Please Note: Functionality of this version of the draft ordinance is limited. As a result, some tables when printed or exported to PDF are written over with text. To view these tables, visit: **Loudoun.gov/zoningordinancerewrite.**

LOUDOUN COUNTY - DRAFT NEW ZONING ORDINANCE

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CHAPTER 1: INTRODUCTION

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1.01 Title, Purpose, and Intent

A. **Title.** This Zoning Ordinance and the official zoning map are known and may be cited and referred as the Loudoun County Zoning Ordinance (Zoning Ordinance).

B. **Purpose and Intent.** This Zoning Ordinance is enacted in order to promote the health, safety, and welfare of the residents of Loudoun County and to implement the Loudoun County Comprehensive Plan, which consists of the General Plan and the Countywide Transportation Plan. To these ends, the Zoning Ordinance is designed to:

1. Guide and regulate the orderly growth, development, and redevelopment of Loudoun County in accordance with a well-considered plan and with long-term objectives, principles, and standards deemed beneficial to the interest and welfare of the people.
2. Protect the established character and the social and economic well-being of both private and public property.
3. Promote, in the public interest, the best utilization of land.
4. Provide for adequate light, air, convenient access, and safety from fire, flood, and other dangers.
5. Reduce or prevent congestion in the public streets.
6. Facilitate the creation of a convenient, attractive, and harmonious community.
7. Provide adequate police and fire protection, safety from crime, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements.
8. Protect against destruction of or encroachment upon historic areas.

9. Protect against one or more of the following: overcrowding of land, undue population density in relation to existing or available community facilities, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic, or other dangers.
10. Encourage economic development activities that provide desirable employment and enlarge the tax base.
11. Promote the public necessity, health, safety, convenience, and general welfare by equitably apportioning the cost of providing the additional public facilities necessitated or required by development.
12. Provide for the preservation of agricultural and forestal land and other lands for the protection of the natural environment.
13. Protect approach slopes and other safety areas of licensed airports.
14. Provide for and promote affordable housing for Loudoun County residents.

1.02 Application of Zoning Ordinance

A. **Territorial Application.** The regulations and restrictions in this Zoning Ordinance apply to all buildings, structures, land, water, and uses within the unincorporated area of Loudoun County, Virginia, except those areas determined by law to be under the sovereign control of the United States of America or the Commonwealth of Virginia.

B. **General Application.** All buildings and structures erected hereafter, all uses of land, water, or buildings established hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of, additions to, changes in and relocations of existing uses occurring hereafter are subject to all regulations of this Zoning Ordinance that are applicable to the zoning districts in which such buildings, structures, uses or land are located. Existing buildings, structures and uses that comply with the regulations of this Zoning Ordinance are likewise subject to all regulations of this Zoning Ordinance. Existing buildings, structures, and uses that do not comply with the regulations of this Zoning Ordinance are allowed to continue subject to the provisions of Chapter 9 related to nonconformities.

C. **General Prohibition.** No building or structure; no use of any building, structure or land; and no lot of record now or hereafter existing can hereafter be established, altered, moved, diminished, divided, eliminated, or maintained in any manner except in conformity with the provisions of this Zoning Ordinance.

D. **Private Agreements.** This Zoning Ordinance is not intended to abrogate, annul, or otherwise interfere with any easement, covenant, or other private agreement or legal relationship; provided, however, that where the regulations of this Zoning Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements or legal relationships, the regulations of this Zoning Ordinance govern.

E. **Existing Special Exceptions and Variances.**

1. Any special exception lawfully issued prior to June 16, 1993, or any amendment thereof, is deemed to be and continue to be valid, provided that the special exception use is established by June 16, 2003. The period of validity in Section 6-1312 of this Zoning Ordinance does not apply to special exceptions approved prior to June 16, 1993; provided, however, requests for extensions may be submitted in accordance with that section. Any variance previously issued prior to the effective date of this Zoning Ordinance, or any amendment thereof, is deemed to be and continue to be valid after such effective date. Development in accordance with an approved special exception or variance must meet the requirements of this Zoning Ordinance, provided, that in the event of any inconsistency between an approved special exception or variance plat and the lot requirements of this Zoning Ordinance, development in accordance with the lot requirements of the special exception or variance plat are permitted.
2. Any lawfully existing use that becomes a special exception use in the district in which it is located is deemed to have special exception approval. Expansion of such use requires a new special exception approval.

F. **Zoning Permits Issued Prior to Effective Date.**

1. **Right to Complete Construction Pursuant to Approved Plans.** Nothing in this Zoning Ordinance requires

any change in the plans, construction, or designated use of any structure in the event that:

a. A zoning permit for such structure was lawfully issued or a final site plan or subdivision plat was lawfully approved prior to the effective date of this Zoning Ordinance, or any amendment thereof; and

b. Such permit or approval had not by its own terms expired prior to such effective date; and

c. Construction pursuant to such permit or approval is commenced prior to the expiration of such permit or approval.

2. **Right to Occupy as Nonconformity.** Upon completion pursuant to Subsection (1) hereof, such structure may be occupied by, and a certificate of occupancy must be issued for, the use designated on such permit, subject thereafter to the provisions of Chapter 9 relating to nonconformities.

G. **Applicability to Pending Applications.** Any amendment to this Zoning Ordinance applies to all applications pending as of the date of the amendment, except as otherwise provided herein or by the Code of Virginia . The vested rights provisions of subsection 1.02.O may apply to a particular application. The Board of Supervisors may establish grandfathering provisions in a resolution adopting an amendment.

H. **Provisions Declared Invalid.** The several provisions of this Zoning Ordinance must be separable in accordance with the following rules:

1. If any court of competent jurisdiction adjudges any provision of this Zoning Ordinance to be invalid, such judgment does not affect any other provisions of this Zoning Ordinance.

2. If any court of competent jurisdiction adjudges invalid the application of any provision of this Zoning Ordinance to a particular property, building, or structure, such judgment does not affect the application of said provision to any other property, building, or structure.

I. **Conflicting Provisions.** In interpreting and applying the provisions of this Zoning Ordinance, such provisions are the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. Whenever any provision of this Zoning Ordinance imposes a greater requirement or a higher standard than is required in any Virginia Commonwealth or Federal Statute or other County ordinance or regulation, the provision of this Zoning Ordinance governs. Whenever any provision of any Virginia Commonwealth or Federal statute or other County ordinance or regulation imposes a greater requirement or a higher standard than is required by this Zoning Ordinance, the provision of such Virginia Commonwealth or Federal statute or other County ordinance or regulation governs.

J. **Proffered Conditions.** The text of this Zoning Ordinance applies to any parcel covered by a previous grant of zoning with proffered conditions pursuant to Section 15.2-2303 of the Code of Virginia, except where the imposition of the requirements of this Zoning Ordinance would be in conflict with a specific proffered condition, in which case, the proffered condition supersedes the requirements of this Zoning Ordinance.

K. **Existing PD-H Zonings.** Notwithstanding the designation shown on the zoning map adopted in conjunction with the adoption of this Ordinance, any proffered PDH zoning existing June 16, 1993 continues to have all applications for Zoning Ordinance Modifications, Proffer Amendments, Concept Plan Amendments, Preliminary Subdivisions, and Record Subdivisions processed in accord with the approved rezoning and the Loudoun County Zoning Ordinance in effect immediately prior to the effective date of this Ordinance, until June 16, 2008, unless the owner(s) of all the property within such proffered PDH zoning district elected to waive the protection of this section. Upon the expiration of the above time period, this Ordinance supersedes the prior ordinance with respect to such PDH rezonings, unless such time is extended by resolution of the Board of Supervisors, upon written request of the owner(s) of all property within such PDH zoning district. Elections to waive the protection of this section must have been filed with the Zoning Administrator by June 16, 2004, with an affidavit indicating that all affected owners signed the notice. Such election requires the property to be developed pursuant to the approved conditions of the rezoning for such development and under the provisions of this Ordinance for the new zoning district as shown on the zoning map; is permanent; and does not relieve the owner(s) of any obligations under the previously accepted proffers.

L. **Route 28 Taxing District.** As required by state law and the legislation establishing the Route 28 Transportation Improvement District, (i) the Loudoun County Zoning Ordinance, promulgated in 1972, as it existed on the date such District was established or, (y) in regards to any particular parcel, the most recent change in zoning

of such parcel, whichever occurred latest in time, remains in full force and effect with respect to all commercially and industrially zoned properties situated in such District that are subject to the 1972 Loudoun County Zoning Ordinance and (ii) as to any commercially and industrially zoned parcels in the District that are subject to the 1993 Loudoun County Zoning Ordinance as of January 7, 2003 such ordinance as it existed on June 16, 1993 or (y) in regards to any particular parcel, the most recent change in zoning of such parcel, whichever occurred later in time shall remain in full force and effect with respect to such parcels.

1. Any for commercially or industrially zoned property administered under the 1972 Loudoun County Zoning Ordinance continues to have all applications for Zoning Ordinance Modifications, Proffer Amendments, Concept Plan Amendments, Preliminary Subdivisions, and Record Subdivisions processed in accord with the approved rezoning and the Loudoun County Zoning Ordinance in effect immediately prior to June 16, 1993. For any commercially or industrially zoned property administered under the 1993 Loudoun County Zoning Ordinance, all applications for zoning ordinance modifications, proffer amendments, concept plan amendments and special exceptions shall be processed in accordance with the provisions of Article VI in effect at the time any such application is submitted and considered.
2. Notwithstanding this provision, the owner(s) of all the property within a proffered commercial or industrial zoning district within the Route 28 Tax District, or the owner(s) of any other commercially or industrially zoned property within the Route 28 Tax District, may elect to waive the protection of this section by filing a written notice of such election, accompanied by an affidavit indicating that all owners have signed the notice, with the Zoning Administrator by January 7, 2004. Such election is permanent, and does not relieve the owner(s) of any obligations under previously accepted proffers. If presently subject to the 1972 Loudoun County Zoning Ordinance, such election requires the property to be developed pursuant to the conditions of the approved rezoning for such development, if applicable, and under the provisions of this Zoning Ordinance for the new zoning district as indicated below:

Zoning District1972 Ordinance	Zoning District1993 Ordinance
PD-IP	PD-IP
PD-OP	PD-OP
PD-RDP	PD-RDP
PD-GI	PD-GI
I-1	MR-HI
C-1	PD-CC (CC)
PD-CH	PD-CC (RC)
PD-SC	PD-CC (RC)

If presently subject to this Zoning Ordinance, such election requires the property to be developed pursuant to the conditions of the approved rezoning for such development, if applicable, and under the provisions of this Zoning Ordinance for the same zoning district to which such property is presently subject.

Note: The County is exploring the feasibility of consolidating to one Zoning Ordinance, while maintaining protections for commercial and industrially zoned properties in the Route 28 Taxing District. That effort could result in revisions to the above sub-section in future versions of the draft Zoning Ordinance.

O. **Vested Rights Not Impaired.** In conjunction with the request for approval of a site plan, subdivision, or building permit, the Zoning Administrator may make findings of facts, and, with concurrence of the County Attorney, conclusions of law regarding determinations of vested rights accruing under Code of Virginia § 15.2-2307.

P. **Approved Subdivisions and Site Plans.** Nothing in this Zoning Ordinance interferes with the terms of validity of any subdivisions or site plans, as provided by the Code of Virginia.

Q. **Effective Date.** This Zoning Ordinance becomes effective upon its adoption. Any amendments to this Zoning Ordinance become effective upon their adoption.

CHAPTER 2: ZONING DISTRICTS

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2.01 Urban Policy Area Zoning Districts

2.02 Suburban Policy Area Zoning Districts

2.03 Transition Policy Area Zoning Districts

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2.06 Planned Development Zoning District

2.07 Legacy Zoning Districts

2.01 Urban Policy Area Zoning Districts

2.01.01 Urban Transit Center and Urban Mixed Use – UT/UM

Purpose. *The purpose of the Urban Transit Center and Urban Mixed Use (UT/UM) Districts is to:*

- *Implement the Urban Transit Center and Urban Mixed Use Place Types of the General Plan.*
- *Take advantage of proximity to Metrorail stations to provide for compact, pedestrian-oriented, urban development with vertically mixed-use buildings in a compatible mixture of commercial, cultural, institutional, governmental, entertainment, and high-density residential uses.*
- *Establish a walkable, grid street pattern around Metrorail stations.*
- *Integrate Metrorail and bus facilities into this urban mixed-use development.*
- *Establish high intensity, mixed-use development projects with an urban form that decreases in intensity and includes an increasing percentage and mix of residential development as distance from Metrorail stations increases.*
- *Establish dense urban development that serves as a major destination, as well as a gateway to the County, and includes a host of economic, entertainment, and community activities.*
- *In the Urban Transit Center, include a vertical mix of commercial public, civic, or institutional uses, and multifamily residential uses, public gathering places, and a predominance of pedestrian-oriented uses.*
- *In the Urban Mixed Use Place Type, provide opportunities for a mix of housing types, such as multifamily dwellings, single-family attached townhouses, duplexes, triplexes, quadruplexes, and small lot single-family detached dwellings, as well as accessory dwellings, that meet the housing needs for all ages, abilities, and socioeconomic groups.*
- *Specific objectives of the UT/UM District include:*
  - *Provide a pedestrian-scale development containing residential, commercial, public, and employment uses.*
  - *Provide the opportunity for an urban center at an intensity of development that supports multi-modal transportation and other services.*
  - *Provide for pedestrian and bicycle facilities that connect land uses and link with bicycle and pedestrian systems within and adjacent to the district.*
  - *Provide for the use of mass transit to reduce the number of peak hour vehicle trips.*
  - *Encourage high-quality design.*
  - *Encourage the development of well-configured plazas, squares, greens, landscaped streets, and parks woven into the pattern of the transit-oriented development and dedicated to collective social activity, recreation, and visual enjoyment.*

A. **Applicability, Size, and Location.** The following applies to the UT/UM district:

1. Each Zoning Map Amendment or Zoning Concept Plan Amendment application must address the requirements of Section 7.09.06, as well as Sections 7.09.02 or 7.09.05 and 7.09.03 and 7.09.04.

2. The UT/UM District must:
    a. For the UT Inner Core Subarea and UT Outer Core Subarea, be in areas consistent with the Urban Transit Center Place Type of the General Plan;
    b. For the UM Subarea, be in areas consistent with the Urban Mixed Use Place Type of the General Plan;
    c. Ensure connection and access to a Metrorail stop is an integral feature of the district; and
    d. Include an arrangement of land uses that provides safe and convenient opportunities to connect with the Metrorail stop.
3. *Minimum District Size.* The initial UT/UM District size must be a minimum of 20 acres. Notwithstanding the provisions of Section 2.06, the minimum district size is not modifiable.
4. *Incremental Additions.* The Board of Supervisors may approve a zoning map amendment for incremental additions to an existing UT/UM district if it finds that they are:
    a. Abutting or across the road from an existing UT/UM district;
    b. Compatible with the existing UT/UM district;
    c. Consistent with the General Plan policies for the area; and
    d. Integrated with the existing UT/UM district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.
5. *District Subareas.* The UT/UM District is composed of 3 subareas, the “UT Inner Core Subarea,” the “UT Outer Core Subarea,” and the "UM Subarea." The boundaries of the subareas will vary to correspond with physical and natural barriers that limit compact development, pedestrian and bicycle connections, and access to the transit station. When the entire Urban Transit Center Place Type, as designated in the General Plan, is further from the Metrorail station than the 1/4 mile outer limit of the UT Inner Core Subarea, then only the UT Outer Core may be applied.
    a. *UT Inner Core Subarea.* The UT Inner Core Subarea must:
        1. Include the land area located generally within a 1/4 mile from the outer edge of the Metrorail Station, including associated parking areas;
        2. Locate the highest land-use intensities close to the transit stop; and
        3. Include the primary focal point of the development.
    b. *UT Outer Core Subarea.* The UT Outer Core Subarea must:
        1. Include the land area located outside the Inner Core subarea, but generally within 1/2 mile from the outer edge of a Metrorail Station, including associated parking areas; and
        2. Include high density development that decreases in intensity with an increase in distance from the transit stop.
    c. *UM Subarea.* The UM Subarea must:
        1. Include the land area located outside the UT Outer Core Subarea;
        2. Provide a transitional and complementary area between the high-density, urban development of the UT Inner and Outer Core Subareas and the surrounding development pattern;
        3. Provide a mix of office, retail, and service uses that are integrated into the neighborhood and complement and support the uses of the UT Inner and Outer Core Subareas; and
        4. Include design features that complement the UT Inner and Outer Core Subareas such as flexible lot design and pedestrian and bicycle connections.

B. **Uses.** Refer to Table 3.02.01 for uses allowed in the district.

C. **Dimensional Standards.** Refer to Table 2.01.01-1 for required dimensional standards.

Table 2.01.01-1. UT/UM District Dimensional Standards				
Reference	Standard	UT Inner Core	UT Outer Core	UM

Table 2.01.01-1. UT/UM District Dimensional Standards				
Reference	Standard	UT Inner Core	UT Outer Core	UM
Lot Requirements				
1	Lot Size (min.)	No min.	No min.	No min.
2	Lot Width (min.)	No min.	No min.	No min.
3	Lot Depth (min.)	No min.	No min.	No min.
Yards				
4	Setback Adjacent to Roads (min.)	Section 5.07.02 applies, except for arterial roads where the following applies: Building - 100 ft. unless a component of an Urban Deck Parking - 50 ft.		
5	Front Yard Setback (max.)[1]	10 ft. or 25 ft. if fronting on publicly accessible plaza or courtyard or to accommodate outdoor seating related to Food or Beverage Sales/Service uses		Nonresidential uses: 15 ft. Residential uses: 10 ft.
6	Side Yard Setback (min.)	No min.	No min.	No min.
7	Rear Yard Setback (min.)	No min.	No min.	No min.
Building Requirements				
8	FAR (max.)[2]	No max.	No max.	1.5[4]
9	FAR (min.)[3]	2.0	1.4	No min.
10	Single-Family and Multifamily Stacked Dwelling Unit Density (max.)	Single-family and MF stacked dwelling units not permitted	Single-family and MF stacked dwelling units not permitted	Maximum number of SFD, SFA, and MF stacked dwelling units must be provided on an approved CDP
11	Lot Coverage (max.)	No max.	No max.	No max.
12	Building Height (max.)[5]	No max.	No max.	MF, Office, and Retail and Service Commercial: 175 ft. Single-Family Dwelling Unit: 50 ft.
13	Building Height (min.)[3, 5]	95 ft.	70 ft.[3]	MF, Office, and Retail and Service Commercial: 50 ft. Single-Family Dwelling Units: 24 ft.
Open Space Requirements				
14	Open Space (min.)[6]	10% of gross land area		

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached; MF = multifamily)

[1]Measured from the building edge of sidewalk.

[2]Maximum FAR for Inner Core and Outer Core must be provided on approved CDP.

[3]Minimum FAR and building height may be lowered pursuant to Section 5.11.C to allow a transition area between existing residential neighborhoods and properties proposed for redevelopment.

[4]See Section 2.01.01.E. for criteria to increase to maximum 2.0 FAR in UM Subarea.

[5]Unless a lower height restriction is recommended by the Metropolitan Washington Airport Authorities.

[6]Open space must be provided in accordance with Section 5.04.

D. **UM Subarea Adjusted Base Floor Area Ratio (FAR):** An application for a Zoning Map Amendment, Zoning Concept Plan Amendment, or Special Exception approval in the UM Subarea is eligible for an increase from 1.5 FAR to 2.0 FAR by applying a combination of the Incentive Elements in Table 2.01.01-2. Total FAR increase cannot exceed 0.5.

Table 2.01.01-2. UM Adjusted Base Floor Area Ratio		
Reference	Incentive Elements	FAR Bonus
Attainable Housing (see Sections 8.01 and 8.02)		
1	ADUs are provided in accordance with Section 8.01.	Refer to Section 8.01 for density increase

2	At least 15% of the application's total single-family or multifamily stacked dwelling units are for purchase unmet housing needs units (UHNUs) affordable to households in the 71% to 100% of the median family income (MFI). and/or At least 15% of the application's total multifamily attached dwelling units are for rent UHNUs affordable to households in the 0% to 30% of the MFI. UHNUs must be provided pursuant to Section 8.02.	0.3
3	At least 10% of the application's total dwelling units are for rent UHNUs affordable to households in the 0% to 30% MFI. UHNUs must be provided pursuant to Section 8.02.	0.3
Building Techniques that Exceed Energy Efficiency Standards		
4	Building(s) achieve energy efficiency and/or sustainability standards	0.025 to 0.1 per standard
Additional Community Amenities and Pedestrian Connections (see Section 5.04)		
5	Provision of a publicly accessible plaza, square, or green of 5,000 sf or more that is in addition to the required open space and provided in accordance with Section 5.04.	0.1
6	Provision of one additional community amenity listed in Section 2.01.01.N. (may be applied more than once up to 0.5 FAR)	0.1
7	Provision of public or civic space that exceeds the Public/Civic Space requirement in Table 2.01.01-1 by 1%.	0.2
8	Provision of universal design elements in residential units.	0.025 per element
9	Provision of universal design elements in neighborhood design.	0.025 to 0.1 per element
10	Provision of pedestrian connections that achieve planned connections consistent with the Loudoun County, Virginia Linear Parks and Trails System (LPAT)	0.25 per 1/2 mile of trail, minimum of 1 mile required unless subject property cannot achieve 1 mile
Beneficial Revitalization/Redevelopment in Priority Areas		
11	Revitalization or redevelopment located in Priority Areas identified on the Priority Commercial Redevelopment Areas map in the General Plan	0.05 for properties less than 1 acre 0.1 for properties 1 to 5 acres 0.2 for properties greater than 1 acre

E. **Mix of Uses.** In the UT Inner Core, UT Outer Core, and UM Subareas, the land use mix must be provided within the percentages provided in Table 2.01.01-3.

1. To exceed the minimum percentage in any land use category, the minimum percentage in all land use categories must be achieved as evidenced by an approved Site Plan or subdivision. After the minimum percentages have been achieved, in addition to the requirements of Section 7.03 (Zoning Permits), a zoning permit application for a change in use must include a tabulation indicating that the minimum percentages continue to be met.
2. When an incremental addition is made to an existing UT/UM District, the tabulation required in Section 2.01.01.G must be revised to incorporate uses proposed for the incremental addition. The revised tabulation must continue to meet minimum use percentages required in Table 2.01.01-3.
    a. Incremental additions permitted pursuant to Section 2.01.01.A.3. of less than 5 acres are not required to meet the Required Mix of Uses in Table 2.01.01-3. provided that:
        1. The effect of the proposed development is to shift the use mix for the UT/UM district closer to the preferred mix for the Urban Transit and/or the Urban Mixed Use Place Types;
        2. The proposed development meets the requirements of Section 2.01.01.A.3.
3. Each site plan or subdivision application subsequent to Zoning Map Amendment or Zoning Concept Plan Amendment approval must include a tabulation by land use category of approved total floor area, the proposed floor area for the application, and the remaining square footage permitted per subarea.

Table 2.01.01-3. Permitted Mix of Uses[1, 2]			
Land Use Category	UT Inner Core	UT Outer Core	UM

Table 2.01.01-3. Permitted Mix of Uses[1, 2]			
Land Use Category	UT Inner Core	UT Outer Core	UM
Residential[3]	40% to 60%[4]	60% to 80%[4]	70% to 90% of approved sf. SFA and MF Stacked: No more than 50% of land area[5, 6] SFD: No more than 5% of land area[5]
Nonresidential	40% to 60%	20% to 40%	10% to 30%
Public/Civic (min.)[7]	5% or more	5% or more	5% or more

(sf. = square feet; SFD = single-family detached; SFA = single-family attached; MF = multifamily)

[1]Percent of approved square feet.

[2]Total percentage of land use categories must equal 100%.

[3]MF Attached dwelling units are included in FAR.

[4]Residential uses must be multifamily attached dwellings.

[5]If single-family attached or detached dwelling units are included, the amount and design must be consistent with Section 3.06.02.08.A. and B.

[6]If multifamily stacked dwelling units are included, the design must be consistent with Section 3.06.02.09.A. and B.

[7]The area of publicly accessible plazas, minipark, squares, or greens provided pursuant to Section 5.04 may be used to meet the Public/Civic requirement.

F. **Vertical Mix.** A specified number of buildings in the UT/UM District must include a vertical mix of uses, such as retail uses at sidewalk level with upper story residences or offices, as follows:

1. UT Inner Core Subarea - minimum 70% of all buildings.
2. UT Outer Core Subarea - minimum 50% of all buildings.
3. UM Subarea - minimum 30% of all buildings.
    a. Single-family detached, single-family attached, and multifamily stacked dwelling units will not be included in calculating required percentages of vertical mix buildings.
4. When multiple use types are located within a single building, the land use mix requirements for Residential and Nonresidential identified on an approved CDP may be increased or decreased by 5% by the Zoning Administrator at Site Plan review provided the mix percentages are within the ranges in Table 2.01.01-3.

G. **Publicly Accessible Outdoor Gathering Spaces.** Spaces for outdoor gathering in the UT/UM District must be provided as follows:

1. A minimum of 1 publicly accessible plaza must be in the UT Inner Core Subarea to represent the urban focal point required to be provided in Section 2.01.01.A.4.a.4 and shown on the CDP.
2. Publicly accessible greens, active recreation space, and mini parks must be distributed throughout the UT Inner Core Subarea, UT Outer Core Subarea, and UM Subarea within walking distance from uses.
3. Publicly accessible greens, active recreation space, and mini-parks must be provided for each incremental addition to the UT/UM District to maintain open space within walking distance from uses in the incremental addition.
4. The location and minimum size of publicly accessible greens, active recreation space, and mini-parks must be depicted on the CDP in proposed land bays and/or blocks.

H. **Road Network.** Within the UE District, the road network must be provided pursuant to Section 5.09.02 and as follows:

1. The UT/UM District must be arranged in a predominately rectilinear pattern of interconnecting streets and blocks.
2. Block lengths must be provided as follows:
    a. UT Inner Core: 200 feet minimum; 400 feet maximum
    b. UT Outer Core: 200 feet minimum; 660 feet maximum
    c. UM: 200 feet minimum; 660 feet maximum

I. **Land Use Arrangement.** Land uses within the UT/UM District must be arranged as follows:

1. Adjoining or proximate to each other to ensure a compact development pattern and continuous urban streetscape.

2. Bus stops must be located throughout the UT/UM District, as determined by the County, the Washington Metro Area Transit Authority (WMATA), or similar authority.

J. **Building Orientation.** Buildings in the UT/UM District must be oriented as follows:
   1. Toward adjacent local and/or collector streets, or adjacent publicly accessible plaza, greens, or parks; and
   2. With principal entrances to all buildings accessible from a sidewalk along a local or collector road or an adjacent publicly accessible plaza, green, or park.

K. **Pedestrian-Oriented Building Placement and Uses.** To achieve a uniform streetscape, the building wall on any lot within the UT/UM District must be provided as follows:
   1. Within the UT Inner Core Subarea, a minimum of 70% of any lot width that abuts a public or private street or plaza must be occupied by a building wall built between the maximum permitted front yard setback and the front lot boundary.
   2. Within the UT Outer Core Subarea, a minimum of 50% of any lot width that abuts a public or private street or plaza must be occupied by a building wall built between the maximum permitted front yard setback and the front lot boundary.
   3. Within the UM Subarea, a minimum of 50% of any lot width that is adjacent to a public right-of-way, private street, or pl

2.01.02 Urban Employment – UE

Purpose. *The purpose of the Urban Employment (UE) District is to:*

- *Implement the Urban Employment Place Type of the General Plan.*
- *Provide opportunities for a broad array of employment uses within an environment that provides gathering spaces and opportunities for synergies among businesses.*
- *Offer prime locations for office and flex space uses, as well as startups and established businesses.*
- *Allow limited first floor retail that supports predominant uses.*
- *Establish a development pattern where buildings are the predominant feature when viewed from roadways and adjacent properties and parking is generally located behind buildings.*
- *Ensure required open space includes gathering spaces for use by customers and employees in UE developments.*
- *Ensure uses do not generate excessive noise or air pollutants or require outdoor storage.*
- *Create transitions between UE uses and other developments, particularly adjacent residential neighborhoods.*
- *Integrate separate employment uses within a walkable environment.*
- *Specific objectives of this district include:*
  - *Provide the opportunity for a high intensity and mix of development that is supportive of and served by mass transit service.*
  - *Encourage development that is compatible within the Airport Impact Overlay District (AIOD), within the 65 Ldn or higher aircraft noise contours of the Dulles International Airport.*
  - *Provide for pedestrian, bicycle, and vehicle connections between different land uses within the district, and from development in the district to adjacent and nearby transit, open spaces, recreational and other community facilities, employment centers, and adjacent pedestrian and bicycle facilities.*
  - *Ensure high-quality design and construction, including locating buildings close to the street with parking behind to ensure that buildings are the predominant visual feature when viewed from roadways and adjacent properties.*
  - *Establish an urban development pattern of urban scale blocks arranged in a rectilinear grid.*
  - *Provide for the use of mass transit to reduce the number of peak hour vehicle trips.*
  - *Provide for a mix of supporting commercial retail and service uses to serve the shopping and service needs of district employees, visitors, and commuters.*
  - *Encourage a development design that relates to the Broad Run floodplain and prioritizes its protection and connections within and outside of the UE District by creation of a linear park.*

- *Encourage the development of well-configured plazas, squares, greens, landscaped streets, and parks woven into a pattern of transit-oriented and pedestrian-oriented development and dedicated to collective social activity, recreation, and visual enjoyment.*
- *Support the future rail connection to the Dulles International Airport and corporate office users making frequent use of the Airport.*

A. **Applicability, Size, and Location.** The following applies to the UE district:

1. Each Zoning Map Amendment or Zoning Concept Plan Amendment application must address the requirements of Section 7.09.06, as well as Sections 7.09.02 or 7.09.05 and 7.09.03 and 7.09.04.
2. The UE district must:
    a. Be in an area consistent with the Urban Employment Place Type of the General Plan;
    b. Ensure connection and access to the Loudoun Gateway transit stop is an integral feature of the district; and
    c. Include an arrangement of land uses that provides safe and convenient opportunities to connect with the Loudoun Gateway transit stop.
3. *Minimum District Size.* The initial district size must be 20 acres or more. Notwithstanding the provisions of Section 2.06, the minimum district size is not modifiable.
4. *Incremental Additions.* The Board of Supervisors may approve a zoning map amendment with incremental additions to an existing UE district if it finds that they are:
    a. Abutting or across the street from an existing UE district;
    b. Compatible with the existing UE district;
    c. Consistent with the General Plan policies for the area; and
    d. Integrated with the existing UE district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.

B. **Uses.** Refer to Table 3.02.01 for uses allowed in the district.

C. **Lot and Building Standards.** Refer to Table 2.01.02-1 for required lot and building standards.

Table 2.01.02-1. UE District Lot and Building Standards

Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	No min.
2	Lot Width (min.)	No min.
3	Lot Depth (min.)	No min.
Yards		
4	Setback Adjacent to Roads (min.)	Section 5.07.02 applies, except for arterial roads where the following applies: Building - 100 ft. unless a component of an Urban Deck Parking - 50 ft.
5	Front Yard Setback (max.)[1]	10 ft. or 25 ft. if a plaza or courtyard open to the public is provided between the building and the road
6	Side Yard Setback (min.)	No min.
7	Rear Yard Setback (min.)	No min.
Building Requirements		
8	FAR (min.)[2]	1.0
9	Lot Coverage (min.)	No min.
10	Building Height (max.)[3]	100 ft.
		30 ft.[4] or 25 ft. if building is constructed between a parking structure and a road and effectively screens the parking structure from public view

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Measured from the building edge if sidewalk.

[2]Maximum FAR must be provided on approved CDP.

[3]Unless a lower height restriction is required based on Federal Aviation Regulations Part 77 – Imaginary surfaces.

[4]Unoccupied space such as rooftop mechanical structures and architectural features is not permitted to be measured in determining minimum height.

[5]Open Space must be provided in accordance with Section 5.04 and must include areas for use by employees and customers, such as outdoor seating, plazas, gardens, and public art.

Open Space Requirements		
12	Open Space (min.)[5]	10%

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Measured from the building edge of sidewalk.

[2]Maximum FAR must be provided on approved CDP.

[3]Unless a lower height restriction is required based on Federal Aviation Regulations Part 77 – Imaginary surfaces.

[4]Unoccupied space such as rooftop mechanical structures and architectural features is not permitted to be measured in determining minimum height.

[5]Open Space must be provided in accordance with Section 5.04 and must include areas for use by employees and customers, such as outdoor seating, plazas, gardens, and public art.

D. **Mix of Uses.** The use mix in the UE District must be provided in accordance with Table 2.01.02-2.

Table 2.01.02-2. Permitted Mix of Uses	
Land Use Category	UE District
Nonresidential	Up to 100% of approved sf.[1]
Public/Civic	0%+ of approved sf.[1]

(sf. = square feet)

[1]Maximum square feet must be provided on an approved CDP.

E. **Road Network.** Within the UE District, the road network must be provided pursuant to Section 5.09.02 and as follows:

1. The UE District must be arranged in a predominately rectilinear pattern of interconnecting streets and blocks.
2. Block lengths must be provided as follows:
    a. Minimum: 300 feet
    b. Maximum: 800 feet
3. The road network must provide multiple and direct vehicular connections to the transit station.
4. In addition to Section 5.09.02.A.1., future road connections are required to adjacent developable parcels in the Suburban Policy Area and Urban Policy Area.

F. **Land Use Arrangement.** Land uses within the UE District must be arranged as follows:

1. Adjoining or proximate to each other to ensure a compact development pattern and a continuous urban streetscape.
2. Organized to relate and provide views, connections, and access to open space provided in the Broad Run floodplain.
3. Bus stops must be located throughout the UE District, as determined by the County in consultation with the Washington Metro Area Transit Authority (WMATA), or similar authority.

G. **Building Orientation.** Buildings in the UE District must be oriented as follows:

1. Toward adjacent local or collector roads or adjacent publicly accessible plaza, greens, or parks; and
2. With principal entrances to all buildings accessible from a sidewalk along a local or collector road or an adjacent publicly accessible plaza, green, or park.

H. **Pedestrian-Oriented Building Placement, Uses, and Design.** To achieve a uniform streetscape, the building wall on any lot must be provided as follows:

1. A minimum of 50% of any lot width that is adjacent to a public or private street or plaza must be occupied by a building wall built between the maximum permitted front yard setback and front lot boundary.
    a. The building wall may be part of a principal building or accessory building.
2. The remaining lot frontage may be occupied by any combination of the following:
    a. Building wall (within the maximum permitted front yard setback up to the front lot boundary);
    b. Decorative solid screening wall, fence, or hedge no higher than 4 feet;

c. Decorative wall or fence that allows visibility through it, such as wrought iron or split rail fences, no higher than 6 feet;
d. Landscaped entryway signage or features;
e. Pedestrian amenities such as a public plaza or park; or
f. Breaks for necessary pedestrian or vehicle access ways.

3. To achieve a pedestrian-oriented streetscape, the buildings of any lot must be provided as follows:
   a. At least 30% of the building wall required in Section 2.01.02.H.1. must contain pedestrian-oriented commercial uses located at same level as the sidewalk or other pedestrian-oriented feature, such as a plaza, that is visible and accessible from the sidewalk or other pedestrian-oriented feature. For the purposes of this section, pedestrian-oriented commercial uses are Commercial Uses permitted in Table 3.02.01, except for building maintenance services and office.
   b. Eaves are permitted to cantilever over the pedestrian walkway no more than 3 feet.
      1. Awnings, canopies, trellises, and similar architectural features may overhang a sidewalk.

I. **Pedestrian and Bicycle Network.** Within the UE District, a pedestrian and bicycle network must be provided in accordance with Section 5.09.03 and as follows:

1. Pedestrian and bicycle connections must be designed to provide direct access and multiple connections to and between the:
   a. Primary entrance or entrances to each building;
   b. The transit station; and
   c. Bus stops.
2. All pedestrian connections in the UE District must be:
   a. Designed and sited to ensure the shortest and most direct route possible from point to point.
   b. Connected so that pedestrians do not have to walk across grass or landscaped areas when making connections identified in Subsection 2.01.02.I.1. above.
3. Shared use paths must be provided throughout the UE District.

J. **On-Site Amenities.** All development in the UE District containing 25,000 or more square feet of gross floor area must incorporate at least 2 of the following on-site amenities or features that are accessible to all uses within the development:

1. Patio or plaza with seating areas, provided such patio or plaza has a minimum depth and width of 10 feet and a minimum total area of 300 square feet;
2. Landscaped mini-parks, squares, or greens, including rooftop areas and green roofs, provided such park or green has a minimum depth and width of 30 feet and a minimum total area of 1,000 square feet;
3. Sculpture provided outside a minimum in 10 feet in height, width, or depth;
4. On-site transportation amenities, including bus stops and customer pick-up/drop-off stations;
5. Protected customer walkways, arcades, or easily identifiable building pass-throughs containing window displays and intended for public access;
6. Water feature, such as a lake, pond, or fountain, provided the feature is easily accessed by pedestrians and includes or integrates seating areas for pedestrians;
7. Athletic facilities such as lockers, showers, and changing rooms;
8. Street-level public restrooms immediately accessible from building pass-throughs, public plazas or other public open spaces, or enclosed plazas/atriums; or
9. Swimming pools (indoor or outdoor, including rooftops).

On-site amenities listed in 1, 2, 5, and 8 may be used to satisfy the minimum 10% open space requirement in Table 2.01.02-1.

K. **Street Trees.** Street trees must be provided in accordance with Section 5.07.02.E.

2.02 Suburban Policy Area Zoning Districts

2.02.01 Suburban Neighborhood – SN

Purpose. *The purpose of the Suburban Neighborhood (SN) Zoning District is to:*

- *Implement the Suburban Neighborhood Place Type of the General Plan.*
- *Provide for moderate to medium density single-family detached and attached residences with limited multifamily residences integrated in a walkable road pattern in areas served by public water and sewer service.*
  - *Establish residential densities compatible to and integrated with the surrounding development pattern with the SN-4 zoning district and allow for moderate density infill development with the SN-6 zoning district.*
- *Apply to areas of primarily residential uses, including Loudoun's master planned neighborhoods, integrated with permitted public, retail, and service uses that serve the routine needs of the immediate neighborhood at significant intersections and along major roads.*
- *Ensure new SN developments transition gradually to adjacent lower-density residential uses, particularly where natural or man-made buffers are not available, through building scale and design elements that soften these transitions.*

A. **Applicability.** The SN-4 and SN-6 Zoning Districts must be in an area consistent with the Suburban Neighborhood Place Type of the General Plan.

1. The SN-4 Zoning District standards apply unless a project meets the requirements of Section 2.02.01.L. Infill Development.
2. When a project meets the requirements of Section 2.02.01.L, the SN-6 Zoning District may apply.

B. **Use Regulations**. Refer to Table 3.02.01 for uses allowed in the district.

C. **Dimensional Standards.** Refer to Table 2.02.01-1 for required dimensional standards.

TABLE 2.02.01-1. SN District Dimensional Standards

Reference	Standard	SN-4	SN-6[1]
Lot Requirements			
1	Residential and Nonresidential Lot Size (min.)	No min.	No min.
2	Residential Lot Size (max.)	SFD, or SFA Duplex, Triplex, or Quadruplex Building Lot: 10,000 sf.	SFD, or SFA Duplex, Triplex, or Quadruplex Building Lot: 10,000 sf.
		SFA Townhouse or Duplex, Triplex, or Quadruplex Individual Unit Lot: No max.	SFA Townhouse or Duplex, Triplex, or Quadruplex Individual Unit Lot: No max.
		MF: No max.	MF: No max.
3	Nonresidential Lot Size	No max.	No max.
4	Residential Lot Width (min.)	SFD: 40 ft. SFA Duplex, Triplex, Quadruplex Building Lot: 50 ft.	SFD: 40 ft. SFA Duplex, Triplex, Quadruplex Building Lot: 50 ft.

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Must meet the standards for infill designation pursuant to Section 2.02.01.L.

[2]Except where a greater setback is required by Section 5.07.02.

[3]Minimum yard requirements for residential uses may be reduced by the Board of Supervisors by Special Exception in accordance with the provisions of Section 7.10.01.

[4]Except where a greater buffer is required by Section 5.07.04.

[5]The yard separating residential and nonresidential uses may be decreased in accordance with Section 5.13.

[6]ADUs must be provided pursuant to Section 8.01.

[7]Maximum height of 50 feet is permitted if the building is setback from the required yard 1 foot for each 1 foot of height that exceeds 45 feet.

[8]Open Space must be provided in accordance with Section 5.04.

[9]Active recreation space and landscaped open space provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

[10]Only market rate dwelling units are used in the Residential Active Recreation Space calculation. SFA may only be used in the 5,000 sf for 10 SFD dwelling units if there are not 10 SFD dwelling units in the development.

		TABLE 2.02.01-1. SN District Dimensional Standards	
Reference	Standard	SN-4	SN-6[1]
		SFA Townhouse Interior Unit: 14 ft. SFA Duplex, Triplex, Quadruplex Individual Unit Lot: 20 ft.	SFA Townhouse Interior Unit: 14 ft. SFA Duplex, Triplex, Quadruplex Individual Unit Lot: 20 ft.
		SFA Townhouse End Unit: 24 ft.	SFA Townhouse End Unit: 24 ft.
		MF: No min.	MF: No min.
5	Nonresidential Lot Width (min.)	No min.	No min.
Yards			
6	Front Yard Setback (min.)[2, 3]	15 ft.	15 ft.
7	Residential Side Yard Setback (min.)[2, 3]	SFD, SFA: 8 ft. (16 ft. min. between units) 0 ft. for common walls	SFD, SFA: 8 ft. (16 ft. min. between units) 0 ft. for common walls
		MF: 10 ft.; 20 ft. on corner lots	MF: 10 ft.; 20 ft. on corner lots
8	Nonresidential Side Yard Setback (min.)[2, 4]	Adjoining residential use: 25 ft.[5] Adjoining nonresidential use: 10 ft. Common walls: 0 ft.	Adjoining residential use: 25 ft.[5] Adjoining nonresidential use: 10 ft. Common walls: 0 ft.
9	Residential Rear Yard Setback (min.)[2, 3]	25 ft.	25 ft.
10	Nonresidential Rear Yard Setback (min.)[2, 4]	Adjoining residential use: 50 ft.[5] Adjoining nonresidential use: 15 ft. Common walls: 0 ft.	Adjoining residential use: 50 ft.[5] Adjoining nonresidential use: 15 ft. Common walls: 0 ft.
Building Requirements			
11	Residential Density (max.)	4 dwelling units per acre 4.8 dwelling units per acre with ADUs[6]	6 dwelling units per acre 7.2 dwelling units per acre with ADUs[6]
12	Nonresidential FAR (max.)	1.0	1.0
13	Residential Lot Coverage (max.)	SFD: 35% SFA: 50% MF: 60%	SFD: 35% SFA: 50% MF: 60%
14	Nonresidential Lot Coverage (max.)	70%	70%
15	Residential Building Height (max.)	SFD: 40 ft.; SFA: 45 ft.; MF: 50 ft.[7]	SFD: 40 ft.; SFA: 45 ft.; MF: 50 ft.[7]
16	Nonresidential Building Height (max.)	50 ft.	50 ft.
17	Nonresidential Frontage Buildout (min.)	75% of the building must be located at the minimum front yard setback	75% of the building must be located at the minimum front yard setback
Open Space Requirements			

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Must meet the standards for infill designation pursuant to Section 2.02.01.L.

[2]Except where a greater setback is required by Section 5.07.02.

