RECOMMENDATIONS FROM ZONING ORDINANCE REVIEW COMMITTEE
DATED SEPTEMBER 8, 2005

- Cover Letter
- Section 1-404 Non Conforming Lots
- Section 2-100 Agricultural Rural -1
- Section 2-200 Agricultural Rural – 2
- Section 5-500 Temporary Uses/Zoning Permits
- Section 5-600 Additional Regulations for Specific Uses
- Section 5-703 Agricultural Rural (AR) District Cluster Option

ATTACHMENT 15

A-300

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September 8, 2005

Mr. Scott York, Chairman
Loudoun County Board of Supervisors
One Harrison Street, SE
Fifth Floor
Leesburg, VA 20175

Re: Report of Zoning Ordinance Technical Review Committee ("ZORC") on Suggested Revisions to Loudoun County Zoning Ordinance Implementing "Option 1" in the AR-1 and AR-2 Zoning Districts

Dear Scott:

Transmitted herewith is the Report of the Zoning Ordinance Technical Review Committee ("ZORC") which addresses certain questions raised by the Board of Supervisors relative to AR-1 and AR-2 Zoning Districts, and which contains suggested revisions to the Zoning Ordinance which in our judgment would implement "Option 1" as directed by the Board of Supervisors on July 21, 2005.

We request that you have a copy of this report forwarded to all Board members for their consideration. Mr. Michael Currie of the Zoning Office has an electronic soft copy of these documents.

We understand that Staff is also working on this effort and will be forwarding you suggested draft language in the near future, and we look forward to working the the Board, the staff, and other affected groups to bring this important work to conclusion.

Our Committee would be extremely remiss if we did not call the Board's attention to the extraordinary level of support we have received from Michael Currie of the Zoning Office, who has attended every meeting, displayed draft materials on the board for review by our Committee and the public, maintained the integrity of revisions to the zoning ordinance, and demonstrated an unsurpassed command of his laptop and the Microsoft Word software. We absolutely would not have been able to complete this task without him.

Please don't hesitate to contact is if you or any Board member has any questions, or if we can be of further assistance.

Sincerely yours,

Robert M. Gordon, Chairman, ZORC

LOUDOUN COUNTY ZONING ORDINANCE REVIEW COMMITTEE

REPORT TO BOARD OF SUPERVISORS ON AR-1 AND AR-2 ZONING

September 8, 2005

The Loudoun County Zoning Ordinance Review Committee ("ZORC") was established by the Board of Supervisors in December, 2004, to conduct a technical review of the Loudoun County Zoning Ordinance and to (i) make revisions to the Zoning Ordinance required as a result of judicial decisions in litigation challenging certain provisions of the January 6, 2003 amendments to the Zoning Ordinance; (ii) review recommendations from staff for clarification and correction of the Zoning Ordinance based issues identified by staff over the course of several years of administration of the Zoning Ordinance; (iii) solicit and obtain public input, and (iv) recommend revisions to the Loudoun County Planning Commission and Board of Supervisors based on such review and deliberations. Pursuant to Board direction, the ZORC held a public input session on February 3, 2005, and solicited public input through February 28, 2005.

During the course of the ZORC review process, on March 3, 2005, the Supreme Court of Virginia, in Gas-Mart Corporation, et al. v. Board of Supervisors of Loudoun County, struck down the AR-1 and AR-2 provisions of the Zoning Ordinance. On June 21, 2005, during the Board's deliberations on potential zoning alternatives for areas previously zoned AR-1 or AR-2, the Board directed that the ZORC provide recommendations on the following topics:

1. The reasonable minimum lot size that could help retain a rural setting and encourage the use of traditional well and septic systems.
2. Recommendations on language that could be implemented to address concerns regarding issues arising from non-conforming lots or uses based on any action the Board may take.
3. Examine and make recommendations on language, logistics, implementation, etc. on the concept of tracking the number of lots a parent lot could produce based on its size and allow that lot to "spin off" child lots that cannot be subdivided one at a time instead of all at once. Examine this issue in terms of clustered lots as well.
4. Review the list of allowable by-right uses in the original AR-1 and AR-2 zoning districts, and make recommendations as to additions, deletions, or changes to any of these uses.
5. Examine whether rural economy lots could have easements placed on them that would either prohibit residential uses or allow them only as a secondary use for a property owner that is engaging in a rural economy/agriculture use. If residential uses are eased off the property, what is the feasibility.
6. Provide additional comments, if any, other than as listed above.

The Board of Supervisors subsequently, on July 19, 2005, gave further direction on zoning options for the areas formerly zoned AR-1 and AR-2, by directing that Loudoun

County staff prepare draft amendments to the Loudoun County Zoning Ordinance, and to such other ordinances or documents as may be necessary to implement "Option 1."

The ZORC met in public session on a regular basis from late July through August, and utilized public comment received prior to the Virginia Supreme Court decision where the comments related to AR-1 and AR-2 issues not rendered moot by the decision. In addition, we have worked closely with the Rural Economic Development Committee ("REDC") and the Loudoun Convention and Visitors Association ("LCVA) during our review of these issues. Based on this work, we submit this report and the attached materials for consideration by the Board of Supervisors. The following materials are attached hereto:

- Redlined version of Article 2-100, AR-1 District regulations.
- Redlined version of Article 2-200, AR-2 District regulations.
- Redlined version of Article 5-700, Optional Development types, showing suggested revisions for cluster development in the AR-1 and AR-2 zoning districts.
- Redlined version of Article 5-600 performance standards for various uses.
- Relined version of Section 5-500 Temporary Uses.
- Redlined version of Section 1-404 Boundary Line Adjustments.

Although these materials are somewhat voluminous, our committee concluded early on in our deliberations, that the most help that we could provide to the Board of Supervisors would be to provide a package that attempted to implement the "Option 1" approach chosen by the Board of Supervisors in a manner that we felt fit together and worked as a whole.

