at our expense); Scholarships (Local, State and National); Veterans' activities; Flag Day Observances; Hoop Shoot (50 children); Soccer Shoot (45 children).

Elks activities support time honored *values*, such as education of our children, civic responsibility and public education as to what those responsibilities are, giving a helping hand to those in our community who are most in need, and providing a place with *structure* where community activities can take place, and people can connect, face to face, in this fast paced, rapidly changing culture.

Loudoun Lodge now owns 9.9 acres of real property, with improvements, located at 23219 Evergreen Mills Road, Leesburg, Virginia 20175, Tax Map Reference #/91////////8A, PIN 243498730000, settled on October 24, 2003. It is the intent of

A-502

Loudoun Lodge # 2406, BPOE, to use this property as its Lodge facility in order to further it's activities, described above, however, there is no provision in the proposed amendments permitting use as a lodge for a fraternal charitable organization in the AR-1 or AR-2 districts, even by special exception.

There are many similar civic and charitable organizations in and around Loudoun, such as the American Legion, VFW, Moose, etc. that can, and will be affected by this oversight. The only district under the new ordinance that permits lodges of fraternal charitable organizations is the commercial district, making the cost prohibitive, and even then, the use is by special exception, a process adding time and further expense as a burden on the resources of these organizations.

Organizations such as the Loudoun Elks and others mentioned above are part of the fabric of rural and residential communities, providing services to the community, lessening the load on the taxpayer, and even making their facilities available to be used by the community at large. It is inconceivable that the land use policy of the County would effectively preclude their existence. Without a "home", these organizations cannot function effectively, and some have disappeared from the county.

We, therefore, respectfully request that the use of lodges of fraternal, charitable organizations be added as a permitted use under Section 5-600 of the proposed zoning amendments with standards similar to those provided for banquet facilities.

The priorities of a society are most clearly reflected in its policies. We should be careful not to inadvertently plan community right *out* of our neighborhoods.

A-503

C - MS
JP
PG
Michelle
FOIA

COUNTY OF PRINCE WILLIAM

1 County Complex Court, Prince William, Virginia 22192-9201
(703) 792-6830 Metro 631-1703, Ext. 6830 FAX (703) 792-4758
Internet www.pwcgov.org

PLANNING OFFICE

Stephen K. Griffin
Director of Planning

April 3, 2006

Melinda Artman
Zoning Administrator
Loudoun County Department of Building and Development
1 Harrison Street, S.E., Third Floor
P.O. Box 7000
Leesburg, Virginia 20177-7000

RE: CPAM 2005-0005, ZOAM 2005-0002, and ZMAP 2006-0042, Comprehensive Plan, Zoning Ordinance, and Zoning Map Amendments to the Rural Policy Area.

Dear Ms. Artman:

Thank you for providing Prince William County an opportunity to comment on these case, which all involve amending the Comprehensive Plan and Zoning Ordinance and Map for the areas within the Rural Policy Area. Generally speaking, Loudoun's Rural Policy Area is split into two areas: the Northern Tier (generally north of Goose Creek to the County border with Maryland and West Virginia) and the Southern Tier (south of Goose Creek to the Prince William County border). Our comments will address the changes proposed for the Southern Tier of the Rural Policy Area.

More specifically, the existing Comprehensive Plan calls for residential density of 40 acres per lot in the southern tier, with the option to cluster residential lots at the density of 20 acres per lot. The current proposal for the southern tier would permit "Rural Residential Rezonings" to one dwelling unit per 15 acres, and applicants would be expected to mitigate impacts on capital facilities and transportation as part of the rezonings.

Prince William County continues to oppose any reduction in residential density unless the impact on regional transportation infrastructure is mitigated.

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APR 04 2006
BUILDING AND DEVELOPMENT

Sincerely yours,

Debrarae Karnes

Debrarae Karnes, AICP
Planner III

Priority Mail M060210C

A-504

Juanita Bearer - Proposed Downzoning

From: "Mark S. Londner" <Mark@LBIhome.com>
To: <dop@loudoun.gov>, <rpotts@sov.state.va.us>, <deljmay@house.state.va.us>, <syork@loudoun.gov>, <jburton@loudoun.gov>, <info@loudounsfuture.org>
Date: 2/9/2006 1:57 PM
Subject: Proposed Downzoning

Feb. 9, 2006

Loudoun County Planning Commission

From:
Mark S. Londner
15547 Honey Locust Lane, Purcellville, VA 20132-2761
Resided in Loudoun since 1978
Own 30+ acre parcel

Although I do support slowing the present rapid, uncontrolled growth of Loudoun County, the presently proposed downzoning will prohibit any subdivision I had initially planned, which would enable me to pass property on to my son; or, assist with any future retirement plans.

What disturbs me most is, I have heard absolutely no concerns, suggestions, or conversations whatsoever regarding potential solutions which could help protect the individual (smaller) landowners from the proposed constraints which are primarily designed to curtail future rampant large scale development (fueled by financial gain alone).