[3]Minimum yard requirements for residential uses may be reduced by the Board of Supervisors by Special Exception in accordance with the provisions of Section 7.10.01.

[4]Except where a greater buffer is required by Section 5.07.04.

[5]The yard separating residential and nonresidential uses may be decreased in accordance with Section 5.13.

[6]ADUs must be provided pursuant to Section 8.01.

[7]Maximum height of 50 feet is permitted if the building is setback from the required yard 1 foot for each 1 foot of height that exceeds 45 feet.

[8]Open Space must be provided in accordance with Section 5.04.

[9]Active recreation space and landscaped open space provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

[10]Only market rate dwelling units are used in the Residential Active Recreation Space calculation. SFA may only be used in the 5,000 sf for 10 SFD dwelling units if there are not 10 SFD dwelling units in the development.

TABLE 2.02.01-1. SN District Dimensional Standards			
Reference	Standard	SN-4	SN-6[1]
18	Residential and Nonresidential Open Space (min.)[8]	30%	
19	Residential Active Recreation Space (min.)[9, 10]	5,000 sf for first 10 SFD or SFA (if no SFD) dwelling units plus 100 sf for each additional SFD dwelling unit 200 sf for each additional SFA or MF dwelling unit	
20	Nonresidential Landscaped Open Space (min.)[9]	0.2 times buildable area of lot	

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Must meet the standards for infill designation pursuant to Section 2.02.01.L.

[2]Except where a greater setback is required by Section 5.07.02.

[3]Minimum yard requirements for residential uses may be reduced by the Board of Supervisors by Special Exception in accordance with the provisions of Section 7.10.01.

[4]Except where a greater buffer is required by Section 5.07.04.

[5]The yard separating residential and nonresidential uses may be decreased in accordance with Section 5.13.

[6]ADUs must be provided pursuant to Section 8.01.

[7]Maximum height of 50 feet is permitted if the building is setback from the required yard 1 foot for each 1 foot of height that exceeds 45 feet.

[8]Open Space must be provided in accordance with Section 5.04.

[9]Active recreation space and landscaped open space provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

[10]Only market rate dwelling units are used in the Residential Active Recreation Space calculation. SFA may only be used in the 5,000 sf for 10 SFD dwelling units if there are not 10 SFD dwelling units in the development.

D. **Mix of Uses.** The land use mix in the SN district must be provided within the percentages of gross land area of the district provided in Table 2.02.01-2.

TABLE 2.02.01-2. Permitted Mix of Uses		
Reference	Land Use Category	Requirement[1, 2]
1	Residential	75% to 90%
2	Nonresidential	0% to 15%
3	Public/Civic[3, 4]	10% or more

[1]Percent of gross land area.

[2]Total percentage of land use categories must equal 100%.

[3]Open space provided pursuant to Section 5.04.C.2 may be used to meet the Public/Civic requirement.

[4]Not required for projects less than 20 acres in size if the effect of the proposed development is to shift the use mix for an area within 1/2 mile of its boundaries closer to the preferred mix for the place type.

E. **Residential Unit Type Mix.** The mix of residential unit types must not exceed the percentages in Table 2.02.01-3.

TABLE 2.02.01-3. Dwelling Unit Type Mix			
Reference	Unit Type	SN-4 Percent Allowed (max.)	SN-6 Percent Allowed (max.)
1	Single-Family Detached	85%	25%
2	Duplex, Triplex, Quadruplex	50%	75%
3	SFA Townhouse	25%	50%
4	Multifamily	5%[1]	15%[1]

[1]Only Multifamily Stacked dwelling units permitted.

F. **Variation of Lot Sizes.** Developments must provide a variety of lot sizes in accordance with Section 5.13.

G. **Other Lot Requirements.**

1. For single-family detached and single-family attached duplex, triplex, or quadruplex dwelling units, garages with access from the front must be setback at least 10 feet behind the front line of buildings.
    a. *Exception.* This does not apply where the architectural front of a single-family detached, or a single-family attached duplex, triplex, or quadruplex dwelling unit is not oriented to a road.

H. **Lot Access.** Individual lots in the SN Zoning District must be accessed pursuant to Section 5.09.01 and as follows:

1. Notwithstanding the access requirements of Section 5.09.01, access to single-family detached or individual single-family attached dwelling units may be provided by an alley.

I. **Road Network.** Within the SN District, the road network must be provided in accordance with Section 5.09.02 and as follows:

1. Roads must form blocks where feasible. Culs-de-sac and limited loop roads are also appropriate.
2. Block length or length between intersecting roads must be:
    a. Minimum: 600 feet
    b. Maximum: 1,500 feet
3. In addition Section 5.09.02.A.1., future road connections are required to adjoining developable parcels in the Suburban Compact Neighborhood Place Type and the Suburban Mixed Use Place Type.

J. **Pedestrian and Bicycle Network.** Within the SN District, a pedestrian and bicycle network must be provided in accordance with Section 5.09.03.

K. **Street Trees.** Street trees must be provided in accordance with Section 5.07.02.E.

L. **Infill Development.** To be categorized as infill development and develop pursuant to the SN-6 Zoning District if a request for a Zoning Map Amendment application pursuant to Section 7.09.01 meets the following requirements:

1. The property subject to the application is undeveloped or underutilized, but is located in an area of established, stable development with available or planned transportation, police and fire protection, schools and other public facilities and public utilities, including water and sewerage, adequate for the uses proposed;
2. The property subject to the application must be no more than 25 acres;
3. The proposed development will complement or complete a larger developed area; and
4. The proposed development is integrated and designed to fit into the surrounding development pattern.

2.02.02 Suburban Compact Neighborhood – SCN

Purpose. *The purpose of the Suburban Compact Neighborhood (SCN) Zoning District is to:*

- *Implement the Suburban Compact Neighborhood Place Type of the General Plan.*
- *Be applied in the Suburban Neighborhood and Suburban Mixed Use Place Types of the General Plan where appropriate.*
- *Provide opportunities to develop compact neighborhoods that can take advantage of small infill parcels near traditional suburban neighborhoods or high-density walkable urban neighborhoods, depending on the context of their location, and in areas served by public water and sewer.*
    - *Establish a range of residential densities and design increasing in intensity from SCN-8, SCN-16, and SCN-24 districts that is compatible to and integrated with the surrounding development.*
- *Provide opportunities for a variety of housing unit types including small-lot patio homes, manufactured housing, townhomes, duplexes, triplexes, quadruplexes, and multifamily dwellings, as well as accessory dwellings.*
- *Ensure new development is designed to fit within or adjacent to surrounding neighborhoods.*
- *Integrate open space areas such as parks, trails, community courtyards, and small public plazas into each neighborhood and nonresidential component.*
- *Ensure public and civic amenities are provided or located within walking distance of each development.*

- *Provide opportunities to integrate small scale office and retail and service uses serving the immediate needs or routine shopping needs into neighborhoods.*
- *Ensure new SCN developments transition to adjacent lower-density residential uses or more intensive nonresidential uses, particularly where natural or man-made buffers are not available, through building scale and design elements that soften these transitions.*

A. **Applicability.** The SCN District must be in an area consistent with the Suburban Compact Neighborhood Place Type of the General Plan. The SCN district may also be applied in limited areas designated as the Suburban Neighborhood and Suburban Mixed Use Place Types of the General Plan if the criteria of Section 2.02.02.J are satisfied.

B. **Use Regulations**. Refer to Table 3.02.01.

C. **Dimensional Standards.** Refer to Table 2.02.02-1 for required dimensional standards.

TABLE 2.02.02-1. SCN District Dimensional Standards

Reference	Standard	SCN-8	SCN-16	SCN-24
Lot Requirements				
1	Residential and Nonresidential Lot Size (min.)	No min.	No min.	No min.
2	Residential Lot Size (max.)	SFD; SFA Duplex, Triplex, or Quadruplex Building Lot: 6,000 sf.	SFD: 3,000 sf.	SFA Townhouse or Duplex, Triplex, or Quadruplex Individual Unit Lot: No max.
			SFA Duplex, Triplex, or Quadruplex Building Lot: 5,000 sf.	
		SFA Townhouse or Duplex, Triplex, or Quadruplex Individual Unit Lot: No max.	SFA Townhouse or Duplex, Triplex, or Quadruplex Individual Unit Lot: No max.	
		MF: No max.	MF: No max.	MF: No max.
3	Residential Lot Width (min.)	SFD: 40 ft.	SFD: 30 ft.	SFA Townhouse Interior Unit: 14 ft.
		SFA Duplex, Triplex, Quadruplex Building Lot: 50 ft.	SFA Duplex, Triplex, Quadruplex Building Lot: 40 ft.	
		SFA Duplex, Triplex, Quadruplex Individual Unit Lot: 20 ft.	SFA Duplex, Triplex, Quadruplex Individual Unit Lot: 20 ft.	SFA Townhouse End Unit: 22 ft.
		SFA Townhouse Interior Unit: 14 ft.	SFA Townhouse Interior Unit: 14 ft.	MF Attached: 60 ft.
		SFA Townhouse End Unit: 22 ft.	SFA Townhouse End Unit: 22 ft.	
		MF: 60 ft.	MF: 60 ft.	
4	Residential Length Width Ratio (max.)	5:1	7:1	6:1
5	Nonresidential Lot Width	No min.	No min.	No min.
Yards				
6	Residential Front Yard Setback (min.)[1, 2]	SFD, SFA: 15 ft.	SFD, SFA: 15 ft.	SFA: 15 ft.
		MF: 20 ft.	MF: 25 ft.	MF: 25 ft.
7	Nonresidential Front Yard Setback (min.)	15 ft.	15 ft.	15 ft.
8	Residential Side Yard Setback (min.)[1, 2]	SFD, SFA: 8 ft. 0 ft. for common walls	SFD, SFA: 8 ft. 0 ft. for common walls	SFA: 8 ft. 0 ft. for common walls
		MF: 10 ft.; 20 ft. on corner lots	MF: 10 ft.; 25 ft. on corner lots	MF: 10 ft.; 25 ft. on corner lots
9	Nonresidential Side Yard Setback (min.)[1]	Adjoining residential use: 25 ft.[3] Adjoining nonresidential use: 10 ft. Common walls: 0 ft.	Adjoining residential use: 25 ft.[3] Adjoining nonresidential use: 10 ft. Common walls: 0 ft.	Adjoining residential use: 25 ft.[3] Adjoining nonresidential use: 10 ft. Common walls: 0 ft.
10	Residential Rear Yard Setback (min.)[1, 2]	SFD: 25 ft.	SFD: 15 ft.	SFA: 15 ft.
		SFA: 15 ft.	SFA: 15 ft.	
		0 ft. for common walls	0 ft. for common walls	

[1] Except where a greater setback is required by Section 5.07.02.

[2] Minimum yard requirements may be reduced by the Board of Supervisors by Special Exception in accordance with the provisions of Section 7.10.

[3] The yard separating residential and nonresidential uses may be decreased in accordance with Section 5.14.

[4] ADUs must be provided pursuant to Section 8.01.

[5] Maximum height of 50 feet is permitted if the building is setback from the required yard 1 foot for each 1 foot of height that exceeds 45 feet.

[6] Open Space must be provided in accordance with Section 5.04.

[7] Active recreation space and landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

[8] Only market rate dwelling units are used in the Residential Active Recreation Space calculation. SFA may only be used in the 5,000 sf for 10 SFD dwelling units if there are not 10 SFD dwelling units in the SCN-8 or SCN-16 development.

		MF: 25 ft.	MF: 25 ft.	MF: 25 ft.
11	Nonresidential Rear Yard Setback (min.)[1]	Adjoining residential use: 50 ft.[3] Adjoining nonresidential use: 15 ft. Common walls: 0 ft.	Adjoining residential use: 50 ft.[3] Adjoining nonresidential use: 15 ft. Common walls: 0 ft.	Adjoining residential use: 50 ft.[3] Adjoining nonresidential use: 15 ft. Common walls: 0 ft.
Building Requirements				
12	Residential Density (max.)	8 dwelling units per acre 9.6 dwelling units per acre with ADUs[4]	16 dwelling units per acre 19.2 dwelling units per acre with ADUs[4]	24 dwelling units per acre 28.8 dwelling units per acre with ADUs[4]
13	Nonresidential FAR (max.)	1.0	1.0	1.0
14	Residential Lot Coverage (max.)	SFD: 50% SFA: 75% MF: 60% Nonresidential: 75%	SFD: 70% SFA: 75% MF: 60% Nonresidential: 80%	SFA: 80% MF: 70% Nonresidential: 80%
15	Nonresidential Lot Coverage (max.)	Nonresidential: 75%	Nonresidential: 80%	Nonresidential: 80%
16	Residential and Nonresidential Building Height (max.)	SFD: 40 ft. SFA: 45 ft. MF: 50 ft.[5]	SFD: 40 ft. SFA: 45 ft. MF: 50 ft.[5]	SFD: 40 ft. SFA: 45 ft. MF: 50 ft.[5]
17	SFA Townhouse and MF Stacked Building Length (max.)	200 ft.	200 ft.	200 ft.
18	Nonresidential Frontage Buildout (min.)	75% of the building must be located at the minimum front yard setback	75% of the building must be located at the minimum front yard setback	75% of the building must be located at the minimum front yard setback
Open Space Requirements				
19	Open Space[6]	15%	15%	15%
20	Residential Active Recreation Space (min.)[7]	5,000 sf for 10 SFD or SFA dwelling units plus 100 sf for each additional SFD unit 200 sf for each additional SFA or MF unit	5,000 sf for 10 SFD or SFA dwelling units plus 100 sf for each additional SFD unit 200 sf for each additional SFA or MF unit	5,000 sf for 10 SFA or MF dwelling units plus 200 sf for each additional SFA or MF unit
21	Nonresidential Landscaped Open Space (min.)[8]	0.2 times buildable area of lot	0.2 times buildable area of lot	0.2 times buildable area of lot

[1]Except where a greater setback is required by Section 5.07.02.

[2]Minimum yard requirements may be reduced by the Board of Supervisors by Special Exception in accordance with the provisions of Section 7.10.

[3]The yard separating residential and nonresidential uses may be decreased in accordance with Section 5.14.

[4]ADUs must be provided pursuant to Section 8.01.

[5]Maximum height of 50 feet is permitted if the building is setback from the required yard 1 foot for each 1 foot of height that exceeds 45 feet.

[6]Open Space must be provided in accordance with Section 5.04.

[7]Active recreation space and landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

[8]Only market rate dwelling units are used in the Residential Active Recreation Space calculation. SFA may only be used in the 5,000 sf for 10 SFD dwelling units if there are not 10 SFD dwelling units in the SCN-8 or SCN-16 development.

D. **Mix of Uses.** The land use mix in the SN district must be provided within the percentages of gross land area of the district provided in Table 2.02.02-2.

Table 2.02.02-2. Permitted Mix of Uses		
Reference	Land Use Category	Requirement[1, 2]

Table 2.02.02-2. Permitted Mix of Uses		
Reference	Land Use Category	Requirement[1, 2]
1	Residential	85% to 100%
2	Nonresidential	0% to 15%
3	Public/Civic[3, 4]	0% or more

[1]Percent of gross land area.

[2]Total percentage of land use categories must equal 100%.

[3]Open space provided pursuant to Section 5.04.C.2 may be used to meet the Public/Civic requirement.

[4]Not required for projects less than 20 acres in size if the effect of the proposed development is to shift the use mix for an area within 1/2 mile of its boundaries closer to the preferred mix for the place type.

E. **Residential Unit Type Mix.** The mix of residential unit types must not exceed the percentages in Table 2.02.01-3.

Table 2.02.01-3. Dwelling Unit Type Mix				
Reference	Unit Type	Percent Allowed (max.)		
		SCN-8	SCN-16	SCN-24
1	Single-Family Detached	20%	10%[1]	0%
2	Single-Family Attached Duplex, Triplex, Quadruplex	75%	30%	0%
3	Single-Family Attached Townhouse	75%	40%	10%
4	Stacked Multifamily	15%	20%	25%
5	Attached Multifamily	0%	75%	100%

[1]Single-family detached dwelling units must meet the requirements of Section 3.06.02.08.C.

F. **Variation of Lot Sizes.** Developments must provide a variety of lot sizes in accordance with Section 5.13.

G. **Other Lot Requirements.** Garages for single-family detached or a single-family attached duplex, triplex, or quadruplex dwelling units with access from the front must be setback at least 10 feet behind the front line of buildings.

1. *Exception.* This does not apply where the architectural front of a single-family detached, or a single-family attached duplex, triplex, or quadruplex dwelling unit is not oriented to a road.

H. **Lot Access.** Individual lots in the SCN Zoning District must be accessed pursuant to Section 5.09.01.D and as follows:

1. Single-family detached and single-family attached dwelling units and nonresidential uses must front on a public road, unless the development has received approval for private roads.
2. Notwithstanding the access requirements of Section 5.09.01.D, access to single-family detached or individual single-family attached dwelling units may be provided by an alley.

I. **Road Network.** Within the SCN District, the road network must be provided pursuant to Section 5.09.02 and as follows:

1. Roads must form blocks where feasible. Blocks must generally be in a grid pattern, with interconnecting roads and alleys.
2. Block length or length between intersecting roads must be:
    a. Minimum: 200 feet
    b. Maximum: 660 feet
3. In addition Section 5.09.02.A.1, future road connections are required to adjoining developable parcels in the Suburban Neighborhood Place Type and the Suburban Mixed Use Place Type.

J. **Pedestrian and Bicycle Network.** Within the SCN District, a pedestrian and bicycle network must be provided in accordance with Section 5.09.03.

K. **Street Trees.** Street trees must be provided in accordance with Section 5.07.02.E.

L. **SCN Alternative Location Criteria.** The SCN District may be applied in the Suburban Neighborhood or

Suburban Mixed Use Place Types provided the proposal meets each of the following criteria:

1. The proposal must include dwelling units that exceed the applicable requirements of Section 8.01 by providing a minimum number of Unmet Housing Needs Units (UHNUs) pursuant to Section 8.02 as follows:
    a. At least 15% of the total number of the single-family detached, single family attached, and multifamily stacked dwelling units; and
    b. At least 10% of the total number of the multifamily attached dwelling units.
        1. Notwithstanding Section 8.01.A.4.a, multifamily buildings with 4 or more stories and an elevator are not exempt from the ADU Program when applying the SNC Alternative Location Criteria.
2. The site must be located within 1/2 mile of a mixed use development or along a transit corridor as defined in the 2019 Countywide Transportation Plan (CTP).
    a. When located proximate to a mixed-use development, existing and/or proposed pedestrian and/or vehicular connections to the mixed use development must be provided.
3. Transit options must be available within 1/4 mile by road from a vehicular entrance to the proposed district.
    a. Transit options are defined as existing or planned metro or bus lines.
4. The site must be located within 1/2 mile of employment options and uses complementary to the proposed development (e.g., neighborhood serving retail and services).
    a. Existing and/or proposed pedestrian and/or vehicular connections to the employment options and complementary uses must be provided.
5. The site must be located within 1/2 mile of public facilities with existing or planned capacity to serve the proposed development.
    a. Public facilities are defined as schools, libraries, community centers, and/or public parks or open space.
6. The proposal conforms to the Transition requirements in Section 5.11.
7. The proposal must conform to the guidelines of the General Plan for the applicable Suburban Neighborhood or Suburban Mixes Use Place Type and any adjacent place types.
8. The proposal demonstrates innovation in design, including techniques that result in a perceived density that complements the scale of the surrounding built environment.

M. **SCN Alternative Location Request.** A request to apply the SCN District in an alternative location must be submitted as part of Zoning Map Amendment application pursuant to Section 7.09.01 and include a detailed description of how the proposal meets the SCN Alternative Location Criteria listed above to include:

1. Detailed written description of how the proposal achieves the 8 criteria listed in this Section 2.02.02.J.
2. Demonstration of how the proposal will meet the UHNU requirement of Criteria 1.
3. Map showing location of the proposed project and the distance from the development requirements in Criteria 2, 3, 4, and 5.
4. Depiction of how the proposal achieves Criteria 6, 7, and 8 and a commitment to these transition and design components.

2.02.03 Suburban Mixed Use – SM

Purpose: *The purpose of the Suburban Mixed Use (SM) Zoning District it to:*

- *Establish compact, pedestrian-oriented environments with opportunities for a mix of residential, lodging, commercial, public, civic, and institutional uses that will serve as mixed use centers in the Suburban Mixed Use Place Type of the General Plan.*
- *Ensure the district has mix of uses, which may be provided through mixed-use buildings and multistory single-use buildings that are integrated in a walkable road pattern.*

- *Provide for an area where commercial and public/civic/institutional uses are the primary draw to the mixed-use center while supporting residential uses.*
- *Act as a mixed use center that supports areas within the Suburban Mixed Use Place Type that do not include a residential component.*
- *Support pedestrian-oriented development by emphasizing appropriate building scale and design, block sizes, pedestrian-oriented uses, and pedestrian-friendly streetscapes, as well as pedestrian linkages, trails, and greenways that connect the businesses, residences, and open space.*
- *Serve as logical locations for transit stops.*
- *Ensure office and residential parking structures, gas stations, car washes, drive-throughs, and other auto-related functions are located along roads primarily designed for the automobile.*
- *Ensure office, multifamily buildings, and store entrances are located along roads designed primarily for pedestrians.*
- *Preserve and integrate natural, environmental, or heritage resources into the development to the greatest extent feasible.*
- *Specific objectives of the SM District include:*
  - *Uses generally located in vertically integrated buildings in proximity to each other.*
  - *Generally rectilinear patterns of roads and blocks arranged in a network of public and/or private roads designed for pedestrians, bicycles, public transit, and automotive vehicles and that provide for multimodal connections between different land uses within the district and to nearby development.*
  - *Well configured squares, greens, landscaped roads, and parks woven into the pattern of the district and dedicated to collective social activity, recreation, and visual enjoyment.*
  - *Civic and community buildings or spaces for public assembly that act as landmarks, symbols, or focal points for community identity.*
  - *On-street parking and centralized parking facilities to collectively support uses in the district.*
  - *A mix of supporting commercial retail and service uses to serve the daily or routine shopping and service needs of employees, visitors, and residents.*
  - *High-quality design and construction.*
  - *The assemblage of parcels to form a unified development concept.*
  - *Housing choices and opportunities that are compatible within the district.*

A. **Applicability, Size, and Location.** The following applies to the SM district:

1. Each Zoning Map Amendment or Zoning Concept Plan Amendment application must address the requirements of Section 7.09.07, as well as Sections 7.09.02 or 7.09.05 and 7.09.03 and 7.09.04.
2. *Place Type.* Located in areas consistent with the Suburban Mixed Use Place Type of the General Plan.
3. *Minimum District Size.* 25 acres
    a. A district may be between 5 and 25 acres when:
        1. The district is visually and functionally integrated and compatible with an existing nonresidential development; and
        2. The existing nonresidential development is subject to an approved concept development plan (CDP) that will be amended to include the proposed SM District.
4. *Incremental Additions.* The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the SM district if it finds that they are:
    a. Contiguous to an existing SM district;
        1. For the purposes of this subsection, land across a roadway with no more than two through lanes is defined as contiguous;
    b. Compatible with the existing adjacent SM district;
    c. Consistent with the General Plan policies for the area; and

d. Integrated with the existing SM district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.

B. **District Subareas.** The district may be divided into a Mixed Use Center Core and a Mixed Use Center Fringe, but must always include a Mixed Use Center Core.

1. *Mixed Use Center Core.* The Mixed Use Center Core must be provided as follows:

a. Minimum Subarea Size: 10 acres

b. Maximum Subarea Size:

1. District less than 60 acres: 30 acres

2. District greater than 60 acres: 50% of the district land area

c. No Mixed Use Center Core is permitted be located within 10,000 feet of another Mixed Use Center Core.

1. *Exception.* A Mixed Use Center Core may be located within 1 mile of another Mixed Use Center Core where a physical feature exists sufficient enough to alter access and travel patterns between the Mixed Use Center Cores, such as water bodies and roads with a minimum of 6 lanes;

d. With vertically-integrated uses and pedestrian-oriented design to generate substantial pedestrian activity; and

e. As the focal point and predominant activity center of the district.

2. *Mixed Use Center Fringe.* A Mixed Use Center Fringe must be provided as follows:

a. In any SM District greater than 30 acres;

b. Located outside of and adjoining the Mixed Use Center Core;

c. To generally serve as a transition between higher intensity uses in the Mixed Use Center Core and surrounding development; and

d. With pedestrian-oriented businesses and activity balanced with residential and other uses more dependent on vehicular access.

C. **Uses.** Refer to Table 3.02.01 for uses allowed in the district.

D. **Dimensional Standards.** Refer to Table 2.02.03-1 for required dimensional standards.

Table 2.02.03-1. SM District Dimensional Standards

Reference	Standard	Mixed Use Center Core Requirements	Mixed Use Center Fringe Requirements
Lot Requirements			
1	Lot Size (min.)	No min.	No min.
2	Lot Size (max.)[1]	No max., except SFA: 1,600 sf[2]	No max., except SFA: 1,600 sf[2] SFD: 2,500 sf[2]
3	Lot Width (min.)	No min., except SFA: 16 ft.[2]	No min., except SFA: 16 ft.[2] SFD: 25 ft.[2]
4	Lot Width (max.)	No max., except	No max., except SFD: 35 ft.[2]
5	Lot Depth (min.)	No min.	No min.
6	Lot Depth (max.)	No max., except SFA: 50 ft.[2]	No max., except SFA and SFD: 70 ft.[2]
Yards			
7	Front Yard Setback (max.)[3]	10 ft. or 50 ft. if a publicly accessible plaza or courtyard or area to accommodate outdoor seating related to Food or Beverage Sales/Service uses that is a minimum of 300 sf is provided adjacent to the front property line	35 ft.

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached; MF = multifamily)

[1]Exclusive of major floodplain. When individual lots are provided for each SFA dwelling unit.

[2]SFA and MF Stacked dwelling units are only permitted in the Mixed Use Center Core if no Mixed Use Center Fringe is provided as part of the development.

[3]Except where a greater setback is required by Section 5.07.02.

[4]Minimum yard will not apply when nonresidential use abutting SFD or SFA lots contains dwelling units above nonresidential uses.

[5]Individual lots may exceed the maximum FAR of the district, provided that the maximum overall FAR of the entire district as shown on an approved CDP is not exceeded.

[6]MF Attached Dwelling Units are included in FAR.

[7]Buildings must be integrated into the compact, pedestrian-oriented development pattern.

[8]Open Space must be provided in accordance with Section 5.04.

[9]When the required landscaped open space is provided in accordance with Section 5.04 as a publicly accessible plaza, mini park, or other outdoor gathering space, it may be used to satisfy the minimum Public/Civic requirements of the respective SM Core or SM Fringe Subarea in Table 2.02.03-3.

8	Side Yard Setback (min.)[3]	No min., except 10 ft. when abutting a lot allowing an SFA or MF stacked dwelling unit[4]	No min., except 10 ft. when abutting a lot allowing a single-family dwelling unit[4]
9	Rear Yard Setback (min.)	No min., except 15 ft. when abutting a lot allowing an SFA or MF stacked dwelling unit[4]	No min., except 15 ft. when abutting a lot allowing a single-family dwelling unit[4]
10	Setback Adjacent to Nonresidential District	Buildings and Parking: 15 ft. Loading Area: 35 ft.	Buildings and Parking: 15 ft. Outdoor Storage and Loading Areas: 35 ft.
11	Setback Adjacent to Residential District	Buildings and Parking: 20 ft. Loading Area: 50 ft.	Buildings and Parking: 20 ft. Outdoor Storage and Loading Areas: 50 ft.
Building Requirements			
12	FAR (max.)[5, 6]	1.0 1.5 pursuant to Section 2.02.03.E.	1.0 1.5 pursuant to Section 2.02.03.E
13	Single-Family and Multifamily Stacked Density (max.)	Maximum number of SFA and MF stacked dwelling units must be provided on an approved CDP	Maximum number of single-family and MF stacked dwelling units must be provided on an approved CDP
14	Lot Coverage (max.)	No max.	80%
15	Building Height (max.)	60 ft.	60 ft.
16	Building Height (min.)	Buildings 2,000 sf or less: 15 ft. [7] Buildings greater than 2,000 sf: 30 ft.	No min.
17	Nonresidential Frontage Buildout (min.)	85% of the building must be located at the minimum front yard setback	75% of the building must be located at the minimum front yard setback
Open Space Requirements			
18	Open Space (min.)[8]	10%	
19	Landscaped Open Space (min.)	No min.	10% per development[9]

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached; MF = multifamily)

[1]Exclusive of major floodplain. When individual lots are provided for each SFA dwelling unit.

[2]SFA and MF Stacked dwelling units are only permitted in the Mixed Use Center Core if no Mixed Use Center Fringe is provided as part of the development.

[3]Except where a greater setback is required by Section 5.07.02.

[4]Minimum yard will not apply when nonresidential use abutting SFD or SFA lots contains dwelling units above nonresidential uses.

[5]Individual lots may exceed the maximum FAR of the district, provided that the maximum overall FAR of the entire district as shown on an approved CDP is not exceeded.

[6]MF Attached Dwelling Units are included in FAR.

[7]Buildings must be integrated into the compact, pedestrian oriented development pattern.

[8]Open Space must be provided in accordance with Section 5.04.

[9]When the required landscaped open space is provided in accordance with Section 5.04 as a publicly accessible plaza, mini park, or other outdoor gathering space, it may be used to satisfy the minimum Public/Civic requirements of the respective SM Core or SM Fringe Subarea in Table 2.02.03-3.

E. **SM District Adjusted Based Floor Area Ratio (FAR).** An application for Zoning Map Amendment, Zoning Concept Plan Amendment, or Special Exception approval in the UM Subarea is eligible for an increase from 1.0 FAR to 1.5 FAR by applying a combination of the Incentive Elements in Table 2.02.03-2. Total FAR increase cannot exceed 0.5.

Table 2.02.03-2. SM Adjusted Base Floor Area Ratio

Reference	Incentive Elements	FAR Bonus
Attainable Housing (see Sections 8.01 and 8.02)		
1	ADUs are provided in accordance with Section 8.01.	Refer to Section 8.01 for density increase
2	At least 15% of the application's total single family or multifamily stacked dwelling units are for purchase unmet housing needs units (UHNUs) affordable to households in the 71% to 100% of the area median income (AMI). and/or At least 15% of the application's total multifamily attached dwelling units are for rent UHNUs affordable to households in the 0% to 30% of the AMI. UHNUs must be provided pursuant to Section 8.02.	0.2
3	At least 10% of the application's total dwelling units are for rent UHNUs affordable to households in the 0% to 30% MFI. UHNUs must be provided pursuant to Section 8.02.	0.2
Building Techniques that Exceed Energy Efficiency Standards		

4	Building(s) achieve energy efficiency and/or sustainability standards	0.025 to 0.1 per standard
Additional Community Amenities and Pedestrian Connections		
5	Provision of an additional publicly accessible plaza, square, or green of 5,000 sf minimum that is in addition to the required open space and provided in accordance with Section 5.04.	0.1
6	Provision of public or civic space that exceeds the Public/Civic Space requirement in Table 2.01.01-2 by 2%.	0.2
7	Provision of universal design elements in dwelling units.	0.025 per element
8	Provision of universal design elements in neighborhood design.	0.025 to 0.1 per element
9	Provision of pedestrian connections that achieve planned connections consistent with the Loudoun County, Virginia Linear Parks and Trails System (LPAT).	0.25 per 1/2 mile of trail, minimum of 1 mile required unless subject property cannot achieve 1 mile
Beneficial Revitalization/Redevelopment in Priority Areas		
10	Revitalization or redevelopment of an area located in Priority Areas identified on the Priority Commercial Redevelopment Areas map in the General Plan	0.05 for projects less than 1 acre 0.1 for projects 1 to 5 acres 0.2 for project greater than 1 acre

F. **Mix of Uses.** In the Mixed Use Center Core and Mixed Use Center Fringe Subareas, the land use mix must be provided within the percentages provided in Table 2.02.03-3.

1. A tabulation of the proposed mix of uses must be provided on an approved CDP and include:
    a. The total number of dwelling units by type.
    b. Existing uses on lots included within a proposed SM District if they are being used to meet the minimum use percentages required in Table 2.02.03-3.
2. When an incremental addition is made to an existing SM District, the tabulation must be revised to incorporate uses proposed for the incremental addition. The revised tabulation must meet minimum use percentages required in Table 2.02.03-3.
3. Each site plan or subdivision application subsequent to Zoning Map Amendment or Zoning Concept Plan Amendment approval must include the following tabulations:
    a. Approved total square footage, square footage for the application, and remaining square footage; and
    b. Approved total number of dwelling units and dwelling units by type, dwelling units by type for the application, and remaining dwelling units by type.

Table 2.02.03-3. Permitted Mix of Uses

Land Use Category	Mixed Use Center Core[1, 2]	Mixed Use Center Fringe[1, 2]
Residential (max.)	MF Attached dwelling units: 70%[3] MF Stacked and SFA dwelling units: 10% of gross land area[4, 5, 6]	MF Attached dwelling units: 70%[3] MF Stacked, SFA, and SFD dwelling units: 10% of gross land area[5, 6]
Nonresidential (max.)	95%[2]	75%[2]
Public/Civic (min.)	5%[7]	5%[7]

(min. = minimum; max. = maximum; SFD = single-family detached; SFA = single-family attached; MF = multifamily)

[1]Percent of approved square feet or FAR, except where noted otherwise.

[2]Total percentage of land use categories must equal 100%.

[3]MF Attached dwelling units are included in FAR.

[4]Only if no fringe is provided.

[5]SFA and SFD dwelling units must be provided pursuant to Section 3.06.02.08.A and C.

[6]MF stacked dwelling units must be provided pursuant to Section 3.06.02.09.A. and C.

[7]May be provided as a combination of FAR and/or land area; however, the total area must be equivalent to 5% of the approved square footage. FAR if provided in a building; land area (in square footage) if provided as community or cultural open space in accordance with Section 5.04.

G. **Vertical Mix.** Buildings in the SM District must include a vertical mix of uses, such as ground floor retail or office with upper story dwelling units or offices, as follows:

1. Mixed Use Center Core: 50% of all buildings.
    a. Nonresidential uses must be provided on the first floor.
    b. Single-family detached, single-family attached, and multifamily stacked dwelling units are excluded from this calculation.
2. Mixed Use Center Fringe: No requirement.
3. Any drive-through retail use must be incorporated into a mixed use building.

H. **Publicly Accessible Gathering Spaces:** Each SM District must provide a minimum of one publicly accessible plaza or green in the Mixed Use Center Core in accordance with the following:

1. The minimum size for the publicly accessible square or green is determined using Table 2.02.03-4.

Table 2.02.03-4. Minimum Size Requirements for Plaza or Green

Reference	District Size[1]	Minimum Size
1	25 acres or less	7,500 sf
2	Between 25 and 50 acres	10,000 sf
3	Between 50 and 75 acres	15,000 sf
4	Between 75 and 100 acres	20,000 sf
5	Greater than 100 acres	1% of land area of SM District

[1]Exclusive of major floodplain.

2. The required plaza or green may be located within the Mixed Use Center Fringe and adjacent to the Mixed Use Center Core if a public plaza of no less than 5,000 square feet is located within the Mixed Use Center Core.
3. In an SM District greater than 100 acres, the plaza or green in the Mixed Use Center Core may be a minimum of 20,000 square feet upon meeting the following criteria:
    c. Other greens and/or outdoor plazas open to the public are provided elsewhere in the Mixed Use Center Core or the Mixed Use Center Fringe and adjacent to the Mixed Use Center Core; and
    d. The square footage of all such areas is equivalent to the required minimum area of publicly accessible plaza or green area in Table 2.02.03-4., inclusive of the 20,000 square foot plaza or green.
4. The publicly accessible plaza or green must also meet the following requirements:
    a. At least 1 side of the plaza or green must adjoin a road.
    b. Vehicular access, such as a driveway or road, traversing the plaza or green is not permitted.
    c. The plaza or green must include benches or similar areas to sit throughout the space, as well as public amenities such as ponds, fountains, public art, planting beds, and the like.
    d. Buildings that adjoin the plaza or green must meet have pedestrian-oriented, nonresidential uses on the ground floor.
        1. Seating areas for permitted Food and Beverage Sales/Service uses are encouraged to utilize the space in front of the building. Seating areas may be physically separated from the remainder of the plaza or green with a semi-permanent barrier or fence 3 feet or less in height.
    e. Sidewalks in and around the green or plaza must have a minimum unobstructed walkway width of 5 feet and accommodate any additional space needed for outdoor dining, furniture, kiosks, and streetscape features.
    f. A minimum 4-foot-wide planting and furniture area must be provided when the green or plaza adjoins a road. The planting and furniture area must be located between the curb and sidewalk and provide pedestrian amenities such as benches, transit shelters, kiosks, public art, and the like.
    g. Comply with Design Guidelines approved at the time of rezoning. The Design Guidelines must include design elements that:

1. Identify the location of the plaza or green as a prominent focal point for the development;
2. Demonstrate the plaza or green's function as public gathering place for both formal and informal events; and
3. Demonstrate how the plaza or green will meet the requirements included in Subsection 2.02.03.I.4.

5. The minimum area of the publicly accessible plaza or green required by Table 2.02.03-4 is not included in the required public/civic space required by Table 2.02.03-3, but may be used to meet the open space requirement of Table 2.02.03-1.
6. Publicly accessible greens, active recreation space, and mini-parks must be provided for each incremental addition to the SM District to maintain open space within 1/4 mile as measured along the pedestrian or road network from uses in the incremental addition.
7. Publicly accessible greens, active recreation space, and mini-parks must be depicted on the CDP in the general allocation, land bay, and/or block to be provided.

I. **Land Use Arrangement.** In the Mixed Use Center Core, land uses must be adjoining or located proximate to each other to ensure a compact, pedestrian oriented development pattern.

J. **Lot Access.** Individual lots in the SM Zoning District must be accessed pursuant to Section 5.09.01.C and 5.09.01D.

K. **Road Network.** Within the SM District, the road network must be provided pursuant to Section 5.09.02 and as follows:
1. The SM District must be arranged in a generally rectilinear grid of interconnecting roads and blocks.
2. Block lengths must be provided as follows:
    a. Minimum: 200 feet
    b. Maximum: 660 feet
3. In addition Section 5.09.02.A.1., future road connections are required to adjacent developable parcels in the Suburban Policy Area and Urban Policy Area.

L. **Building Orientation.** Buildings in the SM District must be oriented as follows:
1. Toward local roads or adjacent plaza, greens, or parks, any of which may be publicly or privately owned; and
2. With principal entrances to all buildings accessible from the front publicly-accessible sidewalk or adjacent plaza, green, or park.
3. Other additional entrances or prominent entrances that accommodate drop-off lanes for automobile traffic are also permitted.

M. **Pedestrian-Oriented Building Placement and Uses.** To achieve a uniform streetscape, the building wall of any lot within the SM District must meet the yard requirements of Table 2.02.03-1 and be provided as follows:
1. At least 70% of the total of all block frontages within the Mixed Use Center Core, excluding frontages along alleys, must be occupied by a building wall.
2. This requirement does not apply to the portion of a block frontage that contains the following uses:
    a. Full-block civic space; or
    b. Green and/or plaza that meets the following requirements:
        1. It is publicly accessible;
        2. Has a minimum depth and width of 10 feet and minimum total area of 300 square feet, excluding adjoining sidewalks and through-block pedestrian linkages;
        3. Located adjacent to or between building entrances;
        4. Designed to create areas for pedestrian activity that are integrated with the surrounding uses on the block; and
        5. Includes landscaped and/or hardscaped areas and a mix of amenities, such as seating, public entertainment, active recreation, raised planters, fountains, public art, and/or such other

features determined to be acceptable by the Zoning Administrator.

3. To achieve a pedestrian-oriented streetscape, the buildings of any lot must be provided as follows:
    a. Within the Mixed Use Center Core, at least 70% of the ground-floor building frontage as required in subsection 2.02.03.N.1. above, must contain pedestrian-oriented commercial uses on the ground floor.
    b. Within the Mixed Use Center Fringe at least 50% of the ground-floor building frontage must contain pedestrian-oriented commercial uses on the ground floor.
    c. In multifamily buildings, these percentages may be accomplished with residential accessory uses, lobbies, mailboxes, meeting rooms, and indoor recreational uses.

N. **Pedestrian and Bicycle Network.** Within the SM District, a pedestrian and bicycle network must be provided in accordance with Section 5.09.03 and as follows:
1. Pedestrian and bicycle connections must be designed to provide direct access and connections to and between the primary entrance or entrances to each building.
2. All pedestrian connections in the SM District must be:
    a. Designed and sited to ensure the shortest and most direct route possible from point to point.
    b. Connected so that pedestrians do not have to walk across grass or landscaped areas when making connections between uses in the district.
3. All sidewalks and on-site pedestrian walkways must have crosswalks when the pedestrian facility crosses a parking area, road, or driveway.
    a. In the Mixed Use Center Core, the crosswalks must be clearly marked through use of change in paving materials, height, or distinctive colors.
    b. In the Mixed Use Center Fringe, painted crosswalks may be used.
4. Shared use paths must be provided throughout the SM District.

O. **Street Trees.** Street trees must be provided in accordance with Section 5.07.02.E.

P. **District Vehicular Access.** Primary access to the district must be provided pursuant to Section 5.09.01.E and be supported by an adequate road network or transit as demonstrated by a traffic impact study.

2.02.04 Suburban Commercial – SC

Purpose. *The purpose of the Suburban Commercial (SC) Zoning District is to:*

- *Implement the Suburban Commercial Place Type of the General Plan where the district will:*
    - *Provide opportunities for larger format retail commercial establishments and smaller commercial establishments within a "main street" style environment that encompasses a wide array of commercial designs.*
    - *Establish a district where the predominant uses are community-serving retail commercial and "big box" commercial.*
    - *Create a pedestrian-friendly streetscape with building frontages and landscaping strategically placed so that parking is not the predominant feature.*
    - *Integrate big box retail uses and pad sites into the design of the site through the use of similar architectural elements, varying block sizes, parking, and landscaping.*
    - *Ensure access to adjacent neighborhoods and to patrons living in the larger Loudoun community by locating next to major roads or existing residential neighborhoods.*
- *Implement a neighborhood or community commercial component of the Suburban Neighborhood and Suburban Compact Neighborhood Place Types where the district will:*
    - *Integrate small-scale office, retail, and service uses that serve the routine shopping needs of the immediate neighborhood at significant intersections and along major roads in areas of primarily residential uses, including Loudoun's master planned neighborhoods.*

- *Locate auto-oriented uses, such as gas stations, car washes, and drive-throughs, along streets primarily designed for the automobile.*

- *Ensure compatibility of structures in commercial areas with surrounding residential uses and a transition between the two.*

A. **Applicability, Size, and Location.**

1. The SC district comprises 2 individual districts:

   a. **Neighborhood Center (NC).** This district is established to:

      1. Implement the Suburban Commercial Place Type and the neighborhood retail and service component of the Suburban Neighborhood and Suburban Compact Neighborhood Place Types; and
      2. Permit the development of small scale commercial centers, which serve the convenience needs of residential neighborhoods immediately adjacent to or within walking distance of the center.

   b. **Community Center (CC).** This district is established to:

      1. Implement the Suburban Commercial Place Type and the community retail and service component of the Suburban Neighborhood and Suburban Compact Neighborhood Place Types; and
      2. Permit the development of commercial centers, which serve the retail shopping needs of the surrounding community.