We note that although a proposed revised Floodplain Overlay District (Article 4-1500) is not included in the attached materials, our committee is considering that all gross land area located within a parcel of land, including major flood plain, will be counted in determining the density of development. Prior to January 6, 2003, density credit was not given for major floodplain, i.e., flood plain draining an area of greater than 640 acres. The January 2003 revisions, for the first time, gave density credit for major floodplain as a part of the RSCOD section of the ordinance, which superseded the former FOD district. The RSCOD sections of the ordinance were voided by judicial decision. In discussing this issue, the ZORC is considering recommending to the Board of Supervisors that major flood plain areas be counted for purposes of determining density of development, i.e., the number of lots that may be created from a parcel of land. Our current reasoning, as it applies to the rural (AR-1 and AR-2) areas of the County, is that unless major floodplain is counted for density purposes, landowners may not be able to determine without a costly flood plain study how many lots may be created, and the County's task of tracking spinoff and simple subdivisions would be greatly complicated. Proposed FOD district regulations will be forwarded with the balance of the ZORC's recommendations in the near future.

EXECUTIVE SUMMARY OF ATTACHED MATERIALS

The Board's Option 1 set densities for the AR-1 and AR-2 districts as follows, while directing that ZORC and staff establish a new "parent/child option" to allow subdivision of lots at smaller lot sizes than the base district density, and to allow for rezoning of parcels to achieve higher densities, with proffers and mandatory clustering. The guidance we received as to density was as follows:

Base Zoning	AR-1	AR-2
Base Density	1 Lot per 20 acres	1 Lot per 40 acres
Parent Child Option (Renamed Spinoff Lot Option in our materials)	1 Lot per 10 acres, requires minimum tract size of 20 acres.	1 Lot per 20 acres, requires minimum tract size of 40 acres.
Rezoning Option	1 Lot per 7.5 acres, requires minimum tract size of 15 acres	1 Lot per 15 acres, requires minimum tract size of 30 acres

In preparing the attached materials, the Committee has addressed the specific questions posed by the Board of Supervisors as follows:

1. Minimum Lot Size: We recommend a minimum lot size in both the AR-1 and AR-2 districts of two (2) acres for spinoff lots, with a requirement that the spinoff lot be served by on site well and septic. We recommend a minimum lot size in cluster subdivisions of 1 acre, with a requirement that (i) septic fields in cluster subdivisions must be located on the lot served or on land owned by a homeowners' association (HOA); (ii) up to 70% of the cluster lots may have their septic field on land owned by the HOA, meaning that 30% of the cluster lots must have their primary and reserve septic field on the lot.
Rationale: The spinoff lot process is intended to be a simple process which may be used by landowners one or more times to subdivide and convey a lot, utilizing the allowed spinoff density (for example, one lot per 10 acres in AR-1, as opposed to the base AR-1 density of one lot per 20 acres). For this simple process to work, off site well and septic, package treatment plants, and the like cannot be used, all well and septic must be on the lot. In order to accommodate a primary septic field, a reserve septic field, and the minimum separation between well and septic systems required by the Health Department, we concluded that two acres was about the minimum required size. With regard to cluster lots, the minimum lot size of one acre is suggested, because utilization of off site septic (in HOA open space) is permitted.

We note that in the current AR-1 and AR-2 district regulations (as defined in the Revised 1993 Ordinance), there is no minimum lot size for cluster lots. In the Rural Hamlet provisions under A-3 zoning, the minimum size of a hamlet lot was 10,000 square feet (with a three acre maximum). Therefore we are recommending a significant increase in the minimum lot size, although retaining the three acre maximum lot size for cluster lots. We believe that market forces have resulted in hamlet lots at sizes significantly larger than the minimum required lot size, and we therefore do not regard the larger minimum lot sizes as a hardship.

2. Nonconforming Lots. The Zoning Ordinance defines a nonconforming lot as a lot that is less than the minimum lot size in the district. Under A-3 zoning, a nonconforming lot was a lot containing less than 3 acres of land. The only constraint on nonconforming lots is that you cannot create them. Nonconforming lots can be utilized for agricultural uses and homes can be built on them, as long as the setback and other district requirements are met. Since the setbacks currently existing in the AR-1 and AR-2 districts are the same as they were under A-3 zoning, we see no adverse impacts on landowners from nonconforming lots. However, we note that setting a minimum lot size of two acres in the AR-1 and AR-2 districts should further reduce the possibility of problems arising from nonconforming lots.

3. Feasibility and Logistics of "Parent/Child" Lots. We regard the approach taken by the Board on this issue as perfectly feasible, although it will require that when a "parent tract" is subdivided by creating a "spinoff" or "child" lot, the overall density of allowed number of lots must be determined and shown on the record plat, and all subsequent subdivisions of lots out of the Parent tract would have to show a tabulation of the allowed number of lots, the number of lots being created and previously created, and the remaining number of allowed lots that may be created in the future out of such parent tract. We feel that this approach can be readily implemented by Building and Development staff and the surveying/civil engineering professionals, and the attached materials contain suggested ordinance language. We note that in our materials we have called this the "Spinoff Lot" subdivision alternative, because we found the "Parent/Child" nomenclature potentially confusing to the public because it suggested a family subdivision.

4. Use List Review and Recommendations. The attached materials reflect the review requested by the Board of Supervisors. Our Committee has deliberately utilized a "light hand" in reviewing the uses allowed in the AR-1 and AR-2 districts. In other words, we have neither added additional uses or deleted uses currently allowed, although we are recommending changes to certain performance standards. Our "light hand" approach is based on the following:

- We understood the Board's instruction to be to work within the format of AR-1 and AR-2 use and district regulations, rather than "reinventing the wheel" with a totally new approach.
- The utilization of a fairly expansive use list, with the number of special exception applications kept to a minimum by using performance standards for certain uses, is an approach the County has been using for the past 15 years.
- Given that many landowners have opted in to AR-1 and AR-2, presumably to preserve their right to certain uses in existence or planned, the deletion of uses could create problems. By keeping the use list as close as possible to that which was in effect prior to the Supreme Court decision, it is our hope that we won't have to have an "old AR-1 and AR-2" and "new AR-1 and AR-2" in the ordinance.