Is it not feasible to entertain downzoning constraints which would perform as designed; yet, would not apply to lesser sized privately owned parcels? This exclusion could/should further be designed to limit the number of parcels a homeowner would be permitted to create.

Using my plight as an example: I cannot divide my 30acre tract into two 20 acre tracts – it's mathematically impossible. I cannot see how my "splitting off" a 5 or 10 acre tract will hinder any necessary restrictions intended to preserve what's left of "rural" Loudoun County.

Yes, there's much to consider regarding such options; but, as I said, I am extremely disappointed no sympathetic concerns or considerations for individual citizens, in the form of such related options, has even been entertained, much less included, as a viable alternative/modification regarding proposed downzoning .

I implore you (the commission, Board of Supervisors, etc.) to consider such possibilities; so as to not destroy the financial planning, opportunities, and retirement options of numerous, individual, long time county residents.

Respectfully.

Mark Londner

Mark S. Londner, AIA
ASHI, NOVA ASHI, VAREI, VACHI (Virginia Certified Home Inspector)
LBI Home Inspection
540-668-6339
www.LBIhome.com
Mark@LBIhome.com
15547 Honey Locust Lane
Purcellville, Virginia, 20132-2761

A-505

February 9, 2006

RECEIVED
FEB 14 2006
BUILDING AND DEVELOPMENT

Loudoun County Department of Building and Development
1 Harrison Street, S.E.
3rd Floor
Leesburg, VA 20175

RE: Parcel #584472559000

Dear Mr. Jim Burton, Blue Ridge Election District:

We received a letter from the county dated January 23, 2006 regarding a notice of public hearing on proposed zoning changes affecting our property, parcel #584472559000. The purpose of this letter is to submit a written request for a response to specific questions related to the subdivision of our property in addition to our oral request at the public hearings.

According to the letter, our property is proposed to change from its current zoning of CR-2 to AR-1. As you know, CR-2 permits one home to be built per acre if all other requirements are met. The AR-1 zoning as we understand it would not permit more than one home to be built on the property. Our property is 5.385 acres.

Our property was purchased on July 29, 2005 with the intention of filing for a Family Subdivision after holding the property for the required one year. The subdivision we intend is for one additional lot for a family member. The Family Subdivision application is to be filed July 30, 2006 (one year after the purchase date).

Our decision to purchase this property on July 29, 2005 was made after the decision by Judge Thomas Horne on April 19, 2005 which reverted the zoning back to the pre-January 6, 2003 zoning ordinance and confirmed the property was zoned CR-2. Accordingly, we have pursued our intended Family Subdivision plans based on the zoning laws in effect when the property was purchased.

In pursuit on this plan, we had a pre-application conference on November 29, 2005 with John Merrithew, Alex Blackburn, Melanie Wellman and a few others to discuss the possibility of subdividing our property under the Family Subdivision rules. Everyone at the meeting was helpful and the conclusion was to perform a Preliminary Soils Review of the current soil mapping. On December 29, 2005, Alex Blackburn and Ryan Reed provided the results of the Preliminary Soils Review which reported a re-mapping of the soils. After the re-mapping, there is sufficient space for the driveway access necessary for a two-lot Family Subdivision. Further, we have engaged an experienced professional engineer to help us complete the Family Subdivision layout, application, additional drainfield approval, etc.

A-506

<u>Question:</u> Can our property (#584472559000) still be approved for a Family Subdivision if the zoning is changed to AR-1 before such a subdivision application could possibly be submitted (and approved) since there is a one year holding requirement from the date of purchase? Will there be a grandfathering or an automatic exception provided in this situation?

If a grandfathering or an exception is not provided, it would be unjust since a subdivision which was available at the date of the purchase became unavailable solely because the required one year waiting period was impossible to meet before the zoning changed. It would be difficult to understand and to explain how such a significant family and financial decision was made based on one set of requirements and then disallowed even before those requirements could have been achieved.

Thank you in advance for your consideration and response.

Sincerely,

Matthew Hallam Donna Hallam

cc: Melinda Artman, Zoning Administrator

A507

7 February 2006

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FEB 14 2006
BUILDING AND DEVELOPMENT

Loudoun County Planning Commission
1 Harrison Street, SE
P.O. Box 7000
Leesburg, VA 20177-7000

Subject: Proposed Zoning Changes Affecting Our Property, Parcel 636260493000

We have been residents of Loudoun County for 21 years. We own nearly 31 acres in Bluemont (proposed AR2). It would be unfair to restrict us to a lot size 2 to 3 to 8 times larger than my immediate neighbors. I feel a 10-acre minimum lot size would be reasonable and more consistent with the rest of our neighborhood.

Sincerely,

Susan L. Zilke

Susan L. Zilke
19798 Foggy Bottom Road
Bluemont, VA 20135
540-554-2939

cc: Loudoun County Board of Supervisors
Loudoun County Department of Building and Development

A-50