2. *Minimum/Maximum District Size.* The minimum and maximum size for each individual district is as follows. Notwithstanding the provisions of Section 2.06, the district size is not modifiable.

   a. SC(NC): 1.5 acres minimum; 6 acres maximum

   b. SC(CC): 6 acres minimum; 20 acres maximum

3. *Incremental Additions.* The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the district up to the maximum district size in Sections 2.02.04.A.2 if it finds that they are:

   a. Abutting or across a roadway with no more than two through lanes from an existing SC district;

   b. Compatible with the existing adjacent SC district;

   c. Consistent with the General Plan policies for the area; and

   d. Integrated with the existing SC district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.

B. **Use Regulations**. Refer to Table 3.02.01 for uses allowed in the district..

C. **Dimensional Standards.** Refer to Table 2.02.04-1 for required dimensional standards.

Table 2.02.04-1. SC District Dimensional Standards

Reference	Standard	SC(NC)	SC(CC)
Lot Requirements			
1	Lot Size (min.)	No min.	No min.
2	Lot Width (min.)	No min.	No min.

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Except where a greater setback is required by Section 5.07.02.

[2]No parking, outdoor storage, areas for collection of refuse, or loading space is permitted in areas between buildings and roads where such uses are visible from any road.

[3]Yard setbacks adjacent to residential districts or uses may be reduced in accordance with Section 5.11.

[4]Yard setbacks adjacent to nonresidential districts or uses may be reduced in accordance with Section 5.11, but must maintain the yard required by Section 5.07.04.

[5]Provided the commercial center is developed in accordance with a proffered concept development plan which limits the maximum overall FAR of the center to no more than the FAR permitted in the district.

[6]Open Space must be provided in accordance with Section 5.04.

[7]Landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

Table 2.02.04-1. SC District Dimensional Standards			
Reference	Standard	SC(NC)	SC(CC)
Yards			
3	Adjacent to Roads (min.)[1, 2]	0 ft.	0 ft.
3	Adjacent to Roads (max.)[1, 2]	10 ft. or 30 ft. if a plaza or outdoor dining space is located between sidewalk and building	15 ft. or 30 ft. if a plaza or outdoor dining space is located between sidewalk and building
4	Adjacent to Residential Districts or Residential Uses (min.)[3]	50 ft.	50 ft.
5	Adjacent to Other Nonresidential Districts (min.)[4]	15 ft.	15 ft.
6	Adjacent to SC District (min.)[4]	0 ft.	0 ft.
Building Requirements			
7	FAR (max.)	0.6 1.0 if parking structure provided 2.0 on individual lot[5]	0.6 1.0 if parking structure provided 2.0 on individual lot[5]
8	Lot Coverage (max.)	No max.	No max.
9	Building Height (max.)	45 ft. 60 ft. by SPEX	45 ft. 60 ft. by SPEX
	Individual Use (max.)	5,000 sf	30,000 sf
	Commercial Center (max.)	30,000 sf	30,000 sf - 150,000 sf
10	Frontage Buildout (min.)	65% of the building must be located at the minimum front yard setback	55% of the building must be located at the minimum front yard setback
Open Space Requirements			
11	Open Space (min.)[6]	10%	10%
12	Landscaped Open Space (min.)[7]	5% per development or buildable area of commercial center	5% per development or buildable area of commercial center

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Except where a greater setback is required by Section 5.07.02.

[2]No parking, outdoor storage, areas for collection of refuse, or loading space is permitted in areas between buildings and roads where such uses are visible from any road.

[3]Yard setbacks adjacent to residential districts or uses may be reduced in accordance with Section 5.11.

[4]Yard setbacks adjacent to nonresidential districts or uses may be reduced in accordance with Section 5.11, but must maintain the yard required by Section 5.07.04.

[5]Provided the commercial center is developed in accordance with a proffered concept development plan which limits the maximum overall FAR of the center to no more than the FAR permitted in the district.

[6]Open Space must be provided in accordance with Section 5.04.

[7]Landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

D. **Mix of Uses.** The use mix in the SC District must be provided in accordance with Table 2.02.04-2.

Table 2.02.04-2. Permitted Mix of Uses	
Land Use Category	SC District[1, 2]
Nonresidential	Up to 100%
Public/Civic	0%+

[1]Percent of gross land area.

[2]Total percentage of land use categories must equal 100%.

E. **District Vehicular Access.** Access to the SC District must be provided pursuant to Section 5.09.01.E and as follows:

1. Notwithstanding Section 5.09.01.E, primary vehicular access must be from:

a. NC: Local access or 2 lane minor collector roads.
b. CC: Collector roads.

2. *Access Limitation for Route 50.* Direct access to Route 50 will be permitted pursuant to Section 5.09.01.F.

F. **Road Network.** Within the SE District, the road network must be provided in accordance with Section 5.09.02 and as follows:

1. Streets must form blocks. If blocks are not feasible, a linear street pattern is permitted;
2. Block length or length between intersecting streets must be:
   a. Minimum: 300 feet
   b. Maximum: 800 feet
3. So that future street connections to adjacent developable parcels can be created.
   a. *Exception*. Such street connections are not required when the connection would be to a parcel with more intensive existing or planned nonresidential land uses.

G. **Land Use Arrangement.** Uses in the SC(NC) and SC(CC) zoning districts must be arranged so that:

1. Areas where deliveries to customers in automobiles are to be made or where services are to be provided for automobiles are located and arranged to minimize interference with pedestrians.
2. Facilities and access routes for shopping center deliveries, servicing, and maintenance are separated from customer access routes and parking areas, as reasonably practicable.
3. *SC(CC) Only.* Buildings are grouped in relation to parking areas so that after customers arriving by automobile enter the center, establishments can be visited with minimal internal automotive movement.

H. **Transition.** All commercial uses and centers must be designed to transition to the neighboring development in accordance with Section 5.11 and as follows:

1. Buildings must be sited and organized to create a pedestrian-friendly streetscape that includes vehicular and pedestrian linkages with neighboring development.
   a. If transitions required by Section 2.02.04.G to neighboring development cannot be made due to existing development patterns or unavoidable natural, environmental, and heritage resources, then commercial uses and centers must be designed, landscaped, and buffered to be compatible with neighboring development.

I. **Pedestrian and Bicycle Network.** Within the SC District, a pedestrian and bicycle network must be provided in accordance with Section 5.09.03.

J. **Street Trees.** Street trees must be provided in accordance with Section 5.07.02.E.

2.02.05 Suburban Employment – SE

Purpose. *The purpose of the Suburban Employment (SE) Zoning District is to:*

- *Implement the Suburban Employment Place Type of the General Plan.*
- *Implement the Suburban Mixed Use Place Type of the General Plan.*
- *Provide opportunities for a broad array of employment uses and opportunities for synergies among businesses.*
- *Offer prime locations for office, production, flex space, and warehousing uses, including startups and established businesses.*
- *Allow limited first floor retail that supports predominant uses.*
- *Establish a development pattern where buildings are the predominant feature when viewed from roadways and adjacent properties and parking is generally located behind buildings.*
- *Ensure required open space includes gathering spaces for use by customers and employees in SE developments.*
- *Ensure uses do not generate excessive noise or air pollutants or require outdoor storage.*
- *Create transitions between SE uses and other developments, particularly adjacent residential neighborhoods.*
- *Integrate separate employment uses within a walkable environment.*

A. **Applicability.** The following applies to the SE District:

1. *Place Type.* Located in areas consistent with the Suburban Employment Place Type or the Suburban Mixed Use Place Type of the General Plan.
2. *Minimum District Size.* The initial district size must be a minimum of 5 acres.
3. *Incremental Additions.* The Board of Supervisors may approve a zoning map amendment with incremental additions if it finds that they are:
    a. Abutting or across a road with no more than 2 through lanes from an existing SE district;
    b. Compatible with the existing adjacent SE district;
    c. Consistent with the General Plan policies for the area; and
    d. Integrated with the existing SE district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.

B. **Uses.** Refer to Table 3.02.01 for uses allowed in the district.

C. **Dimensional Standards.** Refer to Table 2.02.05-1 for required dimensional standards.

Table 2.02.05-1. SE District Dimensional Standards

Reference	Standard	Requirement
Lot Standards		
1	Lot Size (min.)	1/2 acre, exclusive of major floodplain
Yards		
2	Adjacent to Roads (min.) [1]	10 ft.
3	Adjacent to Roads (max.)	30 ft.
4	Adjacent to Agricultural and Residential Districts or Residential Uses (min.)[2]	50 ft. Building 35 ft. Parking
5	Adjacent to Other Nonresidential Districts (min.)	15 ft[3]
6	Adjacent to SE District (min.)	0 ft.
7	Between Buildings on Individual Lots or Building Sites (min.)	30 ft. Driveways, parking, and covered entrances - 5 ft. from lot lines[4]
8	Between Buildings on an Individual Lot or Building Site (min.)	25 ft. or greater if required for fire protection[3]
Building Standards		
9	FAR (max.)	0.60 0.80 in accordance with Section 2.02.05.D. 1.0 by SPEX
10	Lot Coverage (max.)	0.40 0.60 by SPEX
11	Building Height (max)	60 ft. Up to 100 ft. with 1 ft. increase in required yard for each 1 ft. increase in height over 60 ft.
12	Building Height (min.)	20 ft.
Open Space Requirements		
13	Open Space (min.)[5]	30%
14	Landscaped Open Space (min.)[6]	0.2 times buildable area of lot

[1]Except when a greater setback is required by Section 5.07.02.

[2]Unless a greater yard is required by Section 3.06.

[3]Unless a greater buffer yard is required by Section 5.07.04.

[4]Covered walkways connecting buildings or connecting buildings with parking areas are permitted in yards and may traverse the space when buildings are on an individual lot or building site.

[5]Open Space must be provided in accordance with Section 5.04.

[6]Landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

D. **Mix of Uses.** The use mix in the SE District must be provided in accordance with Table 2.02.04-2.

Table 2.02.04-2. Permitted Mix of Uses	
Land Use Category	SE District[1, 2]
Nonresidential	Up to 100%
Public/Civic	0%+

[1]Percent of gross land area.

[2]Total percentage of land use categories must equal 100%.

E. **District Vehicular Access.** Vehicular access to the SE District must be provided in accordance with Section 5.09.01.E and as follows:

1. Direct access to Route 50 will be permitted pursuant to Section 5.09.01.F.

F. **Lot Access.** Access to lots in the SE District must be provided in accordance with Section 5.09.01.D.

G. **Road Network.** Within the SE District, the road network must be provided in accordance with Section 5.09.02 and as follows:

1. Streets must form blocks where feasible.
2. Block length or length between intersection streets must be:
    a. Minimum: 300 feet
    b. Maximum: 1,000 feet
3. So that future street connections to adjacent developable parcels within the Suburban Mixed Use Place Type of the General Plan can be created.

H. **Pedestrian and Bicycle Network.** Within the SE District, a pedestrian and bicycle network must be provided in accordance with Section 5.09.03.

I. **Adjusted Base FAR.** The base FAR may be increased singly or cumulatively, up to a maximum of 0.80 FAR on certain parcels by approval of the Zoning Administrator, upon demonstration of one or more of the following:

1. A density increase of 0.1 FAR above the base floor area ratio will be granted to properties where any portion of such properties is located within 600 feet of the right-of-way of Route 50 if:
    a. Such properties are not located at an existing median break of Route 50; and
    b. The owner(s) of such properties permanently relinquish direct access to Route 50; and
    c. The owner(s) of such properties form shared access agreements with the owner(s) of adjoining properties that enable controlled access to such road for multiple uses.
        1. Such shared access agreements must remain in effect in perpetuity or until future public road improvements provide alternative access to the subject parcels that alleviates the need for the original shared access agreement.
        2. The shared access agreement must be depicted on the site plan(s) for the subject parcels and include all infrastructure improvements necessary to enable the safe and efficient access of each parcel as determined by the Department of Transportation and Capital Infrastructure and VDOT.
2. A density increase of 0.1 FAR above the base floor area ratio will be granted to properties where any portion of such properties are located within 600 feet of the right-of-way of Route 50 if the owner(s) of such properties file a unified plan for development with contiguous parcels of land which, when combined, total at least 20 acres.
    a. For the purposes of this Section, a unified plan for development means:
        1. Development involving multiple parcels that is approved with a single site plan application, and
        2. All parcels subject to the unified plan for development share no more than one point of access onto Route 50.
    b. Single entity ownership is not required, but a single commercial owners association must be formed as evidenced by a Declaration of Covenants that sets forth maintenance, design standards, etc.

3. A density increase of 0.1 FAR above the base floor area ratio will be granted to properties where any portion of such properties are located within 600 feet of the right-of-way of Route 50 if the owner(s) of such properties maintain a parking setback of 150 feet and a building setback of 300 feet from the right-of-way of Route 50.

2.02.06 Suburban Industrial – SI

Purpose. *The purpose of the Suburban Industrial (SI) Zoning District is to:*

- *Implement the Suburban Industrial/Mineral Extraction Place Type of the General Plan.*
- *Provide a location for industrial uses that are incompatible with residential uses due to the prevalence of outdoor storage and emissions of noise, odor, and vibrations to operate.*
- *Ensure general and intensive industrial uses with a public nuisance potential and necessary accessory uses and facilities are built in a well-coordinated and attractive manner that is compatible with surrounding land uses.*
- *Provide for development with limited traffic and aesthetic impacts on surrounding properties and on supporting public facilities and utilities.*
- *Permit residential and other uses only to the extent that they may be compatible with general and intensive industrial uses.*
- *Accommodate a mix of similar and compatible industrial uses, and related supportive commercial retail and service uses along the Route 50 Highway Corridor.*
- *Generate development that will enhance the character of the surrounding area and contribute to the development of a distinctive gateway along the north side of the Route 50 corridor.*

A. **Applicability, Size, and Location.** The following applies to the SI District:

1. *Place Type.* Located in areas consistent with the Suburban Industrial/Mineral Extraction Place Type of the General Plan.
2. *Minimum District Size*. The initial district size must be a minimum of 5 acres.
3. *Incremental Additions.* The Board of Supervisors may approve a zoning map amendment with incremental additions if it finds that they are:
    a. Abutting or across a road with no more than 2 through lanes from an existing SI district;
    b. Compatible with the existing SI district;
    c. Consistent with the General Plan policies for the area; and
    d. Integrated with the existing SI district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.

B. **Uses.** Refer to Table 3.02.01 for uses allowed in the district.

C. **Dimensional Standards.** Refer to Table 2.02.06-1 for required dimensional standards.

Table 2.02.06-1. SI District Dimensional Standards

Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	1 acre, exclusive of major floodplain
Yards		
2	Setback Adjacent to Roads (min.)[1]	30 ft.
3	Setback Adjacent to Agricultural and Residential Districts or Residential Uses (min.)[2]	100 ft.
4	Setback Adjacent to Other Nonresidential Districts (min.)	15 ft.
5	Setback Adjacent to SI District (min.)	0 ft.
6	Setback between Buildings on Individual Lots or Building Sites (min.)[3]	30 ft. Driveways, parking, and covered entrances - 5 ft. from lot lines[4]

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Except when a greater setback is required by Section 5.07.02.

[2]Unless a greater yard is required by Section 3.06.06.

[3]Unless a greater buffer yard is required by Section 5.07.03.

[4]Covered walkways connecting buildings or connecting buildings with parking areas are permitted in yards and may traverse the space when buildings are on an individual lot or building site.

[5]Open Space must be provided in accordance with Section 5.04.

[6]Landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

7	Setback between Buildings on an Individual Lot or Building Site (min.)	25 ft. or greater if required for fire protection
Building Requirements		
8	FAR (max.)	0.40 0.60 by SPEX or in accordance with Section 2.02.06.I
9	Lot Coverage (max.)	0.45 0.6 by SPEX
10	Building Height (max.)	50 ft.
Open Space Requirements		
11	Open Space (min.)[5]	30%
12	Landscaped Open Space (min.)[6]	0.2 times buildable area of lot

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Except when a greater setback is required by Section 5.07.02.

[2]Unless a greater yard is required by Section 3.06.06.

[3]Unless a greater buffer yard is required by Section 5.07.03.

[4]Covered walkways connecting buildings or connecting buildings with parking areas are permitted in yards and may traverse the space when buildings are on an individual lot or building site.

[5]Open Space must be provided in accordance with Section 5.04.

[6]Landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

D. **Mix of Uses.** The use mix in the SI District must be provided in accordance with Table 2.02.04-2.

Table 2.02.06-2. Permitted Mix of Uses

Land Use Category	SI District[1, 2]
Nonresidential	Up to 100%
Public/Civic	0%+

[1]Percent of gross land area.

[2]Total percentage of land use categories must equal 100%.

E. **District Vehicular Access.** Access to the TI District must be provided pursuant to Section 5.09.01.E and as follows:
   1. Direct access to Route 50 will be permitted pursuant to Section 5.09.01.F.

F. **Lot Access.** Access to lots in the TI District must be provided in accordance with Section 5.09.01.D.

G. **Pedestrian and Bicycle Network.** Within the SI District, pedestrian and bicycle network must be provided in accordance with Section 5.09.03.

H. **Adjusted Base FAR.** The base FAR may be increased up to a maximum of 0.60 FAR on certain parcels by approval of the Zoning Administrator, upon demonstration of one or more of the following:
   1. A density increase of 0.1 FAR above the base floor area ratio will be granted to properties where any portion of such properties is located within 600 feet of the right-of-way of Route 50 if:
      a. Such properties are not located at an existing median break of Route 50; and
      b. The owner(s) of such properties permanently relinquish direct access to Route 50; and
      c. The owner(s) of such properties form shared access agreements with the owner(s) of adjoining properties that enable controlled access to such road for multiple uses.
         1. Such shared access agreements must remain in effect in perpetuity or until future public road improvements provide alternative access to the subject parcels that alleviates the need for the original shared access agreement.
         2. The shared access agreement must be depicted on the site plan(s) for the subject parcels and include all infrastructure improvements necessary to enable the safe and efficient access of each parcel as determined by the Department of Transportation and Capital Infrastructure and VDOT.

2. A density increase of 0.1 FAR above the base floor area ratio will be granted to properties where any portion of such properties are located within 600 feet of the right-of-way of Route 50 if the owner(s) of such properties file a unified plan for development with contiguous parcels of land which, when combined, total at least 20 acres.
    a. For the purposes of this Section, a unified plan for development means:
        1. Development involving multiple parcels that is approved with a single site plan application, and
        2. All parcels subject to the unified plan for development share no more than one point of access onto Route 50.
    b. Single entity ownership is not required, but a single commercial owners association must be formed as evidenced by a Declaration of Covenants that sets forth maintenance, design standards, etc.
3. A density increase of 0.1 FAR above the base floor area ratio will be granted to properties where any portion of such properties are located within 600 feet of the right-of-way of Route 50 if the owner(s) of such properties maintain a parking setback of 150 feet and a building setback of 300 feet from the right-of-way of Route 50.

2.02.07 Suburban Mineral Extraction - SME

Purpose. *The purpose of the Suburban Mineral Extraction (SME) Zoning District is to:*

- *Implement the Suburban Industrial/Mineral Extraction Place Type of the General Plan.*
- *Serve as a district that will eventually be terminated, recognizing that areas devoted to resource extraction may and should ultimately be converted to other compatible and beneficial uses consistent with the General Plan.*
- *Protect the mineral resources, primarily diabase rock, of the County:*
    - *For possible future economic development;*
    - *To provide for diabase resource extraction operations at appropriate locations and under controlled conditions; and*
    - *To co-locate quarries and compatible heavy industrial uses.*
- *Provide a location for industrial and mineral extraction uses that are incompatible with residential uses due to the prevalence of outdoor storage and emissions of noise, odor, and vibrations to operate.*
- *Ensure mineral extraction and intensive industrial uses with a public nuisance potential and necessary accessory uses and facilities are built in a well-coordinated manner that is compatible with surrounding land uses.*
- *Provide for development with limited traffic and aesthetic impacts on surrounding properties and on supporting public facilities and utilities.*
- *Permit residential and other uses only to the extent that they may be compatible with intensive industrial and mineral extraction uses.*

A. **Applicability, Size, and Location.** The following applies to the SME District:
    1. *Place Type.* Located in areas consistent with the Suburban Industrial/Mineral Extraction Place Type of the General Plan.
    2. *Minimum District Size*. The initial district size must be a minimum of 600 acres. Notwithstanding the provisions of Section 2.06.C.3, the minimum district size is not modifiable.
    3. *Incremental Additions.* The Board of Supervisors may approve a zoning map amendment with incremental additions if it finds that they are:
        a. A minimum of 10 acres in size;
        b. Abutting or across a road with no more than 2 through lanes from an existing SME district;
        c. Compatible with the existing SME district;
        d. Consistent with the General Plan policies for the area; and

e. Integrated with the existing SME district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.

B. **Uses.** Refer to Table 3.02.01 for uses allowed in the district.

1. *Prohibited Uses.* Uranium mining is not permitted in the SME district.

C. **Dimensional Standards.** Refer to Table 2.02.07-1 for dimensional standards.

Table 2.02.07-1. SME District Dimensional Standards

Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)[1]	1 acre, exclusive of major floodplain
Yards		
2	Setback Adjacent to Roads (min.) [2]	30 ft.
3	Setback Adjacent to Agricultural and Residential Districts or Residential Uses (min.)[1]	100 ft.
4	Setback Adjacent to Other Nonresidential Districts (min.)	50 ft.
5	Setback Adjacent to Other Mineral Extraction Districts[3]	15 ft.
6	Setback Between Buildings on Individual Lots or Building Sites (min.)[3]	30 ft. Driveways, parking, and covered entrances - 5 ft. from lot lines[4]
7	Setback Between Buildings on an Individual Lot or Building Site (min.)	25 ft. or greater if required for fire protection[4]
Building Requirements		
8	FAR (max.)	0.75
9	Lot Coverage (max.)	0.50
10	Building Height (max.)[5]	50 ft.
Open Space Requirements		
11	Open Space (min.)[6]	30%
12	Landscaped Open Space (min.)[7]	20% of the buildable area of the lot Extractive Industries Use: N/A

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Except when greater in Section 3.06.06.03 Use Specific Standards.

[2]Except when a greater setback is required by Section 5.07.02.

[3]Unless a greater buffer yard is required by Section 5.07.04.

[4]Covered walkways connecting buildings or connecting buildings with parking areas are permitted in yards and may traverse the space when buildings are on an individual lot or building site.

[5]Except non- habitable structures associated with a quarry operation. Such structures are permitted by right to 120 feet in height provided they are set back from property lines and district boundaries an additional setback of 2 feet for each 1 foot in height above 50 feet. Such structures require special exception approval for heights exceeding 120 feet.

[6]Open Space must be provided in accordance with Section 5.04.

[7]Landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

D. **Mix of Uses.** The use mix in the SME District must be provided in accordance with Table 2.02.07-2.

Table 2.02.07-2. Permitted Mix of Uses

Land Use Category	SME District[1, 2]
Nonresidential	Up to 100%
Public/Civic	0%+

[1]Percent of gross land area.

[2]Total percentage of land use categories must equal 100%.

E. **Stone Quarrying Special Exception Requirement.** The establishment of any new stone quarrying operations or the expansion of any existing stone quarrying operations beyond previously granted

approvals in the SME requires Special Exception approval pursuant to Section 7.09.01 and the Stone Quarrying Special Exception application procedures in Section 7.09.06.

F. **District Vehicular Access.** Access to the SME District must be provided in accordance with Section 5.09.01.E.

G. **Lot Access.** Access to lots in the SME District must be provided in accordance with 5.09.01.D.

H. **Pedestrian and Bicycle Network.** Within the SME District, pedestrian and bicycle network must be provided in accordance with Section 5.09.03.

2.03 Transition Policy Area Zoning Districts

2.03.01 Transition Large Lot Neighborhood – TLN-10, TLN-3, TLN-1

Purpose. *The purpose of the Transition Large Lot Neighborhood (TLN) Districts is to:*

- *Implement the Transition Large Lot Place Type of the General Plan;*
- *Create a visual and spatial transition of scale and open space between the suburban area and the rural area of the County;*
- *Provide for low density development with the TLN-10, TLN-3, and TLN-1 districts that facilitates a transition between the suburban and rural areas of the County;*
- *Provide for development in the Transition Policy Area in ways that encourage efficient development patterns and provides a variety of house and lot sizes and configurations;*
- *For the TLN-3 and TLN-1 Districts to encourage new development designs that incorporate both suburban and rural features;*
- *Achieve a balance between the built and natural environment, where development follows land contours, incorporates and protects natural, environmental, and heritage resources;*
- *Ensure contiguous open space areas sufficient in size and soil quality to accommodate and protect agricultural uses;*
- *Protect drinking water resources by facilitating;*
  - *The protection of a buffer proposed along Bull Run; and*
  - *The protection of a buffer along Goose Creek, the Goose Creek Reservoir, and the Beaverdam Reservoir;*
- *Implement requirements that open space be provided in conjunction with the standards of this Ordinance;*
  - *The TLN-3UBF/LF (Transition Large Lot Neighborhood-3 Upper Broad Run and Upper Foley/Lower Foley) and TLN-1 Subdistricts establishes a minimum of 50% open space to be more compatible with adjacent suburban development.*
  - *The TLN-10 and TLN-3LBR (Transition Large Lot Neighborhood-3 Lower Bull Run) Subdistricts establishes a minimum of 70% open space to be more compatible with rural development patterns in adjoining jurisdictions and to protect the environment and areas surrounding Bull Run.*

A. **Applicability.** The TLN District must be in areas consistent with the Transition Large Lot Neighborhood Place Type of the General Plan.

B. **Use Regulations**. Refer to Table 3.02.02 for uses allowed in the district.

C. **Dimensional Standards.** Refer to Table 2.03.01-1 for required dimensional standards.

Table 2.03-01-1: TLN District Dimensional Standards

Reference	Standard	TLN-10	TLN-3	TLN-1

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Lots of less than 5 acres must be grouped in accordance with Section 2.03.01.D.

[2]Perimeter Setback is to be provided in accordance with Section 5.11.E.1.

[3]Except when the required Perimeter Setback in Table 2.03.01-1. is greater.

[4] Except where a greater setback is required by Section 5.07.02.

[5]ADUs must be provided pursuant to Section 8.01.

[6]Open Space must be provided in accordance with Section 5.04.

Table 2.03-01-1: TLN District Dimensional Standards				
Reference	Standard	TLN-10	TLN-3	TLN-1
Lot Requirements				
1	Lot Size (min.)	No min.	No min.	No min.
2	Lots in a Group[1]	Min: 5 Max: No max.	Min: 5 Max: 25	Min: 5 Max: 25
Yards				
3	Perimeter Setback (min.)[2]	100 ft.	100 ft.	100 ft.
4	Front Yard Setback (min.)[3, 4]	20 ft.	12 ft.	10 ft.
5	Side Yard Setback (min.)[3, 4]	10 ft.	7 ft.	5 ft.
6	Rear Yard Setback (min.)[3, 4]	25 ft.	25 ft.	25 ft.
Building Requirements				
7	Residential Density (max.)	1 dwelling unit per 10 acres	1 dwelling unit per 3 acres	1 dwelling unit per 40,000 sf. 1.2 dwelling units per acre with ADUs[5]
8	Nonresidential FAR (max.)	0.1	0.1	0.1
9	Lot Coverage (max.)	No max.	No max.	No max.
10	Building Height (max.)	40 ft.	40 ft.	40 ft.
Open Space Requirements				
11	Open Space (min.)[6]	70%	TLN-3LBF: 70% TLN-3UBF/LF: 50%	50%

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Lots of less than 5 acres must be grouped in accordance with Section 2.03.01.D.

[2]Perimeter Setback is to be provided in accordance with Section 5.11.E.1.

[3]Except when the required Perimeter Setback in Table 2.03.01-1. is greater.

[4] Except where a greater setback is required by Section 5.07.02.

[5]ADUs must be provided pursuant to Section 8.01.

[6]Open Space must be provided in accordance with Section 5.04.

D. **Mix of Uses.** The land use mix must be provided within the percentages provided in Table 2.03.01-2.

Table 2.03.01-2. Permitted Mix of Uses		
Reference	Land Use Category	Percentage[1, 2]
1	Residential	85% min./95% max.
2	Nonresidential	0% min./10% max.
3	Public/Civic	5%+

(min. = minimum; max. = maximum)

[1]Percent of gross land area.

[2]Total percentage of land use categories must equal 100%.

E. **Lot Standards.** In addition to Table 2.03.01-1, all lots must meet the following requirements:

1. *Lot Yield.* The total number of lots on a site must not exceed the number permitted to accommodate the maximum residential density established by Table 2.03.01-1, regardless of whether the lot is used for a residential or nonresidential use.
2. *Number of Lots in a Group.* Lot must be provided in groups as follows:
    a. Lots less than 5 acres in size must be in a contiguous group with adjacent and fronting lots oriented toward each other, as on a street, green, or paved square.
    b. The number of lots in a group must be consistent with Table 2.03.01-1, except that a contiguous group may consist of fewer than 5 lots if:
        1. There will be fewer than 5 lots on the entire site less than 5 acres in size; or
        2. It is demonstrated that a group of fewer than 5 lots will result in greater amounts of

contiguous open space or result in less degradation of natural, environmental, and heritage resources than residential group(s) of 5 lots or more.

3. *Number of Groups.* A single group must contain all the lots on a site that are less than 5 acres, where the total number of such lots is 25 or fewer, except that multiple groups may be allowed where:
   a. It is demonstrated that multiple groups will result in greater amounts of contiguous open space or result in less degradation of natural, environmental, or heritage resources; and
   b. None of the groups contain fewer than 5 lots, unless allowed as provided in Section 2.03.01.E.

(ft. = foot; min. = minimum; max. = maximum)
[1]Except where a greater setback is required by Section 5.07.02.
[2]No restriction for buildings used exclusively for agriculture, horticulture, and animal husbandry.

4. *Variation of Lot Sizes.* Developments must provide a variation of residential lot sizes in accordance with Section 5.13.

F. **Transition Standards.** Within the TLN Zoning District, transition standards, including the Perimeter Setback required in Table 2.03.01-1, must be provided pursuant to Section 5.11.E.

G. **Siting of the Open Space and Building Lots.** Open space and building lots must be sited and as follows:
   1. In accordance with Section 5.11.E.1.
   2. Building lots must be located on the portion of the site outside the open space.
   3. Residential lot group(s) and nonresidential uses must be sited to maximize the contiguity of open space, especially natural, environmental, or heritage resources.
   4. When subdivision of a parcel creates less than 5 lots, the open space required by Table 2.03.01-1 may be provided on lots in the subdivision provided the open space is protected by an easement acceptable to the Board of Supervisors.

H. **Lot Access.** Individual lots in the TLN-10, TLN-3, and TLN-1 Zoning Districts must be accessed pursuant to Section 5.09.01.D and as follows:
   1. Notwithstanding Section 5.09.01.D, access to individual lots may be provided by a private access easement that complies with the following:
      a. The requirements of the Facilities Standards Manual.
      b. A private access easement must provide access to no more than 25 lots per easement per intersection with a public road.
      c. A maximum of one private access easement per intersection with a public road is permitted.
      d. Private access easements are not permitted to be contiguous.
      e. The subdivision plat must contain a note detailing the provisions for the maintenance of the private access easement.

I. **Road Network.** Within the TLN District, the road network must be provided pursuant to Section 5.09.02.

J. **Pedestrian and Bicycle Network.** A pedestrian and bicycle network must be provided in accordance with Section 5.09.03.

K. **Recognizing Protection by Right to Farm Act.** In the TLN district, record plats and deeds authorized pursuant to this section must include a statement that agricultural operations enjoy the protection of the Right to Farm Act (*Code of Virginia § 3.2-300 et seq*.).

L. **Exemptions.** The development of a lot existing on January 7, 2003, is exempted from the standards and requirements of Sections 2.03.01.D. through 2.03.01.M and Table 2.03.01-1 (TLN District Dimensional Standards). The development of such lot will be subject to the development standards of Table 2.03.01-2.

TABLE 2.03-01-2: TLN-10, TLN-3, TLN-1 BUILDING REQUIREMENTS FOR EXISTING LOTS
(Lots Existing Prior to January 7, 2003)

Yards (min.)[1]	25 ft. from any property line or 35 ft. from any other road right-of-way, private access easement, and any prescriptive easement
FAR (max.)	0.05
Building Height (max.)	40 ft.[2]

TABLE 2.03-01-2: TLN-10, TLN-3, TLN-1 BUILDING REQUIREMENTS FOR EXISTING LOTS (Lots Existing Prior to January 7, 2003)	
Yards (min.)[1]	25 ft. from any property line or 35 ft. from any other road right-of-way, private access easement, and any prescriptive easement
FAR (max.)	0.05
Building Height (max.)	40 ft.[2]

(ft. = foot; min. = minimum; max. = maximum)

[1]Except where a greater setback is required by Section 5.07.02.

[2]No restriction for buildings used exclusively for agriculture, horticulture, and animal husbandry.

2.03.02 Transition Small Lot Neighborhood – TSN

Purpose. *The purpose of the Transition Small Lot Neighborhood (TSN) District is to:*

- *Implement the Transition Small Lot Neighborhood Place Type of the General Plan;*
- *Create a visual and spatial transition of scale and open space to facilitate a transition between between the suburban area and the rural area of the County;*
- *Provide for moderate density development in the Transition Policy Area in a way that encourages efficient development patterns and is served by public water and sewer;*
- *Establish residential neighborhoods arranged in a cluster arrangement that includes a focal point such as a civic use, park, or green;*
- *Create neighborhoods with predominately single-family detached housing arranged in assorted lot configurations, sizes, and shapes with substantial open space;*
- *Achieve a lot pattern in each community that aligns with the topography and key natural, environmental, and heritage resources to minimize the visibility of the structures;*
- *Establish open space and natural vegetation that includes public and private trails with internal and external connections, passive and active recreation, and significant perimeter and environmental buffers as the dominant visual features of the district and maintain the rural appearance of surrounding roads.*

A. **Applicability, Size, and Location.** The following applies to the TSN District:

1. *Place Type.* The TSN district must be in an area consistent with the Transition Small Lot Neighborhood Place Type of the General Plan.
2. *Minimum District Size.* The initial district size must be a minimum of 10 acres. Notwithstanding the provisions of Section 2.06.C.3, the minimum district size is not modifiable.
3. *Incremental Additions.* The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the district if it finds that they are:
    a. A minimum of 2 acres in size;
    b. Abutting or across a road with no more than 2 through lanes from an existing TSN district;
    c. Compatible with the existing adjacent TSN district;
    d. Consistent with the General Plan policies for the area; and
    e. Integrated with the existing TSN district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.

B. **Use Regulations**. Refer to Table 3.02.02 for uses allowed in the district.

C. **Dimensional Standards.** Refer to Table 2.03.02-1 for required dimensional standards.

Table 2.03.02-1: TSN District Dimensional Standards		
Reference	Standard	Requirement

Table 2.03.02-1: TSN District Dimensional Standards		
Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	No min.
2	Residential Lot Size (max.)	20,000 sf.
	Nonresidential Lot Size (max).	No max.
3	Lot Width (min.)	No min.
4	Lots in a Group	Min. 15 Max. 40
Yards		
5	Setbacks Adjacent to Roads (min.)[1, 3]	30 ft.
6	Perimeter Setback (min.)	100 ft.
7	Front Yard Setback (min.)[2]	10 ft.
8	Side Yard Setback (min.)[1, 3]	5 ft.
9	Rear Yard Setback (min.)[1, 3]	25 ft.
Building Requirements		
10	Residential Density (max.)	4 dwelling units per acre 4.8 dwelling units per acre with ADUs[4]
11	Non-residential FAR (max.)	0.2
12	Lot Coverage (max.)	No max.
13	Building Height (max.)	40 ft.
Open Space Requirements		
14	Open Space (min.)[5]	50%
15	Residential Active Recreation Space (min.)[5]	5,000 sf for first 10 dwelling units plus 100 sf for each additional dwelling unit, including live/work dwelling units
16	Nonresidential Landscaped Open Space (min.)[5]	20% per development (Site Plan)[7]

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Except when the required Perimeter Setback in Table 2.03.01-1. is greater.

[2]Perimeter Setback is to be provided in accordance with Section 5.11.E.1.

[3]Except where a greater setback is required by Section 5.07.02.

[4]ADUs must be provided pursuant to Section 8.01.

[5]Open Space must be provided in accordance with Section 5.04 and Section 2.03.02.F. 1.

[6]Active recreation space and landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

[7]Site plans for live/work dwelling units are not required to provide landscaped open space.

D. **Mix of Uses.** The land use mix must be provided within the percentages provided in Table 2.03.02-2.

Table 2.03.02-2. Permitted Mix of Uses		
Reference	Land Use Category	Percentage[1, 2]
1	Residential	85% min./100% max.
2	Nonresidential	0% min./10% max.
3	Public/Civic	5%+

(min. = minimum; max. = maximum)

[1]Percent of gross land area.

[2]Total percentage of land use categories must equal 100%.

E. **Lot Standards.** In addition to Table 2.03.01-1, all lots must meet the following requirements:

1. *Lot Yield.* The total number of lots on a site must not exceed the number permitted to accommodate the maximum residential density established by Table 2.03.02-1, regardless of whether the lot is used for a residential or nonresidential use.

2. *Number of Lots in a Group.* Lot must be provided in groups as follows:
    a. Lots must be clustered in a contiguous group, with adjacent and fronting lots oriented toward each other, as on a road, green, or paved square.
    b. The number of lots in a group must be consistent with Table 2.03.02-1, except that a contiguous group may consist of fewer than 15 lots if it is demonstrated that a group of fewer than 15 lots will result in greater amounts of contiguous open space or result in less degradation of natural, environmental, and heritage resources than residential group(s) of 15 lots or more.
3. *Variation of Lot Sizes.* Developments must provide a variation of residential lot sizes in accordance with Section 5.13.

F. **Transition Standards.** Within the TSN Zoning District, transition standards, including the Perimeter Setback required in Table 2.03.02-1, must be provided pursuant to Section 5.11.E.

G. **Siting of the Open Space and Building Lots.** Open space and building lots must be sited as follows:
1. In accordance with Section 5.11.E.1.
2. Building lots must be located on the portion of the site outside the open space.
3. Residential lot group(s) and nonresidential uses must be sited to maximize the contiguity of open space, especially natural, environmental, or heritage resources.
4. The required open space must include parks or greens that serve as the focal point for each residential lot group.
    a. The minimum size of the park of green is 5,000 square feet plus 100 square feet for each dwelling unit in the lot group associated with the required focal point.
    b. The focal point may also include civic uses.

H. **Lot Access.** Individual lots in the TSN Zoning District must be accessed pursuant to Section 5.09.01.D and as follows:
1. Notwithstanding Section 5.09.01.D, access to individual lots may be provided by a private access easement that complies with the following:
    a. The requirements of the Facilities Standards Manual.
    b. A private access easement must provide access to no more than 25 lots per easement.
    c. Private access easements are not permitted to be contiguous.
    d. The record plat of subdivision must contain a note detailing the provisions for the maintenance of the private access easement.

I. **Road Network**. Within the TSN District, the road network must be provided pursuant to Section 5.09.02.C.

J. **Pedestrian and Bicycle Network**. A pedestrian and bicycle network must be provided in accordance with Section 5.09.03.

K. **Recognizing Protection by Right to Farm Act**. In the TRL districts, record plats and deeds authorized pursuant to this section must include a statement that agricultural operations enjoy the protection of the Right to Farm Act (*Code of Virginia § 3.2-300 et seq.*).

2.03.03 Transition Compact Neighborhood – TCN

Purpose. *The purpose of the Transition Compact Neighborhood (TCN) District is to:*

- *Implement the Transition Compact Neighborhood Place Type of the General Plan;*
- *Create a visual and spatial transition of scale and open space to facilitate a transition between between the suburban area and the rural area of the County;*
- *Provide for moderate density development in the Transition Policy Area in a way that encourages efficient development patterns and is served by public water and sewer;*
- *Establish residential neighborhoods arranged in an interconnected, walkable street pattern that includes a focal point such as a civic use, park, green, or small commercial center;*

- *Create blocks with a variety and interspersion of single -family detached and single-family attached duplex, triplex, quadruplex dwelling units and accessory dwellings on small lots in a variety of shapes and sizes surrounded by significant perimeter buffers;*
- *Achieve a lot pattern in each community that aligns with the topography and key natural, environmental, and heritage resources to minimize the visibility of the structures; and*
- *Establish open space and natural vegetation that includes public and private trails with internal and external connections, passive and active recreation, and extensive wooded perimeter buffers maintaining the rural appearance of surrounding roads.*

A. **Applicability, Size, and Location.** The following applies to the TCN District:

1. *Place Type.* The TCN district must be in an area consistent with the Transition Small Lot Neighborhood Place Type of the General Plan.
2. *Minimum District Size.* The initial district size must be a minimum of 20 acres. Notwithstanding the provisions of Section 2.06.C.3, the minimum district size is not modifiable.
3. *Incremental Additions.* The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the district if it finds that they are:
    a. Abutting or across a road with no more than 2 through lanes to an existing TCN district;
    b. Compatible with the existing adjacent TCN district;
    c. Consistent with the General Plan policies for the area; and
    d. Integrated with the existing TCN district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.

B. **Use Regulations**. Refer to Table 3.02.02 for uses allowed in the district.

C. **Dimensional Standards.** Refer to Table 2.03.03-1 for required dimensional standards.

Table 2.03.03-1. TCN District Dimensional Standards

Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	No min.
2	Residential Lot Size (max.)	SFD or SFA Duplex Building Lot: 10,000 sf. Triplex or Quadruplex Building Lot: 20,000 sf.
3	Nonresidential Lot Size (max.)	No max.
4	Lot Width (max.)	SFD: 50 ft. SFA Duplex, Triplex, Quadruplex Building Lot: 50 ft.
		SFA Duplex, Triplex, Quadruplex Ground Floor Unit or Individual Lot: 18 ft.
Yards		
5	Setback Adjacent to Roads (min.)[1, 3]	30 ft.
6	Perimeter Setback (min.)[3]	100 ft.
7	Front Yard Setback (max.)[3]	15 ft.
8	Side Yard Setback (max.)[1, 3]	10 ft.
9	Rear Yard Setback (max.)[1, 3]	25 ft.
Building Requirements		
10	Residential Density (max.)	5 dwelling units per acre 6 dwelling units per acre with ADUs[4]

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Except when the required Perimeter Setback in Table 2.03.03-1. is greater.

[2]Perimiter Setback is to be provided in accordance with Section 5.11.E.1.

[3]Except where a greater setback is required by Section 5.07.02.

[4]ADUs must be provided pursuant to Section 8.01.

[5]Open Space must be provided in accordance with Section 5.04.

[6]Active recreation space and landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

Table 2.03.03-1. TCN District Dimensional Standards		
Reference	Standard	Requirement
11	Residential Density (min.)	3 dwelling units per acre 3.6 dwelling units per acre with ADUs[4]
12	Non-residential FAR (max.)	0.2
13	Lot Coverage (max.)	No max.
14	Building Height (max.)	40 ft.
Open Space Requirements		
15	Open Space (min.)[5]	50%
16	Active Recreation Space (min.)[6]	5,000 sf for first 10 Single-Family Detached dwelling units plus 100 sf for each additional SFD dwelling unit 200 sf for each additional SFA Duplex, Triplex, Quadruplex dwelling unit
17	Nonresidential Landscaped Open Space (min.)[6]	20% per development (Site Plan)

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Except when the required Perimeter Setback in Table 2.03.03-1. is greater.

[2]Perimiter Setback is to be provided in accordance with Section 5.11.E.1.

[3]Except where a greater setback is required by Section 5.07.02.

[4]ADUs must be provided pursuant to Section 8.01.

[5]Open Space must be provided in accordance with Section 5.04.