- Our recommendations for performance standard revisions, have, by and large, been to loosen standards that we felt were overly restrictive or unworkable, further increasing the possibility that the County won't have to have two separate sets of AR-1 and AR-2 district regulations. This approach also furthers the Board's direction of minimizing the burden on nonresidential rural economy uses adjacent to existing or future residential uses.

5. Easements on Rural Economy Lots Prohibiting Residential Uses. As we understand this question, the intent seems to be to get our recommendation as to whether additional lots, over and above the base density of lots allowed in the district, can be created if an easement is recorded prohibiting residential uses except as secondary to a rural economy/agriculture use. Our recommendation is that this approach not be utilized, and the attached materials do not contain any provisions to this effect. Our thinking on this is as follows:

- The Board's approach is to set density based on a number of allowed lots, while providing for a wide range of use on such lots, subject to performance standards. The creation of additional lots, ostensibly for uses where residential is "secondary" would be inconsistent with this approach to base density.
- Allowing residences only as secondary uses to rural economy uses or agriculture may sound attractive in the abstract, but the practical result would be confusion among purchasers and landowners who may not understand this distinction.
- If such an easement is placed on the property, what do you do with the "secondary" residence if the landowner decides to change the use of the property or stop engaging in the business that qualified as the "primary" use. We don't regard it as workable to say that the landowner has to tear down the house.
- We believe it would be difficult to obtain financing for construction of either the rural economy use or the residential secondary use in these circumstances.

Other Comments: Rezoning Option. Option 1 contained a proposal that landowners be able to obtain additional density of development on a parcel of land zoned AR-1 or AR-2 by going through a proffered rezoning process, with capital facilities proffers based on the total number of lots, not just on the additional lots derived from a rezoning, with clustering mandatory on the rezoned parcel.

Based on the experiences a number of ZORC members have had with rezoning land for suburban residential development, we are as a Committee somewhat skeptical that landowners and purchasers will find the rezoning process justifiable. In the experience of a number of committee members, the application fees, traffic studies, civil engineering and legal expenses of a rezoning are considerable, and the inevitable requests for transportation improvements, capital facilities proffers, additional buffering/screening and other "voluntary" exactions, and the inherent uncertainties of a public hearing process make a rezoning effort in any part of the County an endeavor not to be entered into lightly.

It may be that the County, in implementing Option 1, can come up with a simplified rezoning approach for AR-1 and AR-2 areas of the County. Because so much of the language for this would have to be in the Comprehensive Plan, and the ordinance for areas rezoned within the AR-1 and AR-2 Districts is dependent on the revisions to the Comprehensive Plan, we have not endeavored to draft zoning ordinance language for the rezoning option.

Other Comments: Boundary Line Adjustments and Temporary Events. We are providing the Board with our suggested revisions to Sections 1-404(CC) Boundary Line Adjustments, and 5-500(CC) Temporary Special Events because in our judgment these suggested revisions should be read in the context of the other ZORC recommendations to the AR-1, AR-2, Cluster, and Performance Standard sections of the Zoning Ordinance. These revisions are based on input from residents, the LCVA, and the REDC, and they tie in to our recommendations regarding subdivision alternatives in the rural districts and to the performance standards for special events contained in Section 5-600.

We recognize that County Staff has also been engaged in reviewing Option 1, and will be submitting proposed ordinance language to the Board in the near future. We hope that the attached materials will be helpful to the Board of Supervisors in completing this important work. We are available to meet with appropriate County personnel to answer any questions that the Board, the Planning Commission, and staff may have.

Our Committee would be extremely remiss if we did not call the Board's attention to the extraordinary level of support we have received from Michael Currie of the Zoning Office, who has attended every meeting, displayed draft materials on the board for review by our Committee and the public, maintained the integrity of revisions to the zoning ordinance, and demonstrated an unsurpassed command of his laptop and the Microsoft Word software. We absolutely would not have been able to complete this task without him.

Respectfully submitted,

Robert M. Gordon

FOR THE COMMITTEE

LOUDOUN COUNTY ZONING ORDINANCE TECHNICAL REVIEW COMMITTEE
Robert M. Gordon, Chairman
Pat Quante, Vice Chairman
Ava Abramowitz
Brian J. Cullen
Frank Hyatt
Stevens Miller
Sarah Howard O'Brien
Joe Paciulli
William Soltesz
John Whitmore

1-404 Nonconforming Lots.

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

(B) **Establishment of Nonconforming Lot Prohibited.** A lot may only be established after the effective date of this Ordinance, if such lot conforms with all requirements of this Ordinance except as follows:

(1) A lot not meeting lot area requirements of the zoning district is created by the subdivision of a previously existing split zoned lot along the existing zoning district line, and the lot meets all other ordinance requirements;

(2) A lot is created for use by LCSA, VDOT, municipal utilities, public utilities as defined in Section 56-232 of the Virginia State Code, or public service corporations as defined in Section 56-1 of the Virginia State Code and meets the requirements of Section 5-621; or

(3) An "outlot" is designated on a subdivision plat as open space. No habitable structures shall be built upon an "outlot".