[6]Active recreation space and landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

D. **Mix of Uses.** The land use mix must be provided within the percentages provided in Table 2.03.03-2.

Table 2.03.03-2. Permitted Mix of Uses		
Reference	Land Use Category	Percentage[1, 2]
1	Residential	80% min./90% max.
2	Nonresidential	0% min./10% max.
3	Public/Civic	10%+

(min. = minimum; max. = maximum)

[1]Percent of gross land area.

[2]Total percentage of land use categories must equal 100%.

E. **Lot Standards.** In addition to Table 2.03.01-1, all lots must meet the following requirements:

1. *Lot Yield.* The total number of lots on a site must not exceed the number permitted to accommodate the maximum residential density established by Table 2.03.03-1., regardless of whether the lot is used for a residential or nonresidential use.
2. *Variation of Lot Sizes.* Developments must provide a variation of residential lot sizes in accordance with Section 5.13.

F. **Transition Standards.** Within the TCN Zoning District, transition standards, including the Perimeter Setback required in Table 2.03.03-1, must be provided pursuant to Section 5.11.E.

G. **Siting of the Open Space and Building Lots.** Open space and building lots within the TCN District must be sited as follows:

1. In accordance with Section 5.11.E.1.
2. Building lots must be located on the portion of the site outside the open space.
3. Residential and nonresidential uses must be sited to maximize the contiguity of open space, especially natural, environmental, or heritage resources.
4. Nonresidential lots and uses must be integrated into and internal to the development and situated in conjunction with a centrally located park, green, civic space, or other public spaces.

H. **Lot Access.** Individual lots in the TCN Zoning District must be accessed pursuant to Section 5.09.01.D and as

follows:

1. Notwithstanding Section 5.09.01.D, access to individual lots may be provided by a private access easement that complies with the following:
    a. The requirements of the Facilities Standards Manual.
    b. A private access easement must provide access to no more than 25 lots per easement.
    c. Private access easements are not permitted to be contiguous.
    d. The record plat of subdivision must contain a note detailing the provisions for the maintenance of the private access easement.
2. Notwithstanding Section 5.09.01.D, access to single-family detached or single-family attached duplex, triplex, and quadruplex dwelling units may be provided by an alley.

I. **Road Network.** Within the TCN District, the road network must be provided pursuant to Section 5.09.02 and as follows:
    1. Roads must form blocks where feasible.
    2. Block length or length between intersecting roads must be:
        a. Minimum: 400 feet
        b. Maximum: 800 feet

J. **Pedestrian and Bicycle Network**. A pedestrian and bicycle network must be provided in accordance with Section 5.09.03.

K. **Transition Standards.** Within the TCN Zoning District, development transition standards must be provided pursuant to Section 5.11.E.

L. **Street Trees.** Street trees must be provided in accordance with Section 5.07.02.E.

2.03.04 Transition Community Center – TCC

Purpose. *The purpose of the Transition Community Center (TCC) District is to:*

- *Implement the Transition Community Center Place Type of the General Plan;*
- *Create a visual and spatial transition of scale and open space to facilitate a transition between between the suburban area and the rural area of the County;*
- *Provide for small, pedestrian-focused, retail development in the Transition Policy Area in a way that encourages efficient development patterns and is served by public water and sewer;*
- *Establish pedestrian-scale commercial development that provides retail sales, entertainment, and civic functions in an interconnected, walkable street pattern;*
- *Ensure the commercial development provides convenient and safe pedestrian and vehicular connections to adjacent neighborhoods, extensive landscaping at the perimeter, and outdoor activity and community space;*
- *Allow a residential component as multifamily dwelling units over commercial uses or live/work units;*
- *Permit auto-oriented uses if they located away from pedestrian areas unless incorporated into the mixed-use buildings and limited big box retail in the form of food stores or pharmacies; and*
- *Establish gradual transitions to adjacent residential neighborhoods and roads by using substantial open space provided as perimeter screening, such as a park or recreation area, variations in building orientation, height step down, and creative and extensive use of landscaping and natural features.*

A. **Applicability, Size, and Location.** The following applies to the TCC District:
    1. *Place Type*. The TCC district must be in an area consistent with the Transition Community Center Place Type of the General Plan.
    2. *Minimum District Size.* The initial district size must be a minimum of 6 acres. Notwithstanding the provisions of Section 2.06.C.3, the minimum district size is not modifiable.
    3. *Incremental Additions.* The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the district if it finds that they are:

a. A minimum of 1 acre in size;
b. Abutting or across a road with no more than 2 through lanes from an existing TCC district;
c. Compatible with the existing adjacent TCC district;
d. Consistent with the General Plan policies for the area; and
e. Integrated with the existing TCC district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.

B. **Use Regulations**. Refer to Table 3.02.02 for uses allowed in the district.

C. **Dimensional Standards.** Refer to Table 2.03.03-1 for required dimensional standards.

Table 2.03.03-1. TCC District Dimensional Standards

Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	No min.
2	Lot Width (min.)	No min.
Yards		
3	Setback Adjacent to Roads (min.)[1, 2]	0 ft.
4	Perimeter Setback (min.)[2, 3]	50 ft.
5	Front Yard Setback (max.)	15 ft.
6	Side Yard Setback (max.)[1]	10 ft.
7	Rear Yard Setback (max.)[1]	25 ft.
Building Requirements		
8	FAR (max.)	0.3
9	Lot Coverage (max.)	No max.
10	Building Height (max.)	40 ft.
Open Space Requirements		
11	Open Space (min.)[4]	50%
12	Residential Active Recreation Space[5]	5,000 SF for first 10 dwelling units plus 200 SF for each additional dwelling unit
13	Nonresidential Landscaped Open Space (min.)[5]	20% per development (Site Plan)

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Except when the required Perimeter Setback in Table 2.03.01-1. is greater.

[2]Except where a greater setback is required by Section 5.07.02.

[3]Permiter Setback is to be provided in accordance with Section 5.11.E.1.

[4]Open Space must be provided in accordance with Sections 5.04 and 2.03.04.E.3.

[5]Active recreation space and landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

D. **Mix of Uses.** The land use mix must be provided within the percentages provided in Table 2.02.04-2.

1. A tabulation of the proposed mix of uses must be provided on an approved CDP. The use tabulation must include the maximum number of dwelling units.
2. When an incremental addition is made to an existing TCC District, the tabulation must be revised to incorporate uses proposed for the incremental addition. The revised tabulation must not exceed the maximum use percentages in Table 2.02.04-2.
3. Each site plan or subdivision application subsequent to Zoning Map Amendment or Zoning Concept Plan Amendment approval must include the following tabulations:
   a. Approved total square footage, square footage for the application, and remaining square footage; an
   b. Approved total number of dwelling units and dwelling units by type, dwelling units by type for the application, and remaining dwelling units by type.

Table 2.02.04-2. Permitted Mix of Uses		
Reference	Land Use Category	Percentage[1, 2]
1	Multifamily[3] or Live/Work[4] Dwelling Unit	0% min. 25% max.
2	Nonresidential	70% min. 95% max.
3	Public/Civic	5% min. 30% max.

(min. = minimum; max. = maximum)

[1]Total percentage of land use categories must equal 100%.

[2]Maximum square footage and FAR must be provided on an approved CDP.

[3]Must be provided pursuant to Section 3.06.02.09.D.

[4]Must be provided pursuant to Section 3.06.02.03.

E. **District Vehicular Access.** Access to the TCC District must be provided pursuant to Section 5.09.01.E and as follows:

1. Vehicular access to adjacent residential projects must be provided, but is it not permitted as the primary vehicular access.

F. **Transition Standards.** Within the TCC Zoning District, transition standards, including the Perimeter Setback required in Table 2.03.04-1, must be provided pursuant to Section 5.11.E.

1. In addition to the requirements of Section 5.11.E., a majority of the required open space is permitted to be in the Perimeter Setback and should be provided as park or active recreation space.
    a. If the perimeter setback is not provided as active recreation space, then existing non-invasive vegetation and natural features must be maintained, or extensive landscape plantings must be provided to create a transition between the TCC District and the adjacent development.

G. **Siting of the Open Space and Building Lots.** Open space and building lots within the TCC District must be sited as follows:

1. In accordance with Section 5.11.E.1.
2. Building lots must be located on the portion of the site outside the open space.
3. Residential and nonresidential uses must be sited to maximize the contiguity of open space, especially natural, environmental, or heritage resources.

H. **Road Network.** Within the TCC District, the road network must be provided pursuant to Section 5.09.02.C. and as follows:

3. Roads must form blocks where feasible.
4. Block length or length between intersecting roads must be:
    c. Minimum: 200 feet
    d. Maximum 800 feet

I. **Pedestrian and Bicycle Network.** Within the TCC District, a pedestrian and bicycle network must be provided in accordance with Section 5.09.03.

J. **Street Trees.** Street trees must be provided in accordance with Section 5.07.02.E.

2.03.05 Transition Light Industrial – TLI

Purpose. *The purpose of the Transition Light Industrial (TLI) District is to:*

- *Implement the Transition Light Industrial Place Type of the General Plan.*
- *Provide opportunities for low-traffic industrial and employment uses, with data centers, contractor establishments, and small-scale assembly or production as the predominant uses.*
- *Establish open space that creates effective visual buffers to conceal buildings and uses from adjacent roads and residential areas.*

- *Establish sufficient open space to ensure environmental protection on the site.*

A. **Applicability, Size, and Location.** The following applies to the TLI District:

1. *Place Type.* Located in areas consistent with the Transition Light Industrial Place Type of the General Plan.
2. *Minimum District Size.* The initial district size must be a minimum of 20 acres.
3. *Incremental Additions.* The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the district if it finds that they are:
    a. Abutting or across a road with no more than 2 through lanes from an existing TLI district;
    b. Compatible with the existing adjacent TLI district;
    c. Consistent with the General Plan policies for the area; and
    d. Integrated with the existing TLI district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.

B. **Use Regulations.** Refer to Table 3.02.02 for uses allowed in the district.

C. **Dimensional Standards.** Refer to Table 2.03.05-1 for required dimensional standards.

Table 2.03.05-1. TLI District Dimensional Standards

Reference	Standard	Requirement
Lot		
1	Lot Size (min.)	1 acre, exclusive of major floodplain
Yard		
2	Setback Adjacent to Roads (min.)[1, 2]	35 ft.
3	Perimeter Setback (min.)[2, 3]	100 ft.
4	Setback Adjacent to Other Nonresidential Districts (min.)[4]	15 ft.
5	Setback Between Buildings on Individual Lots or Building Sites (min.)[4]	30 ft. Driveways, parking, and covered entrances: 5 ft. from lot lines[5]
6	Setback Between Buildings on an Individual Lot or Building Site (min.)[4]	25 ft., or greater if required for fire protection[4]
Building Requirements		
7	FAR (max.)	0.4 by right; 0.60 by SPEX
8	Lot Coverage (max.)	0.45, up to 0.60 by SPEX
9	Building Height (max.)	40 ft.
Open Space Requirements		
10	Open Space (min.)[6]	50%
11	Landscaped Open Space (min.)[7]	0.2 times buildable area of lot

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Except when the required Perimeter Setback in Table 2.03.05-1. is greater.

[2]Except when a greater setback is required by Section 5.07.02.

[3]Permiter Setback is to be provided in accordance with Section 5.11.E.1.

[4]Unless a greater buffer yard is required by Section 5.07.04.

[5]Covered walkways connecting buildings or connecting buildings with parking areas are permitted in yards and may traverse the space when buildings are on an individual lot or building site.

[6]Open Space must be provided in accordance with Section 5.04.

[7]Landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

D. **Mix of Uses.** The use mix in the TLI District must be provided in accordance with Table 2.03.05-2.

Table 2.03.05-2. Permitted Mix of Uses

Land Use Category	TI District[1, 2]

Table 2.03.05-2. Permitted Mix of Uses	
Land Use Category	TI District [1, 2]
Nonresidential	Up to 100%
Public/Civic	0%+

Nonresidential	Up to 100%
Public/Civic	0%+

[1]Percent of gross land area.

[2]Total percentage of land use categories must equal 100%.

G. **District Vehicular Access.** Access to the TLI Zoning District must be provided in accordance with Section 5.09.01.E.

H. **Lot Access.** Access to lots in the TLI District must be provided in accordance with Section 5.09.01.D.

I. **Transition Standards.** Within the TLI Zoning District, transition standards, including the Perimeter Setback required in Table 2.03.05-1, must be provided pursuant to Section 5.11.E.

1. *Exception.* The Perimeter Setback required in Section 5.11.E is not required along TLI District boundaries where the proposed TLI District boundary is adjacent to the Transition Industrial/Mineral Extraction Place Type and the adjoining land is vacant or underdeveloped unless there are existing residential or agricultural uses.

J. **Siting of the Open Space and Building Lots.** Open space and building lots within the TLI District must be sited as follows:

1. In accordance with Section 5.11.E.1.
2. Building lots must be located on the portion of the site outside the open space.
3. Residential and nonresidential uses must be sited to maximize the contiguity of open space, especially natural, environmental, or heritage resources.

K. **Pedestrian and Bicycle Network.** Within the TLI District, pedestrian and bicycle network must be provided in accordance with Section 5.09.03.

2.03.06 Transition Industrial – TI

Purpose. *The purpose of the Transition Industrial (TI) district is to:*

- *Implement the Transition Industrial/Mineral Extraction Place Type of the General Plan.*
- *Provide a location for industrial uses that are incompatible with residential uses due to the prevalence of outdoor storage and emissions of noise, odor, and vibrations to operate.*
- *Ensure general and intensive industrial uses with a public nuisance potential and necessary accessory uses and facilities are built in a well-coordinated and attractive manner that is compatible with surrounding land uses.*
- *Provide for development with limited traffic and aesthetic impacts on surrounding properties and on supporting public facilities and utilities.*
- *Permit residential and other uses only to the extent that they may be compatible with general and intensive industrial uses.*

A. **Applicability, Size, and Location.** The following applies to the TI District:

1. *Place Type*. Located in areas consistent with the Transition Industrial/Mineral Extraction Place Type of the General Plan.
2. *Minimum District Size.* The initial district size must be a minimum of 5 acres.
3. *Incremental Additions.* The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the district if it finds that they are:
    a. Abutting or across a road with no more than 2 through lanes from an existing TI district;
    b. Compatible with the existing adjacent TI district;
    c. Consistent with the General Plan policies for the area; and
    d. Integrated with the existing TI district through roadway, pedestrian, and bicycle connections as

well as a consistent streetscape.

B. **Use Regulations.** Refer to Table 3.02.02 for uses allowed in the district.

C. **Dimensional Standards.** Refer to Table 2.03.06-1 for required dimensional standards.

Table 2.03.06-1. TI District Dimensional Standards		
Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	1 acre, exclusive of major floodplain
Yards		
2	Setback Adjacent to Roads (min.)[1, 2]	100 ft.
3	Perimeter Setback (min.)[2, 3]	100 ft.
4	Setback Adjacent to Other Nonresidential Districts (min.)	15 ft.
5	Setback Adjacent to Other Mineral Extraction Districts[3]	0 ft.
6	Setback between Buildings on Individual Lots or Building Sites (min.)[4]	30 ft. Driveways, parking, and covered entrances - 5 ft. from lot lines[5]
7	Setback between Buildings on an Individual Lot or Building Site (min.)	25 ft. or greater if required for fire protection
Building Requirements		
8	FAR (max.)	0.40 0.60 by SPEX
9	Lot Coverage (max.)	0.45
10	Building Height (max)	50 ft.
Open Space Requirements		
11	Open Space (min.)[6]	50%
12	Landscaped Open Space (min.)[7]	20% of the buildable area of the lot

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Except when the required Perimeter Setback required by Section 5.11.E.1. is greater.

[2]Except when a greater setback is required by Section 5.07.02.

[3]Unless greater setback is required by Section 3.06.06.

[4]Unless a greater buffer yard is required by Section 5.07.03.

[5]Covered walkways connecting buildings or connecting buildings with parking areas are permitted in yards and may traverse the space when buildings are on an individual lot or building site.

[6]Open Space must be provided in accordance with Section 5.04.

[7]Landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

D. **Mix of Uses.** The use mix in the TI District must be provided in accordance with Table 2.03.06-2.

Table 2.03.06-2. Permitted Mix of Uses	
Land Use Category	TI District[1, 2]
Nonresidential	Up to 100%
Public/Civic	0%+

[1]Percent of gross land area.

[2]Total percentage of land use categories must equal 100%.

F. **District Vehicular Access.** Access to the TI District must be provided pursuant to Section 5.09.01.E.

G. **Lot Access.** Access to lots in the TI District must be provided in accordance with Section 5.09.01.D.

H. **Transition Standards.** Within the TI Zoning District, transition standards, including the Perimeter Setback required in Table 2.03.06-1, must be provided pursuant to Section 5.11.E.

1. *Exception.* The Perimeter Setback required in Section 5.11.E is not required along TI District boundaries where the proposed TI District boundary is adjacent to the Transition

Industrial/Mineral Extraction Place Type and the adjoining land is vacant or underdeveloped unless there are existing residential or agricultural uses.

I. **Siting of the Open Space and Building Lots.** Open space and building lots within the TI District must be sited as follows:
   1. In accordance with Section 5.11.E.1.
   2. Building lots must be located on the portion of the site outside the open space.
   3. Residential and nonresidential uses must be sited to maximize the contiguity of open space, especially natural, environmental, or heritage resources.

J. **Pedestrian and Bicycle Network.** Within the TI District, a pedestrian and bicycle network must be provided in accordance with Section 5.09.03.

2.03.07 Transition Mineral Extraction - TME

Purpose. *The purpose of the Transition Mineral Extraction (TME) district is to:*

- *Implement the Transition Industrial/Mineral Extraction Place Type of the General Plan.*
- *Serve as an interim long-term district, recognizing that areas devoted to resource extraction may and should ultimately be converted to other compatible and beneficial uses consistent with the General Plan.*
- *Protect the mineral resources, primarily diabase rock, of the County:*
  - *For possible future economic development;*
  - *To provide for diabase resource extraction operations at appropriate locations and under controlled conditions; and*
  - *To co-locate with quarries compatible heavy industrial uses.*
- *Provide a location for industrial and mineral extraction uses that are incompatible with residential uses due to the prevalence of outdoor storage and emissions of noise, odor, and vibrations to operate.*
- *Ensure mineral extraction and intensive industrial uses with a public nuisance potential and necessary accessory uses and facilities are built in a well-coordinated and attractive manner that is compatible with surrounding land uses.*
- *Provide for development with limited traffic and aesthetic impacts on surrounding properties and on supporting public facilities and utilities.*

A. **Applicability, Size, and Location.** The following applies to the TME District:
   1. *Place Type.* Located in areas consistent with the Transition Industrial/Mineral Extraction Place Type of the General Plan.
   2. *Minimum District Size*. The initial district size must be a minimum of 600 acres. Notwithstanding the provisions of Section 2.06.C.3, the minimum district size is not modifiable.
   3. *Incremental Additions.* The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the district if it finds that they are:
      a. A minimum of 10 acres in size;
      b. Abutting or across a road with no more than 2 through lanes from an existing TME district;
      c. Compatible with the existing adjacent TME district;
      d. Consistent with the General Plan policies for the area; and
      e. Integrated with the existing TME district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.

B. **Use Regulations.** Refer to Table 3.02.02 for uses allowed in the district.
   1. *Prohibited Uses.* Uranium mining is not permitted in the TME district.

C. **Dimensional Standards.** Refer to Table 2.03.07-1 for required dimensional standards.

Table 2.03.07-1. TME District Dimensional Standards		
Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)[1]	1 acre, exclusive of major floodplain
Yards		
2	Setback Adjacent to Roads (min.) [2, 3]	100 ft.
3	Perimeter Setback (min.)[3, 4]	100 ft.
4	Setback Adjacent to Other Nonresidential Districts (min.)	50 ft.
5	Setback Adjacent to Other Mineral Extraction Districts (min.)[4]	15 ft.
6	Setback Between Buildings on Individual Lots or Building Sites (min.)[4]	30 ft. Driveways, parking, and covered entrances - 5 ft. from lot lines[5]
7	Setback Between Buildings on an Individual Lot or Building Site (min.)	25 ft. or greater if required for fire protection[5]
Building Requirements		
8	FAR (max.)	0.75
9	Lot Coverage (max.)	0.50
10	Building Height (max.)[6]	50 ft.
Open Space Requirements		
11	Open Space (min.)[7]	50%
12	Landscaped Open Space (min.)[8]	20% of the buildable area of the lot Extractive Industries Use: N/A

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Excpet when greater in Section 3.06 Use Specific Standards.

[2]Except when the required Perimeter Setback required by Section 5.11.E.1. is greater.

[3]Except when a greater setback is required by Section 5.07.02.

[4]Unless a greater buffer yard is required by Section 5.07.04.

[5]Covered walkways connecting buildings or connecting buildings with parking areas are permitted in yards and may traverse the space when buildings are on an individual lot or building site.

[6]Except non- habitable structures associated with a quarry operation. Such structures are permitted by right to 120 feet in height provided they are set back from property lines and district boundaries an additional setback of 2 feet for each 1 foot in height above 50 feet. Such structures require special exception approval for heights exceeding 120 feet.

[7]Open Space must be provided in accordance with Section 5.04.

[8]Landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

D. **Mix of Uses.** The use mix in the SME District must be provided in accordance with Table 2.03.07-2.

Table 2.03.07-2. Permitted Mix of Uses	
Land Use Category	TME District[1, 2]
Nonresidential	Up to 100%
Public/Civic	0%+

[1]Percent of gross land area.

[2]Total percentage of land use categories must equal 100%.

F. **Stone Quarrying Special Exception Requirement.** The establishment of any new stone quarrying operations or the expansion of any existing stone quarrying operations beyond previously granted approvals in the TME requires Special Exception approval pursuant to Section 7.09.01 and the Stone Quarrying Special Exception application procedures in Section 7.09.06.

G. **District Vehicular Access.** Access to the TME District must be provided pursuant to Section 5.09.01.E.

H. **Lot Access.** Access to lots in the TME District must be provided in accordance with 5.09.01.D.

I. **Transition Standards.** Within the TME Zoning District, transition standards, including the Perimeter Setback required in Table 2.03.07-1, must be provided pursuant to Section 5.11.E.

1. *Exception.* The Perimeter Setback required in Section 5.11.E is not required along TME District boundaries where the proposed TME District boundary is adjacent to the Transition Industrial/Mineral Extraction Place Type and the adjoining land is vacant or underdeveloped unless there are existing residential or agricultural uses.

J. **Siting of the Open Space and Building Lots.** Open space and building lots within the TME District must be sited as follows:
   1. In accordance with Section 5.11.E.1.
   2. Building lots must be located on the portion of the site outside the open space.
   3. Residential and nonresidential uses must be sited to maximize the contiguity of open space, especially natural, environmental, or heritage resources.

K. **Pedestrian and Bicycle Network.** Within the TME District, a pedestrian and bicycle network must be provided in accordance with Section 5.09.03.

2.04 Rural Policy Area Zoning Districts

2.04.01 Agricultural Rural North – ARN

Note: Prime Agricultural Soil and Cluster Subdivision regulations are being amended separately from the Zoning Ordinance Rewrite in a stand-alone zoning ordinance amendment, ZOAM-2020-0002. Contact Project Manager Jacob Hambrick at clustersubregs@loudoun.gov for information or to comment on that ZOAM.

Purpose. *The purpose and intent of the Agricultural Rural North (ARN) District is to:*

- *Implement the Rural North Place Type of the General Plan.*
- *Support the retention of large areas of land preserved for open space, agriculture, and rural economy uses to retain the rural character of the area with limited, low density residential and clustered residential development that blends and is compatible with the surrounding area.*
- *Allow low-density, large lot subdivisions and subdivisions that cluster smaller residential lots that are compatible with or help retain the surrounding pastoral character.*
- *Allow for complementary agricultural, rural business, and tourism uses that constitute Loudoun's rural economy uses.*
- *Ensure rural economy uses can be developed consistent with the rural character of the ARN district and are compatible with any existing residential development through mitigation or other standards.*
- *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 agricultural uses*; public, civic, and institutional ;uses; *and rural activity and special event uses.*
- *Ensure development incorporates natural and heritage resources while preserving important viewsheds that contribute to the rural landscape.*
- *Establish ARN as an agricultural district.*

A. **Applicability.** The ARN district must be located in areas consistent with the Rural North Place Type of the General Plan. The ARN district is considered an agricultural district.

B. **Use Regulations.** Refer to Table 3.02.03 for uses allowed in the district.

C. **Development Options.** Land within the ARN zoning district must be subdivided under 1 of the 3 development options identified in Table 2.04.01-1 provided the subdivisions are in accordance with this section and the procedures in the Land Subdivision and Development Ordinance (LSDO) for such division. Nothing in this section precludes a property owner from filing for a Family Subdivision in accordance with the requirements of the LSDO.

D. **Dimensional Standards.** Refer to Table 2.04.01-1 for required dimensional standards.

Table 2.04.01-1. ARN District Dimensional Standards

Table 2.04.01-1. ARN District Dimensional Standards

Reference	Standard	Base Density Division Option	Principal/ Subordinate Subdivision Option	Cluster Subdivision Option	
Reference	**Standard**	**Base Density Division Option**	**Principal/ Subordinate Subdivision Option**	**Cluster Subdivision Option**	
Lot Requirements					
1	Originating Tract (min.)	N/A	20 acres prior to development	20 acres prior to development	
2	Lot Size (min.)	20 acres	80,000 SF exclusive of major floodplain; Min. one 15-acre Rural Economy Lot per Principal/ Subordinate Subdivision	**Residential Cluster Lot** On-site Water and Wastewater: 40,000 sf, exclusive of major floodplain Off-site Wastewater and On-site Water: 20,000 sf, exclusive of major floodplain Off-site Water and Off-Site Wastewater: No minimum lot size	**Rural Economy Lot** Min. one 15-acre Rural Economy Lot per Cluster Subdivision
3	Lot Size (max.)	N/A	N/A	4 acres	N/A
4	Lot Width (min.)	175 ft.	175 ft.	N/A	175 ft.
5	Length/Width Ratio (max.)	N/A	3:1	N/A	3:1
Yard Requirements					
6	Front Yard Setback (min.)[1]	25 ft. from property line; 35 ft. from road ROW; private access easement; and/or prescriptive easement	25 ft. from property line; 35 ft. from road ROW; private access easement; and/or prescriptive easement	25 ft. from property line; 35 ft. from road ROW; private access easement; and/or prescriptive easement[2]	25 ft. from property line; 35 ft. from road ROW; private access easement; and/or prescriptive easement[2]
7	Side Yard Setback (min.)	25 ft.	25 ft.	15 ft.[2]	15 ft.[2]
8	Rear Yard Setback (min.)	25 ft.	25 ft.	35 ft.[2]	35 ft.[2]
Building Requirements					
9	Residential Density (max.)	1 dwelling unit per 20 acres	1 dwelling unit per 10 acres	1 dwelling unit per 5 acres	
10	Lot Coverage (max.)	15%, but only 3% may be used for residential or non-residential structures[3, 4]	Lots less than 80,000 sf: 4% Lots greater than 80,000 sf: 15%, but only 3% may be used for residential or non-residential structures[3]	Lots less than 40,000 sf: 8% Lots 40,000 sf. to 4 acres: 15%	8%
11	Building Height (max.)[3]	35 ft.	35 ft.	35 ft.	
Open Space Requirements					
12	Open Space (min.)	N/A	N/A	Minimum 70% of gross land area of development must be comprised of a Rural Economy Lot(s) or a combination of Rural Economy Lot(s) and Common Open Space	

Table 2.04.01-1. ARN District Dimensional Standards				
Reference	Standard	Base Density Division Option	Principal/ Subordinate Subdivision Option	Cluster Subdivision Option

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Except where a greater setback is required by Section 5.07.02.

[2]All residential dwellings within the Cluster Subdivision must be set back a minimum of 100 feet from any lot line adjoining parcels not located within the subdivision.

[3]Excludes agricultural, horticultural, and animal husbandry structures not open to the public.

[4]Lot coverage for lots recorded prior to December 6, 2006 is 25%, but only 10% may be used for residential or non-residential structures excluding agricultural, horticultural, and animal husbandry structures not open to the public.

E. **Minimum Lot Size Requirements.** The minimum lot size in Table 2.04.01-1 for principal uses applies as follows:

1. Only 1 principal permitted use of the same type in Table 3.02.03 is permitted on a lot.
2. Each different principal permitted use must meet the minimum acreage requirement for each use when 1 or more of the uses has a minimum lot size specified in Section 3.06, Use-Specific Standards.
3. Where 2 or more different principal uses are located on 1 parcel, the parcel size must be the larger of the 2 or more use requirements, and not the sum of all the minimum lot sizes.

F. **Lot Access.** Individual lots in the 3 ARN development options must be accessed pursuant to Section 5.09.01.D and as follows:

1. Notwithstanding Section 5.09.01.D, access to individual lots the 3 ARN development options may be provided by a private access easement in accordance with the LSDO that complies with the following:
    a. The requirements of the Facilities Standards Manual (FSM).
    b. A private access easement is permitted to provide access to the maximum number of lots per easement per intersection with a public road as listed below:
        1. Cluster Subdivision: 25 lots maximum
        2. Principal/Subordinate Subdivision: 25 lots maximum
        3. Base Density Division Option: 7 lots maximum
    c. A maximum of one private access easement per intersection with a public road is permitted.
    d. Private access easements are not permitted to be contiguous.
    e. The subdivision plat must contain a note detailing the provisions for the maintenance of the private access easement.

G. **Landscaping/Buffering.** Notwithstanding the requirements of Section 5.07.04, required Buffer Yards may be provided on either the Principal and/or Subordinate lot in a Principal/Subordinate Subdivision.

H. **Recognizing Protection by Right to Farm Act.** Record plats and deeds authorized pursuant to this section must include a statement that agricultural operations enjoy the protection of the Right to Farm Act (*Code of Virginia § 3.2-300 et seq.*).

I. **Fire Protection.** Principal/Subordinate Subdivision Option and Cluster Subdivision Option developments must satisfy the fire protection standards set forth in the FSM.

J. **Base Density Division Option.** A Base Density Division is permitted in accordance with the standards in this section, the FSM, and the LSDO.

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

1. **Principal/Subordinate Subdivision Option Procedures.** A Principal/Subordinate Subdivision must follow the following procedures:
    a. The lot yield of a Principal/Subordinate Subdivision is based on the permitted residential density and must be calculated using the Originating Tract in existence at the time

the Principal/Subordinate Subdivision is created.

b. Once a Principal/Subordinate Subdivision is created, the lot yield assigned to the subdivision is not permitted to be altered.

c. The initial Principal/Subordinate Subdivision results in the creation of 1 Principal Lot, and 1 or more Subordinate Lots from an Originating Tract. The number of Subordinate Lots created with the initial subdivision is subtracted from the maximum lot yield. The resulting number establishes the remaining number of lots and is assigned to the Principal Lot.

d. The Principal Lot must be clearly labeled on each Principal/Subordinate Subdivision plat.

e. A subdivision of 1 or more lots may occur at 1 time or in a series of subdivisions up to the maximum lot yield calculated for the Originating Tract.

f. The Principal Lot may be further subdivided until the number of lots assigned to the Principal Lot is reduced to 1 and provided the minimum requirements of the Zoning Ordinance and LSDO are met. Once the Principal Lot is reduced to 1, it may no longer be subdivided.

g. Subordinate Lots are not permitted to be further subdivided. The record plat and initial deed of conveyance after establishment of a Subordinate Lot under the Principal/ Subordinate Subdivision Option must contain a statement to this effect.

h. Each Principal/Subordinate Subdivision plat must contain a tabulation of residential density and lot yield calculated for the Originating Tract, the Principal Lot and number of Subordinate Lots created by the initial subdivision from the Originating Tract and each subsequent subdivision, the number of Subordinate Lots created by the current subdivision, the number of Subordinate Lots remaining, and all LSDO requirements.

i. Each Principal/Subordinate Subdivision must contain at least 1 Rural Economy Lot.

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

1. **Characteristics of Cluster Subdivision Option.**

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

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

c. All lots within the cluster subdivision must be created at one time.

d. The lots created by cluster subdivision are not permitted to be further subdivided.

e. A Homeowners' Association is required for any subdivision with common elements as described in Section 5.12.

f. Each subdivision plat for a cluster subdivision must contain a tabulation of lot yield for the cluster subdivision.

g. The perimeter setback required in Table 2.04.01-1 must be indicated and clearly labeled on each subdivision plat.

2. **Variety of Lot Sizes.** In all new residential subdivisions containing 7 or more lots, a mixture of lot sizes and dimensions must be provided for a variety of housing opportunities and to avoid monotonous streetscapes. Variety is determined as follows:

a. No more than 25% of all lots are permitted to be similar in total area.

b. For purposes of this subsection, "similar" lot areas is defined as within 1,500 square feet of each other.

3. **Site Design and Layout Standards for Residential Cluster Lots.** Development of the cluster option must comply with all of the following standards, in addition to the LSDO:

a. The site layout of the proposed development must be depicted on the subdivision plat.

b. *Number of Lots in Cluster(s).* Rural Cluster Lots must be grouped in clusters consisting of a

minimum of 5 lots and a maximum of 25 lots, except that a cluster may consist of fewer than 5 lots if any one of the following applies:

1. There will be fewer than 5 lots in the entire subdivision.
2. In the RN district, the area of the site is less than 50 acres.
3. It is demonstrated that a cluster of fewer than 5 lots will result in less disturbance of land within the Mountainside Development Overlay District (MDOD), Floodplain Overlay District (FOD) lands, and/or land containing steep slopes and/or wetlands.

4. **Number of Clusters.**
   a. Multiple groupings of Rural Cluster Lots are required where the total number of lots on a site is greater than 25.
   b. A single grouping of Rural Cluster Lots must contain all the lots where the total number of lots on a site is 25 or fewer, except that multiple clusters may be allowed where it is demonstrated that multiple clusters will result in less disturbance of land within the MDOD, FOD lands, and/or land containing steep slopes and/or wetlands.
5. **Distance Between Clusters.** If more than one grouping of Rural Cluster Lots is to be created from a parcel, a minimum of 500 feet must separate the lot lines of the outer boundaries of each grouping of Rural Cluster lots (exclusive of open space and lots 15 acres or greater).

M. **Common Open Space.** Common Open Space must be provided in accordance with Section 5.04 and meet the following requirements:
1. Land that is neither part of a building lot nor a road right-of-way must be placed in common open space and must be maintained by a Homeowner's Association as described in Section 5.10.
2. Common Open Space must be designed to constitute a contiguous and cohesive unit of land, which may be used in accordance with common open space uses in Table 3.02.03.
3. Common Open Space has no minimum or maximum lot size and no lot width regulations.
4. Common Open Space does not count against the lot yield allotted to the subdivision.

N. **Existing Lots of Record.** Lots existing as of December 6, 2006 are permitted the uses for the ARN district identified in Table 3.02.03 and must be administered in accordance with the Base Density Division option as identified in Section 2.04.01.

O. **Hamlet Lots.** For lots recorded prior to December 6, 2006 and developed under a hamlet subdivision, in accordance with the zoning ordinance in effect at the time of subdivision, such lots must follow the Rural Hamlet requirements, including uses, as set forth in Appendix A.11.

2.04.02 Agricultural Rural South – ARS

Note: Prime Agricultural Soil and Cluster Subdivision regulations are being amended separately from the Zoning Ordinance Rewrite in a stand-alone zoning ordinance amendment, ZOAM-2020-0002. Contact Project Manager Jacob Hambrick at clustersubregs@loudoun.gov for information or to comment on that ZOAM.

Purpose. *The purpose of the Agricultural Rural South (ARS) District is to:*

- *Implement the Rural South Place Type of the General Plan.*
- *Support the retention of large areas of land preserved for open space, agriculture, and equine industry uses to retain the rural character of the area while allowing for complementary rural economy uses and limited, very low density residential and clustered residential development that blends with the surrounding area.*
- *Sustain and nurture the economically significant equine industry.*
- *Allow residential uses 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.*
- *Ensure complementary 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 uses that can be developed in ways that are consistent with the rural character and existing residential development of the ARS District through mitigation or other standards.

- *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 agricultural uses; public, civic, and institutional ;uses; and rural activity and special event uses for tourists.*
- *Ensure development incorporates natural and heritage resources while preserving important viewsheds that contribute to the rural landscape.*
- *Establish ARS as an agricultural district.*

A. **Applicability.** The ARS district must be located in areas consistent with the Rural South Place Type of the General Plan. The ARS district is considered an agricultural district.

B. **Use Regulations.** Refer Table 3.02.03 for uses allowed in the district.

C. **Development Options.** Land within the ARS zoning district may be subdivided under 1 of the 3 development options identified in Table 2.04.02-1 provided the subdivisions are in accordance with this section and the procedures in the Land Subdivision and Development Ordinance (LSDO) for such division. Nothing in this section precludes a property owner from filing a Family Subdivision in accordance with the requirements of the LSDO.

D. **Dimensional Standards.** Refer to Table 2.04.02-1 for required dimensional standards.

Table 2.04.02-1. ARS District Dimensional Standards

Reference	Standard	Base Density Division Option	Principal/ Subordinate Subdivision Option	Cluster Subdivision Option	
Lot Requirements					
1	Originating Tract (min.)	No min.	40 acres prior to development	40 acres prior to development	
2	Lot Size (min.)	40 acres	80,000 SF exclusive of major floodplain; Min. one 15-acre Rural Economy Lot per Principal/ Subordinate Subdivision	**Residential Cluster Lot** On-site Water and Wastewater: 40,000 sf exclusive of major floodplain Off-site Wastewater and On-site Water: 20,000 sf, exclusive of major floodplain Off-site Water and Off-Site Wastewater: No minimum lot size	**Rural Economy Lot** Min. one 25-acre Rural Economy Lot per Cluster Subdivision
3	Lot Size (max.)	N/A	N/A	4 acres	N/A
4	Lot Width (min.)	175 ft.	175 ft.	No min.	175 ft.
5	Length/Width Ratio (max.)	N/A	3:1	No max.	3:1
Yard Requirements					
6	Front Yard Setback (min.)[1]	25 ft. from property line; 35 ft. from road ROW; private access easement; and/or prescriptive easement	25 ft. from property line; 35 ft. from road ROW; private access easement; and/or prescriptive easement	25 ft. from property line; 35 ft. from road ROW; private access easement; and/or prescriptive easement[2]	25 ft. from property line; 35 ft. from road ROW; private access easement; and/or prescriptive easement[2]
7	Side Yard Setback (min.)	25 ft.	25 ft.	15 ft.[2]	15 ft.[2]
8	Rear Yard Setback (min.)	25 ft.	25 ft.	35 ft.[2]	35 ft.[2]
Lot Requirements					

Table 2.04.02-1. ARS District Dimensional Standards					
Reference	Standard	Base Density Division Option	Principal/ Subordinate Subdivision Option	Cluster Subdivision Option	
9	Residential ;Density (max.)	1 dwelling units per 40 acres	1 dwelling units per 20 acres	1 dwelling units per 15 acres	
10	Lot Coverage (max.)	15%, but only 3% may be used for residential or non-residential structures[3, 4]	Lots less than 80,000 sf: 4% Lots greater than 80,000 sf: 15%, but only 3% may be used for residential or non-residential structures[3]	Lots less than 40,000 sf: 8% Lots 40,000 sf to 4 acres: 15%	8%
11	Building Height (max.)[3]	35 feet	35 feet	35 feet	
Open Space Requirements					
12	Open Space (min.)	N/A	N/A	Minimum 70% of gross land area of development must be comprised of a Rural Economy Lot(s) or a combination of Rural Economy Lot(s) and Common Open Space	
Utility Requirements					

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Except where a greater setback is required by Section 5.07.02.

[2]All residential dwellings within the Cluster Subdivision must be set back a minimum of 100 feet from any lot line adjoining parcels not located within the subdivision.

[3]Excluding agricultural, horticultural, and animal husbandry structures not open to the public.

[4]Lot coverage for lots recorded prior to December 6, 2006 is 25%, but only 10% may be used for residential or non-residential structures excluding agricultural, horticultural, and animal husbandry structures not open to the public.

E. **Minimum Lot Size Requirements.** The minimum lot size in Table 2.04.01-1 for principal uses applies as follows:
   1. Only 1 principal permitted use of the same type in Table 3.02.03 is permitted on a lot.
   2. Each different principal permitted use must meet the minimum acreage requirement for each use when 1 or more of the uses has a minimum lot size specified in Section 3.06, Use-Specific Standards.
   3. Where 2 or more different principal uses are located on 1 parcel, the parcel size must be the larger of the 2 or more use requirements, and not the sum of all the minimum lot sizes.

F. **Lot Access.** Individual lots in the 3 ARS development options must be accessed pursuant to Section 5.09.01.D and as follows:
   1. Notwithstanding Section 5.09.01.D, access to individual lots the 3 ARS development options may be provided by a private access easement in accordance with the LSDO that complies with the following:
      a. The requirements of the Facilities Standards Manual (FSM).
      b. A private access easement is permitted to provide access to the maximum number of lots per easement per intersection with a public road as listed below:
         1. Cluster Subdivision: 25 lots maximum
         2. Principal/Subordinate Subdivision: 25 lots maximum
         3. Base Density Division Option: 7 lots maximum
      c. A maximum of one private access easement per intersection with a public road is permitted.
      d. Private access easements are not permitted to be contiguous.
      e. The subdivision plat must contain a note detailing the provisions for the maintenance of the private access easement.

G. **Landscaping/Buffering.** Notwithstanding the requirements of Section 5.07.04, required Buffer Yards may be provided on either the Principal and/or Subordinate lot in a Principal/Subordinate Subdivision.

H. **Recognizing Protection by Right to Farm Act.** Record plats and deeds authorized pursuant to this section must include a statement that agricultural operations enjoy the protection of the Right to Farm Act (*Code of Virginia § 3.2-300 et seq.*).

I. **Fire Protection.** Principal/Subordinate Subdivision Option and Cluster Subdivision Option developments must satisfy the fire protection standards set forth in the FSM.

J. **Base Density Division Option.** A Base Density Division is permitted in accordance with the standards in this section, the FSM, and the LSDO.

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

1. **Principal/Subordinate Subdivision Option Procedures.** A Principal/Subordinate Subdivision must follow the following procedures:

    a. The lot yield of a Principal/Subordinate Subdivision is based on the permitted residential density and must be calculated using the Originating Tract in existence at the time the Principal/Subordinate Subdivision is created.

    b. Once a Principal/Subordinate Subdivision is created, the lot yield assigned to the subdivision is not permitted to be altered.

    c. The initial Principal/Subordinate Subdivision results in the creation of 1 Principal Lot, and 1 or more Subordinate Lots from an Originating Tract. The number of Subordinate Lots created with the initial subdivision is subtracted from the maximum lot yield. The resulting number establishes the remaining number of lots and is assigned to the Principal Lot.

    d. The Principal Lot must be clearly labeled on each Principal/Subordinate Subdivision plat.

    e. A subdivision of 1 or more lots may occur at 1 time or in a series of subdivisions up to the maximum lot yield calculated for the Originating Tract.

    f. The Principal Lot may be further subdivided until the number of lots assigned to the Principal Lot is reduced to 1 and provided the minimum requirements of the Zoning Ordinance and LSDO are met. Once the Principal Lot is reduced to 1, it may no longer be subdivided.

    g. Subordinate Lots are not permitted to be further subdivided. The record plat and initial deed of conveyance after establishment of a Subordinate Lot under the Principal/ Subordinate Subdivision Option must contain a statement to this effect.

    h. Each Principal/Subordinate Subdivision plat must contain a tabulation of residential density and lot yield calculated for the Originating Tract, the Principal Lot and number of Subordinate Lots created by the initial subdivision from the Originating Tract and each subsequent subdivision, the number of Subordinate Lots created by the current subdivision, the number of Subordinate Lots remaining, and all LSDO requirements.

    i. Each Principal/Subordinate Subdivision must contain at least 1 Rural Economy Lot.