(C) **Boundary Line Adjustments.** Notwithstanding the provisions of paragraph (B) above, boundary line adjustments may be permitted between nonconforming lots, or between a conforming and a nonconforming lot~~,~~ ~~provided the Zoning Administrator finds that the degree of nonconformity for any lot resulting from such boundary line adjustment is not increased due to such adjustment.~~ provided that the resulting lot(s) meets the minimum lot area in effect at the time that the lot was created. ~~In addition, the Zoning Administrator shall find that a boundary line adjustment does not increase nonconformity and is permitted where the number of residential units~~

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~~allowable on each affected lot with the boundary line adjustment is no greater than the number without the boundary line adjustment, and the boundary line adjustment satisfies one of the following conditions: (1) it makes it possible to rectify a septic system or well failure by providing space for a replacement septic system or well that meets all applicable standards; (2) it incorporates acreage into a lot that is subject to a permanent conservation easement, with the new acreage added to the protected easement area; or (3) it allows any existing nonconforming lot to meet the twenty acre minimum lot size in the AR-1 zoning district or the fifty acre minimum lot size in the AR-2 zoning district.~~

(D) **Highway Realignment or Condemnation.** Any lot, which by reason of realignment of a Federal or State highway or by reason of condemnation proceedings, has been reduced in size to an area less than that required by law, shall be considered a nonconforming lot of record subject to the provisions set forth in Section 1 404(A); and any lawful use or structure existing at the time of such highway realignment or condemnation proceedings which would thereafter no longer be permitted under the terms of this Ordinance shall be considered a nonconforming use or structure as that term is used in this Ordinance.

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~~ provide a systematic basis for~~ assig~~ning 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) **Use Categories and Use Types Defined.** All~~ the~~ 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~~ 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-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 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.

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
	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

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

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	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
Agriculture Support and Services <u>Not Directly</u> 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

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
	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, and with ~~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
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	
	Dwelling, single-family detached, including manufactured housing	P	May use AR District Cluster Option. See Sections 2-104 and 5-703.
	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	

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
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	
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	

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

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	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
	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~~ 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 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 ~~agricultural~~ corporate retreat	P	Section 5-619

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
	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
	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
	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
	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)

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TABLE 2-102: AR-1 AGRICULTURAL RURAL 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)
	Country inn	M	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	V~~Yard waste and/or ve~~getative Wwaste Management ~~compost~~ ~~f~~Facility	M	(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinanaces 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 Ordinanaces 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 where (i) a different standard is provided in Sections 2-105 and 5-703 for land developed under the AR District Cluster Option; ~~pursuant to Section 2-104 and Section 5-703,~~ or (ii)~~unless~~ the performance standards in Section 5-600 (Additional Regulations for Specific Uses) specify different requirements for a particular use.

TABLE 2-103 [illegible] (EXCEPT DEVELOPMENT UNDER AR DISTRICT CLUSTER OPTION)	
Minimum Lot Size	20 acres; Two (2) acre minimum for spinoff subdivision lots.

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TABLE 2-103 [illegible] (EXCEPT DEVELOPMENT UNDER AR DISTRICT CLUSTER OPTION)	
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 Landowner Subdivision Options~~AR-1 Cluster Option~~. The AR-1 Zoning District is intended to provide landowners with simple and flexible options of subdivision at lower densities of development. Landowners may choose the following subdivision options.

(A) **Simple Subdivision**: A simple subdivision is a division of land in which all of the resulting parcels are at or in excess of the twenty (20) acre minimum lot size of the AR-1 District. Thus, the minimum parcel size of land for a simple subdivision is forty (40) acres. Lots created under the Simple Subdivision process have the following characteristics:

(1) Lots created by simple subdivision may be further subdivided under either spinoff subdivision or cluster subdivision as provided below.

(2) Homeowners association permitted but not required.

(3) No open space easement on either the Parent Tract or any spinoff lot is required, and no minimum open space requirements must be met, for a simple subdivision.

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(4) The requirements of Table 2-103 apply to all lots created by a simple subdivision.

(B) **Spinoff Subdivision**: A spinoff subdivision is a division of land in which a parcel of land is designated as the "Parent" tract for purposes of establishing a base density of development for such tract, from which lots can be subdivided at higher densities and with smaller minimum lot sizes than are available under a simple subdivision. The intent is to provide the landowner with flexibility to create one or more lots at a given time, at smaller lot sizes but at densities of one lot per ten (10) acres of gross land area, provided that in no event shall the ultimate resulting size of the parent tract be less than fifteen (15) acres. Thus, the minimum parcel size of land for a spinoff subdivision is twenty (20) acres, because the density of the resulting parcels must be no less than ten (10) acres per lot created. Lots created under the Spinoff Subdivision process have the following characteristics:

(1) Lots created by spinoff subdivision may not be further subdivided, although boundary line adjustment between lots created by spinoff subdivision is permitted so long as no resulting lot is less than two (2) acres in size. The record plat and initial deed of conveyance after establishment of a spinoff subdivision shall contain a statement to this effect.

(2) One or more additional lots may be created by a spinoff subdivision, at one time or in a series of subdivisions, up to the total base density derived from the Parent Tract.

(3) Density utilized to create any spinoff subdivision lot shall be charged against the Parent Tract. The subdivision record plat for a spinoff subdivision shall contain a tabulation of density, showing at a minimum the density originally assigned to the Parent Tract, all prior subdivisions from the Parent Tract and the density charged against the Parent Tract at ten (10) acres per lot created, and the minimum lot size below which the Parent Tract cannot be subdivided.

(4) The Parent Tract remains eligible for further simple subdivision, spinoff subdivision, or cluster subdivision, so long as the requirements for such subdivisions are met and the number of lots remaining available to the parent tract is not exceeded.

(5) Homeowners Association ("HOA") is permitted but not required for a spinoff subdivision.

(6) No open space easement on either the Parent Tract or any spinoff lot is required, and no minimum open space requirements must be met, for a spinoff subdivision.

(7) Each lot created pursuant to a spinoff subdivision shall be served by on site well and septic. Communal water and sewer systems are not permitted in spinoff subdivisions.

2-105 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).

~~2-105forty4where septic fields is located outside the lot served; (ii) HOA ownership of common areas and (iii) , including conservancy lots,cluster- in cluster subdivisionThree 3T shall- andUtility 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.~~

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 and context 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 (~~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-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)~~(F) 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) **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) **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) **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 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 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) **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.

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 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
	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

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
	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
Agriculture Support and Services <u>Not Directly</u> Associated with On-Site	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

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 Activity	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, and with ~~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
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	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 2-204 and 5-703.

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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
	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	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

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
	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
	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

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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
	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
	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
	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
	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

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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
	Rural recreational establishment, outdoor	P	
Retail Sales and Service	Antique shop	P	Section 5-650
	Art gallery or art studio	P	Section 5-650
	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)
	Bed and breakfast inn	P/M	Section 5-601(B)
	Country inn	M	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~~ ~~v~~Vegetative ~~W~~waste Management~~compost~~ ~~F~~facility	~~S~~M	(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinanaces 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 Ordinanaces of Loudoun County, or any other applicable law.)
	Stockpiling of dirt	S	Section 5-657

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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 where (i) a different standard is provided in Sections 2-205 and 5-703 for land developed under the AR-2 Cluster Option ~~pursuant to Section 2-204 and Section 5-703~~, or (ii) ~~unless~~ the performance standards in Section 5-600 (Additional Regulations for Specific Uses) specify different requirements for a particular use.

TABLE 2-203 LOT AND BUILDING REQUIREMENTS (EXCEPT DEVELOPMENT UNDER AR DISTRICT CLUSTER OPTION)	
Minimum Lot Size	50 acres; Two (2) acre minimum for spinoff subdivision lots.
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 private access easement or private lane.

2-204 Landowner Subdivision Options. The AR-2 Zoning District is intended to provide landowners with simple and flexible options of subdivision at lower densities of development. Landowners may choose the following subdivision options.

(A) **Simple Subdivision:** A simple subdivision is a division of land in which all of the resulting parcels are at or in excess of the forty (40) acre minimum lot size of the AR-2 District. Thus, the minimum parcel size of

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land for a simple subdivision is eighty (80) acres. Lots created under the Simple Subdivision process have the following characteristics:

(1) Lots created by simple subdivision may be further subdivided under either spinoff subdivision or cluster subdivision as provided below.

(2) Homeowners association permitted but not required.

(3) No open space easement on either the Parent Tract or any spinoff lot is required, and no minimum open space requirements must be met, for a simple subdivision.

(4) The requirements of Table 2-203 apply to all lots created by a simple subdivision.

(B) **Spinoff Subdivision**: A spinoff subdivision is a division of land in which a parcel of land is designated as the "Parent" tract for purposes of establishing a base density of development for such tract, from which lots can be subdivided at higher densities and with smaller minimum lot sizes than are available under a simple subdivision. The intent is to provide the landowner with flexibility to create one or more lots at a given time, at smaller lot sizes but at densities of one lot per twenty (20) acres of gross land area, provided that in no event shall the ultimate resulting size of the parent tract be less than thirty (30) acres. Thus, the minimum parcel size of land for a spinoff subdivision is forty (40) acres, because the density of the resulting parcels must be no less than twenty (20) acres per lot created. Lots created under the Spinoff Subdivision process have the following characteristics:

(1) Lots created by spinoff subdivision may not be further subdivided, although boundary line adjustment between lots created by spinoff subdivision is permitted so long as no resulting lot is less than two (2) acres in size. The record plat and initial deed of conveyance after establishment of a spinoff subdivision shall contain a statement to this effect.

(2) One or more additional lots may be created by a spinoff subdivision, at one time or in a series of subdivisions, up to the total base density derived from the Parent Tract.

(3) Density utilized to create any spinoff subdivision lot shall be charged against the Parent Tract. The subdivision record plat for a spinoff subdivision shall contain a tabulation of density, showing at a minimum the density originally assigned to the Parent Tract, all prior subdivisions from the Parent Tract and the density charged against the Parent Tract at twenty (20) acres per lot created, and the

minimum lot size below which the Parent Tract cannot be subdivided.

(4) The Parent Tract remains eligible for further simple subdivision, spinoff subdivision, or cluster subdivision, so long as the requirements for such subdivisions are met and the number of lots remaining available to the parent tract is not exceeded.

(5) Homeowners Association ("HOA") is permitted but not required for a spinoff subdivision.

(6) No open space easement on either the Parent Tract or any spinoff lot is required, and no minimum open space requirements must be met, for a spinoff subdivision.

(7) Each lot created pursuant to a spinoff subdivision shall be served by on site well and septic. Communal water and sewer systems are not permitted in spinoff subdivisions.

2-205 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).

~~**2-204AR-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).~~

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

~~**2-206Water.** 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.~~

~~**2-207Wastewater.** 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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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.~~

(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

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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.

(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 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).

(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 of applications for multiple temporary uses or events on the same property if it finds that concurrent review is feasible within the time frames established by this section.

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.

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 s~~Special ~~e~~Events ~~(e.g. weddings, receptions, and parties) or similar activities~~ conducted for compensation shall be permitted ~~except~~ as follows:

(a) ~~Outdoor s~~Indoor Special ~~e~~Events are permitted on parcels of 10 (ten) acres or more; and

(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 6-642.~~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.

(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~~only~~.

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(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 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.

(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	~~20~~ 15 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 0.0~~1~~4.

(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.

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(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.**

(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 adjacent residential structures~~the property line~~, shall not exceed 55 dB(A). In addition, outdoor music shall not be allowed after 11:00 PM.

(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.

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(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 Room	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 0.0~~1~~4.

(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).

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(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 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.

(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

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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)~~.

(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.

[illegible]	Size of Lot (Minimum)	[illegible] Rooms
Level I – Rural Retreat small scale	40 acres	Up to 20 rooms
Level II – Rural	60 acres	21-40 rooms

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Use	Size of Lot (Minimum)	Nos. of Guest Rooms
Retreat medium scale		
Level III –Rural Retreat 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 large 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 0.0~~2~~4.

(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).

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(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.

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.

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(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.

(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).

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(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).