L. **Cluster Subdivision Option.** The Cluster Subdivision Option allows for the subdivision of an originating tract with a more compact residential design plus one or more large lots suitable for rural economy uses and/or common open space.

1. **Characteristics of Cluster Subdivision Option.**

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

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

    c. All lots within the cluster subdivision must be created at one time.

    d. The lots created by cluster subdivision is not permitted to be further subdivided.

    e. A Homeowners' Association is required for any subdivision with common elements as described in Section 5.12.

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

g. The perimeter setback required in Table 2.04.02-1 must be indicated and clearly labeled on each preliminary and record plat.

2. **Variety of Lot Sizes.** In all new residential subdivisions containing 7 or more lots, a mixture of lot sizes and dimensions must be provided for a variety of housing opportunities and avoid monotonous streetscapes. Variety is determined as follows:

   a. No more than 25% of the lots must be similar in total area.

   b. For purposes of this subsection, "similar" lot areas is defined as within 1,500 square feet of each other.

3. **Site Design and Layout Standards for Rural Cluster Lot(s).** Development of the cluster option must comply with the following standards in addition to the requirements of the LSDO:

   a. The site layout of the proposed development must be demonstrated on the preliminary subdivision plat.

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

      1. In the ARS district, the area of the site is less than 100 acres.
      2. There will be fewer than 5 lots in the entire subdivision.
      3. It is demonstrated that a cluster of fewer than 5 lots will result in less disturbance of land within the Mountainside Development Overlay District (MDOD), Floodplain Overlay District (FOD) lands, and/or land containing steep slopes and/or wetlands.

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

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

M. **Common Open Space.** Common open space must be provided in accordance with Section 5.04 and meet the following requirements:

1. Land that is neither part of a building lot nor a road right-of-way must be placed in common open space and must be maintained by a Homeowner's Association as described in Section 5.10.
2. Common open space must be designed to constitute a contiguous and cohesive unit of land, which may be used in accordance with common open space uses in Table 3.02.03.
3. Common open space has no minimum or maximum lot size and no lot width regulations.
4. Common open space does not count against the lot yield allotted to the subdivision.

N. **Existing Lots of Record.** Lots existing as of December 6, 2006 are permitted the uses for the ARS district identified in Table 3.02.03 and must be administered in accordance with the Base Density Division option requirements of this Section 2.04.02.

O. **Hamlet Lots.** For lots recorded prior to December 6, 2006 and developed under a hamlet subdivision, in accordance with the zoning ordinance in effect at the time of subdivision, such lots must follow the Rural Hamlet requirements, including uses, as set forth in Section A.11.

2.04.03 Village Residential – VR

Purpose. *The purpose of the Village Residential (VR-1, VR-2, VR-3, and VR-4) District is to:*

- *Implement the Rural Historic Village Place Type of the General Plan.*

- *Protect the small, compact, pedestrian-scale rural communities characterized by low-density residential development situated on smaller lots through the VR-1, VR-2, VR-3, and VR-4 districts.*
- *Retain the compact development pattern of villages interspersed throughout the surrounding agricultural landscape.*
- *Ensure new construction is designed to complement surrounding properties and maintain the existing development pattern within the Village.*
- *Allow residential uses that are generally located in detached standalone two-story buildings located close to the street.*
- *While typically not served by communal or municipal water and sewer, encourage development served by public water and sewer facilities to achieve a traditional village development pattern and preserve open space.*

A. **Applicability.** The VR district must be located in areas consistent with the Rural Historic Village Place Type in the General Plan and/or within the Village Conservation Overlay District, pursuant to Section 4.07. Expansion of the VR-1, VR-2, VR-3, and VR-4 districts is not permitted after the adoption date of this Ordinance unless initiated by the Board of Supervisors.

B. **Use Regulations.** See Table 3.02.03 for uses allowed in the district.

C. **Dimensional Standards.** See Table 2.04.03-1 for required dimensional standards.

Table 2.04.03-1. VR District Dimensional Standards (VR-1, VR-2, VR-3, VR-4)

Reference	Standard	Base Density Option	Cluster Option	Compact Cluster Option
Lot Requirements				
1	Utility Requirement[1]	On-site well and wastewater	Public water or public sewer	Public water and public sewer
2	Lot Size (min.)	VR-1: 40,000 sf. VR-2, VR-3, VR-4: No min.	VR-1: 20,000 sf. VR-2, VR-3, VR-4: No min.	VR-1: 15,000 sf. VR-2, VR-3, VR-4: No min.
3	Lot Width (min.)	VR-1: 175 ft. VR-2, VR-3, VR-4: 50 ft.	VR-1: 75 ft. VR-2, VR-3, VR-4: 50 ft.	VR-1: 60 ft. VR-2, VR-3, VR-4: 50 ft.
4	Length/Width Ratio (max.)	5:1	5:1	5:1
Yards				
5	Front Yard (min.)[2]	VR-1: 35 ft. VR-2, VR-3, VR-4: 25 ft.	25 ft.	15 ft.
6	Side Yard (min.)[2]	12 ft. on one side 9 ft. on other side	9 ft.	9 ft.
7	Rear Yard (min.)[2]	50 ft.	25 ft.	25 ft.
Building Requirements				
8	Residential Density (max.)[3, 4]	1 dwelling unit per 40,000 sf.	VR-1: 1 dwelling unit per 40,000 sf. VR-2: 1 dwelling unit per 20,000 sf. VR-3, VR-4: 1 dwelling unit per 15,000 sf.	VR-1: 1 dwelling unit per 40,000 VR-2: 1 dwelling unit per 20,000 VR-3: 1 dwelling unit per 15,000 VR-4: 1 dwelling unit per 10,000
9	Lot Coverage (max.)	VR-1: 15% VR-2, VR-3: 40% VR-4: 35%	VR-1: 25% VR-2, VR-3: 40% VR-4: 35%	VR-1: 25% VR-2, VR-3: 40% VR-4: 35%
10	Building Height (max.)	35 ft.	35 ft.	35 ft.
Open Space Requirements				
11	Open Space (min.)[5]	N/A	VR-1: to maintain residential density VR-2, VR-3, VR-4: No min.	VR-1, VR-2, VR-3: to maintain residential density VR-4: No min.
Block Requirements				

Table 2.04.03-1. VR District Dimensional Standards (VR-1, VR-2, VR-3, VR-4)				
Reference	Standard	Base Density Option	Cluster Option	Compact Cluster Option

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Nothing herein must be construed as requiring the extension of central or municipal utilities to any site or property.

[2]Except where a greater setback is required by Section 5.07.02.

[3]Density increases by 20%, or 1.2 dwelling units per the permitted square feet, with ADUs provided pursuant to Section 8.01.

[4]Calculated on overall parcel, exclusive of streets.

[5]Open Space must be provided in accordance with Section 5.04.

D. **Compact Cluster Design Standards.** In Compact Cluster Developments garages must be set back at least 20 feet behind the front line of buildings.

E. **Fire Protection.** Development in the VR-1, VR-2, VR-3, and VR-4 zoning districts must satisfy the fire protection standards set forth in the Facilities Standards Manual.

F. **Road Network.** Within the VR District, the road network must be provided in accordance with Section 5.09.02 and as follows:

1. Roads must generally form a grid pattern with interconnecting streets. Alleys must be provided if this is the prevailing road network pattern in the Rural Historic Village Place Type in the General Plan and/or within the Village Conservation Overlay District.

G. **Lot Access.** Individual lots in the VR-1, VR-2, VR-3, and VR-4 zoning districts must be accessed pursuant to Sections 5.09.01.C and 5.09.01.D

2.04.04 Village Agricultural/Residential – VAR

Purpose. *The purpose of the Village Agricultural/Residential (VAR) district is to:*

- *Implement the Rural Historic Village Place Type of the General Plan.*
- *Protect the existing development pattern of slightly larger lots on the edge of rural villages.*
- *Ensure new construction is designed to complement surrounding properties and maintain the existing development pattern or slightly larger lots on the edge of a village.*
- *Provide for the continued practice of agriculture, farm operations, agriculturally related and home based businesses, and low density residential developments, and other uses in a predominantly rural environment on the edge of villages.*

A. **Applicability.** The VAR district must be located in the Rural Historic Village Place Type in the General Plan and/or within the Village Conservation Overlay District, pursuant to Section 4.07. Expansion of the VAR district is not permitted after the adoption date of this Zoning Ordinance unless initiated by the Board of Supervisors.

B. **Use Regulations.** Refer to Table 3.02.03 for uses allowed in the district.

C. **Dimensional Standards.** Refer to Table 2.04.04-1 for required dimensional standards.

Table 2.04.04-1. VAR District Dimensional Standards		
Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	3 acres
2	Lot Width (min.)	300 ft. for lots fronting on Class I Roads 200 ft. for lots fronting on Class II or III Roads 50 ft. for lots fronting on a private access easement
3	Length/Width Ratio (max.)	5:1
Yards		

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Except where a greater setback is required by Section 5.07.02.

Table 2.04.04-1. VAR District Dimensional Standards		
Reference	Standard	Requirement
3	From any property line (min.)[1]	25 ft.
4	From any road right of way, private access easement, and/or prescriptive easement (min.)[1]	35 ft.
Building Requirements		
7	Density (max.)	1 dwelling unit per 3 acres
8	Lot Coverage (max.)	25%, but only 10% may be used for residential or non-residential structures excluding agricultural structures not open to the public
9	Building Height (max.)	35 ft.
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) [1]Except where a greater setback is required by Section 5.07.02.		

D. **Minimum Lot Size Requirements.** The minimum lot size in Table 2.04.04-1 for principal uses applies as follows:

1. Only 1 principal permitted use of the same type in Table 3.02.03 is permitted on a lot.
2. Each different principal permitted use must meet the minimum acreage requirement for each use when 1 or more of the uses has a minimum lot size specified in Section 3.06, Use-Specific Standards.
3. Where 2 or more different principal uses are located on 1 parcel, the parcel size must be the larger of the 2 or more use requirements, and not the sum of all the minimum lot sizes.

E. **Lot Access.** Individual lots in the VAR zoning district must be accessed pursuant to Sections 5.09.01.C and 5.09.01.D.

2.04.05 Village Commercial – VC

Purpose. *The purpose and intent of the Village Commercial (VC) District is to:*

- *Implement the Rural Historic Village Place Type of the General Plan.*
- *Support the retention and reinforcement of historic development patterns, character, and visual identity of individual villages.*
- *Protect the small, compact, pedestrian-scale, rural communities characterized by low-density residential development situated on smaller lots interspersed with limited commercial uses and encourage extension of this development pattern when new construction occurs.*
- *Protect and reinforce the commercial core of villages that provides for the daily needs of village residents, surrounding rural residents, and visitors.*
- *Allow residential and commercial uses located in detached standalone two-story buildings situated close to the street, as well as vertically mixed buildings with office or residential uses located above first floor retail.*
- *Ensure new commercial and residential construction is designed to complement surrounding properties and maintain the existing development pattern within each Village by:*
  - *Respecting each village's historic precedents for lot size, building setbacks, spacing, and orientation to the street.*
  - *Considering the context of each village's historic buildings by designing new buildings that are compatible in siting.*
- *Maintain areas of open space and natural areas on the perimeter of the villages to retain a hard edge and visual separation of the Rural Historic Villages from the surrounding agricultural landscape.*
- *Preserve existing trees and vegetation, which define building lots and contribute to the streetscape.*

A. **Applicability and Location.** The VC district must be located:

1. In areas consistent with the Rural Historic Village Place Type of the General Plan; and/or
2. In areas designated as Legacy Village Cores by the General Plan; and/or

3. Within the Village Conservation Overlay District (VCOD), pursuant to Section 4.07.
4. Expansion of the VC district is not permitted after the adoption date of this Zoning Ordinance unless initiated by the Board of Supervisors.

B. **Use Regulations.** Refer to Table 3.02.03 for uses allowed in the district.

C. **Dimensional Standards.** Refer to Table 2.04.05-1 for required dimensional standards.

Table 2.04.05-1. VC District Dimensional Standards		
Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	10,000 SF
2	Lot Width (min.)	50 ft.
3	Length/Width Ratio (max.)	5:1
Yards		
3	Front (min.)[1]	No min.
4	Side (min.)[1]	No min., except 15 ft. for nonresidential use abutting a lot used for residential purposes or a lesser distance to continue the setback of an existing building
5	Rear (min.)[1]	No min., except 30 ft. for a non-residential use abutting a lot used for residential purposes, or a lesser distance to continue the setback of an existing building
Building Requirements		
7	Density (max.)	4 dwelling units per acre
8	FAR (max.)	0.4
9	Lot Coverage (max.)	70%
10	Building Height (max.)	35 ft.
(ft. = foot; sf. = square feet; min. = minimum; max. = maximum) [1]Except where a greater setback is required by Section 5.07.02.		

D. **Additional Regulations.** The following additional regulations apply:

1. Off-street parking and loading must be provided in accordance with Section 5.05.12 and as follows:
   a. On the side and rear of the lot if feasible.
   b. If off-street parking is provided in the front, then the parking area is not permitted to be wider than the area needed for one row of parking.
   c. Regardless of the number of parking spaces provided, where off-street parking is provided in the front, the parking must be screened, landscaped, and buffered pursuant to Section 5.07.06.B.2. so it is not visible from the roadway.
2. Dwelling units, shops, and workplaces must generally be located proximate to each other to preserve the compact village development pattern.
3. Buildings must be located so the predominant façade fronts on and is aligned with a street or roadway.
4. Streets and blocks must have a general rectilinear pattern if this is the predominate street pattern of the village in which the VC district is located.
5. The development must be a size and scale which accommodates and promotes pedestrian travel rather than motor vehicle use.
6. Separate vehicular site entrances for individual uses along roadways are prohibited.
7. Commercial strip development is prohibited.

E. **Lot Access.** Individual lots in the VC zoning district must be accessed pursuant to Sections 5.09.01.C and 5.09.01.D.

2.05 Joint Land Management Area Zoning Districts

2.05.01 Joint Land Management Area Neighborhood – JLMA-1, JLMA-2, JLMA-3

Purpose. *The purpose of the Joint Land Management Area (JLMA) Neighborhood (JLMA-1, JLMA-2, JLMA-3) Districts is to accommodate and foster the development of land within the JLMAs outside the incorporated towns in Loudoun County to:*

- *Implement the Western JLMA Neighborhood and Purcellville JLMA Rural Neighborhood Place Types of the General Plan.*
- *Encourage an appropriate mix of residential and nonresidential land uses.*
- *Reinforce existing development patterns in the adjacent towns to the maximum extent feasible, reduce the need for automobile trips, minimize the need for additional road improvements, and encourage walking to employment, shopping, and public facilities.*
- *In the JLMA-1 and JLMA-2 districts, provide a variety of housing types and lot sizes.*
- *In the JLMA-3 district, provide for the continued practice of agriculture, farm operations, agriculturally related and home based businesses, low density clustered residential developments and other uses in a predominantly rural environment.*
- *Where appropriate, achieve a pattern of development that generally conforms to the established, traditional pattern of development in the towns.*
- *Establish the type and scale of development desired for the entranceway of the towns.*
- *Implement jointly adopted area plans, where applicable.*

A. **Applicability.** The JLMA Districts are located in areas consistent with the Western JLMA Neighborhood and Purcellville JLMA Rural Neighborhood Place Types of the General Plan.

1. Expansion of the JLMA-1, JLMA-2, and JLMA-3 districts is not permitted after the adoption date of this Ordinance.

B. **Uses Regulations**. Refer to Table 3.02.02 for uses allowed in the district.

C. **Dimensional Standards.** Refer to Table 2.05.01-1 for required dimensional standards.

Table 2.05.01-1. JLMA-1, JLMA-2, AND JLMA-3 District Dimensional Standards

Reference	Standard	JLMA-1	JLMA-2	JLMA-3
Lot Requirements				
1	Lot Size (min.)	20,000 sf.	10,000 sf.	20,000 sf.
2	Lot Width (min.)	50 ft.	50 ft.	60 ft.
Yards				
3	Front Yard Setback (min.)[1]	35 ft.	15 ft.	On arterial road: 35 ft. On collector road: 25 ft. On other roads: 15 ft.
4	Side Yard Setback (min.)[1, 2]	9 ft.	8 ft.	10 ft.
	Rear Yard Setback (min.)[1, 2]	25 ft.	25 ft.	25 ft.
Building Requirements				
5	Residential Density (max.)	1 dwelling unit per 40,000 sf. 1.2 dwelling units per 40,000 sf. with ADUs[3]	1 dwelling unit per 20,000 sf. 1.2 dwelling unit per 20,000 sf. with ADUs[3]	1 dwelling unit per 3 acres
6	Lot Coverage (max.)	25%	40%	25%, but only 10% may be used for residential or non-residential structures excluding agricultural and horticultural structures not open to the public
7	Building Height (max.)	40 ft.	40 ft.	40 ft.
Open Space Requirements				
8	Open Space[3]	30% of the site	30% of the site	50% of the site

[3] Use is subject to applicable use regulations in Section 5.01.

[4] Open Space must be provided in accordance with Sections 5.04 and 2.05.01.F. Active recreation areas that are provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Except where a greater setback is required by Section 5.07.02. Section 5.07.02 does not apply in the JLMA-3 district.

[2]Except where a greater buffer yard is required by Section 5.07.04.

[3]ADUs must be provided pursuant to Section 8.01.

[4]Open Space must be provided in accordance with Sections 5.04 and 2.05.01.F. Active recreation space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

D. **Variation of Lot Sizes.** Developments must provide a variety of residential lot sizes in accordance with Section 5.13.

E. **Open Space.** In addition to the requirements of Section 5.04, a variety of greens, parks, or natural open spaces must be located throughout the development to provide community identity.

F. **Road Network.** Within the JLMA-1, -2, and -3 Zoning Districts, the road network must be provided pursuant to Section 5.09.02 and as follows:

1. All developable land must provide for future public street connections to adjacent developable parcels by providing a local street connection at least every 660 feet along each subdivision plat boundary that abuts potentially developable or re-developable land,.
    a. *Exception.* Street connections are not required on steep slopes, MDOD sensitivity areas, or FOD pursuant to Sections 5.03.02, 4.04, and 4.03, respectively.
2. Blocks within developments must maintain a rectilinear pattern to the maximum extent feasible, except where deviation is necessitated by topographic or environmental considerations.
3. Blocks lengths must be:
    a. Minimum: 300 feet
    b. Maximum: 660 feet

G. **Pedestrian and Bicycle Network.** A pedestrian and bicycle network must be provided in accordance with Section 5.09.03.

H. **Other Design Requirements.**

1. Garages must be set back at least 4 feet behind the plane of the front door of the principal building. Garages must have vehicular access only from the side or rear of the lot.

I. **Transition Standards.** Within the JLMA-1, -2, and -3 Zoning Districts, development transition standards must be provided pursuant to Section 5.11 and as follows:

1. A minimum buffer width of 25 feet with a Buffer Yard Type B must provided between existing agricultural uses and residential development sites.

J. **Utility Requirements.** Utilities must be provided in accordance with Section 5.02.

2.05.02 Joint Land Management Area – Leesburg JLMA Residential Neighborhood – JLMA-LN

Purpose. *The purpose of the Leesburg JLMA Residential Neighborhood (JLMA-LN) District is to:*

- *Implement the Leesburg JLMA Residential Neighborhood Place Type of the General Plan.*
- *Provide for predominantly single-family detached and attached residences with limited multifamily residences integrated in a walkable street pattern in areas served by public water and sewer service.*
- *Support areas of primarily low density residential uses integrated with retail and service uses that serve the routine needs of the immediate neighborhood at significant intersections and along major roads.*
- *Ensure new JLMA-LN developments are consistent with surrounding neighborhoods with gradual transitions to adjacent uses through building scale and design elements.*

A. **Applicability.** The JLMA-LN District must be in an area consistent with the Leesburg JLMA Residential Neighborhood Place Type of the General Plan.

B. **Use Regulations**. Refer to Table 3.02.01 for uses allowed in the district.

C. **Dimensional Standards.** Refer to Table 2.02.01-1 for required dimensional standards.

Table 2.02.01-1. JLMA-LN District Dimensional Standards		
Reference	Standard	JLMA-LN
Lot Requirements		
1	Residential and Nonresidential Lot Size (min.)	No min.
2	Residential Lot Size (max.)	SFD, or SFA Duplex, Triplex, or Quadruplex Building Lot: 10,000 sf.
		SFA Townhouse or Duplex, Triplex, or Quadruplex Individual Lot: No max.
		MF: No max.
3	Nonresidential Lot Size (max.)	No max.
4	Residential Lot Width (min.)	SFD: 40 ft. SFA Duplex, Triplex, Quadruplex Building Lot: 50 ft.
		SFA Townhouse Interior Unit: 14 ft. SFA Duplex, Triplex, Quadruplex Ground Floor Unit or Individual Lot: 20 ft.
		SFA Townhouse End Unit: 24 ft.
		MF: No min.
5	Nonresidential Lot Width (min.)	No min.
Yards		
6	Residential Front Yard (min.)[1, 2]	15 ft.
7	Nonresidential Front Yard (max.)[1]	15 ft.
8	Residential Side Yard (min.)[2]	SFD, SFA: 8 ft. (16 ft. min. between units) 0 ft. for common walls
		MF: 10 ft.; 20 ft. on corner lots
9	Nonresidential Side Yard (min.)[3]	Adjoining residential use: 25 ft.[4] Adjoining nonresidential use: 10 ft. Common walls: 0 ft.
10	Residential Rear Yard (min.)[2]	25 ft.
11	Nonresidential Rear Yard (min.)[3]	Adjoining residential use: 50 ft.[4] Adjoining nonresidential use: 15 ft. Common walls: 0 ft.
Building Requirements		
12	Residential Density (max.)	4 dwelling units per acre 4.8 dwelling units per acre with ADUs[5]
13	Nonresidential FAR (max.)	0.40
14	Residential Lot Coverage (max.)	SFD: 35% SFA: 50% MF: 60%
15	Nonresidential Lot Coverage (max.)	70%
16	Residential Building Height (max.)	SFD, SFA, MF: 40 ft.
17	Nonresidential Building Height (max.)	40 ft.
Open Space Requirements		
18	Residential and Nonresidential Open Space (min.)[6]	30%

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Except where a greater setback is required by Section 5.07.02.

[2]Minimum yard requirements may be reduced by the Board of Supervisors by Special Exception in accordance with the provisions of Section 7.10.

[3]Except where a greater buffer is required by Section 5.07.04.

[4]The yard separating residential and nonresidential uses may be decreased in accordance with Section 5.11.

[5]ADUs (Affordable Dwelling Units) must be provided pursuant to Section 8.01.

[6]Open Space must be provided in accordance with Section 5.04.

[7]Active recreation space and landscaped open space provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

[8]Only market rate dwelling units are used in the Residential Active Recreation Space calculation. SFA may only be used in the 5,000 sf for 10 SFD dwelling units if there are not 10 SFD dwelling units in the development.

Table 2.02.01-1. JLMA-LN District Dimensional Standards		
Reference	Standard	JLMA-LN
19	Residential Active Recreation Space (min.)[7, 8]	5,000 sf for first 10 SFD or SFA (if no SFD) dwelling units plus 100 sf for each additional SFD dwelling unit 200 sf for each additional SFA or MF dwelling unit
20	Nonresidential Landscaped Open Space (min.)[7]	0.2 times buildable area of lot

(ft. = foot; sf. = square feet; min. = minimum; max. = maximum)

[1]Except where a greater setback is required by Section 5.07.02.

[2]Minimum yard requirements may be reduced by the Board of Supervisors by Special Exception in accordance with the provisions of Section 7.10.

[3]Except where a greater buffer is required by Section 5.07.04.

[4]The yard separating residential and nonresidential uses may be decreased in accordance with Section 5.11.

[5]ADUs (Affordable Dwelling Units) must be provided pursuant to Section 8.01.

[6]Open Space must be provided in accordance with Section 5.04.

[7]Active recreation space and landscaped open space provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

[8]Only market rate dwelling units are used in the Residential Active Recreation Space calculation. SFA may only be used in the 5,000 sf for 10 SFD dwelling units if there are not 10 SFD dwelling units in the development.

D. **Mix of Uses.** The land use mix in the JLMA-LN district must be provided within the percentages provided in Table 2.02.01-2.

Table 2.02.01-2. Permitted Mix of Uses		
Reference	Land Use Category	Requirement[1, 2]
1	Residential	85% to 100%
2	Nonresidential	0% to 15%
3	Public/Civic[3, 4]	0% or more

[1]Percent of gross land area.

[2]Total percentage of land use categories must equal 100%.

[3]Open space provided pursuant to Section 5.04 and meeting the criteria for community or cultural open space may be used to meet this requirement.

[4]Not required for projects less than 20 acres in size if the effect of the proposed development is to shift the use mix for an area within 1/2 mile of its boundaries closer to the preferred mix for the place type.

E. **Residential Unit Type Mix.** The mix of residential unit types must not exceed the percentages in Table 2.02.01-3.

Table 2.02.01-3. Dwelling Unit Type Mix		
Reference	Dwelling Unit Type	JLMA-LN Percent Allowed (max.)[1]
1	Single-Family Detached	85%
2	SFA Duplex, Triplex, Quadruplex	50%
3	SFA Townhouse	25%
4	Stacked Multifamily	5%

(max. = maximum)

[1]Total percentage of dwelling unit types must equal 100%.

F. **Variation of Lot Sizes.** Developments must provide a variety of residential lot sizes in accordance with Section 5.13.

G. **Lot Access.** Access to lots in the JLMA-LME District must be provided in accordance with Section 5.09.01.D.

1. Notwithstanding the access requirements of Section 5.09.01.D, access to single-family detached or individual single-family attached dwelling units may be provided by an alley.
2. Single-family detached and single-family attached dwelling units and nonresidential uses must front on a

public road, unless the development has received approval for private roads.

H. **Road Network.** Within the JLMA-LN District, the road network must be provided pursuant to Section 5.09.02 and as follows:
   1. Streets must form blocks where possible. Blocks must generally be in a grid pattern, with interconnecting streets and alleys.
   2. Block length or length between intersecting streets must be:
      a. Minimum: 600 feet
      b. Maximum: 1,500 feet

I. **Pedestrian and Bicycle Network.** A pedestrian and bicycle network must be provided in accordance with Section 5.09.03.

J. **Transition Standards.** Within the JLMA-LN Zoning District, development transition standards must be provided pursuant to Section 5.11.

K. **Other Design Requirements.**
   1. Garages with access from the front must be setback at least 10 feet behind the front line of buildings.
      a. *Exception.* This does not apply where the architectural front of a single-family detached, or a single-family attached duplex, triplex, or quadruplex dwelling unit is not oriented to a street.

L. **Utility Requirements.** Utilities must be provided in accordance with Section 5.02.

2.05.03 Joint Land Management Area – Leesburg JLMA Employment – JLMA-LE

Purpose. *The purpose of the Joint Land Management Area - Leesburg JLMA Employment (JLMA-LE) District is to:*

- *Implement the Leesburg Joint Land Management Area Employment Place Type of the General Plan.*
- *Provide opportunities for a range of light and general industry uses consistent with the existing pattern south of Route 7 and around the Leesburg Executive Airport, including flex space, manufacturing, warehousing, contractor services, and other productive uses.*
- *Allow complementary office and data center uses and necessary supporting accessory uses and facilities.*
- *Ensure sites are designed so that light and general industry uses in the district are sufficiently separated from adjacent residential uses.*
- *Establish a park-like atmosphere to complement surrounding land uses by means of appropriate siting of buildings and service areas, attractive architecture, and effective landscape buffering.*
- *Provide and retain opportunities for special activity uses that may necessitate large land areas, often operating and designed in a campus like atmosphere, and which may require functional separation from residential, commercial, or industrial development.*

A. **Applicability, Size, and Location.** The SE District must be:
   1. *Place Type.* Located in areas consistent with the JLMA – Leesburg Employment Place Type of the General Plan.
   2. *Minimum District Size*. The initial district size must be 5 acres.
   3. *Incremental Additions.* The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the district if it finds that they are:
      a. Abutting or across a road with no more than 2 through lanes from an existing JLMA-LE district;
      b. Compatible with the existing adjacent JLMA-LE district;
      c. Consistent with the General Plan policies for the area; and
      d. Integrated with the existing JLMA-LE district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.

B. **Use Regulations.** Refer to Table 3.02.02 for uses allowed in the district.

C. **Dimensional Standards.** Refer to Table 2.05.03-1 for required dimensional standards.

Table 2.05.03-1: JLMA-LE District Dimensional Standards		
Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)	1 acre, exclusive of major floodplain
Yards		
2	Setback Adjacent to Roads (min.) [1]	30 ft.
3	Setback Adjacent to Agricultural and Residential Districts or Residential Uses (min.)	75 ft. Building 35 ft. Parking
4	Setback Adjacent to Other Nonresidential Districts (min.)[2]	15 ft.
5	Setback Adjacent to JLMA-LE District (min.)	No requirement.
6	Setback Between Buildings on Individual Lots or Building Sites (min.)[2]	30 ft. Driveways, parking, and covered entrances - 5 ft. from lot lines[3]
7	Setback Between Buildings on an Individual Lot or Building Site (min.)	25 ft. or greater if required for fire protection[3]
Building Requirements		
8	FAR (max.)	0.60 1.0 by SPEX pursuant to Section 7.10
9	Lot Coverage (max.)	0.45 0.60 by SPEX
10	Building Height (max)	50 ft.
Open Space Requirements		
11	Open Space (min.)[4]	20%
12	Landscaped Open Space (min.)[5]	20% of the buildable area of the lot

(ft. = foot; min. = minimum; max. = maximum)

[1]Except when a greater setback is required by Section 5.07.02.

[2]Unless a greater buffer yard is required by Section 5.07.04.

[3]Covered walkways connecting buildings or connecting buildings with parking areas are permitted in yards and may traverse the space when buildings are on an individual lot or building site.

[4]Open Space must be provided in accordance with Section 5.04.

[5]Landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

D. **Mix of Uses.** The use mix in the JLMA-LE District must be provided in accordance with Table 2.05.03-2.

Table 2.05.03-2. Required Mix of Uses	
Land Use Category	SC District[1, 2]
Nonresidential	Up to 100%
Public/Civic	0%+

[1]Percent of gross land area.

[2]Total percentage of land use categories must equal 100%.

E. **District Vehicular Access.** Access to the JLMA-LE District must be provided in accordance with Section 5.12.

F. **Lot Access.** Access to lots in the JLMA-LE District must be provided in accordance with Section 5.09.01.D.

G. **Road Network.** Within the JLMA-LE District, the road network must be provided pursuant to Section 5.09.02 and as follows:

1. Streets must form blocks where feasible.
2. Block length or length between intersecting streets must be:
    a. Minimum: 300 feet
    b. Maximum: 1,000 feet
3. So that future street connections to adjacent developable parcels within the Suburban Employment or Suburban Mixed Use Place Type of the General Plan can be created.

H. **Pedestrian and Bicycle Network.** A pedestrian and bicycle network must be provided in accordance with Section 5.09.03.

I. **Transition Standards.** Within the JLMA-LE Zoning District, development transition standards must be provided pursuant to Section 5.11.

J. **Utility Requirements.** Utilities must be provided in accordance with Section 5.02.

2.05.04 Joint Land Management Area – Leesburg JLMA Industrial/Mineral Extraction – JLMA-LME

Purpose. *The purpose of the Joint Land Management Area - Leesburg JLMA Industrial/Mineral Extraction (JLMA-LME) district is to:*

- *Implement the Joint Land Management Area (JLMA) - Leesburg Industrial/Mineral Extraction Place Type of the General Plan.*
- Serve as an interim long-term district, recognizing that areas devoted to resource extraction may and should ultimately be converted to other compatible and beneficial uses consistent with the General Plan.
- *Protect the mineral resources, primarily diabase rock, of the County:*
  - *For possible future economic development.*
  - *To provide for diabase resource extraction operations at appropriate locations and under controlled conditions.*
  - *To co-locate with quarries compatible heavy industrial uses.*
- *Provide a location for industrial and mineral extraction uses that are incompatible with residential uses due to the prevalence of outdoor storage and emissions of noise, odor, and vibrations to operate.*
- *Ensure mineral extraction and intensive industrial uses with a public nuisance potential and necessary accessory uses and facilities are built in a well-coordinated and attractive manner that is compatible with surrounding land uses.*
- *Provide for development with limited traffic and aesthetic impacts on surrounding properties and on supporting public facilities and utilities.*

A. **Applicability, Size, and Location.** The following applies to the JLMA-LME District:

1. *Place Type.* Located in areas consistent with the JLMA- Leesburg Industrial/Mineral Extraction Place Type of the Loudoun County General Plan.
2. *Minimum district size.* The initial district size must be a minimum of 600 acres. Notwithstanding the provisions of Section 2.06.C.3, the minimum district size is not modifiable.
3. *Incremental Additions.* The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the district if it finds that they are:
   a. A minimum of 10 acres in size;
   b. Abutting or across a road with no more than 2 through lanes from an existing JLMA-LE district;
   c. Compatible with the existing adjacent JLMA-LME district;
   d. Consistent with the Loudoun County General Plan policies for the area; and
   e. Integrated with the existing JLMA-LME district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.

B. **Use Regulations.** Refer to Table 3.02.02 for uses allowed in the district.

1. *Prohibited Uses.* Uranium mining is not permitted in the JLMA-LME district.

C. **Dimensional Standards.** Refer to Table 2.05.04-1 for required dimensional standards.

Table 2.05.04-1. JLMA-LME District Dimensional Standards

Reference	Standard	Requirement
Lot Requirements		
1	Lot Size (min.)[1]	1 acre, exclusive of major floodplain
Yards		

2	Setback Adjacent to Roads (min.)[2]	30 ft.
3	Setback Adjacent to Agricultural and Residential Districts or Residential Uses (min.)[1]	100 ft.
4	Setback Adjacent to Other Nonresidential Districts (min.)	50 ft.
5	Setback Adjacent to Other Industrial or Mineral Extraction Districts[3]	15 ft.
6	Setback Between Buildings on Individual Lots or Building Sites (min.)[3]	30 ft. Driveways, parking, and covered entrances - 5 ft. from lot lines[4]
7	Setback Between Buildings on an Individual Lot or Building Site (min.)	25 ft. or greater if required for fire protection[4]
Building Requirements		
8	FAR (max.)	0.75 1.0 by SPEX pursuant to Section 7.10.01
9	Lot Coverage (max.)	0.50
10	Building Height (max)[5]	50 ft.
Open Space Requirements		
11	Open Space (min.)[6]	20%
12	Landscaped Open Space (min.)[7]	0.2 times buildable area of lot
		Extractive Industries Use: N/A

(ft. = foot; min. = minimum; max. = maximum)

[1]Except when greater in Section 3.06 Use Specific Standards

[2]Except when a greater setback is required by Section 5.07.02.

[3]Except when a greater buffer yard is required by Section 5.07.04.

[4]Covered walkways connecting buildings or connecting buildings with parking areas are permitted in yards and may traverse the space when buildings are on an individual lot or building site.

[5]Except non-habitable structures associated with a quarry operation. Such structures are permitted by right to 120 feet in height provided they are set back from property lines and district boundaries an additional setback of 2 feet for each 1 foot in height above 50 feet. Such structures require special exception approval for heights exceeding 120 feet.

[6]Open Space must be provided in accordance with Section 5.04.

[7]Landscaped open space that is provided pursuant to Section 5.04 may be used to meet the minimum Open Space requirement of the district.

D. **Mix of Uses.** The use mix in the JLMA-LME District must be provided in accordance with Table 2.05.04-2.

Table 2.05.04-2. Required Mix of Uses

Land Use Category	SC District[1, 2]
Nonresidential	Up to 100%
Public/Civic	0%+

[1]Percent of gross land area.

[2]Total percentage of land use categories must equal 100%.

E. **Stone Quarrying Special Exception Requirement.** The establishment of any new stone quarrying operations or the expansion of any existing stone quarrying operations beyond previously granted approvals in the JLMA-LME Special Exception approval is subject to Section 7.09.01 and the Stone Quarrying Special Exception application procedures in Section 7.09.07.

F. **District Vehicular Access.** Access to the JLMA-ME District must be provided in accordance with Section 5.09.01.E.

G. **Lot Access.** Access to lots in the JLMA-LME District must be provided in accordance with Section 5.09.02.

H. **Pedestrian and Bicycle Network.** A pedestrian and bicycle network must be provided in accordance with Section 5.09.03.

I. **Transition Standards.** Within the JLMA-LME Zoning District, development transition standards must be provided pursuant to Section 5.11.

J. **Utility Requirements.** Utilities must be provided in accordance with Section 5.02.

2.06 Planned Development Zoning District - PD

Purpose. *The purpose of the Planned Development (PD) Zoning District is to:*

- *Allow for innovative planned developments that implement the policies of the General Plan and could not otherwise develop under another zoning district in this Zoning Ordinance.*
- *Recognize that density, bulk, spacing, and use regulations may impose inappropriate and unduly rigid restrictions upon the development of parcels or areas that lend themselves to a customized development approach.*
- *Serve as a relief mechanism from the prescriptive standards of an Urban or Suburban Zoning District.*
- *Be used to achieve a higher quality of project design than could be accomplished through the strict application of a base zoning district or districts.*
- *Ensure the design achieves the stated purposes of the General Plan and is consistent with the General Plan, as well as other adopted plans and policies of the County.*
- *Efficiently use available land and protect and preserve, to the extent possible, natural features of the land such as trees, streams, and topographic features.*
- *Locate in an area where transportation, police and fire protection, schools, and other public facilities and public utilities, including water and sewerage, are or will be available and adequate for the uses proposed. The applicant may, where appropriate, make provision for such facilities or utilities which are not presently available.*

A. **Establishment of a PD District.** A PD Zoning District is a customized zoning district that must be approved through a rezoning in accordance with Section 7.09.01 and a PD Master Plan in accordance with Section 7.09.09.

B. **Applicability.** The following regulations apply to each PD Zoning District:

1. The requirements in this section and Sections 7.09.01 and 7.09.09;
2. All applicable provisions of this Zoning Ordinance, except as required by or modified in accordance with this section.

C. **Modification of Standards.** Modification of the standards of a base zoning district to a PD Zoning District are permitted as follows:

1. The PD Zoning District allows modification of the following, as approved by the Board of Supervisors pursuant to Section 7.09.01:
    a. Section 2.01. Urban Policy Area Zoning Districts
    b. Section 2.02. Suburban Policy Area Zoning Districts
    c. Section 2.03. Transition Policy Area Zoning Districts, with the exception of Section 2.03.01 Transition Large Neighborhood Zoning District, which is not permitted to be modified;
    d. Section 3.06. Use-Specific Standards (Except as otherwise noted in individual Use-Specific Standards.)
    e. Section 5.01. Site Development Standards (except as otherwise noted in individual standards)
    f. Section 5.05. Parking Standards
    g. Section 5.06. Tree Planting and Replacement Standards
    h. Section 5.07. Landscaping, Buffer Yards, Screening, and Landscape Plans
        1. Requests to modify the Structure and Parking Setbacks in Table 5.07.02-1 must also address Section 7.09.09.B.2.
    i. Section 8.01. Affordable Dwelling Unit (ADU) Program (Only in accordance with the modification provisions of Chapter 8.01.J.)
2. A PD Zoning District may be of any size, unless otherwise stated in the zoning district standards.
3. A PD Zoning District may include more than 1 base zoning district.
    a. *Exception.* In areas where a mixed use district is anticipated by the Place Types in the General Plan, a mixed use district must be modified. Combining 2 or more new single use base zoning districts to

create a mixed use district is not permitted. However, incorporating a new single use base zoning district with an existing single use zoning district to achieve a mix of uses is permitted.

4. A PD Zoning District that includes multiple buildings must include at least 1 of the following building types: single family attached (SFA), multifamily (MF), or a mixed-use building, unless the building type is not permitted in the district being modified. For a PD District with multiple buildings, but not an SN district, at least 2 building types must be included in the first phase of development.
5. No modification is permitted to affect uses, density, or floor area ratio of a base zoning district.
6. Modifications for the primary purpose of achieving the maximum density on a site are not permitted.
    a. Submission of a project design using the base zoning district standards with no modifications may be required to demonstrate that the proposed PD Zoning District can achieve the same density as proposed for the PD Zoning District.
7. The permitted and special exception uses of the PD Zoning District must be those of the base district identified on the CDP for the development, except that the following uses are permitted by-right provided that the number, size, and locations of these uses are identified on the CDP:
    a. Religious land use;
    b. Public School (elementary, middle, or high), pursuant to Section 3.06.05.18;
    c. Neighborhood or community parks (not public);
    d. Library;
    e. Community Center;
    f. Public Safety facility;
    g. Child Day Care facility; and
    h. Public recreation facilities.
8. Each PD Zoning District is required to provide the required open space of the base zoning district. This open space must adhere to Section 5.04.
9. In approving any such modifications under Section 2.06, the Board of Supervisors may impose conditions, safeguards, and restrictions upon the premises benefited by such modification as may be necessary to avoid or minimize any potentially adverse or injurious effect of such modification upon other property in the neighborhood and to carry out the general purpose and intent of this Zoning Ordinance.

2.07 Legacy Zoning Districts

Legacy Zoning Districts are certain zoning districts retained to continue implementing zoning that existed prior to adoption of this Zoning Ordinance and avoid using more than one Zoning Ordinance. They are located in Appendix A. All Legacy Zoning Districts must meet the requirements in Chapters 3 through 11.

Note: Legacy Zoning Districts will appear in Appendix A in future versions of the draft zoning ordinance.

CHAPTER 3: USES

Contents:

3.01 Explanation of Use Table Structure

3.02 Use Tables

3.03 Use Definitions

3.04 Accessory Uses

3.05 Temporary Uses

3.06 Use-Specific Standards

3.01 Explanation of Use Table Structure

A. **Use Regulations**. Section 3.02 (Tables 3.02.01-1 through 3.02.03-1) establishes the principal uses permitted by right, by special exception, or by minor special exception in the Urban, Suburban, Transition, Rural, and JLMA zoning districts.

B. **Organization of Use Tables**. Section 3.02, Tables 3.02.01-1 through 3.02.03-1 organize the uses in each zoning district by Use Classifications, Use Categories and Use Types.

1. *Use Classifications*. The Use Classifications are identified by the green shaded rows in each use table. 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 "Uses" 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*. Several of the Use Classifications are further divided into Use Categories (the yellow shaded rows in each use table). The Use Categories describe the major sub-groups of the Use Classification, 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*. The Use Classifications or Use Categories are then divided into specific Uses (the white and pale-highlighted rows in each use table). The specific Uses 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, multifamily dwellings and single-family attached dwellings are Uses in the Household Living Use Category.

C. **Use Categories and Uses Defined**. All the Use Categories and Use Types listed in Section 3.02 are defined in Section 3.03 and Chapter 11.

D. **Permitted and Special Exception Uses**. The Use Tables establish the following categories of uses:

Table 3.01-1 Key to Use Table

Notation	Category	Description
P	By Right	A "P" indicates that a Use Category or specific Use Type is permitted by right (as a permitted use) in the applicable zoning district, subject to compliance with all applicable standards and regulations in this Ordinance and all other County ordinances.
S	Special Exception	An "S" indicates that a Use Type may be permitted in the applicable zoning district by the Board of Supervisors as a special exception and may be subject to certain conditions, in accordance with the procedures and standards for special exceptions in Section 7.09.
M	Minor Special Exception	An "M" indicates that a Use Type may be permitted in the applicable zoning district by the Board of Supervisors as a Minor Special Exception and may be subject to certain conditions, in accordance with the procedures and standards for minor special exceptions in Section 7.09.
P/S, M/S, or P/M	Varies	In some instances, and based on the Use-Specific Standards (Section 3.06), a Use Type will be a Permitted Use under certain conditions or may be permitted by Special Exception or Minor Special Exception approval under other conditions. Those instances are identified as "P/S," "M/S," or "P/M," as appropriate.
	Prohibited	A blank cell indicates that the use is not permitted in the applicable district.