(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.

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(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:

(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:

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(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).

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(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.**

(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 Standard Manual.

5-607 Recycling Drop-Off Centers and Material Recovery Facilities.

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(A) **General Standards for Recycling Drop-Off Centers.** All recycling drop-off centers, public or private, shall meet the following minimum standards:

(1) Centers may be established on a site which has either a public or private school, shopping center, community center, church, park, fire station, or library, or may be established on land owned by a local government or an owners' association.

(2) A center may utilize movable containers and trailers to collect and store recyclable materials.

(3) All recycling drop-off centers shall accept only glass, metals, plastics, papers, corrugated cardboard, and other identified reusable recyclable items; hazardous or toxic materials shall not be accepted.

(4) Recycling drop-off centers shall be no larger than 3,000 square feet in area. The 3,000 square feet area shall be for the recycling containers only.

(5) All recyclable materials stored at recycling drop-off centers shall be stored in containers which are constructed and maintained of a durable waterproof and rustproof material, are secured from unauthorized entry or removal of material, and are of a capacity sufficient to accommodate material collected.

(6) Recycling containers shall be clearly marked to identify the type of material which may be deposited. Recycling drop-off centers shall be marked clearly to identify the name and telephone number of the facility sponsor and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.

(7) All public and private recycling drop-off centers shall be maintained free of litter by a responsible sponsoring organization or by Loudoun County.

(8) All recycling drop-off centers shall be screened from residential uses by an opaque fence at least 6 feet in height. When a recycling drop-off center is located on a lot with another principal use on the lot, then, in addition to the landscape/buffer requirements of the other principal use, the recycling drop-off center must be screened from adjoining residential, public or private school, shopping center, community center, church, park, fire station, or library uses. When a recycling drop-off center is a sole principal use on the lot, landscaping shall be in conformance with the requirements of Section 5-1400 of this Ordinance for commercial and light industrial uses abutting a residential use.

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(9) Recycling containers shall be at least 150 feet from any residential dwelling.

(10) The recycling drop-off center shall be situated so that vehicular ingress and egress do not pose traffic hazards. A minimum of one (1) stacking or parking space per 500 square feet of the recycling drop-off center, or the anticipated peak customer load as determined by the Zoning Administrator, whichever is higher, shall be required on-site. Stacking and parking spaces shall not be located within the road right-of-way or setbacks.

(11) Occupation of any parking spaces by the recycling drop-off center may not reduce required parking spaces for the principal use below the required minimum number, unless the following conditions exist:

(a) A parking study shows that existing parking capacity is not fully utilized during the hours of operation of the principal use and the recycling drop-off center, or

(b) Hours of normal operation of the principal use do not overlap those of the recycling drop-off center.

(12) Signs may be provided as follows:

(a) Sizes of signs must be in conformity with Section 5-1200 of this Ordinance.

(b) Signs must be consistent with the character of the location.

(c) Directional signs, bearing no advertising message, may be installed with the approval of the Zoning Administrator if necessary to facilitate traffic movements on site, or if the facility is not visible from the public right-of-way.

(13) No portion of any recycling drop-off center shall be located in any major floodplain or setbacks cited herein.

(14) No noxious odors shall be emitted beyond any boundary lines of the recycling drop-off center.

(15) Operation of recycling drop-off centers shall occur during daylight hours, unless located within commercial or industrial areas which are equipped with lighting capable of illuminating the center during periods of darkness.

(B) **Specific Standards for Public Recycling Drop-Off Centers.**

(1) Public recycling drop-off centers shall be set back at least fifty (50) feet from the right-of-way of any street or as otherwise specified in Section 5-900; and at least fifty (50) feet from any lot

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or land bay zoned, used, or planned for residential uses, and shall not obstruct pedestrian or vehicular circulation.

(C) **Specific Standards for Private Recycling Drop-Off Centers.**

(1) The center shall meet the setback requirements for PD-GI uses adjacent to a lot or land bay zoned, used, or planned for residential use.

(2) In commercially and industrially zoned districts, a center may utilize electric power-driven processing equipment to sort, clean, or compact recyclable materials between the hours of 7AM and 7PM. Use of such equipment is not permitted in residentially zoned districts.

(D) **Specific Standards for Material Recovery Facilities (MRF). All MRF's shall meet the following minimum standards:**

(1) Neither an MRF nor the lot on which the MRF is located shall abut a property in residential land use. All processors shall operate in an entirely enclosed building except for incidental storage, except when:

(a) The operation is within an area enclosed on all sides by an opaque fence or wall not less than eight (8) feet in height and landscaped on all property lines; and

(b) The operation is located at least 300 feet from any property zoned, used, or planned for residential uses.

(2) Processing in MRF's is limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable materials, construction debris, and repairing of reusable materials.

(3) Power-driven processing equipment shall be permitted, provided that the noise level requirements of Section 5-1507 and any special exception conditions are met.

(4) ~~MRF's shall not exceed 45,000 square feet in building area and shall have no more than an average of three (3) outbound truck shipments per material per day~~[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.

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(7) MRF sites located within 500 feet of an occupied residential dwelling shall not be in operation between the hours of 7:00 p.m. and 8:00 a.m. The MRF will be administered by on-site personnel during all hours of operation.

(8) Any containers provided for after hours donation of recyclable materials shall be at least 500 feet from any occupied dwelling unit.

(9) If the MRF is open to the public, a minimum of ten (10) vehicle stacking spaces or the number of spaces necessary to accommodate the peak anticipated load as determined by the Zoning Administrator, whichever is higher, shall be required on-site.

(10) A minimum of one (1) parking space shall be provided for each commercial vehicle owned and operated by the MRF, unless a greater number of spaces is required by the zoning district in which the facility is located.

(11) No dust, fumes or smoke, above ambient levels may be detectable on adjacent properties.

(12) Noise or vibration emitted or derived from the MRF shall not exceed the levels permitted by Sections 5-1505 and 5-1507 respectively.

(13) All material recovery facilities shall accept only glass, metals, plastics, papers, corrugated cardboard, construction debris, and other identified reusable recyclable items; hazardous or toxic materials shall not be accepted.

(14) No noxious odors shall be emitted beyond any boundary lines of the facility.

~~5-6081-608~~ **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.

(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.~~

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(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.

~~5-6091~~-609 **Child Care Facilities.** Child care homes and centers are permitted provided they comply with the following standards:

(A) **Child Care Homes:**

(1) All homes shall be registered with the County pursuant to the County Code.

(2) When calculating the total number of children cared for, resident children under the age of fourteen (14) shall be included.

(3) The home shall be the principal residence of the operator of the child care home.

(4) The home shall comply with any and all requirements of the County and State Codes.

(5) Unless exempted by (6) below, a minimum of 75 square feet per child of outdoor play space shall be provided on the lot the child care home is located and shall be shown on a schematic plat of the lot at the time of issuance of a zoning permit. Such play area shall be fenced, as per Section 5-609(B)(1)(a), unless the applicant can show that the play area provides proper protection from traffic and other hazards and to neighboring yards.

(6) No play area shall be required on-site when it is demonstrated that the child care home is located within 1,000 feet of an existing park or play space of at least two (2) times the size required for the Child Care Home, providing that such park or play space may be accessed without crossing an arterial or collector road. Such park or play space shall either be a public park or play space, or shall be dedicated to such uses as part of a local community association or planned unit development.

(B) **Child Care Centers** shall meet the criteria of Sections 5-609(A)(1), (4), (5), and (6) above, and the following:

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(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.**

(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

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shall meet the minimum yard setback requirements of those adjoining districts, whichever are greater.

~~5-611~~1-611 **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~~1-612 **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)~~(B) Guest houses may not be rented, operated for gain, or otherwise used as a separate dwelling.

~~(D)~~(C) The floor area of any guest house shall not exceed ~~1,500~~ 2,500 square feet.

~~5-613~~1-613 **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~~ 2500 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, 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.

(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.

5-614 Small Businesses.

(A) **Purpose and Intent.**

(1) **General.** The purpose of this section is to allow residents in the AR, 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.

(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

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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. The following uses may be approved as "small businesses" in the AR, 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.

(5) Professional office-based services.

(6) Studios for fine arts and crafts.

(7) Antique sales and the sale of any goods or items produced on the premises.

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(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

(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.

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(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~~

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~~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, A-3, A-10, CR, TR, JLMA and PD-CV Districts."

(J) **Applicability of District Regulations to Small Business Uses.**

(1) The AR, 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-~~6151~~-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~~s~~ 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.

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(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.

~~5-6181-618~~ **Telecommunications Use And/Or Structures.** The following performance standards shall be applied to telecommunication uses and/or structures.

(A) **Antennas.** Structure mounted and roof top mounted antennas and related unmanned equipment may be developed subject to the performance standards below to the extent permitted by right in the district use lists.

(1) Antennas and related unmanned equipment are permitted on an existing telecommunications monopole, telecommunications tower, or structure forty (40) feet or greater in height in all zoning districts subject to the performance standards outlined in this section.

(2) Notwithstanding the height requirements in Section 5-618(A)(1), antennas and related unmanned equipment are permitted in all zoning districts on buildings and structures owned or controlled by a public use or fire and/or rescue company.

(3) Such antennas and related equipment may exceed the maximum building height limitations, provided the use is in accordance with the development criteria herein.

(4) Omnidirectional or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter and shall be of a material or color which matches the exterior of the building or structure.

(5) Directional or panel antennas shall not exceed five (5) feet in height or two (2) feet in width and shall be of a material or color which matches the exterior of the building or structure.

(6) Satellite and microwave dish antennas shall not exceed six (6) feet in diameter and shall be screened from public view.

(7) No commercial advertising shall be allowed on any antenna.

(8) Signals or lights or illumination shall not be permitted on any antenna, unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County.

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(9) The related unmanned equipment structure(s) shall not contain more than 500 square feet of total gross floor area per user on each site. Structures shall not exceed 12 feet in height. If located within the structure upon which the antennas are mounted, they may be located in the areas which are excluded from the determination of net floor area without changing the exclusion of those areas from the calculation of the density of the structure. The structure shall be of a material or color which matches the exterior of the building or structure.

(10) If the equipment structure is located on the roof of a building, the area of the equipment and structures shall not occupy more than twenty-five (25) percent of the roof area.

(B) **Monopoles.** Monopoles and related unmanned equipment structure(s) may be developed as a permitted or special exception use, as listed below:

(1) **Monopoles, Permitted By Right.** Monopoles shall be permitted by right subject to the performance criteria listed in Section 5-618(B)(3), in the following situations:

(a) In all zoning districts, if located within an overhead utility transmission line right of way with existing structures greater than eighty (80) feet in height.

(b) In the PD-OP, GB, PD-GI, PD-SA, PD-IP, PD-RDP, or MR-HI zoning districts provided it is located 750 feet or greater from an adjoining residential district.

(c) In the 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, 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

(iii) There is some valid economic, technological, or physical justification as to why co-location is not possible.

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

(c) The height of such monopole, including antennas, shall not exceed 199 feet, as measured from the natural ground elevation.

(d) Satellite and microwave dishes attached to monopoles shall not exceed two (2) feet in diameter.

(e) Except as provided in Section 5-618(B)(3)(o) and Section 5-618(B)(4)(d), telecommunications monopoles shall not be located any closer than one (1) foot for every five (5) feet in height to any property line. Structures and buildings may be constructed within the setback areas of the monopole, provided other zoning standards are met.

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(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 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.