E. **Additional Regulations for Specific Uses**. References to sections in the final column of a Use Table and definition (Table 3.03-1 of Section 3.03 and Chapter 11) indicate that the listed use is subject to "Use-Specific" Standards (Section 3.06). The numbers provide a cross-reference to the Use-Specific Standards (Section 3.06).

F. **Uses Not Defined.**

1. If a use is not identified in Section 3.02, the Zoning Administrator determines whether that use falls within the definition of an identified use. In determining whether the proposed use falls within the definitions of an identified use, the Zoning Administrator must refer to:
    a. The most recent edition of Webster's Unabridged Dictionary.
    b. If a use is not defined in Webster's Unabridged Dictionary, the North American Industry

Classification Manual (Executive Office of the President, Office of Management and Budget, 2017) ("NAICS").

c. If the use is not defined in the NAICS, the the American Planning Association, Land-Based Classification Standards LBCS Tables (April 1, 2001).

2. If the Zoning Administrator determines that an unlisted uses is not a specified or designated use, the Board of Supervisors may approve the use as a zoning amendment (Section 7.10).

3.02 Use Tables

3.02.01 Urban and Suburban Use Table

Table 3.02.01-1
Principal Use Table for Urban and Suburban Policy Areas
Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Urban			Suburban											Use-Specific Standard
	UT	UM	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	SM	SC-NC	SC-CC	SE	SI	SME	
Residential															
Household Living:															
Accessory dwelling	P	P		P	P	P	P	P	P						3.06.02.01
Caretaker or guard												P		P	
Dwelling, single-family attached		P		P	P	P	P	P	P						3.06.02.08
Dwelling, multifamily	P	P		P	P	P	P	P	P						
Dwelling, single-family detached		S		P	P	P	P	P	P						3.06.02.08
Live/work dwelling	P	P		S	S	P	P	P	P						3.06.02.03
Manufactured Home						S	S	S							3.06.02.04
Manufactured housing land lease community						S	S	S		S	S				
Religious housing	P	P		P	P	P	P	P	P						3.06.02.06
Tenant dwelling*															3.06.02.09
Group Living:															
Rooming and Boarding	P	P							P						
Congregate housing	P	P		S	S	S	S	S	S						
Continuing care facility	S	S		S	S	S	S	S	P	S	S	S			
Lodging															
Bed and breakfast homestay															3.06.03.01
Bed and breakfast inn															3.06.03.01
Campground															3.06.03.03
Country inn															3.06.03.01
Guest farm or ranch															3.06.03.04
Hotel/Motel	P	P	P		P				P	P	P	P			3.06.03.05
Rural resort															3.06.03.01
Commercial															
Animal Services:															
Animal hospital		P	P	S	S	S	S	S	S	S	S	P	P	P	3.06.04.01
Kennel												S	P	P	3.06.04.16
Kennel, indoor										S	S	P			3.06.04.16
Veterinary service				S	S	S	S	S	S	S	S	P	P		
Day Care:															

See Section 2.01 for a description of Urban Transit Center (UT), Urban Mixed Use (UM), and Urban Employment (UE). See Section 2.02 for a description of Suburban Neighborhood (SN), Suburban Compact Neighborhood (SCN), Suburban Mixed Use (SM), Suburban Commercial (SC), Suburban Employment (SC), Suburban Industrial/Mineral Extraction (SI), Suburban Single Family Residential (SR-1, SR-2, SR-3, SR-4, and SR-8), and Suburban Agricultural/Residential (SAR).
An asterisk (*) denotes the kinds of spaces or buildings that may be permitted as part of open space required by the applicable zoning district (see the applicable zoning district regulations in Chapter 2 and section 5.04), and in compliance with section 5.04 and any applicable regulations in this Zoning Ordinance referenced in section 5.04.

Table 3.02.01-1
Principal Use Table for Urban and Suburban Policy Areas
Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Urban			Suburban											Use-Specific Standard
	UT	UM	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	SM	SC-NC	SC-CC	SE	SI	SME	
Adult day care	P	P	P	P	P	S	S	S	P	P	P	P			
Child day care	P	P	P	S	S	S	S	S	P	P	P	P			3.06.04.08
Child day home		S		P	P	P	P	P	P						3.06.04.08
Financial Services:															
Bank or financial institution	P	P	P	P	P	P	P	P	P	P	P	P			3.06.04.12
Alternative lending institution										P	P	P			
Food and Beverage Sales/ Service:															
Banquet/Event Facility	P	P	P						P			P			3.06.04.05
Craft beverage manufacturing	S	S	S						S	P	P	M	M	P	3.06.04.11
Farm market*										P	P				3.06.04.14
Farm market (off-site production)	P	P							S	S	S				3.06.04.14
Food preparation	P	P							P			P	P	P	
Food store	P	P	P	P	P	P	P	P	P	P	P				
Mobile vendor	P	P	P						P						3.06.04.17
Restaurant, carry-out only	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Restaurant, sit-down	P	P	P	P	P	P	P	P	P	P	P	P	S		
Restaurant, fast food with drive-through facility				S	S	S	S	S	P		S	S			3.06.04.12
Restaurant, fast-food, excluding drive-through facilities	P	P	P	S	S	M	M	M	P	P	P	P	P	P	
Snack or beverage bars	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Office, Business and Professional:															
Office	P	P	P	S	S	S	S	S	P	P	P	P		S	
Small business, agricultural and rural														P/S	
Personal/Business services:															
Building maintenance services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.06.04.06
Business support services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.06.04.07
Dry cleaning plant												S	S	P	
Farm machinery												P			3.06.04.13
Maintenance and repair services				P	P	P	P	P		P	P			P	
Personal services	P	P	P	P	P	P	P	P	P	P	P	S	S	S	
Postal services	P	P	P	S	S	S	S	S	P	P	P	P	P	P	
Retail:															
Auction	P	P	P						P			P	P	P	
Convenience store	P	P	P	P	P	P	P	P	P	P	P	S			
Convenience store (with gasoline sales)		S		S	S	S	S	S	S	S	S	S	S	S	
Feed and farm supply center													P	P	
Machinery and equipment sales and services										P	P	P	P	P	
Nonstore retailers												P	P	P	

See Section 2.01 for a description of Urban Transit Center (UT), Urban Mixed Use (UM), and Urban Employment (UE). See Section 2.02 for a description of Suburban Neighborhood (SN), Suburban Compact Neighborhood (SCN), Suburban Mixed Use (SM), Suburban Commercial (SC), Suburban Employment (SC), Suburban Industrial/Mineral Extraction (SI), Suburban Single Family Residential (SR-1, SR-2, SR-3, SR-4, and SR-8), and Suburban Agricultural/Residential (SAR).

An asterisk (*) denotes the kinds of spaces or buildings that may be permitted as part of open space required by the applicable zoning district (see the applicable zoning district regulations in Chapter 2 and section 5.04), and in compliance with section 5.04 and any applicable regulations in this Zoning Ordinance referenced in section 5.04.

Table 3.02.01-1
Principal Use Table for Urban and Suburban Policy Areas
Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Urban			Suburban											Use-Specific Standard
	UT	UM	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	SM	SC-NC	SC-CC	SE	SI	SME	
Nursery, Commercial												P	P	P	3.06.04.09
Retail, general	P	P	P	P	P	P	P	P	P	P	P	S		P	3.06.04.12
Automotive:															
Automobile Car Sharing	P	P	P						P						
Car Wash				S	S	P	P	P	S	P	P	S	S	S	
Vehicle repair, heavy												S	P	S	
Vehicle repair, light						P	P	P	S	P	P	P	P	P	
Vehicle sales	S	S	S						S	S	S	S	P	P	
Vehicle service station		S		S	S	S	S	S	S	P	P	P	P	S	
Vehicle wholesale auction													P	P	
Public/Civic/Institutional															
Assembly:															
Civic, social, and fraternal meeting place	P	P	P	S	S	S	S	S	P		P	S	S	S	
Community center	P	P	P	S	S	S	S	S	P	P	P	S			
Convention or exhibition facility	P	P	P						S	P	P	S			
Religious land use	P	P	P	S	S	S	S	S	P			P	S	S	
Death Care Services:															
Cemetery				S	S	S	S	S		S		S		S	
Crematorium	S			S	S	S	S	S	S	S	S	S	S	S	
Funeral services	S	S	S	P	P	P	P	P	S	P	P	S			
Mausoleum	S			S	S	S	S	S		S	S	S		S	
Government/Non-Profit:															
Government (general) (not otherwise listed)	P	S	S	S	S	S	S	S	S	S	S	S	S		
Public safety	P	P	S	S	S	S	S	S	S	S	S	S	S	S	
Public utility service center, with outdoor storage												S	S	S	
Public utility service center, without outdoor storage				S	S	S	S	S	P	P	P	P	P	P	
Education:															
Agricultural education or research												P	P	S	
Business / technical school	S	S	S	S	S	S	S	S	P	S	S	S		P	
Colleges or universities	S	P	S						P	S	S	S			
Educational institution	S	P	S						P	S	S	S			
Library	P	P	P	S	S	S	S	S	P		P	S			
Personal instructional services	S	P	S	P	P	P	P	P	P	P	P	S			
Rural retreat										S	S				
School	M	M	M	P/M	P/M	P/M	P/M	P/M	M	M	M	M	S	S	
Conference and Training facility	P	P	P	S	S	S	S	S	P	P	P	S	P	P	
Medical:															
Hospital	S	S							S			S			
Medical care facility	P	P	P	P	P	P	P	P	S	P	P	P			

See Section 2.01 for a description of Urban Transit Center (UT), Urban Mixed Use (UM), and Urban Employment (UE). See Section 2.02 for a description of Suburban Neighborhood (SN), Suburban Compact Neighborhood (SCN), Suburban Mixed Use (SM), Suburban Commercial (SC), Suburban Employment (SC), Suburban Industrial/Mineral Extraction (SI), Suburban Single Family Residential (SR-1, SR-2, SR-3, SR-4, and SR-8), and Suburban Agricultural/Residential (SAR).

An asterisk (*) denotes the kinds of spaces or buildings that may be permitted as part of open space required by the applicable zoning district (see the applicable zoning district regulations in Chapter 2 and section 5.04), and in compliance with section 5.04 and any applicable regulations in this Zoning Ordinance referenced in section 5.04.

Table 3.02.01-1
Principal Use Table for Urban and Suburban Policy Areas
Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Urban			Suburban											Use-Specific Standard
	UT	UM	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	SM	SC-NC	SC-CC	SE	SI	SME	
Medical office	S	P	S	S	S	S	S	S	P	P	P	P			
Arts, Entertainment, and Recreation:															
Amphitheater	S	P	P						P/S	S	S				
Art Studio	P	P	P	P	P	P	P	P	P	P	P	S			
Cultural facility	P	P	S	P	P	S	S	S	P	P	P	P			
Dinner theater	P	P	P			P	P	P	P		P	P			
Dog Park*		P							P						
Entertainment facility	P	P	P						S	P					
Equestrian event facility															
Health and fitness center	P	P	P	P	P	P	P	P	P	P	P	P	P/S	P	
Open space, passive*						P	P	P							
Pet farm*															
Recreation, indoor	P/S	P/S	P/S	P	P	P	P	P	P	P/S	P	P/S		P/S	
Recreation, outdoor or major	S	S	S	S	S	S	S	S	S			S	S	S	
Shooting range, indoor												S	P	P	
Theater	P	P	P			P	P	P	P		P	P			
Urban deck	P	P	P												
Industrial/Production															
Manufacturing and Employment:															
Agricultural processing*															
Contractor												P	P	P	
Data center			P						S			P	P	P	
Extractive industries														P	
Flex building			S						S			P	P	P	
Manufacturing, General												S	P	P	
Manufacturing, Intensive													P	S	
Manufacturing, Light			S						S			P	P	P	
Media Production			P						P			P	P	P	
Research and Development			P						S	P	P	P	P	P	
Sawmill													S	P	
Wood, metal and stone crafts													P		
Warehousing, Storage and Distribution:															
Building and landscaping materials supplier													P	P	
Energy Storage													S	S	
Freight													P	P	
Industrial storage													P	P	
Mini-warehouse		S							S			S	S	S	
Outdoor storage													S	S	
Outdoor storage, vehicles													S	S	

See Section 2.01 for a description of Urban Transit Center (UT), Urban Mixed Use (UM), and Urban Employment (UE). See Section 2.02 for a description of Suburban Neighborhood (SN), Suburban Compact Neighborhood (SCN), Suburban Mixed Use (SM), Suburban Commercial (SC), Suburban Employment (SC), Suburban Industrial/Mineral Extraction (SI), Suburban Single Family Residential (SR-1, SR-2, SR-3, SR-4, and SR-8), and Suburban Agricultural/Residential (SAR).

An asterisk (*) denotes the kinds of spaces or buildings that may be permitted as part of open space required by the applicable zoning district (see the applicable zoning district regulations in Chapter 2 and section 5.04), and in compliance with section 5.04 and any applicable regulations in this Zoning Ordinance referenced in section 5.04.

Table 3.02.01-1
Principal Use Table for Urban and Suburban Policy Areas
Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Urban			Suburban											Use-Specific Standard
	UT	UM	UE	SN-4	SN-6	SCN-8	SCN-16	SCN-24	SM	SC-NC	SC-CC	SE	SI	SME	
Vehicle storage and impoundment												S	P	S	
Wholesale distribution, warehousing and storage									S			S	P	P	
Infrastructure															
Transportation/Parking:															
Airport														S	
Ground passenger transportation (e.g. taxi, charter bus)	P	P	P						P	P	P	P		S	
Heliport or helistop	S	S	S			S	S	S	S			S		S	
Marina															
Parking facility	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P	
Transit facilities	P	P	P	S	S	S	S	S	S	S	S	S	S	S	
Utilities:															
Electric generating plant													S	S	
Solar facility, commercial													S	S	
Utility, Minor	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Utility, Major				S	S	S	S	S	S	S	S	S	S	S	
Communications facilities:															
Communications facility	S	S	S	S	S	S	S	S	S	S	S	S	S	P	
Telecommunications facility	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P	
Testing station															
Waste-related:															
Composting facility														S	
Junkyard													S	S	
Recycling collection center		P	S	P	P	P	P	P	P	P	P	P	P	S	
Remediation Services													P	P	
Solid waste facility													S	S	
Vegetative waste management facility													S	S	
Agriculture															
Agriculture*														S	
Community garden*	P	P	P	P	P	P	P	P	P	P	P	P	P		
Farm distribution hub	P	P	P	P	P	P	P	P	P	P	P				
Farm co-ops*	P	P	P	P	P	P	P	P	P	P	P	S	P		
Horticulture*															
Nursery, Production*															
Stable or Livery*															
Stable, private*															
Wayside stand*															
Winery, Virginia farm															
Miscellaneous															
Temporary Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

See Section 2.01 for a description of Urban Transit Center (UT), Urban Mixed Use (UM), and Urban Employment (UE). See Section 2.02 for a description of Suburban Neighborhood (SN), Suburban Compact Neighborhood (SCN), Suburban Mixed Use (SM), Suburban Commercial (SC), Suburban Employment (SC), Suburban Industrial/Mineral Extraction (SI), Suburban Single Family Residential (SR-1, SR-2, SR-3, SR-4, and SR-8), and Suburban Agricultural/Residential (SAR).

An asterisk (*) denotes the kinds of spaces or buildings that may be permitted as part of open space required by the applicable zoning district (see the applicable zoning district regulations in Chapter 2 and section 5.04), and in compliance with section 5.04 and any applicable regulations in this Zoning Ordinance referenced in section 5.04.

3.02.02 Transition and JLMA Use Table

Table 3.02.02-2

Principal Use Table for Transition and Joint Land Management Area (JLMA) Policy Areas

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Transition									Joint Land Management					
	TLN-10	TLN-3	TLN-1	TSN	TCN	TCC	TLI	TI	TME	JLMA-1	JLMA-2	JLMA-3	JLMA-LE	JLMA-LME	Sp Sta
Residential															
Household Living:															
Accessory dwelling	P	P	P	P	P					P	P	P			
Caretaker or guard	P	P	P				P	P	P				P	P	
Dwelling, single-family attached					P										3.0
Dwelling, multifamily						P									3.0
Dwelling, single-family detached	P	P	P	P	P					P	P	P			
Live/work dwelling				P		P									3.0
Manufactured home	P	P	P	P	P					P	P	P			
Religious housing	S	S	S	S	P	P				P	P	P			
Tenant dwelling*	P/S	P/S	P/S							S	S	S			
Group Living:															
Rooming and Boarding															
Congregate housing	S	S	S	S	S					S	S	S			
Continuing care facility	S	S	S		S	S				S	S	S	S		
Lodging															
Bed and breakfast homestay	P	P	S							P	P	P			
Bed and breakfast inn	P	P	P							P	P	P			
Campground	S	S					S			S	S	S	S		
Country Inn	M	S										M			
Guest farm or ranch												P			
Hotel / Motel							S						P		
Rural resort	S											S			
Commercial															
Animal Services:															
Animal care business	P	P	P	P						P	P	P			
Animal hospital	S	S				S	P	P	P			S	P	P	
Kennel	P	S						P	P			S		P	
Kennel, indoor	P	P										P			
Veterinary service	P	P	P	S								P			
Day Care:															
Adult day care	S	S	S	P	P	P	P			S	S	S	P		
Child day care	S	S	S	S	S	P	S			S	S	S	S		
Child day home	P	P	P	P	P					S	S	S			

See Section 2.03 for a description of Transition Large Lot Neighborhood (TLN-1, TLN-3, TLN-10), Transition Small Lot Neighborhood (TSN), Transition Con Neighborhood (TCN), Transition Community Center (TCC), Transition Light Industrial (TLI), and Transition Industrial/Mineral Extraction (TIE). See Section 2.05 description of the Joint Land Management Area districts (JLMA-1, JLMA-2, JLMA-3, and JLMA-20), including Joint Land Management Area – Leesburg Employmer LE), and Joint Land Management Area – Leesburg Industrial/Mineral Extraction (JLMA-LI).

An asterisk (*) denotes the kinds of spaces or buildings that may be permitted as part of open space required by the applicable zoning district (see the ap zoning district regulations in Chapter 2 and section 5.04), and in compliance with section 5.04 and any applicable regulations in this Zoning Ordinance referen section 5.04.

Table 3.02.02-2

Principal Use Table for Transition and Joint Land Management Area (JLMA) Policy Areas

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Transition									Joint Land Management					
	TLN-10	TLN-3	TLN-1	TSN	TCN	TCC	TLI	TI	TME	JLMA-1	JLMA-2	JLMA-3	JLMA-LE	JLMA-LME	Sp Sta
Financial Services:															
Bank or financial institution				S	S	P	P						P		3.0
Food and Beverage Sales/Service:															
Banquet/Event Facility	M	M													
Craft beverage manufacturing							P	P	P				P	P	
Farm market*	P	P	P	P		P				P	P	P			
Farm market (off-site production)	S	S	S	S	S	S				S	S	S			
Food preparation					S	M			P				P	P	
Food store				S	S	P									
Mobile vendor															
Restaurant, carry-out only				S	S	P	P	P	P				P	P	
Restaurant, sit-down				S	P	P	P	P			S	S	P		
Restaurant, fast-food, excluding drive-through facilities				S	S	S	S	S	P		S	S	P	P	3.0
Snack or beverage bars				S	S	P	P	P	P		S	S	P	P	
Office, Business & Professional:															
Office				S	S	P	S	P	S				P	S	
Small business, agricultural and rural	P/S	P/S	P/S						P/S	P/S	P/S	P/S	P/S	P/S	
Personal/Business services:															
Building maintenance services						P	P	P	P				P	P	
Business support services				S	S	P	P	P	P				P	P	
Dry cleaning plant							P	P	P				P	P	
Farm machinery	S									P	P	P			
Maintenance and repair services					S		P		P				P	P	
Personal services				P	S	P	P	P	S				S	S	
Postal services				S	S	P	P	P	P				P	P	
Retail:															
Auction							P		P				P	P	
Convenience store						P	S						S		
Convenience store (with gasoline sales)						S	S		S					S	
Feed and farm supply center	S								P	S	S	S	P	P	
Machinery and equipment sales and services							S		P				S	P	
Nonstore retailers							P	P	P				P	P	

See Section 2.03 for a description of Transition Large Lot Neighborhood (TLN-1, TLN-3, TLN-10), Transition Small Lot Neighborhood (TSN), Transition Con Neighborhood (TCN), Transition Community Center (TCC), Transition Light Industrial (TLI), and Transition Industrial/Mineral Extraction (TIE). See Section 2.05 description of the Joint Land Management Area districts (JLMA-1, JLMA-2, JLMA-3, and JLMA-20), including Joint Land Management Area – Leesburg Employmer LE), and Joint Land Management Area – Leesburg Industrial/Mineral Extraction (JLMA-LI).

An asterisk (*) denotes the kinds of spaces or buildings that may be permitted as part of open space required by the applicable zoning district (see the app zoning district regulations in Chapter 2 and section 5.04), and in compliance with section 5.04 and any applicable regulations in this Zoning Ordinance referen section 5.04.

Table 3.02.02-2

Principal Use Table for Transition and Joint Land Management Area (JLMA) Policy Areas

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Transition									Joint Land Management					
	TLN-10	TLN-3	TLN-1	TSN	TCN	TCC	TLI	TI	TME	JLMA-1	JLMA-2	JLMA-3	JLMA-LE	JLMA-LME	Sp Sta
Nursery, Commercial	S	S	S					P	P	S	S	S		P	3.0
Retail, general	S			S	S	P	P	P	P				P	P	3.0
Automotive:															
Car Wash						S	S		S				S	S	
Vehicle repair, heavy							S		S				S	S	
Vehicle repair, light							P		P				P	P	
Vehicle sales							S	P	P				S	P	
Vehicle service station						S	S	S	S				S	S	
Vehicle wholesale auction									P					P	
Public/Civic/Institutional															
Assembly:															
Civic, social, and fraternal meeting place	S	S	S	S	P	P	P		S	S	S	S	P	S	
Community center	S	S	S	S	P	P				S	S	S	P		
Convention or exhibition facility													P		
Religious land use	S	S	S	S	P	P	P		S	P/S	P/S	P/S	P/S	S	
Death Care Services:															
Cemetery	S	S	S	S	P	P	P		S	S	S	S	S	S	
Crematorium	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Funeral services				S	P	P	P			S	S	S	S		
Mausoleum	S	S	S	S	P	P	P		S	S	S	S	S	S	
Government/Non-Profit:															
Government (general) (not otherwise listed)	S	S	S	S	S	P	S	P		S	S	S	S		
Public safety	S	S	S	S	S	P	S	P	S	S	S	S	S	S	
Public utility service center, with outdoor storage	S	S	S				S	P	S	S	S	S	S	S	
Public utility service center, without outdoor storage	P	P	P	S		S	S		P				P	P	
Education:															
Agricultural education or research	S	S				S	S		S				S	S	
Business/technical school	S	S	S	S		P	P		P				S	P	
Colleges or universities						P	P						S		
Educational institution						P	P						S		
Library				S	S	P	P			S	S	S	S		
Personal instructional services				S	S	P	P						S		
Rural retreat	S											S			
School	P/M	P/M	P/M	P/M	P/M	P/M	P/M	S	S	P/M	P/M	P/M	M	S	
Conference and Training facility						P	P		P				S	P	
Medical:															

See Section 2.03 for a description of Transition Large Lot Neighborhood (TLN-1, TLN-3, TLN-10), Transition Small Lot Neighborhood (TSN), Transition Con Neighborhood (TCN), Transition Community Center (TCC), Transition Light Industrial (TLI), and Transition Industrial/Mineral Extraction (TIE). See Section 2.05 description of the Joint Land Management Area districts (JLMA-1, JLMA-2, JLMA-3, and JLMA-20), including Joint Land Management Area – Leesburg Employmer LE), and Joint Land Management Area – Leesburg Industrial/Mineral Extraction (JLMA-LI).

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Table 3.02.02-2

Principal Use Table for Transition and Joint Land Management Area (JLMA) Policy Areas

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Transition									Joint Land Management					Sp Sta
	TLN-10	TLN-3	TLN-1	TSN	TCN	TCC	TLI	TI	TME	JLMA-1	JLMA-2	JLMA-3	JLMA-LE	JLMA-LME	
Hospital							S					S	S		
Medical care facility				P		P	P				S	S	P		
Medical office						P	S					S	P		
Arts, Entertainment, and Recreation:															
Adult entertainment							P		P					P	
Agricultural cultural center	P	P	P			P				P	P	P	S		
Agritainment	P	P	P							P	P	P			
Amphitheater	S	S	S	P	P	S	S						S		
Art Studio	S			S	P	P	S			S	S	S			
Cultural facility	S	S	S	S	P	P	S					S	P		
Cultural tourism	P	P	P	S						P	P	P			
Dinner theater						P							P		
Entertainment facility					S	P									
Equestrian event facility	P	P	P	P		P				P	P	P			
Health and fitness center					S	P	P		P				P	P	
Open space, passive*	P	P	P							P	P	P			
Pet farm*					P					P	P	P			
Recreation, active*	S	S	S							S	S	S			
Recreation, indoor						P	P/S		P/S				P/S	P/S	
Recreation, outdoor or major	S	S	S		S	S	P/S	P/S	S	S	S	S	S	S	
Shooting range, indoor						P	S		P				S	P	
Theater						P	S						P		
Industrial / Production															
Manufacturing and Employment:															
Agricultural processing*	P	P								P	P	P			
Contractor							P		P				P	P	
Data center							P	P	P				P	P	
Extractive industries								P	P					P	
Flex building							P		P				P	P	
Manufacturing, General							S	P	P				P	P	
Manufacturing, Intensive								P	S					S	
Manufacturing, Light							P		P				P	P	
Media Production							P	P	P				P	P	
Research and Development							P	P	P				P	P	
Sawmill								P	P					P	
Wood, metal and stone crafts							P								
Warehousing, Storage and Distribution:															

See Section 2.03 for a description of Transition Large Lot Neighborhood (TLN-1, TLN-3, TLN-10), Transition Small Lot Neighborhood (TSN), Transition Con Neighborhood (TCN), Transition Community Center (TCC), Transition Light Industrial (TLI), and Transition Industrial/Mineral Extraction (TIE). See Section 2.05 description of the Joint Land Management Area districts (JLMA-1, JLMA-2, JLMA-3, and JLMA-20), including Joint Land Management Area – Leesburg Employmer LE), and Joint Land Management Area – Leesburg Industrial/Mineral Extraction (JLMA-LI).

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Table 3.02.02-2

Principal Use Table for Transition and Joint Land Management Area (JLMA) Policy Areas

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Transition									Joint Land Management					
	TLN-10	TLN-3	TLN-1	TSN	TCN	TCC	TLI	TI	TME	JLMA-1	JLMA-2	JLMA-3	JLMA-LE	JLMA-LME	Sp Sta
Building and landscaping materials supplier							P	P	P					P	
Energy Storage								S	S					S	
Freight									P					P	
Industrial storage								P	P				S	P	
Mini-warehouse							M	S	S				S	S	
Outdoor storage								P	S					S	
Outdoor storage, vehicles								P	S					S	
Vehicle storage and impoundment								S	S					S	
Wholesale distribution, warehousing, and storage							P	P	P				P	P	
Infrastructure															
Transportation / Parking:															
Airport	S								S				P	S	
Ground passenger transportation (e.g. taxi, charter bus)							P	P	S				P	S	
Heliport or helistop							S		S				S	S	
Parking facility					S	P	S	S	P	S	S	S	P	P	
Transit facilities	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
Utilities:															
Electric generating plant									S					S	
Solar facility, commercial								S	S					S	
Utility, Minor	S	S	S	S	S	S	P	P	S	S	S	S	S	S	
Utility, Major	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Water well, municipal										P	P	P			
Communications facilities:															
Communications facility	S	S	S	S	S	S	P	S	P	S	S		S	P	
Telecommunications facility	P/S	P/S	P/S	P/S	P/S	P/S	P	P	P	P/S	P/S	P/S	P/S	P	
Waste-related:															
Composting facility	S	S						S	S					S	
Junkyard								S	S					S	
Recycling collection center	S	S	S	S	S	S	P	P	S	S	S	S	S	S	
Remediation Services								P	P					P	
Solid waste facility								S	S					S	
Stockpiling								S	S					S	
Vegetative waste management facility	S	S						S	S					S	
Agriculture															

See Section 2.03 for a description of Transition Large Lot Neighborhood (TLN-1, TLN-3, TLN-10), Transition Small Lot Neighborhood (TSN), Transition Con Neighborhood (TCN), Transition Community Center (TCC), Transition Light Industrial (TLI), and Transition Industrial/Mineral Extraction (TIE). See Section 2.05 description of the Joint Land Management Area districts (JLMA-1, JLMA-2, JLMA-3, and JLMA-20), including Joint Land Management Area – Leesburg Employmer LE), and Joint Land Management Area – Leesburg Industrial/Mineral Extraction (JLMA-LI).

An asterisk (*) denotes the kinds of spaces or buildings that may be permitted as part of open space required by the applicable zoning district (see the app zoning district regulations in Chapter 2 and section 5.04), and in compliance with section 5.04 and any applicable regulations in this Zoning Ordinance referen section 5.04.

Table 3.02.02-2

Principal Use Table for Transition and Joint Land Management Area (JLMA) Policy Areas

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	Transition									Joint Land Management					
	TLN-10	TLN-3	TLN-1	TSN	TCN	TCC	TLI	TI	TME	JLMA-1	JLMA-2	JLMA-3	JLMA-LE	JLMA-LME	Sp Sta
Agriculture*	P	P	P	P					S	P	P	P	S	S	
Animal Husbandry*	P	P	P	P						P	P	P			
Auction facility, livestock									S					S	
Community garden*	P	P	P	P	P	P	P			P	P	P	P		
Custom operators	P	P	P	P						P	P	P			
Farm co-ops*	P	P	P	P	P	P				P	P	P			
Farm distribution hub	S			P											
Feedlot															
Horticulture*	P	P	P	P						P	P	P			
Nursery, Production*	P	P	P	P						P	P	P			
Stable or Livery*	P	P	P	P						P	P	P			
Stable, private*	P	P	P	P						P	P	P			
Wayside stand*	P	P	P	P	P					P	P	P			
Winery, Virginia farm	P	P	P							P	P	P			
Miscellaneous															
Temporary Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

See Section 2.03 for a description of Transition Large Lot Neighborhood (TLN-1, TLN-3, TLN-10), Transition Small Lot Neighborhood (TSN), Transition Con Neighborhood (TCN), Transition Community Center (TCC), Transition Light Industrial (TLI), and Transition Industrial/Mineral Extraction (TIE). See Section 2.05 description of the Joint Land Management Area districts (JLMA-1, JLMA-2, JLMA-3, and JLMA-20), including Joint Land Management Area – Leesburg Employmer LE), and Joint Land Management Area – Leesburg Industrial/Mineral Extraction (JLMA-LI).

An asterisk (*) denotes the kinds of spaces or buildings that may be permitted as part of open space required by the applicable zoning district (see the app zoning district regulations in Chapter 2 and section 5.04), and in compliance with section 5.04 and any applicable regulations in this Zoning Ordinance referen section 5.04.

3.02.03 Rural Use Table

Table 3.02.03-3
Principal Use Table for Rural Policy Areas
Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	ARN	ARS	VR	VC	VAR	Use-Specific Standard
Residential						
Household Living:						
Accessory dwelling	P	P	P	P	P	
Caretaker or guard	P	P				
Dwelling, single-family attached				P		
Dwelling, multifamily				P		3.06.02.09
Dwelling, single-family detached	P	P	P	P	P	
Live/Work Dwelling	P	P	P	P	P	
Manufactured Home	P	P	P	P	P	
Portable dwelling/trailer construction	P	P				
Religious housing	P	P		S	S	
Tenant dwelling*	P/S	P/S	P/S		P/S	
Group Living:						
Rooming and Boarding	M	M				
Congregate housing	S	S	S	S	S	
Continuing care facility			S		S	
Lodging						
Bed and breakfast homestay	P	P	P	P	P	
Bed and breakfast inn	P	P	M	P	P	
Campground	M	M				
Country inn	P/M	P/M	M	P	M	
Guest farm or ranch	P	P			P/S	
Hotel/Motel				S		
Rural resort	M	M	S		S	
Commercial						
Animal Services:						
Animal care business	P	P	P	P	P	
Animal hospital	S	S	S	S	S	
Kennel	S	S	S		S	
Kennel, indoor	M	M				
Veterinary service	P	P	S	P	S	
Day Care:						
Adult day care	S	S	S	S	S	
Child day care	S	S	S	S	S	
Child day home	P	P	P		P	
Financial Services:						
Bank or financial institution				P		3.06.04.12
Food and Beverage Sales/Service:						
Banquet/Event Facility	M	M	S	P	M	
Craft Beverage Manufacturing				S		
Farm market*	P	P		P	S	
Farm market (off-site production)	S	S	S	S	S	

See Section 2.04 for a description of Agricultural Rural North (ARN), Agricultural Rural South (ARS), Village Residential (VR) Village Commercial (VC), and Village Agricultural/Residential (VAR).

An asterisk (*) denotes the kinds of spaces or buildings that may be permitted as part of open space required by the applicable zoning district (see the applicable zoning district regulations in Chapter 2 and section 5.04), and in compliance with section 5.04 and any applicable regulations in this Zoning Ordinance referenced in section 5.04.

Table 3.02.03-3
Principal Use Table for Rural Policy Areas
Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	ARN	ARS	VR	VC	VAR	Use-Specific Standard
Food preparation			S	P	M	
Food store				P		
Mobile Vendor						
Restaurant, carry-out only				P		
Restaurant, sit down	P/M	P/M		P		
Snack or beverage bars	P	P		P		
Winery, commercial	P/S	P/S				
Office, Business and Professional:						
Office				P		
Small business, agricultural and rural	P/S	P/S	P/S		P/S	
Personal/Business services:						
Building maintenance services				P		
Business support services			P/S	P	P/S	
Farm machinery	P	P		P	P	
Maintenance and repair services			P/S		P/S	
Personal services			P/S	P	P/S	
Postal services				P		
Retail:						
Auction	S	S		S	S	
Convenience store				P		
Convenience store (with gasoline sales)				S		
Feed and farm supply center	P	P		P	P	
Nursery, Commercial	S	S		P	S	3.06.04.09
Retail, general	S	S		P		3.06.04.12
Automotive:						
Car Wash				S		
Vehicle repair, light				S		
Vehicle sales				S		
Vehicle service station				S		
Public/Civic/Institutional						
Assembly:						
Civic, social, and fraternal meeting place	S	S	S	S	S	
Community center	S	S	S	P	S	
Religious land use	S	S	S	P	S	
Death Care Services:						
Cemetery	S	S	S	S	S	
Crematorium	S	S	S	S	S	
Funeral services				S		
Mausoleum	S	S	S	S	S	
Government/Non-Profit:						
Government (general) (not otherwise listed)	S	S	S	S	S	
Public safety	P/S	P/S	S	S	S	
Public utility service center, with outdoor storage			S		S	
Public utility service center, without outdoor storage				P		
Education:						

See Section 2.04 for a description of Agricultural Rural North (ARN), Agricultural Rural South (ARS), Village Residential (VR) Village Commercial (VC), and Village Agricultural/Residential (VAR).

An asterisk (*) denotes the kinds of spaces or buildings that may be permitted as part of open space required by the applicable zoning district (see the applicable zoning district regulations in Chapter 2 and section 5.04), and in compliance with section 5.04 and any applicable regulations in this Zoning Ordinance referenced in section 5.04.

Table 3.02.03-3

Principal Use Table for Rural Policy Areas

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	ARN	ARS	VR	VC	VAR	Use-Specific Standard
Agricultural education or research	P	P			S	
Library			S	P		
Personal instructional services				P		
Rural retreat	P/S	P/S			P/S	
School	S	S	P/M	M/S	P/M	
Conference and Training facility	S	S		S		
Medical:						
Hospital					S	
Medical care facility					S	
Medical office				P		
Arts, Entertainment, and Recreation:						
Agricultural cultural center	P	P	P	P		
Agritainment	P	P				
Amphitheater	S	S				
Art Studio	P/S	P/S	P/S	P	P/S	
~~Civic space~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	
Cultural facility	S	S	S	S	S	
Cultural tourism	P	P	P	P	P	
Equestrian event facility	P/S	P/S			P/S	
Open space, passive*	P	P				
Pet farm*	P	P	P		P	
Recreation, active*	S	S				
Recreation, indoor				S	S	
Recreation, outdoor or major	S	S	S	S	S	
Theater				P		
Industrial/Production						
Manufacturing and Employment:						
Agricultural processing*	S	S			S	
Contractor				P		
Extractive industries					S	
Manufacturing, General						
Sawmill	S	S			S	
Slaughterhouse	S	S				
Wood, Metal, and Stone Crafts						
Infrastructure						
Transportation/Parking:						
Airport	S	S			S	
Parking facility	S	S	S	S	S	
Transit facilities	S	S	S	S	S	
Utilities:						
~~Solar facility, site-specific~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
Utility, Minor	S	S	S	S	S	
Utility, Major	S	S	S	S	S	
Water well, municipal	P	P			P	
Communications facilities:						

See Section 2.04 for a description of Agricultural Rural North (ARN), Agricultural Rural South (ARS), Village Residential (VR) Village Commercial (VC), and Village Agricultural/Residential (VAR).

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Table 3.02.03-3

Principal Use Table for Rural Policy Areas

Note: P = By Right | S = Special Exception | M = Minor Special Exception | blank cell = Prohibited

	ARN	ARS	VR	VC	VAR	Use-Specific Standard
Communications facility	S	S	S	S	S	
Telecommunications facility	P/S	P/S	P/S	P/S	P/S	
Waste-related:						
Composting facility	S	S			S	
Recycling collection center	M	M	S	M	S	
Vegetative waste management facility	S	S				
Agriculture						
Agriculture*	P	P	P	P	P	
Animal Husbandry*	P	P	P	P	P	
Auction facility, livestock	S	S		S		
Brewery, limited	P	P			P	
Community garden*	P	P	P	P	P	
Custom operators	P	P				
Farm co-ops *	P	P	P	P	P	
Farm distribution hub	P	P	P	P	P	
Feedlot	P	P				
Horticulture*	P	P	P	P	P	
Nursery, Production	P	P	P		P	
Stable or Livery*	P	P	P		P	
Stable, private*	P	P	P		P	
Wayside stand*	P	P	P	P	P	
Winery, commercial	P/S	P/S				
Winery, Virginia farm	P	P				
Miscellaneous						
Temporary Uses	P	P	P	P	P	

See Section 2.04 for a description of Agricultural Rural North (ARN), Agricultural Rural South (ARS), Village Residential (VR) Village Commercial (VC), and Village Agricultural/Residential (VAR).

An asterisk (*) denotes the kinds of spaces or buildings that may be permitted as part of open space required by the applicable zoning district (see the applicable zoning district regulations in Chapter 2 and section 5.04), and in compliance with section 5.04 and any applicable regulations in this Zoning Ordinance referenced in section 5.04.

3.03 Use Definitions

Note: *In future versions of the draft Zoning Ordinance, all use definitions will be moved to Chapter 11 - Definitions.*

3.03.01 Residential

Household Living

Accessory dwelling. A secondary, independent living facility located in, or on the same lot as, a single-family dwelling. Includes guest house.

Caretaker or guard. A dwelling unit on a site intended for use as a dwelling for a caretaker accessory to the particular purpose of the principal use on the same site. The caretaker's residence shall be accessory to that dwelling unit. This includes a single-family dwelling accessory to a permitted or special exception use.

Dwelling, Multifamily. One of a group of dwelling units in an attached multifamily residential structure. For purposes of this ordinance, multifamily dwelling includes any unit that does not meet the definition of single-family attached or single-family detached. Examples include apartments and flats.

Dwelling, single-family attached. A duplex, triplex, quadruplex, or townhouse (horizontal or stacked) dwelling unit where each dwelling unit has a ground floor external entrance or shares its entrance with only an adjacent unit.

Dwelling, single-family detached. A dwelling unit, other than a portable dwelling, designed for and occupied by one family only and not structurally connected or attached to any other dwelling.

Live/work dwelling. A principally residential building that includes an office, studio, or other commercial use and a single dwelling unit occupied by the building owner.

A live-work dwelling allows a broader range of commercial and production-type uses and more nonresidential floor area than a home occupation. In addition, a live-work dwelling may be designed as a townhouse or with a storefront or other commercial design configuration at the ground level, while a home occupation occurs in a building that is designed as a residence.

Manufactured home. A structure constructed and subject to the National Manufactured Home Construction and Safety Standards (42 U.S.C. §§ 5401 et seq.), which is:

- Transportable in one or more sections;
- 8 feet or more in width and 40 feet or more in length in the traveling mode, or is 320 or more square feet when erected on site;
- Built on a permanent chassis; and
- Designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities.

A manufactured home includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A manufactured home does not include units built prior to June 15, 1976 (known as "mobile homes").

[*References: National Manufactured Home Construction and Safety Standards, 42 U.S.C. §§ 5401 – 5426); 24 C.F.R. Parts 3200–3279 (the "HUD Code")*]

Manufactured housing land lease community. Any plot of ground on which 2 or more manufactured homes are located for long-term occupancy (for periods of 30 days or more) for use as dwelling units. These are not occupied by travel trailers. Includes customary accessory buildings or uses such as clubhouses, laundries, or management and sales units.

Portable dwelling/construction trailer. A structure that is installed temporarily for use as a dwelling while a dwelling unit is being constructed.

Religious housing. A housing facility where the residents are limited to members of a specific religious order, and where the housing arrangement is designed and intended to further the religious beliefs of that order. Examples include parsonages, monasteries or convents. This does not include a dwelling unit reserved for a priest or minister

of a religion (such as a parsonage, manse, and rectory), which are classified in accordance with the residential uses defined separately in this section.

Tenant dwelling. A dwelling occupied by a person or persons other than the owner of the lot on which it is located. Tenant dwellings may include freestanding dwellings, portable dwellings, or apartments in an accessory farm building. Tenant dwellings are accessory to agriculture, horticulture, or animal husbandry uses, including dwellings for seasonal labor. Includes seasonal labor dormitory, defined as a structure located on the same property as an active agricultural, horticultural, or animal husbandry operation, and used for the purpose of housing persons on a seasonal basis who are not members of a family as defined in this Ordinance and who derive all or part of their income during their occupancy from labor performed on the active agricultural, horticultural or animal husbandry operation.

Group Living

Congregate housing. Establishments primarily engaged in providing any of the following housing services: (1) short term emergency shelter for victims of domestic violence, sexual assault, or child abuse; (2) temporary residential shelter for the homeless, runaway youths, and patients and families in medical crises; (3) transitional housing for low-income individuals and families, (4) more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons, (5) more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons, or (6) special care, treatment, training or similar purposes not listed above, on a temporary or permanent basis. Includes orphanages.

Continuing care facility. A building or structure used for any of the following:

- *Independent Living Facility*: an establishment that provides independent living affiliated with, or located near health care facilities.
- *Assisted Living*: an establishment for people who cannot live independently and who need assistance with daily chores and housekeeping.
- *Nursing Home*: an establishment for individuals who require specialized nursing care on a regular basis but who do not need to be hospitalized.