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Co-location may be determined to be infeasible in the following situations:

(i) Planned equipment would exceed the structural capacity of existing and approved telecommunications facilities, considering existing planned use of those facilities, and such facilities cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;

(ii) Planned equipment will cause interference with other existing or planned equipment for that telecommunications facility, and that interference cannot be prevented at a reasonable cost;

(iii) Existing or approved telecommunications facilities do not have space on which planned equipment can be placed so as to provide adequate service; and

(iv) Existing and approved telecommunications facilities will not provide adequate signal coverage.

(c) In addition to those entitled to notice under the provisions of Section 6-600 of this Ordinance, all owner(s), or their agent(s), of all properties abutting or immediately and diagonally across the street or road from those properties whose owners are entitled to notice under Section 6-600, shall be provided with the same written notice. The applicant is also encouraged to meet with community and homeowners association groups in the area.

(d) Telecommunications monopoles permissible by special exception pursuant to Section 5-618(B)(2)(d) shall not be subject to the lot requirements, building requirements, and open space requirements, if applicable, of the zoning district in which they are located.

(C) **Telecommunications Towers.** Telecommunications towers with related unmanned equipment structure(s) may be developed as a permitted or special exception use as listed below, subject to the performance standards of this section.

(1) **Telecommunications Towers, Permitted By Right.** Transmission towers shall be permitted by right subject to the performance criteria listed in Section 5-618(C)(3):

(a) In the MR-HI and PD-GI zoning districts if the tower is forty (40) feet or less in height and is mounted on an existing structure.

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(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, 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.

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.

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(d) Satellite and microwave dishes attached to the towers shall not exceed six (6) feet in diameter.

(e) Except as provided in Section 5-618(C)(3)(o), towers shall be set back one (1) foot for every five (5) feet in height from the property line. Structures and buildings may be constructed within the setback area of the tower, provided other zoning standards are met.

(f) The related unmanned equipment structure(s) shall not contain more than 500 square feet of total gross floor area per telecommunications provider on each site. Structures shall not exceed 12 feet in height.

(g) Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, telecommunications towers shall blend with the background.

(h) No signals or lights or illumination shall be permitted on a monopole, unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the County.

(i) No commercial advertising shall be allowed on the tower.

(j) A commission permit shall be required.

(k) No transmission tower shall be located within a County designated historic district.

(l) No tower shall be located within a PD-H 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

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telecommunications facilities and structures greater than 40 feet in height within a one (1) mile radius of the proposed facility within the Eastern Loudoun Urban Growth Area. Elsewhere in the County, the applicant shall evaluate these locations within a two (2) mile radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining infeasibility.

Co-location may be determined to be infeasible in the following situations:

(i) Planned equipment would exceed the structural capacity of existing and approved telecommunications facilities, considering existing planned use of those facilities, and such facilities cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;

(ii) Planned equipment will cause interference with other existing or planned equipment for that telecommunications facility, and that interference cannot be prevented at a reasonable cost;

(iii) Existing or approved telecommunications facilities do not have space on which planned equipment can be placed so as to provide adequate service; and

(iv) Existing and approved telecommunications facilities will not provide adequate signal coverage.

(c) In addition to those entitled to notice under the provisions of Section 6-600 of this Ordinance, all owner(s), or their agent(s), of all properties abutting or immediately and diagonally across the street or road from those properties whose owners are entitled to notice under Section 6-600, shall be provided with the same written notice. The applicant is also encouraged to meet with community and homeowners association groups in the area.

(d) Applicants for new telecommunications towers shall demonstrate that a telecommunications monopole, of comparable transmission capabilities, can not be utilized or can not provide an equivalent level of service.

5-619 Rural ~~Agricultural~~ Corporate Retreat.

(A) **Purpose and Intent.** The purpose of this section is to provide for rural ~~agricultural~~ corporate retreat facilities that will be compatible with~~, and~~

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~~supportive of the primary land use of~~ 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 with 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 an economic partnership.~~

~~(3)~~(1) ~~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)~~(2) 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)~~(3) The Rural ~~Agricultural~~ Corporate Retreat use shall not involve the handling or processing of hazardous or toxic materials. The Rural ~~Agricultural~~ Corporate Retreat use shall comply with the applicable performance standards of Section 5-1500.

(B) ~~**Definitions.** For the purposes of Sections 5-619, "Rural Agricultural Corporate Retreat, Accessory to Agricultural Uses, in the AR, A-3, A-10, TR-10, JLMA-3 and JLMA-20 districts", is defined under "Rural Agricultural Corporate Retreat, Accessory to Agricultural Uses" in Article 8 of this Ordinance.~~

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(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.

(3) **Frontage and Access.** The property on which the Rural ~~Agricultural~~ 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 ~~.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

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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)~~(14) **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.**

(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

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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.

~~5-6201~~-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.

(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, 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.

~~5-6211~~-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 half (1/2) acre or more.

(B) All utility facilities shall have a minimum Type Four (4) Buffer Yard.

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(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 "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

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uses during the term of the special exception. Uses and structures accessory to the magazine facility and an agricultural, horticultural, and/or forestry use on the property may be permitted, including security buildings, barns and one single family dwelling.

(F) **Conveyance.** Approval of a special exception or zoning permit pursuant to this section shall not convey with the transfer of the property or business which are the subject of these applications

5-623 PD-IP Private School Notification Standards

(A) **Purpose and Intent.** Operators of a private school located within a PD-IP District must notify all applicants, at the time of application, of the potential permitted and special exception uses within such a district.

(B) **Standard Notification.** The notification document shall include a list of the uses permitted within the industrial zone. The document shall include a section that requires prospective student's parent to sign a statement stating that they have reviewed or have been offered the opportunity to review this document. Said document shall remain on file at the school for the period of the student's enrollment.

5-624 Vehicle Wholesale Auction.

(A) **Locational Criteria.**

(1) Vehicle wholesale auctions shall be located on a public, paved road capable of accommodating the traffic generated by the use.

(2) Vehicle wholesale auctions shall be located on parcels where at least a portion of the parcel is located within the noise contour 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.

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