Rooming and Boarding. A lodging place for four or more boarders where rooms are offered on a single room occupancy basis and where sanitary facilities may be shared. A common cooking facility may be provided. Lodging is provided on at least a month-to-month basis. Examples include single room occupancy units, rooming and boarding houses, dormitories, and workers camps. Rooming and boarding also serves a specific group or membership, such as a dormitory, fraternity or sorority house, or workers' camp.

3.03.02 Lodging

Bed and breakfast homestay. A private, owner-occupied dwelling in which overnight accommodations are provided to the public and which may include a room for meetings and private parties as an accessory use. The frequency and volume of paying guests is accessory to the primary use of the property as a private residence. Accessory structures may be used for guest lodging.

Bed and breakfast inn. A business operated in one or more structures used to provide overnight accommodations to the public, and that may include rooms for meetings and private parties as an accessory use.

Campground. An outdoor facility designed for overnight accommodation of human beings in tents, rustic cabins, and shelters for recreation, education, naturalist, or vacation purposes. Accessory uses include office, retail, and other commercial uses commonly established in those facilities and related parking structures. Includes any of the following:

- *Day camp*: A lot, tract, or parcel of land operated as either a commercial or non-commercial establishment in which seasonal facilities are provided for all or any of the following: camping, picnicking, boating, fishing, swimming, outdoor games and sports, and activities incidental and relating to the those activities (not including miniature golf grounds, golf driving ranges, mechanical amusement devices, or permanent structures for housing guests).

- *Boarding camp*: same as day camp, except that uses and structures for the lodging of guests are provided in locations appropriate for extensive outdoor recreation.
- *Glamping*: a transient occupancy facility where guests occupy detached upscale tent units or similar units but which are not conventional hotel, motel, or cabin facilities. For purposes of this definition, "upscale" means permanent or semi-permanent shelters (such as cabins, safari tents, outfitter-style wall tents, yurts, or tipis) furnished with beds, seating areas, climate control, an appliances for preparing meals.

Country Inn. A business operated in one or more structures that offers overnight accommodations and may include rooms for meetings and private parties in a predominately rural area. A Country Inn may include a full-service restaurant for overnight guests, the general public, meetings, and private parties.

Guest farm or ranch. A farm that offers transient accommodations associated with an active agricultural use to paying guests along with meals and participatory recreational and/or work experience on the farm.

Hotel/Motel. Any single building or group of buildings, containing lodging units used for transient guests, where each lodging unit is provided with its own toilet and washroom and may include cooking facilities. A hotel/motel may include features such as conference rooms, restaurants or snack bars, swimming pools, or exercise rooms that would attract clientele other than transient guests.

Recreational vehicle park. An outdoor facility designed for overnight accommodation of human beings in motorized vehicles, rustic cabins and shelters, or trailers for recreation, education, naturalist, or vacation purposes. These may include accessory office, retail, and other commercial uses with related parking structures. This use does not include a Manufactured Housing Land Lease Community.

Rural resort. A private establishment consisting of a detached structure or structures located in a rural setting in which lodging units are offered to transients for compensation as the principal use, along with conference and meeting facilities, restaurant and banquet facilities, and recreational amenities.

3.03.03 Commercial

~~"Commercial" means the term collectively defining workplace, office, retail, and restaurant uses.~~

Animal Services

Animal care business. An establishment that provides care and services for livestock or other farm animals, including animal grooming, dental, shoeing horses, and massage, but that is not a kennel or an animal hospital.

Animal hospital. A place for the medical care of animals. The boarding of animals at an animal hospital is limited to that incidental to the hospital use.

Kennel. Any commercial establishment in or at which, for a fee, 5 or more dogs, cats, or other household pets over the age of 6 months are trained, fostered, or boarded (including day care services), or handled.

Kennel, indoor. Any kennel that is within a completely enclosed commercial facility with no outdoor activity.

Veterinary service. A service for the care of animals where the animals are not brought to the establishment but are cared for on an off-site basis. The care can be medical or custodial. Accessory uses may include an office and storage areas for equipment and supplies necessary for conducting the veterinary service. This use does not include crematory facilities.

Automotive

Automobile car sharing: A motor vehicle sales and accessory service lot use that provides vehicles shared by its members as a means to supplement mass transit facilities.

Car wash. An establishment engaged in the commercial washing of motor vehicles by hand or by using production-line, automated, or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning, or similar mechanical devices.

Vehicle repair, heavy. An establishment engaged in major mechanical and body work performed on vehicles, repair of transmissions and differentials, straightening of body parts, painting, welding, or similar work. Accessory uses include light vehicle service establishments but not heavy equipment and specialized vehicle sale, rental and service establishments.

Vehicle repair, light. An establishment where the primary use is the sale, servicing, repair and/or installation of gas, electric, or hybrid motor vehicle accessories, such as: spark plugs, batteries, distributors and distributor parts, tires, brakes, brake fluid, mufflers, tail pipes, water hoses, fan belts, light bulbs, fuses, floor mats, windshield wipers, wiper blades, grease retainers, wheel bearings, and mirrors. Light vehicle repair may also include greasing, lubrication and radiator flushing, minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines, electrical systems, and minor motor adjustments not involving removal of the head or crankcase or racing the motor.

Vehicle sales. An establishment where the principal occupation is the sale, rental, and accessory service of vehicles stored on-site and in operating condition. "Vehicles" include automobiles, motorcycles, All-Terrain Vehicles (ATV), and trucks stored on site. "Vehicles" do not include heavy equipment and specialized vehicle sale, rental, and service establishments. However, specialized vehicles may be sold, rented, and serviced as an accessory use.

Vehicle service station. An establishment where gasoline and/or oil, grease, batteries, tires and automobile accessories are dispensed at retail as a principal use and where, in addition, only the following services ~~may be~~are rendered and sales made:

A. Sale and servicing of spark plugs, batteries, and distributor parts.
B. Tire sales, servicing, and repair, but not recapping or regrooving.
C. Replacement or adjustment of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers, and wiper blades, grease retainers, wheel bearings, mirrors, and the like.
D. Radiator cleaning and flushing, provision of water, anti-freeze, and the like.
E. Washing and polishing, and sale of automotive washing and polishing materials.
F. Greasing and lubrication.
G. Providing and repairing fuel pumps, oil pumps, and lines.
H. Servicing and repair of carburetors.
I. Emergency wiring repairs.
J. Adjusting and repairing brakes.
K. Minor motor adjustments not involving removal of the head or crankcase or racing the motor.
L. Provision of convenience goods for gasoline supply station customers.
M. Provision of road maps and other information material to customers;
N. Provision of restroom facilities.
O. Performing State vehicle inspections.
P. Car wash.

A vehicle service station does not include major mechanical and body work, straightening of frames of body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, or any activity involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in vehicle service stations.

Vehicle wholesale auction. An establishment that sells or offers for sale motor vehicles, at auctions on a wholesale basis, only to licensed new or used vehicle dealers or wholesalers. Accessory uses may include services such as title processing, clean-up, and light service and repair of vehicles for sale for auction, the sale of food to customers, financial services, test-drive track, the storage or marshaling of auction vehicles, and the sale of specialty vehicles at auctions on a wholesale basis.

Day Care

Adult day care. A licensed establishment for four or more aged, infirm, or disabled adults, operated during a part of the day only, which provides supplementary care and protection of individuals who reside elsewhere. This does not

include:

- Establishments licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Service, or
- Dwelling units where an individual cares only for persons related to them by blood or marriage

Child day care. A licensed establishment other than a child day home, which offers care, protection and supervision of children for compensation only for part of any 24 hour day. This includes nursery schools, kindergartens, or other facilities for which the purpose is primarily educational, recreational, or medical treatments.

Child day home. A licensed establishment located in a dwelling unit which offers care, protection and supervision for compensation to more than four (4) non-resident children only for part of any twenty-four (24) hour day. For the purpose of this definition, "non-resident children" means children that are not the child care providers' own children and children not residing in the home. Pursuant to the Code of Virginia, an establishment that offers care, protection and supervision for compensation to four (4) or less non-resident children is considered accessory to a dwelling unit. [Note: see Code of Virginia § 15.2-2292 (zoning provisions for family day homes)].

Financial Services

Bank or financial institution. A business where the primary occupation is financial services such as banking, savings and loans, loan offices, check cashing, and currency exchange outlets. It does not include financial services that typically occur in an office or storefront (such as investment companies, loan companies, credit and mortgage, insurance services, or brokerage firms), which are classified under "Office," below.

Alternative lending institution. An establishment providing short-term loans to individuals, which may include short-term loans offered online if associated appraisal, application, or other services are provided in-person at the establishment, including short-term loans as regulated by Chapter 18, Title 6.2, Code of Virginia and motor vehicle title loans as regulated by Chapter 22, Title 6.2, Code of Virginia. An alternative lending institution does not include an office, pawnshop, drive-through financial institution, bank or financial institution, or any other state or federally chartered bank, savings and loan institution, or credit union. Examples include, but are not limited to payday lending agencies and title loan businesses.

Food & Beverage Sales/Service

Banquet/Event Facility. An establishment in which the principal function is hosting private parties where food and beverages are served to groups of people and that has facilities for the refrigeration and preparation of food, or that provides facilities for food through a caterer. Banquet/Event facilities, indoors or outdoors, may also be accessory to other uses such as, but not limited to: restaurants, hotels, rural resorts, convention or exhibition facilities, and similar uses. This use does not include adult entertainment, which is not permitted at a Banquet/Event Facility.

Craft beverage manufacturing. A small-scale brewery or a small-scale distillery . Accessory uses include tasting rooms where the consumption of beer or distilled spirts manufactured on-site occurs, accessory food sales occur, and beer and/or distilled spirits manufactured on-site are sold.

Farm market. An establishment that includes the sale of aquacultural, horticultural, agricultural, or agriculturally processed products, that are grown and processed on-site.

Farm market (off-site production). A principal use that includes the retail sale of aquacultural, horticultural, or agricultural products that are not grown and processed on-site. A Farm Market (off-site production) may or may not be located on the site of ongoing agricultural, horticultural or aquacultural activity. This use may include the sale of products from one or more vendors.

Food preparation. An establishment that prepares food and beverages for off-site consumption, including delivery services. Examples include catering shops, commercial bakers (i.e., bakeries with on-site retail sales), and the small-scale production of specialty foods (such as sweets). This classification excludes food production of an industrial character.

Food store. A retail establishment primarily selling food, as well as other convenience and household goods. Examples include grocers/supermarkets, specialty food stores, fruit and/or vegetable stands, butcher shops, delicatessens, dairy product sales, food cooperatives, or convenience markets. This category also includes large-scale stores that sell food items and beverages in bulk.

Mobile vendor. An establishment, including any employee or agent of another, who sells or offers to sell, barter, or trade from a mobile vehicle, trailer, or cart.

Restaurant, carry-out only. Any establishment, without a drive-through facility, that provides as a principal use, the preparation and/or sale of food, frozen desserts, or beverages for carry-out service only.

Restaurant, sit-down. Any establishment that provides as a principal use the preparation and sale of food, frozen desserts, or beverages in a state ready for consumption within the establishment, and whose design or principal method of operation includes the following characteristics:

- Customers are provided with an individual menu and are served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where those items are consumed, and
- The food, frozen desserts, or beverages are served on non-disposable plates or containers, and non-disposable eating utensils are provided, and
- Customers are not expected to clear their table or dispose of their trash.

A cafeteria where food, frozen desserts, or beverages are: (a) generally consumed within the establishment; and (b) served on non-disposable plates or containers, and where non-disposable eating utensils are provided, is considered a sit-down restaurant.

A sit-down restaurant may include a carry-out service that is clearly not the principal business of the establishment.

A snack bar or refreshment stand at a public or non-profit community swimming pool, playground, playfield, or park operated solely by and for the agency or group operating the recreational facility, and for the convenience of patrons of the facility, is not considered a sit-down restaurant.

A sit-down restaurant includes a bar or lounge, defined as an establishment where the main source of revenue is the sale of alcoholic beverages which are customarily consumed on the premises. This includes taverns, hookah lounges, or neighborhood taverns/bars/pubs.

A sit-down restaurant does not include drive-through facilities.

Restaurant, fast-food with drive-through facility. A fast-food restaurant that includes a drive-through facility.

Restaurant, fast-food, excluding drive-through facilities. A fast-food restaurant that does not include a drive-through facility.

Snack or beverage bars. Establishments primarily engaged in (1) preparing and/or serving a specialty snack, such as ice cream, coffee and/or pastries, frozen yogurt, cookies, or popcorn, or (2) serving nonalcoholic beverages, such as coffee, juices, or sodas for consumption on or near the premises. Includes a coffeehouse or teahouse, defined as an establishment that primarily prepares, sells and serves coffee, tea and other beverages. A snack or beverage bar may sell baked goods and light meals such as soups and sandwiches, but does not serve full meals, and has a seating area which serves as an informal conversation or lounging place.

Winery, commercial. An establishment with facilities for making and bottling wine for sale on-site or through wholesale or retail outlets. A commercial winery is a winery that does not meet the definition of a Virginia Farm Winery. Uses at a commercial winery may also include the growing of fresh fruits or agricultural products for the production of wine. Accessory uses may include wine tasting rooms where wine tasting occurs, accessory food sales related to wine tasting, and the sale of wines produced on-site. Any winery licensee may manufacture and sell cider in accordance with this definition and Section 4.1-213 of the Code of Virginia.

Office, Business and Professional

Office. An establishment engaged in professional, semi-professional, business, government, philanthropic institutions, or client-oriented services. Offices do not include retail or wholesale activities which require the

receiving, stocking, storing, displaying, manufacturing, selling, or renting of merchandise or equipment, except where specifically permitted as an accessory use. Offices include the administrative, clerical or public contact offices of a government agency. All services are rendered within the principal building, and no outside areas are used to perform services. Examples of offices include law firms, publishers, business services, sales, marketing, interior decorators, employment agencies, security systems services, and studios for professional work.

Small business, agricultural and rural. Small-scale service and contracting businesses operated by residents in the agricultural, rural, transition, village, and joint land management area zoning districts. Intended to preserve the rural and historic character of the districts and agriculture as an industry. The following uses are permitted by right or special exception pursuant to Section 3.06.04.15:

- Business service occupations
- Personal service occupations
- Repair service occupations
- Contractors and contracting
- Professional office-based services
- Studios for fine arts and crafts
- Antique sales and the sale of any goods or items produced on the premises

Except as provided above, no retail or wholesale commercial businesses are permitted.

Personal/Business services

Building maintenance services. Establishment primarily engaged in carpet cleaning, carpentry, roofing, exterminator, glazing, janitorial services, electrical repair, plumbing, heating and air conditioning (sales and service), upholstery, painting and paper hanging, sign painting, or rug cleaning.

Business support services. Establishments primarily engaged in rendering services on a fee or contract basis to the business, commercial, industrial, or institutional community, such as advertising; typical business maintenance; employment service; management and consulting services; travel agent; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; printing service; and personal supply services. A "printing service" means a retail establishment, which includes a quick print shop or the operation of offset printing and other related equipment, such as, but not limited to, paper cutters, collating machines, multi-colored press equipment, plate burners, binding, and photographic developing equipment.

Dry cleaning plant. Establishments primarily engaged in supplying, on a rental or contract basis, laundered industrial work uniforms and related work clothing (such as protective (flame and heat resistant) and clean room apparel), dust control items (such as treated mops, rugs, mats, dust tool covers, and cloths), and shop or wiping towels. Also known as "industrial launderers."

Farm machinery. An establishment for the sale, rental, and/or service of equipment normally or routinely used on farms and gardens, and related parts, tools and accessories, but not of non-farm equipment or materials.

Maintenance and repair services. An establishment providing repair services for personal and household goods, such as household appliances, computers, television, audio or video players or equipment, office machines, furniture and leather goods, and knife sharpening. This classification excludes building maintenance services and maintenance and repair of automobiles and other vehicles and equipment.

Personal services. Establishments primarily engaged in providing services, including the care of persons or their apparel. This includes cleaning and garment services, repair services (not otherwise listed), linen supply, diaper service, coin-operated laundries, photographic studios, beauty shops, barber shops, shoe repair, spas, clothing rental, locker rental, opticians, and tailors.

Postal services. Retail sales or business services establishments that facilitate the transmittal and receipt of letter, bulk, and package mail. This does not include the activities listed for distribution facilities under the definition of "wholesale distribution, warehousing and storage."

Retail

Auction. An establishment where the property of others, such as objects of art, furniture, and other goods (except livestock), is offered by a broker or auctioneer for sale to persons who bid on the items in competition with each other at scheduled sales periods or events.

Convenience store. Establishments that retail a limited line of goods that generally includes milk, bread, soda, beer and wine, and packaged food and snacks, but not fuel sales for vehicles. A convenience store may include food preparation for carry-out or on-site consumption (with seating) as accessory uses.

Convenience store (with gasoline sales). Establishments that includes the activities listed in the definition of "convenience store," and that may include fuel for vehicles, electric vehicle charging stations and/or a car wash.

Feed and farm supply center. A commercial establishment engaged in the provision of animal feed, bedding and accessories, and farm and garden supplies (such as seed, fencing, hardware, pesticides, and fertilizer) to agricultural, horticultural, and/or animal husbandry operations. Also known as a "feed-and-seed" store.

Machinery and equipment sales and services. An establishment engaged in the sale, rental and servicing of trucks, buses, boats, recreational vehicles, taxicabs, ambulances, mobile homes, trailers, and farm and construction machinery or equipment. This does not include automobile sales and accessory service activities.

Nonstore retailers. Establishments that retail merchandise through online, mass media, telephone, mail, or similar methods (infomercials, direct-response advertising, paper, and electronic catalogs, door-to-door solicitation, in-home demonstration, selling from portable stalls, vending machines, and similar methods). This definition includes the location where merchandise is stored in preparation for sale, and not to the point of delivery to the customer. Examples include mail-order houses, vending machine operators, home delivery sales, door-to-door sales, party plan sales, electronic shopping, and storage of equipment or merchandise for sales through portable stalls (such as by street vendors).

Nursery, Commercial. An agricultural/commercial establishment where plants, landscape materials, soils, and accessory products are sold on a retail basis.

Retail, general. An establishment engaged in the sale of merchandise to the general public. Examples include department stores, pharmacies, newsstands, candy shops, antique shops, gift shops, craft shops, hardware stores, household appliance stores, furniture stores, florists, art galleries, or music stores. This does not include wood, or lumber yards. A general retail use may include accessory maintenance or repair services for merchandise sold on the premises.

3.03.04 Public/Civic/Institutional

Assembly

Civic, social, and fraternal meeting place. An establishment of a private non-profit organization, including fraternal organizations, which provides social, physical, recreational, educational, agricultural, or benevolent services. The establishment is not operated to carry on a trade or business, and no part of the net earnings inures to the benefit of any members of the organization or any other individuals. However, the establishment may pay regular employees reasonable compensation for services rendered. Includes a private club or lodge, defined as a structure or facility owned or operated by an organization of persons for special purposes (such as the promulgation of sports, arts, literature, politics). This use does not include religious land uses, structures and uses associated with commercial or non-commercial outdoor recreation, or adult entertainment.

Community center. A place, structure, area, or other facility used to provide fraternal, cultural, social, educational, or recreational programs or activities. This includes swimming pools, tennis courts, and similar facilities, open to the public or a designated part of the public, and which may be publicly or privately owned.

Convention or exhibition facility. An enclosed or semi-enclosed building, tent, or structure designed to accommodate large gatherings of persons, either with or without display collections of animals, machines, or objects. Accessory uses include office, retail and other commercial activities commonly established in those facilities, and parking structures.

Religious land use. A structure or group of structures intended for regular gatherings of people to attend, participate in or conduct religious services and other related activities and associated accessory uses. Associated accessory uses may include religious instruction classrooms, church offices, counseling programs, private school, youth programs, parking, child and adult day care facilities, summer camps, recreational facilities, caretaker's quarters, food bank, thrift shop, sale of religious items, and cemeteries.

Death Care Services

Cemetery. Any land or structure used or intended to be used for the interment of human remains , including columbaria, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of the cemetery. A "cemetery" includes and excludes all activities listed in Code of Virginia §§ 15.2-2288.5.C.

This use also includes any land or structure used or intended to be used for the interment of pet animal remains.

[Reference: Code of Virginia §§ 15.2-2288.5, 54.1-2310.]

Crematorium. A building with a furnace for cremating dead bodies, either animal or human.

Funeral services. An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming and performing autopsies or other surgical procedures. Examples include funeral homes, mortuaries, or columbaria.

Mausoleum. A building or vault containing niches or other designated places intended to be a final resting place for human or pet animal remains as an alternative to land burial.

Education

Agricultural education or research. An establishment that:

- Investigates, tests, and demonstrates agricultural products and processes, including biotechnical agriculture, veterinary, soil, plant, and animal sciences; or
- Trains or educates persons in products and processes related to agriculture, horticulture, or animal husbandry.

Business/technical school. A nonacademic establishment offering courses or training in vocations such as secretarial, computer and data processing, drafting, commercial art, cosmetology, allied health care, real estate, banking, restaurant operation, welding and metal fabrication, pipefitting, automobile body and engine repair, construction equipment operation, building trades, truck driving, airplane maintenance, and mechanical and electrical equipment/appliance repair.

Colleges or universities. An institute of higher education authorized by the Commonwealth to award baccalaureate or higher degrees, which may include on-site student, faculty, and/or employee housing facilities. For junior college or other educational institutions refer to the definition of "Educational Institution."

Educational institution. Any college, university, secondary, or higher educational facility beyond high school that meets applicable Commonwealth requirements to award degrees and primarily teaches usable skills that prepare students for employment in a profession or trade. An educational institution does not have an on-campus housing facility.

Library. Establishments that maintain collections of documents (e.g., books, journals, newspapers, music, and recorded information regardless of its physical form and characteristics) and facilitate their use to meet the informational, research, educational, or recreational needs of the general public or their user. These establishments may also acquire, research, store, preserve, and generally make accessible to the public historical documents, photographs, maps, audio material, audiovisual material, and other archival material of historical interest. All or portions of these collections may be accessed electronically.

Personal instructional services. A school primarily devoted to giving instructions in musical, dramatic, artistic, dance, martial arts, sports, or other special subjects. This does not include a child day care, child day home, or riding school, however designated.

Rural retreat. A use, compatible with agriculture, horticulture, animal husbandry, open space and/or historic preservation, which is engaged in the study, testing, design, invention, evaluation, or development of technologies, techniques, processes, or professional and consulting services, and education and training related to those subjects and services. Rural retreats may be used for basic and applied research services and education where the inquiry process is conducted in a manner similar to that of institutions of higher learning or management consulting firms. Rural retreats may include buildings or structures for associated training programs, seminars, conferences, and related activities.

School. An establishment that meets State requirements for providing any kindergarten, primary, and/or secondary educational course, which does not secure the major part of its funding from any governmental agency. This use does not include an establishment for the instruction of adults, a child day care, a child day home, or an in-home school to instruct children of the family of the household. Parking of school buses on-site is considered accessory to a school.

Training facility. An establishment engaged in business, technical or professional training, conferences, seminars, and/or certification, and that may:

- Operate as a principal use or as an accessory use to a permitted or permissible use, and
- Include accommodations for sleeping, eating, and recreation.

Vocational school. See "business/technical school".

Government/Non-Profit

Government (general). Any area, building, or structure held, used, or controlled exclusively for public purposes by any department or branch of the Federal Government, Commonwealth of Virginia, or the Loudoun County government. For purposes of the Use Tables, "government (general)" includes only uses defined above that are not otherwise listed in the Use Tables.

Public utility service center. A facility owned by a public utility company that may include business offices, a dispatching center, and fenced yard for the storage of vehicles and materials related to the maintenance, construction, and repair of a utility transmission line, substation service line, and other such facilities. The service and storage yard may include shop facilities for the servicing and repair of equipment. Similar facilities owned by a public agency or private road company for maintenance of roads and interchanges are included in this definition.

Public safety. Includes any of the following:

- Fire and/or rescue station: establishments that provide local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles and equipment and housing and feeding of emergency personnel.
- Police station or substation: any building or space designated by a chief of police or sheriff to be used as a police or sheriff's station or substation and at which duly authorized officers perform law enforcement functions.

Medical

Hospital: Any licensed and Commonwealth of Virginia accredited health care institution with anorganized medical and professional staff and with inpatient beds available around-the-clock whose primary function is to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services, particularly emergency care.

Medical care facility. An establishment, whether or not licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered to prevent, diagnose, or treat human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two or more non-related mentally or physically sick or injured persons; or for the care of two or more non- related persons requiring or receiving medical, surgical, or nursing attention or service as acute, chronic, convalescent, aged, or physically disabled.

This use includes an intermediate care facility, mental retardation facility, outpatient surgery center, birthing facility, diagnostic imaging facility, radiation therapy facility, dialysis facility, medical/physical rehabilitation and trauma unit,

or related institution or facility that offers treatment on an outpatient basis.

This use may be operated for profit or nonprofit, privately owned, or operated by a local government unit.

A medical care facility does not include a medical office or a hospital.

Medical office. An establishment (including any room, studio, clinic, suite, or building) where individuals licensed in the State practice medicine, osteopathy, dentistry, chiropractic, podiatry, physical therapy, psychiatry, clinical psychology, or other health-related professions on an out-patient basis. This does not include a hospital, veterinary service, or animal hospital.

Arts, Entertainment, and Recreation

Adult entertainment. An establishment that presents material or performances distinguished or characterized by an emphasis on matter depicting, describing, or relating to 'Specified Sexual Activities' or 'Specified Anatomical Areas' for observation by its patrons, or limits the presentation of those materials to persons over 18 years of age. This definition does not apply to a legitimate theatrical performance where nudity is only incidental to the primary purpose of the performance. For the purposes of this definition:

- "Specified Sexual Activities" are defined as: (1) human genitals in a state of sexual stimulation or arousal; (2) acts of human masturbation, sexual intercourse or sodomy; (3) fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
- "Specified Anatomical Areas" are defined as: (1) less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Agricultural cultural center. An establishment that educates the public about agricultural activities, and/or the heritage and culture of agricultural activities.

Agritainment. Events and activities that allow for recreation, entertainment, and tourism that is in conjunction with on-going agricultural activities on-site (examples include corn mazes, hayrides, and petting zoos).

Amphitheater. A place, not enclosed in a building, having a stage and seating for performances, concerts, and the like, with the seating for spectators arranged largely within a natural or artificial grade in the land such as a hillside or depression.

Art Studio. The workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.

Civic Space. Public or quasi-public uses in residential or business areas that are accessible to the public and primarily serve as gathering or meeting areas for the immediate community, or reserved as open space that provides a community amenity or promotes environmental or ecological functions. Civic spaces may be public buildings; defined space in residential, commercial, or mixed-use buildings; or outdoor space constructed to accommodate community gatherings. They can be the settings where celebrations are held, where social and economic exchanges take place, where friends run into each other, and where cultures mix.

Civic spaces include active or passive recreational uses, nature and recreation trails, nature preserves (such as wildlife sanctuaries, conservation areas, and game preserves), cultural amenities (e.g. fountains, ice rinks, reflecting pools), open spaces, parks, squares, plazas, playgrounds, or memorial parks. Includes any of the following as defined below:

- ~~Active recreation: Recreational uses requiring constructed facilities for organized activities, such as playing fields, ball courts, and playgrounds.~~≈
- ~~Dog park. A park that provides a variety of recreational amenities for dogs and persons that may include benches, parking, restrooms, and water fountains. If dogs are to be unleashed, the area must be fenced.~~
- Community space: Buildings or facilities that provide gathering places, such as community centers, property owner association meeting spaces, or clubhouses.
- Open space: Areas of trees, shrubs, lawns, grass, pathways and other natural and man-made amenities not within individual building lots, (except in rural village developments), set aside for the use and enjoyment of residents,

visitors and other persons, unoccupied by buildings or facilities unless related to recreational activities. Generally, open space is intended to provide light and air and is designed for either scenic or recreational purposes. For the purpose of this Ordinance, open space includes active recreation space, common open space, and dedicated open space.

- Park or plaza: An open space which may be improved and landscaped; usually surrounded by streets and buildings.
- ~~Urban deck: A platform for landscaped greens or engineered to accommodate buildings, which spans over major roadways. The intent of an urban deck is to create and enable pedestrian movement across an otherwise, typically impenetrable barrier, and to provide space for activity that can link both sides of the roadway.~~
- ~~Wetlands mitigation bank: A natural resource management technique authorized by Part 404 of the federal Clean Water Act, or other state or federal law, as applicable, using wetland preservation, restoration, creation and/or enhancement to offset or replace wetland functions that are lost due to development. Wetland mitigation banks are typically large areas of wetlands operated by private or public entities, which may sell credits to other entities to compensate for wetland loss or impact at development sites or enter into other similar arrangements.~~

Cultural facility. Establishments such as museums, art galleries, botanical and zoological gardens of an historic, educational, or cultural interest which are not operated commercially (other than retail sales related to the facility's purpose). These facilities may, as an accessory use, include related office, retail sales, hosting of events, or scheduled classes in the same subject matter as is permitted for exhibits. Includes the following:

- **Botanical garden**: A place where documented collections of living plants are grown, exhibited, or labeled for the purposes of scientific research, conservation, display, education. or passive recreational purposes. This includes (1) an **arboretum**, which is a botanical garden that specializes in trees, shrubs, or other woody plants, or (2) a nature study area, which is a botanical garden preserved as natural place set aside to observe or study flora or fauna, and where structures and changes to the landscape are limited to facilities that enable study or observation (such as benches, trails, markers or observation platforms). A botanical garden does not include the harvest of plants or their produce.
- **Interactive science and technology center**: A facility (indoors, outdoors, or both) that provides access for members of the public to interactive exhibits that promote an understanding of science, nature, engineering, architecture, technology, or any mixture of these subjects. Access may be granted on a scheduled or unscheduled basis, or both, for a fee or for free.
- **Zoo**: A facility, indoor or outdoor, where animals are kept for viewing by the public.

Cultural tourism. Land areas used for visitation for cultural, natural, or agricultural education. This includes the following as defined below:

- **Agritourism** or **farm-based tourism**: A commercial enterprise that links agricultural production and/or processing with tourism in order to attract visitors to a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating the visitors and generating income for the farm, ranch, or business owner.
- **Eco-tourism**: Establishments that focus on tourism, visitation and observation of or education about natural history, indigenous ecosystems, native plant or animal species, natural scenery, or other features of the natural environment. Eco-tourism may include cultural activities related to those activities or work projects that tend to conserve or safeguard the integrity of a natural feature, habitat or ecosystem. Facilities for eco-tourism may include recreational outfitters. Eco-tourism tends to result in a minimal or positive impact on the features observed or visited or tends to produce economic benefits from conservation.

Dinner theatre. Establishments engaged in producing live theatrical productions, and in providing food and beverages for consumption on the premises.

Entertainment facility. An establishment where the primary source of revenue is derived from live or recorded performances shown or played for the amusement of an audience. Examples include music clubs and dance halls. Does not include "adult entertainment."

Equestrian event facility. An establishment engaged in equine activities and events including teaching equestrian skills, participating in equestrian competitions, exhibitions, or other displays of equestrian skill (such as polo, dressage, and show jumping). Accessory uses may include offices, storage areas, caretaker's quarters, and caring for, breeding, boarding, riding, or training horses associated with the Equestrian Event Facility use.

Health and fitness center. An establishment~~, including saunas and steambaths,~~ offering or providing facilities for, and instruction in, general health, physical fitness, and controlled exercises including weight lifting, calisthenics, and aerobics. A health and fitness center may include a spa or sauna as an accessory use.

Open space, passive. Uses of land characterized primarily by natural areas and not requiring constructed facilities, large areas consisting mostly of woodlands or vegetation. Passive open space is typically used for that involve less energetic activities than those occurring with active recreation, such as walking, sitting, picnicking, card games or table games. Structural improvements are generally limited to those structures that facilitate the use of the land as park and open space. Accessory uses may include benches, maintenance facilities, restrooms and dressing rooms, concessions, caretaker's quarters, and parking. Examples include hiking, community gardens, fishing, hunting, camping, nature observation, forests, meadows, hedgerows, wetlands or wetlands mitigation banks, and hiking, biking, walking, or equestrian trails.

Pet farm. A facility in which livestock, farm animals, and other animals are kept for public exhibition, viewing, and contact, regardless of compensation, and which may include related accessory uses and activities such as gift shops, picnic areas and recreational activities related to animals such as petting (but not including outdoor or major recreation). A pet farm does not include retail pet stores and kennels, horse races, and activities such as State and County fairs, livestock shows, rodeos, field trials, and horsing events.

Recreation, active. Open space featuring areas dedicated to leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed sites or fields. Recreational uses require constructed facilities for recreational purposes and organized activities, or flat, open, well-drained usable space configured in squares or greens. This includes facilities operated by a homeowners association that are open to the public for a fee if the intent of the open space requirements is maintained. Examples of acceptable for-fee facilities include those used and enjoyed by the development but that must secure outside users for economic viability. Examples include ball courts, ballfields, boating, equestrian activities, fishing, golf courses, multi-purpose courts, outdoor games and sports, play lots and playgrounds, playgrounds, playing fields, sports pavilions, swimming pools, tennis or basketball courts, and tot lots.

Recreation, indoor. An enclosed or semi-enclosed building, tent, or structure designed to accommodate gatherings of human beings for games (such as bowling alleys), athletics, cultural activities, martial arts, archery, rides, and the like. Accessory uses include office, retail, and other commercial uses commonly established in those facilities, related parking structures, mechanical or electrical amusement devices, refreshment stands, and equipment sales or rentals.

Recreation, outdoor or major. Any establishment in which seasonal facilities directly related to outdoor recreation are provided for all or any of the followings: skating rink (outdoor), picnicking, boating, fishing, swimming, outdoor games and sports, animal-mounted trail riding, mountain biking, and related activities. Accessory uses may include refreshment stands, lighted playing fields and courts, offices, retail and other commercial uses commonly established in those facilities, lodging for customers engaging in recreational activities onsite, and related parking structures. This use does not include a stand-alone track for motorized vehicles of any type, however defined. This use includes any of the following:

- **Amusement or theme park**: A facility, indoor or outdoor, designed for entertainment purposes which may include structures or buildings, motorized or non-motorized rides, games, booths for the conduct of sporting events or games, and constructed land features such as lakes, hills, or trails.
- **Country club**: a land area and structures containing a club house, dining and/or banquet facilities, conference rooms, spa, fitness facilities, or recreational facilities, available to members and their guests for a membership fee. Examples of accessory uses include equestrian facilities, golf courses, swimming pools, tennis courts, squash courts, pickleball, archery, or miniature golf.

- **Cross-country ski business**: A facility ~~which~~ offers to members of the public cross-country ski recreation opportunities, including the rental of non-motorized ski equipment, changing facilities, and access to maintained trails or trail shelters.
- **Fairground**: A parcel or tract of land used as the site of any fair, exposition or public display.
- **Golf course**: a tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards, and that may include a clubhouse and shelter.
- **Golf driving range**: A limited area on which golf players do not walk, but onto which they drive golf balls from central driving tees. A golf driving range may contain outdoor lighting. A golf driving range may have, as an accessory use, a putting or chipping green, miniature golf course, baseball batting cages, a refreshment stand, and/or equipment rental of items pertaining to golf and baseball.
- **Sports stadium, complex, arena or sports field**: A facility, indoor or outdoor, designed for professional or amateur sporting events, exhibitions, shows or convocations.

Shooting range, indoor. A sport shooting range, as defined by the Code of Virginia, that occurs inside a fully enclosed structure. [Note: Code of Virginia § 15.2-917 defines this as "an area or structure designed for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting."]

Theater. An establishment engaged in the commercial exhibition of motion pictures to the general public or used for performance of plays, acts, dramas by actors and/or actresses. This use includes a performing arts center, defined as a facility for the viewing of performing arts with a seating capacity of 8,000 persons or greater.

Urban deck: A platform for landscaped greens or engineered to accommodate buildings, which spans over major roadways. The intent of an urban deck is to create and enable pedestrian movement across an otherwise, typically impenetrable barrier, and to provide space for activity that can link both sides of the roadway.

3.03.05 Industrial/Production

Manufacturing and Employment

Agricultural processing. The processing, preparation, and/or manufacturing of agricultural products, including changes to the physical state or form of the agricultural product, as an accessory use to a principal agricultural use. At least 51% of the agricultural products used for ~~the~~ processing, preparation, and/or manufacturing shall be derived from the agricultural use on-site. Establishments that do not meet this threshold for livestock are considered slaughterhouses.

Contractor. An establishment engaged in:

- The installation and servicing of items such as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, or ventilation, or
- The planting and maintenance of gardens, grounds and yards, such as landscape contractors and lawn maintenance services, or
- Construction and demolition services.

Retail sales to the general public are not permitted except as an accessory use.

Data center. An establishment engaged in the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. This facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at a data center.

Extractive industries. The excavation, mining, dredging, or stripping of land or earth, including quarrying, or borrow pits. "Quarrying" means commercial or industrial stone quarries or operations involving removal from a site of natural accumulations of sand, rock, soil, or gravel. "Stone quarrying" includes appurtenant structures such as crushers, screeners, and washers. Accessory uses include: (1) crushing, treating, washing, and/or processing of

materials, accessory to a quarry operation, when conducted on the same property; (2) manufacturing of concrete block, cinderblock or pre-formed concrete products, accessory to an approved quarry use; and (3) retail sales of crushed stone or architectural stone products, accessory to an approved quarry use. Accessory uses ~~do not~~may include ~~any other industrial use, such as a~~ concrete batching plants or asphalt mixing plants consistent with section 3.06.06.03 (Extractive Industries).

Flex building. A category of building that generally includes a compatible mix of warehouses, light manufacturing, and related accessory uses. These facilities are typically used for product production and service and the storage and distribution of goods.

Manufacturing, General. Manufacturing of products, from extracted, raw, recycled or secondary materials, including bulk storage and handling of those products and materials, or crushing, treating, washing, and/or processing of materials. This includes similar establishments, and businesses of a similar and no more objectionable character. It also includes incidental finishing and storage. Goods or products manufactured or processed on-site may be sold at retail or wholesale on or off the premises. This does not include any activity listed under Intensive Manufacturing.

Examples of general manufacturing include the manufacture or production of the following goods or products:

- apparel (including clothing, shoes, dress making, and leather products);
- appliances;
- ~~boats and transportation equipment;~~
- ~~brooms;~~
- ~~caskets;~~
- communication or ~~computation~~computer equipment;
- ~~dairy products;~~
- ~~die-cut paperboard and cardboard;~~
- drugs, medicines, pharmaceutical;
- electronic and computer products (including communication or computer equipment);
- electrical equipment or machinery; ~~farm machinery;~~
- fasteners and buttons;
- ~~feed and grain;~~
- food/baking (including coffee roasting, creameries, ice cream, ice, frozen food, confectionery, and beverage);
- ~~fruit~~ food and ~~vegetable~~beverage processing, canning and storage;
- gaskets;
- ~~glass products made of purchased glass;~~
- household appliances;
- industrial controls;
- ~~leather and allied products;~~
- ~~lithographic and printing processes (including printing plants as defined below);~~
- machinery (including farm and industrial machinery);
- mattresses;
- medical/optical goods, equipment and supplies;
- ~~medicines and pharmaceuticals;~~
- mill work and similar woodwork;
- ~~mobile~~manufactured and modular homes and components;
- ~~musical instruments; novelties;~~
- office supplies;
- optical goods;

- photographic equipment;
- ~~manufactured andprefabricated and modular housing and components; printing and print supplies (including printing plants);~~
- 3-D printing~~, radio and TV receiving sets~~;
- ~~sanitary paper products;~~
- ~~scientific and precision instruments; service industry machines;~~
- ~~signs;~~
- textiles (including dyeing, laundry bags, canvas products, dry goods, hosiery, millinery); and
- tobacco products~~;~~.
- ~~toys, sporting and athletic goods; and~~
- ~~watches and clocks. A "printing plant" means a facility devoted to printing or bookbinding, including related large-scale storage and transshipment.~~

Manufacturing, Intensive. Manufacturing or industrial enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

Examples of intensive manufacturing include the manufacture or production of the following goods or products:

- batteries;
- chemicals (including chlorine, corrosive acid, cosmetics, disinfectants, fertilizer, insecticides, poisons);~~,~~
- ~~plastics,~~
- ~~rubber,~~
- ~~cosmetics,~~
- ~~drugs,~~
- explosives;
- industrial gases (such as acetylene)~~,~~;
- ~~cement,~~
- ~~lime,~~
- lime and gypsum ~~or plaster-of-Paris~~products;
- ~~chlorine,~~
- ~~corrosive acid or fertilizer,~~
- ~~insecticides,~~
- ~~disinfectants,~~
- ~~poisons,~~
- medicines and pharmaceuticals;
- nonmetallic mineral products (such as concrete and concrete products, glass);
- paint (including~~,~~ lacquer and varnish);
- ~~Manufacturing of~~ paper;
- primary metals;
- ~~lacquer,~~
- ~~varnish,~~
- petroleum products; and
- ~~coal products,~~ plastic, rubber, and synthetic resins. ~~electrical equipment, appliances,~~
- ~~, and machinery. This group also includes asphalt mixing plants, concrete mixing plants, smelting, animal slaughtering, and oil refining.~~

Manufacturing, Light. An establishment used to create, assemble or repair using production activities and techniques that result in fewer adverse impacts on their surroundings than general or intensive manufacturing (such as table-mounted electrical machinery or artisanal equipment). Accessory uses may include the retail sale of products manufactured on the premises, but do not include outdoor storage.

Examples of light manufacturing include the manufacture~~ing~~ or production of the following goods or products:

- baked goods, tea and coffee production with a floor area of up to 5,000 square feet (may include onsite consumption)brooms;
- caskets;
- converted paper products (such as die-cut paperboard, cardboard, and sanitary paper products);
- fasteners and buttons;
- furniture;
- glass products made of purchased glass;
- jewelry;
- printed products (including printing plants, meaning facilities devoted to printing or bookbinding, including related large-scale storage and transshipment);
- signs;
- toys, sporting and athletic goods;
- transportation equipment; and
- watches and clocks.

Examples of intensive manufacturing include the manufacture or production of the following goods or products:

Media Production. Establishments that produce, manufacture, arrange for the manufacture, or distribute motion pictures, videos, television programs, television commercials, or music and sound recordings. This includes specialized motion picture or video postproduction services, such as editing, film/tape transfers, titling, subtitling, credits, closed captioning, and computer-produced graphics, animation and special effects, and developing and processing motion picture film. Examples include motion picture film laboratories, stock footage film libraries, postproduction facilities, tele-production services, and sound recording studios.

Research and development. An establishment (such as a laboratory) for general research, scientific research, development and/or training. Activities include the invention, discovery, study, experimentation, evaluation, identification, verification, design preparation, or production of products, new technologies, techniques, or processes. Research and development functions include the repair, storage, sale, and resale of materials, goods, and products relating to the research and development use. This may include the assembly, integration, and testing of products in a completely enclosed building incidental to the principal use of scientific research, development, and training.

Sawmill. A mill for sawing timber or logs into boards or lumber.

Slaughterhouse. Any structure or land where livestock raised off-site are : (1) slaughtered; (2) preparing processed meats and meat byproducts; or (3) rendered and/or refined animal fat, bones, and meat scraps. This includes establishments primarily engaged in assembly cutting and packing of meats (i.e., boxed meats) from purchased carcasses.

Wood, metal and stone crafts. Stone cutting, welding, blacksmith, tinsmith and woodworking shops with accessory enclosed storage. Includes establishments that:

- Cut, shape, and finish wood for building or miscellaneous uses using handheld tools or power-operated woodworking machinery (such as circular and band sawing equipment, planing machinery, and sanding machinery), or
- Cut, shape, and finish marble, granite, slate, and other stone for building and miscellaneous uses, or
- Buy or sell partly finished monuments and tombstones, or

- Transform metal into intermediate or end products (other than machinery, computers, or electronics) through fabricated metal processes, or
- Treat metals and metal formed products fabricated elsewhere.

Fabricated metal processes include forging, stamping, bending, forming, and machining, used to shape individual pieces of metal, and other processes (such as welding and assembling) used to join separate parts together.

Warehousing, Storage and Distribution

Building and landscaping materials supplier. A business that sells building materials or landscaping where the majority of sales are wholesale transactions to other firms, not retail sales.

Energy Storage. A fixed installation where the following are stored, either for subsequent transshipment to a smaller fixed installation or for pick-up by truck for transport to the site where the product will be used by the consumer:

- Oil and gas storage,
- Petroleum products,
- Natural gas, or
- Electric / battery / hydrogen fuel cells.

Materials may be stored in one or more tanks or cells on the site, with tank or cell size and specifications subject to Federal and State construction and safety standards. These facilities do not include retail sales. This use does not include accessory tanks or cells for agriculture, temporary construction, or personal use.

Freight. Establishments that provide over the- road transportation of cargo using motor vehicles, such as trucks and tractor trailers, including general and specialized freight trucking. General freight transportation establishments handle a wide variety of commodities, generally palletized, and transported in a container or van trailer, for local or long distance trucking. Specialized freight transportation requires specialized equipment due to the size, weight, shape, or other inherent characteristics of the cargo. This use includes moving and storage companies.

Industrial storage. The holding or storage of coal, lumber, building material, construction equipment, empty solid waste vehicles and containers, or building materials.

Mini-warehouse. A building consisting of individual, small, self-contained units that are leased or owned for the indoor storage of business and household goods or contractors' supplies.

Outdoor storage. The holding or storage, in an unroofed area, of any goods, junk, materials, or merchandise in the same place for more than 24 hours.

Outdoor storage, vehicles. The holding or storage of operable new or used automobiles, trucks, buses, snowmobiles, motorcycles, all-terrain vehicles, boats, light aircraft, mobile homes, trailers, farm machinery, major recreational equipment, or construction machinery or equipment. The storage of inoperable vehicles or equipment is considered a vehicle storage and impoundment yard. This definition includes the storage of fleet vehicles, or vehicles owned or operated by the business on the site, on a lot for more than 24 hours. This does not include the incidental storage of less than ten vehicles owned by a business on the site for up to 48 hours or on Saturdays and Sundays.

Vehicle storage and impoundment. An area designed for the temporary storage of wrecked, inoperable and/or abandoned motor vehicles. This does not include the dismantling, wrecking, or sale of motor vehicles or parts.

Wholesale distribution, warehousing and storage. The storage of goods, and the sale of goods to other firms for resale, including activities involving significant storage and movement of products or equipment. This use does not involve manufacturing or production.

Examples include:

- Carting,
- Cold storage,

- Distribution facilities (as defined below),
- ~~Dry goods~~ Apparel wholesale,
- Express crating,
- Hauling,
- Feed locker plants,
- Fulfillment centers that combine storage with call centers,
- Hardware storage,
- Merchant wholesalers (such as restaurant supply sales),
- Warehouse or produce/fruit/food storage and wholesale structures,
- Wholesale sale of paper supplies, shoes, sporting goods, professional and commercial equipment and supplies, and
- Otherwise preparing goods for transportation.

A "distribution facility" means the intake of goods and merchandise, individually or in bulk, the short-term holding or storage of such goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor. The term "Distribution Facility" also includes a transshipment facility for the temporary holding, storage and shipment of goods or vehicles.

3.03.06 Infrastructure

Transportation/Parking

Airport. Any area of land or water that is used or intended for the landing and taking off of aircraft, and any appurtenant areas that are used or intended for use for airport buildings or other airport facilities or rights-of-way. This includes all necessary runways, taxiways, aircraft storage and tie-down areas, hangers, public terminal buildings and parking, helicopter pads, support activities such as airport operations and air traffic control, and other necessary buildings and open spaces. Includes dusting services. For purposes of this definition, "aircraft" means a device that is used or intended to be used for flight in the air, such as an airplane or helicopter.

Ground passenger transportation (e.g. taxi, charter bus). Establishments that provide passenger transportation by bus, charter bus, automobile, limousine, van, or shuttle. Some services (such as taxi) are not operated over regular routes and on regular schedules. Examples include charter bus, special needs transportation, taxicab owner/operators, taxicab fleet operators, or taxicab organizations. This use includes fleet services that store, maintain, repair, fuel, and service two or more vehicles owned by a single commercial or public entity. This use does not include publicly operated bus or transit systems.

Heliport or helistop. An area, either at ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters and that may include accessory parking, waiting room, fueling, and maintenance equipment (heliport). This includes an area designed to accommodate touch-down and lift-off of helicopters to pick up and discharge passengers or cargo. This use does not includes operation facilities other than 1 tie-down space and additional facilities required by law, ordinance, or regulation (helistop).

Marina. A facility that includes docks, piers, floats, mooring devices, fingers, stalls, gridirons, canals, a harbormaster structure, or other appurtenances designed and used to secure, store, service, fuel, berth, and launch ships, barges, boats, vessels, and other watercraft used to provide water transportation of cargo or passengers. This may include the sale of fuel and incidental supplies for boat owners, crews, and guests, servicing and repair of boats, and sale and charter of boats. Examples include pier, dock, wharf, or jetty facilities including port and harbor terminals, marine cargo handling and dry dock services, port warehouses, and port fuel facilities. This definition applies whether or not the Marina/Port is available for use by the general public.

Parking facility. A lot or Structure that offers public parking and that is the principal use of the premises. This includes any part of a lot held out or used to store or park 6 or more motor vehicles other than as an accessory use to a principal use on the premises, or as part of a shared parking arrangement approved pursuant to Section 5.05.09.

A parking facility is not considered an accessory use. A parking facility is not used to store dismantled or wrecked motor vehicles, vehicle parts, or junk, or as an automobile sales lot. This use includes commuter parking facilities.

Transit facilities. Includes transit or bus shelters, bus terminals, stations, and associated right-of-way. A "transit shelter" means a roofed structure on or adjacent to the right-of-way of a street, which is designed and used primarily for the protection and convenience of bus passengers. Includes accessory vehicle and bicycle parking.

Utilities

Electric generating plant. A facility that generates electric energy for distribution to the public. This includes all appurtenant yards, equipment and facilities for the storage of fuels, water, transmission lines, exhaust stacks, and/or utility substation. This use also includes ground-mounted solar energy generation facilities and other types of solar energy generating panels that provide service for on-site use and to off-site users.

Solar facility, commercial. A solar energy system that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where the facility is located.

See definition in "solar facility, site-specific".

Solar facility, site-specific. A solar facility that serves only the electricity or thermal needs of the dwelling unit, building, or lot on which it is installed.

Utility, Major. All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, communications, electricity, transportation, gas, steam, and similar public services, and may include storage for vehicles and equipment necessary to provide those services. This includes facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, water or sewer pumping stations, water storage facilities, telephone exchanges, switch boxes, transformer boxes, cap banks, and underground water and sewer lines. This does not include "telecommunications facility" as defined below, which refers to the point of transmission rather than distribution systems such as cable networks. Major utilities include:

- **Municipal drinking water supply reservoir**: A dam and impoundment area created, owned, and operated by a municipality to store water as part of a public water utility, including necessary or customary appurtenant facilities such as access roads and transmission pipes. Water storage tanks and water treatment plants are separate uses not included as part of a water supply reservoir.
- **Sewage treatment plant**: A plant for the primary, secondary, tertiary treatment of sewage.
- ~~**Electric generating plant**: A facility that generates electric energy for distribution to the public. This includes all appurtenant yards, equipment and facilities for the storage of fuels, water, transmission lines, exhaust stacks, and/or utility substation.~~
- **Utility substation**: A facility for the transformation of transmission voltages to distribution voltages that switches circuits and distributes usable/consumable electric power, transmits natural gas, television, or telephone signals dedicated to an individual user.
- **Utility substation, transmission**: A facility primarily serving as part of a regional interconnecting grid system that provides for the transformation, switching, and distribution of both transmission voltage and/or distribution voltages, or transmits natural gas, television, or telephone signals.
- **Utility transmission facility**: A fixed structure that conveys or distributes electric power, water, or waste, and includes electric lines, water conduits, and sewer lines, and not otherwise ~~defined~~listed.
- **Utility transmission lines, overhead**: A line suspended on overhead structures and used for the transmission of electric power or other utility service to serve a regional area. Pursuant to Section 56-46.1 of the Code of Virginia, electrical transmission lines of 150 KV or more, approved by the State Corporation Commission, shall be deemed to have satisfied the requirements of this ordinance.
- **Water storage tank**: A tower or other facility for the storage of water for supply to a water system.
- **Water treatment plant**: A plant for the purification of potable water.
- ~~**Water well, Municipal**: A well, used to collect water for a municipal water supply system. A municipal water well may include necessary or customary appurtenant facilities, such as access roads, transmission pipes, generators,~~

~~and well houses.~~

- **Other.** Any other structure or use that meets the definition of "major utility" above, and is not otherwise listed. This includes any component of a public sewer, central sewer system, public water, or central water supply system not defined above or defined as a minor utility.

Utility, Minor. A building or other structure for water supply (including water distillation), wastewater treatment, or the production of electricity, steam, air conditioning, or potable water for consumption by the general public, including any of the following as defined below:

- ~~**Community System**: A shared water supply and/or sewer (wastewater) system operated and/or owned by Loudoun Water or a private entity as defined by Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia that is designed to serve small scale development, including cluster developments, where permitted by the Zoning Ordinance.~~
- **Shared Water and Sewer Systems**: Water and/or sewage (wastewater) treatment systems that are designed to serve individual users or a number of residences such as a cluster located outside the central service area of eastern Loudoun.
- **Micro-Grid Energy System**: a stand-alone electrical system consisting of multiple generating sources and defined loads that can operate independently from the primary utility grid. This type of system is designed to accommodate power loss, to balance spikes in energy demand and optimizing energy usage to improve the reliability of power.
- **Sewer pumping station**: A facility with electric-powered pumps, designed and constructed to raise wastewater in elevation, pump effluent uphill to a gravity feed sewer line, or overcome head losses due to pipeline friction.
- ~~**Utility transmission line, underground**: A line used for the transmission or conveyance of water, sewage, natural gas, electricity, telephone signals, or other public utility services when located underground and serving a regional area. Pursuant to Section 56-46.1 of the Code of Virginia, electrical transmission lines of 150 KV or more, approved by the State Corporation Commission, are deemed to have satisfied the requirements of this Ordinance.~~
- **Water treatment plant and pumping station**: A plant for the purification and pumping of potable water.
- ~~**Watershed and water impoundment protection area**: An area, including buffers or areas protected by fences or other barriers, designated for limited development to protect the water quality of a watershed or water impoundment. "Watershed" means an area of land from which surface water drains into a common outlet, such as a river, lake, or wetland. "Water impoundment" means a body of water confined by a dam, dike, floodgate, or other barrier.~~

Water well, municipal. A well, used to collect water for a municipal water supply system. A municipal water well may include necessary or customary appurtenant facilities, such as access roads, transmission pipes, generators, and well houses.

Communications facilities

Communications facility. Broadcasting and other communication services accomplished through wired or wireless electronic mechanisms, except for uses defined as telecommunications facilities or testing stations. Examples include radio and television recording studios; radio, radar and/or television towers (defined as structures for the transmission of broadcasting of radio, TV, or radar signals); switching centers; and cable transmitting stations.

Telecommunications facility. A use provided by or a structure utilized by a public service utility or commercial public telecommunications service under the jurisdiction of the Virginia State Corporation Commission and/or licensed by the Federal Communications Commission to provide commercial public telecommunications services. A telecommunications structure may include a tower, monopole, antenna hub site, and other antenna support structures or equipment buildings. Telecommunications use and/or structure does not include non-commercial applications, such as amateur radio operations. Telecommunications use and/or structure does not include those uses or structures that are accessory to and solely used by an individual business.

- Antenna: Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels and microwave dishes, and omnidirectional antennas, such as whips and satellite dishes, but not including satellite earth stations.
- Antenna Hub Site: An area containing one or more unmanned equipment structures sited to serve telecommunications antennas. An antenna hub site may be located on the same lot as the antennas served or located on a lot that does not contain the antennas served.
- Antenna Support Structure: A self-supporting or bracketed ground-mounted pole sixty (60) feet or less in height that is accessory to and used to support one or more telecommunications antennas and no more than one related unmanned equipment structure.
- Monopole: A single, self-supporting pole-type structure, tapering from base to top and supporting a fixture designed to hold one or more antennas. For the purpose of this Ordinance, a monopole shall not be deemed to be a transmission tower.
- Transmission Tower: A lattice-type structure, guyed or self-supporting, used to support antennas. Also called a communication tower or radio tower.
- Temporary Mobile and Land-Based Telecommunication Testing Facility: Whip antennas, panels antennas, microwave dishes, and receive-only satellite dishes and related equipment for wireless audio-transmission with low wattage not to exceed 500 watts, from a sender to one or more receivers, such as for mobile cellular telephones and mobile radio system facilities.

Testing station. Land and/or structures for the purpose of testing electromagnetic waves utilized for radios, television, microwave, radar, and other means of communication. This use shall not include testing operations for light, X-ray, radioactive emissions, or any other emissions dangerous to human health.

Waste-related

Composting facility. A Solid Waste Management Facility which is located, designed, constructed, and operated to compost yard waste as defined by Section 10.1-1400, Code of Virginia to a stabilized organic product so that it does not pose a present or potential hazard to human health or the environment.

Junkyard. Any "automobile graveyard" or "junkyard" as defined by § 33.2-804, Code of Virginia, excluding sanitary landfills or garbage dumps.

Recycling collection center. A collection site operated by a governmental entity, non-governmental entity, a for-profit company, or a non-profit organization, for the acceptance by donation, redemption, or purchase of recyclable materials from the public. These centers may contain permanent or semi-permanent buildings, or structures, and typically consist of portable containers which can be emptied and readily moved.

Remediation Services. Establishments primarily engaged in one or more of the following:

- Septic tank services;
- Remediation and cleanup of contaminated buildings, mine sites, soil, or groundwater;
- Integrated mine-reclamation activities, including demolition, soil remediation, wastewater treatment, hazardous substance removal, contouring land, and revegetation; or
- Asbestos, lead paint, and other toxic material abatement.

Solid waste facility. Any "solid waste management facility" or "sanitary landfill" as defined by the Virginia Waste Management Act (Code of Virginia, § 10.1-1400). This use includes includes Landfill, sanitary; and Garbage incinerating, reducing, or dumping for compensation, including loading or transfer.

Stockpiling. The acceptance, collection, accumulation, or aggregation of dirt, fill, or gravel from off-site sources, for a period of more than 12 months.

Vegetative waste management facility. A solid waste management facility that manages vegetative waste (as defined by Section 10.1-1400, Code of Virginia).

3.03.07 Agriculture

Agriculture. Uses characterized by general active and ongoing agricultural activities, including agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), forestry, fisheries, honey production, silviculture (including the harvesting of timber), and similar uses.

Accessory uses may include offices, storage areas, and repair facilities related to agriculture uses.

"Agriculture" includes:

- A direct market business for sale of products produced onsite-including but not limited to PYO (pick-your-own); and
- "Community supported agriculture" (CSA), defined as an area of land managed and maintained by an individual or group of individuals to grow and harvest food and/or horticultural products for shareholder consumption or for sale or donation.

Agriculture does not include:

- A grocery store or the retail or wholesale sale of products remotely related to the production of agricultural products; or
- Preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means that do not result in an active and ongoing agricultural activity within 30 days.

Animal Husbandry. Uses characterized by the active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of bison, cattle (beef and dairy), pigs, mules, ducks, emus, horses and very small equine, goats, llama, alpaca, poultry, pigeons, sheep, and similar animal husbandry uses. The conduct of the foregoing activities with respect to animals that are pets or non-domesticated (wild) animals is not considered animal husbandry.

Auction facility, livestock. An establishment where the public may consign livestock for sale by auction open to public bidding or sell livestock on a commission basis, consisting of pens or other enclosures and related facilities where livestock is received, held, and kept for sale at auction and shipment.

Brewery, limited. A brewery licensed as a Limited Brewery in accordance with state law, and located and operating as provided in Section 3.06.04.05 (Brewery, Limited). Accessory uses are as provided in Code of Virginia § 15.2-2288.3:1.

[Note: See Code of Virginia § 4.1-206.1, subsection 4 (limited brewery licenses).]

Community garden. A site gardened collectively by a group for producing herbs, fruits, vegetables, flowers, or other ornamental foliage for personal use, consumption, or donation.

Custom operators. An establishment in which a contractor or other operator agrees to perform all or some machine operations, providing equipment and labor, for production and related activities on agricultural sites in exchange for a payment or a payment along with a percentage of profits. Field operations performed by a custom operator may include field preparation, planting, cultivating, harvesting, tilling, haymaking, bush hogging, crop storage, hauling, fencing, and barn construction.

Farm co-ops. A facility used by an organization of farm producers for cooperative technical and marketing assistance, which may include a central marketplace where farmers can deliver products for pick-up by consumers but not a wholesale distribution center.

Farm distribution hub. A place where farmers can deliver agricultural products for pick-up by consumers or wholesalers, but not including a central place operated by a farm co-op where farmers can deliver products for pick-up by consumers (see “Farm Co-op”). Central farm product distribution hub does not include such uses as trucking operations, stockyards, auction houses, slaughterhouses, or canneries or other processing facilities.

Feedlot. An enclosure (including a lot, yard, building, or corral) in which animals fed for slaughter are confined, that is used for more than 30 days in a one-year period, with or without an area for the raising of crops, forage, or other

vegetation and upon which animals fed for slaughter are allowed to graze or feed. A "feedlot" does not include any area where animals are held for slaughter by a processor for a period of 30 days or less.

Horticulture. The active and ongoing cultivation and production of orchard, garden, or nursery crops on a small or large scale, including the production of Christmas trees, field-grown crops, specialty crops, flowers, fruit, grapes (vineyard), market gardening, nursery stock, nuts, ornamental plants, sod, vegetables, and similar horticultural uses; and the cultivation of that produce by means of biotechnical or genetic engineering techniques. Horticulture does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when those preparations do not result in an active and ongoing horticultural activity within 30 days

Nursery, Production. An agricultural establishment where plants are grown for resale on a retail or wholesale basis for only those plant materials grown on-site.

Stable or Livery. A commercial establishment that boards:

- more than 10 horses owned by non-owners and/or non-residents of the lot for their private use, and/or
- any horses for public use, or
- horses for the private use of the owners and/or residents of the lot in addition to the commercial boarding activities listed above.

Accessory uses include offices, storage areas, caretaker's quarters, educating and training students in equitation, and caring for, breeding, or training horses associated with the Livery Stable use.

Stable, private. An establishment that keeps or boards:

- Horses for the private use of the owners and/or residents of the lot, and/or
- Up to 10 horses owned by non-owners or non-residents of the lot for their private use.

One employed instructor engaged to educate and train persons in equitation who currently board horses with the establishment is permitted.

Wayside stand. Any structure or land on a farm used by the property owner, their family, or tenants to sell agricultural or horticultural produce, livestock, or merchandise principally produced on that farm, which is clearly an accessory use of the premises and does not change its character. This may also include the sale of produce grown on other farms and accessory products.

Winery, commercial. An establishment with facilities for making and bottling wine for sale on-site or through wholesale or retail outlets. A commercial winery is a winery that does not meet the definition of a Virginia Farm Winery.

Winery, Virginia farm. A winery licensed as a farm winery in accordance with state law. Accessory uses are as provided in Code of Virginia § 15.2-2288.3.

[Note: See Code of Virginia § 4.1-206.1, subsection 6 (farm winery licenses).]

3.03.08 Miscellaneous

Temporary Uses. A use of land limited in both duration and the number of annual occurrences, excluding uses and events customarily associated with the principal land use (e.g., weddings at a church, sporting events at a stadium).

3.04 Accessory Uses

A. **Applicability**

1. This Section applies to uses and structures that are accessory to the principal use of the premises.
2. A use or structure is "accessory" when it is associated with and incidental to the principal use or structure.
3. This section lists general standards for accessory uses. Accessory uses are also subject to specific

standards listed in Section 3.06 (Use-Specific Standards). To the extent that a standard in Section 3.06 conflicts with a more general standard in this section, the standard in Section 3.06 controls.

4. Unless qualified by another provision of this Ordinance, accessory uses and structures are permitted in the same manner as, and in connection with, the principal use in any zoning district subject to the standards in this Section.

B. **Specific Uses**. Permitted accessory uses and structures are limited to those identified in Table 3.04-1 and any additional uses and structures the Zoning Administrator finds are similar to those listed in scope, size, and impact and which are otherwise in compliance with this Ordinance.

Table 3.04-1 Permitted Accessory Uses and Structures	
Accessory Use	**Principal Use Category**
Above ground deck	All
Accessory dwelling or Guest house	Residential
Caretaker or guard	Agriculture, Commercial, Lodging, Industrial, Public/Civic (allowed only if accessory to a non-residential principal use)
Bus shelter or bus stand	All
Communications tower for public facilities, up to a maximum height of 100 feet and no closer to the property line than the height of the tower	Public/Civic
Dog houses and pens	Agriculture, Commercial, Residential
Donation Drop-Off Boxes	Agriculture, Commercial, Public/Civic, Lodging, Industrial, Infrastructure
Dumpster and dumpster pads	Agriculture, Commercial, Public/Civic, Lodging, Industrial, Infrastructure
Emergency power generators	Agriculture, Commercial, Public/Civic, Industrial, Infrastructure
Enclosed areas devoted to collection of recyclables generated by the principal use	Lodging, Residential
Fence or wall	All
Freestanding air conditioning machinery	All
Home occupation	Residential, pursuant to subsection E
Office	Agriculture, Public/Civic. Lodging
Outdoor storage	Agriculture, Commercial, Industrial, Infrastructure, Public/Civic; pursuant to subsection G
Parking uses and structures	All
Patio, porch, gazebo	All
Play equipment and playhouses	Public/Civic, Lodging, Residential
Private greenhouse	Agriculture, Lodging, Public/Civic, Residential
Private swimming pool	Lodging, Public/Civic, Residential
Private tennis or outdoor recreational court	Lodging, Public/Civic, Residential
Public utility or communication tower, setback a minimum of one (1) foot for each one (1) foot in height	Commercial, Industrial, Infrastructure, Public/Civic
Radio or satellite/TV antennas, free standing or on roof, setback from required yards a minimum of one (1) foot for each one (1) foot in height	All, except in Historic Districts designated by the County
Recreational and athletic fields	Public/Civic
Recycling facilities	Agriculture, Commercial, Industrial, Infrastructure, Public/Civic
Religious housing	Public/Civic
Retail sales	~~Agriculture~~, Commercial, Lodging, Industrial, Infrastructure, Public/Civic
Solar facility, site-specific	All
Storage shed for personal, non-commercial use	Residential
Storage sheds not exceeding 200 square feet	Agriculture, Commercial, Lodging, Industrial, Infrastructure, Public/Civic
Stormwater management facilities	All
Studios and workshops without outdoor display for personal use	Residential
Training facility	Agriculture, Commercial, Industrial, Public/Civic
Utility substation, dedicated	All

Table 3.04-1 Permitted Accessory Uses and Structures	
Accessory Use	Principal Use Category
Warehousing, indoor storage, and distribution, excluding bulk storage of gasoline, petroleum products, natural gas, and chemicals	Commercial. Industrial, Infrastructure, Public/Civic
Vehicle service or sales	Commercial

C. **General Standards.** The following limitations apply to accessory uses or structures:

1. Accessory uses or structures must be located on the same lot as the principal structure or use.
2. Accessory structures must be included in the calculation required by this ordinance for the purpose of complying with height, bulk, and coverage regulations.
3. Except as permitted in Section 5.01, no accessory use or structure is permitted to be located in a required yard.
4. No accessory use or structure is permitted to create a nuisance or hazard.
5. No accessory structure is permitted to be used as a dwelling or for lodging, except as otherwise provided.
6. Except in the case of home occupations conducted within a tenant house, an accessory use or structure must be operated and maintained under the same ownership as the principal use.
7. No accessory use is permitted to be established until the principal use is established.

D. **Accessory Uses in Employment / Industrial Districts**. The following apply to accessory uses in the UE, SE, SI, TLI, TIE, JLMA-LE and JLMA-LI districts, as indicated below:

1. *Floor Area Limitation*. Uses accessory to Light Manufacturing or General Manufacturing permitted in the SE (Suburban Employment), TLI (Transition Light Industrial), and JLMA-LE (Joint Land Management Area – Leesburg Employment) districts must not exceed 30% of the gross floor area of the facility.
2. *Retail Sales as an Accessory Use*.
    a. Retail sales as an accessory use to warehousing must comply with the following:
        1. The warehousing facility must store goods for at least 1 retail establishment located in a zoning district where retail is a permitted principal use.
        2. At least 75% of the gross floor area of the facility is devoted to warehousing facility use that is not a display area or retail sales area and is not accessible to the public.
        3. The use must be designed so that pedestrian and vehicular circulation are coordinated on-site and on adjacent properties, and vehicular access to the site must be provided via the internal circulation system of the industrial park.
        4. The use must be designed to provide safe and convenient access and to minimize any potential conflicts between industrial service and delivery vehicles, passenger vehicles, and pedestrian traffic.
        5. Any improvements, such as additional parking spaces, travel aisles, additional landscaping, and additional floor area required as the result of the introduction of retail uses to an area designed and developed for industrial uses must be provided.
        6. All business, service, storage, and display of goods must be conducted within a completely enclosed building, and all refuse must be in completely enclosed facilities.
        7. In lieu of Sec. 5.05 (Parking Standards), the retail use requires 1 parking space per 500 gross square feet.
        8. No additional sign area is permitted for the retail use.
        9. Site plan or amended site plan approval is required prior to establishment of retail sales to demonstrate compliance with the use regulations of this subsection.

E. **Home Occupations.** Home occupations are permitted within any dwelling unit, accessory building associated with a dwelling unit, or tenant dwellings permitted pursuant to Section 3.06.02.03.

1. **Nature of Use.** The use of the dwelling unit for the home occupation must be clearly incidental and

subordinate to the use of the dwelling unit for residential purposes by the home occupation operator.

2. **Employees.**
    a. Members of the home occupation operator's family residing on the premises may be engaged in the home occupation.
    b. One employee (1 full-time equivalent), other than members of the home occupation operator's family residing on premises, may be permitted to work on site.
3. **Parking**. An employee permitted to work on-site pursuant to subsection E.2 above requires 1 off-street parking space in addition to the minimum off-street parking requirements for the dwelling unit under Section 5.05.02 of this Ordinance. Any other need for parking generated by a home occupation must be met solely by off-street parking. Off-street parking required by this subsection must not be located in a required front yard, unless located within an existing driveway.
4. **Visibility.** No visible evidence of the conduct of the home occupation is be permitted other than signs permitted pursuant to Section 6.01 of this Ordinance.
5. **Retail Sales**. No retail sales on the premises, other than items handcrafted on the premises, are permitted in connection with a home occupation. Office use to support retail sales off-premises are permitted. Up to 25% of the gross floor area of the dwelling unit, or 25% of that gross floor area if conducted in an accessory building, may be used to store merchandise for retail sales off-premises.
6. **Trip Generation**. The home occupation must not generate more than 10 additional vehicle trips (5 round trips) per day, including deliveries.
7. **Impacts**. Equipment or processes used in the home occupation must not create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. Equipment or processes must not create visual or audible electrical interference in any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises.

F. **Outdoor Storage**. This subsection applies to accessory outdoor storage.
1. **Underground Bulk Storage.** Underground bulk storage of gasoline or petroleum products is not permitted, except for automobile service stations, as incidental to manufacturing and research and development operations, or the servicing of company owned or leased vehicles within enclosed areas.
2. **Buffers and Screening.** Outdoor storage of waste materials, equipment, supplies, and vehicles must be buffered and screened on the periphery of the storage area.
3. **Waste Materials.** Waste materials must be stored in a closed container. The burning of waste materials is prohibited.
4. **Parking.** Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with a permitted use is allowed.

G. **Donation Drop-Off Boxes**. Donation drop-off boxes are permitted as an accessory use to such primary uses as shopping centers, convenience stores and office parks. Donation drop-off boxes are subject to the following standards:
1. *Property Owner's consent*. Written consent must be provided by the property owner or authorized agent or representative of the property on which the donation drop-off box is located. Such written consent must be provided with the required zoning permit.
2. *Location*. Donation drop-off boxes are not permitted in the following areas:
    a. Any property zoned for residential use or containing a residential structure.
    b. Public rights-of-way.
    c. Within a required front or side yard, or within 20 feet of the public right-of-way, whichever is greater.
    d. Any required off-street parking space, loading space or proffered parking space.
    e. Within a required landscape area, open space area, buffer yard, or easement.
    f. Any pedestrian path, private street, vehicular access or inter-parcel connection.
    g. Within any area that obstructs visibility at intersections and entrances as determined by Section

5.11 of this Ordinance and in accordance with Virginia Department of Transportation standards.

h. Any area that would restrict vehicular, bicycle or pedestrian circulation within the property.

i. Within any area restricted by the USBC and Fire Code regulations.

3. *Number*. No more than 2 donation drop-off boxes are permitted on any lot. Additional boxes may be permitted as subject to review and approval of a special exception permit or as allowed within this section.

4. *Enclosure*.

   a. Donation drop-off boxes must be placed upon a solid concrete or asphalt surface.

   b. Donation drop-off boxes must be located within an enclosure of no more than 120 square feet.

   c. The enclosure must have four sides, one of which must include an access opening or gate.

   d. The enclosure must be constructed of materials similar to that of the principal structure or that of existing enclosures and of a similar architectural design.

   e. The enclosure must be constructed to a height of no greater than 7 feet, 6 feet in width and 6 feet in length.

5. *Maintenance*.

   a. Donation boxes must be well maintained and in good condition.

   b. All donated items must be located completely within the enclosure.

   c. All donated items must be collected on a regular basis or within 48 hours of a request by the property owner or authorized agent. Items and materials including trash may not be located outside or in proximity to a donation drop-off box for more than 24 hours and must be removed by the property owner, operator of the donation drop-off box or their authorized agent.

6. *Signage*. The donation box enclosure shall include no more than 3 signs which:

   a. Are constructed of durable materials.

   b. Are no larger than 9 square feet.

   c. ~~Provide information for the specific items requested for donation, the name of the operator and contact information, the name of the property owner and contact information, and notice that no items may be left outside the donation drop-off box enclosure.~~

7. *Exceptions*.

   a. Associated Principal Use. When associated with a non-profit charitable organization operating as a principal use the number of donation drop-off boxes may exceed 2 with the following requirements:

      1. Boxes are located in the rear property.

      2. Boxes are screened from any adjacent residential use or property located in a residential zoned district.

      3. Boxes are consistent with all other location and maintenance standards within this section.

      4. Boxes are consistent with a site plan as reviewed and approved by the County.

8. *Zoning Permit*. Donation drop-off boxes must submit and receive approval of a zoning permit prior to installation.

9. *Enforcement/ Revocation*. The Zoning Administrator may modify these standards due to unique physical conditions on the subject property or impose reasonable conditions of approval to ensure compliance. The zoning permit may be revoked for violation of this subsection, conditions of the permit, and any applicable County codes, regulations or ordinances. Notice of such revocation must be provided in writing by certified mail, setting forth the reasons for the revocation, the date upon which the revocation is effective, and the appeals procedure.

3.05 Temporary Uses

A. **Applicability**. This section applies to the temporary uses described in subsections B through G below. These uses are permitted in all zoning districts, subject to the following:

B. **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 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.** The erection and occupancy of a temporary dwelling for up to twelve (12) months, which may be extended by the Zoning Administrator in 6 month increments, is permitted during the construction of a dwelling on the same lot subject to obtaining a zoning permit, to be issued concurrently with or after the issuance of the building permit.
3. **Sales and leasing.** Residential and non-residential sales and leasing are permitted as a temporary use in a dwelling, a model home, or temporary building located in the same subdivision or development where the dwellings or non-residential buildings are to be located and offered for sale or lease. The sales use is permitted until the issuance of the last occupancy permit within the subdivision or development.
4. **Model Homes.** Single family detached model homes are permitted in all districts where residential uses are allowed. Single family detached model homes may be constructed prior to record plat approval so long as zoning requirements are met for the lot on which the home is constructed and appropriate building permits have been obtained. If a model home has been constructed prior to record plat approval, it shall be depicted on the record plat. Single family attached model homes, multi-family model units, and model home courts are permitted subject to first obtaining record plat or site plan approval. In addition, if any model home incorporates features that are atypical to the ultimate residential use of the home, such as, but not limited to, utilization of the garage for a sales office without the provision of adequate on-site parking, or provision of a centralized parking area for a model court, then the use is also subject to review and approval through a site plan amendment process. Alternatively, the model unit or model court may be incorporated in the construction plans and profiles of the applicable development subdivision or site plan. The County may require a bond as appropriate to ensure that the atypical features including temporary parking lots will be removed or brought into conformance prior to conversion of the unit for residential occupancy. Notwithstanding, nothing herein shall be construed so as to require a garage in a model home to be utilized for parking, if the unit or lot otherwise meets the parking requirements of this ordinance. A model home shall obtain an occupancy permit prior to residential occupancy.
5. **Temporary Fire and/or Rescue Station.** The erection of a new structure and/or occupancy of a legally existing structure for temporary Fire and/or Rescue Station shall be permitted during the period of construction of a Fire and/or Rescue Station within the same Fire, Rescue and Emergency Management service area. The zoning permit for such temporary Fire and/or Rescue Station may be approved after the approval of a zoning permit for the associated permanent Fire and/or Rescue Station. Such Temporary Fire and/or Rescue Station shall be removed within ninety (90) days of completion of construction of the associated Fire and/or Rescue Station. Such Temporary Fire and/or Rescue Station shall also be subject to the following:
    a. A sketch plan shall be required at the time of zoning permit, pursuant to Section 7.03.
    b. All new structures shall be set back a minimum of 15 feet from any lot line, or the minimum yard or setback of the underlying zoning district, whichever is less restrictive.

C. **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.

D. **Special Events.** Special events may be permitted in all zoning districts on application for a temporary zoning permit to the Zoning Administrator, subject to this subsection's standards and requirements.

1. **Exemption for Special Events Approved as Part of a Special Exception Use.** 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 special events shall comply with any applicable conditions stated in the special exception approval, and all other applicable provisions in the Zoning Ordinance, and the Loudoun County Code.
2. **Exemption for Special Events in Required SM District Publicly Accessible Gathering Space.** Any special event held in the required publicly accessible gathering space provided pursuant to Section 2.02.03.I. is not required to obtain a temporary zoning permit unless the special event requires construction of a stage or other structure.
3. **Residential Locations.** Special events on residential property must contain a total gross acreage of at least 2 acres.
4. **Alterations**. Permanent alterations to the site are prohibited unless the Zoning Administrator specifically approves the alteration so that the permit applicant can comply with this subsection.
5. **Signs**. Permanent signs are prohibited. All temporary signs must obtain a sign permit. Signs associated with the temporary special event use must be reviewed and approved pursuant to Section 6.09 and are only for the duration of the temporary special event.
6. **Term of Approval/Permit.** A temporary zoning permit for a special event authorized pursuant to this subsection shall be limited to a maximum duration of 14 days, unless otherwise specifically authorized or extended by the Zoning Administrator. A permittee may request an extension as provided in Section 7.03.G.4.f. All structures and materials related to the special event shall be removed within the approval time period or as such period may be extended.
7. **Maximum Number of Non-exempt Special Events per Property.** Within any single calendar year, the same property may host no more than 10 special events pursuant to this subsection. The temporary use permits for these special events may be reviewed and approved concurrently. A minimum of 14 days shall lapse between special events on any one property, or the subsequent special event shall be a minimum of 2,000 feet from the location of the previous event.

E. **Temporary Fire and/or Rescue Station.** The erection of a new structure and/or occupancy of a legally existing structure for a temporary Fire and/or Rescue Station shall be permitted under the following emergency events: instances of catastrophic natural disasters and/or accidents; an existing Fire and/or Rescue Station is destroyed or is so damaged that it is rendered uninhabitable and/or unusable; or an incident which affects the public safety. Such Temporary Fire and/or Rescue Station shall be removed within 90 days of cessation of the emergency event. Such Temporary Fire and/or Rescue Station shall also be subject to the following:

1. All new structures shall be set back a minimum of 15 feet from any lot line, or the minimum yard or setback of the underlying zoning district, whichever is less restrictive.

F. **Other Temporary Uses.** Other temporary activities for compensation not otherwise specifically addressed in this Section 3.05 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 F must be clearly incidental and subordinate to the permitted principal use of the property.

3.06 Use-Specific Standards

3.06.01 Purpose and Applicability

Purpose: *The purpose of this section is to establish standards for specific uses to minimize negative impacts on neighboring properties, implement State and federal law, and ensure the orderly development of a diversity of land uses within the county. These standards will provide uniform criteria for development approval, protect the public health, safety and welfare, and protect property values and economic development. These standards are consistent with and support The Loudoun County 2019 General Plan.*

A. **Applicability.** The use specific standards of this section apply in addition to all other applicable standards and regulations within this ordinance unless otherwise stated. The use specific standards of this section may be modified by minor special exception unless otherwise specified.

B. **Conditions**. In addition to any standards in this Section 3.06, a use shall conform to any proffers applied pursuant to a zoning amendment (Section 7.09), conditions imposed pursuant to a special exception or minor special exception (Section 7.10) or variance (Section 7.07) review, or conditions or proffers applied pursuant to a planned unit development review (Section 7.10).

3.06.02 Residential

3.06.02.01 Accessory Dwellings

A. **Applicability:** This section applies to accessory dwelling units.

B. **Maximum Size:** Accessory dwellings shall not exceed the following maximum size:

1. In Rural Districts under Section 2.04, the lesser of (i) 70% of the gross floor area of the principal structure and a footprint not more than 70% of the footprint of the principal structure or (ii) 2,500 square feet in gross floor area.
2. In the Suburban Districts under Section 2.02 and the Planned Development Districts under Section 2.06 the lesser of (i) 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure or (ii) 1,200 square feet in gross floor area.

C. **Additional Approval:** On lots served by individual sewage disposal systems, accessory dwellings are permitted only upon approval from the Health Department. On lots served by communal sewer systems or communal wastewater systems, accessory dwellings are permitted only upon approval from Loudoun County Sanitation Authority (LCSA)

D. **Number of Accessory Dwellings:** Only 1 accessory dwelling is permitted on a lot of less than 20 acres. One additional accessory dwelling is permitted on a parcel with an area of 20 acres or more. In the ARN and ARS Districts, one additional accessory dwelling shall is permitted for each 25 acres in excess of 20 acres. Additional dwellings may be permitted by special exception.

E. **Placement:** Accessory dwellings may be located within an accessory building or in the principal structure.

F. **Yard Requirements:** An attached accessory dwelling is subject to all yard requirements applicable to the accessory building or principal structure in which it is located.

G. **Use Limitations:** All of the use limitations of Section 3.04 shall be met.

H. **Historic Structures.** The applicability standards for structures existing prior to January 7, 2003, as identified in Section 3.06.01 shall apply.

3.06.02.02 Guest Houses

A. **Applicability.** Guest houses are subject to the following additional standards.

B. **Users.** Only non-paying guests or occupants of the principal dwelling must use the guest house.

C. **Commercial or Residential Use Prohibited.** Guest houses must not be rented, used as a short-term rental, operated for gain, or otherwise used as a separate dwelling.

D. **Maximum Size**. The floor area of any guest house shall not exceed the lesser of:

1. 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure, or
2. 2,500 square feet of gross floor area.

E. **Historic Structures.** The applicability standards for structures existing prior to January 7, 2003, as identified in Section 3.06.01 shall apply.

3.06.02.04 Manufactured Homes

A. **Applicability.** This section applies to manufactured homes. Manufactured homes in the ARN, ARS, A-3, and TLN districts are not subject to this section.

B. **Manufactured Homes**. The following standards apply to manufactured homes:

1. Manufactured housing shall be at least 900 square feet in floor area and a minimum of 19 feet in width.
2. Roofs shall:
    a. be pitched with a minimum vertical rise of 4 inches for each 12 inches of horizontal run; and
    b. include a minimum of either a 6 inch overhang and a 4 inch gutter or 12 inch overhang on the front and back and a minimum of 6 inch on the sides.
3. Exterior materials shall be of a color, material and scale compatible with site-built, single family construction.
4. Manufactured homes shall have a non-reflective roof material such as asphalt or wood shingles, tile or slate or other products as used in surrounding areas.
5. Perimeter non-load bearing foundation enclosures shall be compatible with foundation materials on site-built residential structures, and are limited to masonry, stone or concrete.
6. Manufactured housing shall have wheels, axles, transporting lights, and removable towing apparatus removed from the site, and shall be placed on a permanent foundation.

C. **Restrictive Covenants**. This section does not supersede valid restrictive covenants of record, except that a manufactured home is not considered a mobile home.

3.06.02.05 Portable Dwelling/Construction Trailer

A. **Applicability**. This section applies to any portable dwelling/construction trailer.

B. **Removal**. The portable dwelling/construction trailer must be removed within 1 month of the completion of construction of the primary residence.

3.06.02.06 Religious Housing

A. **Applicability**. This section applies to religious housing in the ARN, ARS, TLN, TR-2, and JLMA-3 districts.

B. **Intensity/Character.**

1. The minimum lot area shall be as follows, unless the religious housing is developed as an adaptive re-use pursuant to Section 3.06.05.06.A.2:

Use	Size of Lot (Minimum)	No. of Residents
Level I – small scale	5 acres	4-10 residents
Level II – medium scale	10 acres	11-20 residents
Level III – large scale	20 acres	21-30 residents
Level IV- requires special exception approval pursuant to Section 7.09	30 acres	31-40 residents

B. **Building/Lot requirements.**

1. **Size of use.** The maximum floor area ratio is 0.04.
2. **Minimum Required Yard Standards.** The minimum required yards are:
    a. Level I – small scale: 50 feet minimum from all lot lines;
    b. Level II – medium scale: 100 feet minimum from all lot lines
    c. Level III- large scale: 150 feet minimum from all lot lines
3. **Landscaping/Buffering/Screening.**
    a. Driveways are prohibited within a required buffer yard area except as necessary to access the site.

C. **Historic Structures.** The applicability standards for structures existing prior to January 7, 2003, as identified in Section 3.06.01 apply.

3.06.02.07 Seasonal Labor Dormitory

A. **Applicability**. This section applies to seasonal labor dormitory uses in the ARN, ARS, and JLMA-20 districts. Seasonal labor dormitories are defined as part of the tenant dwelling use. Tenant dwellings are also subject to Section 3.06.02.10.

B. **Intensity/Character.**
1. **Location of Use.** The use must be located on the site of active agriculture, horticulture or animal husbandry operations.
2. **Dwelling Unit Size.** The minimum size of a dormitory is 200 square feet per seasonal laborer housed, and total square footage must not exceed 2,500 square feet.
3. **Residents.** Residents must be employed at the onsite active agriculture, horticulture or animal husbandry operation during their occupancy of the unit.

C. **Location on Site.**
1. **Located on Internal Site Driveways.** Dormitories shall be accessed by internal site driveways and shall not have direct access to public roads.
2. **Setback from Single-Family Dwellings.** Dormitories shall be set back at least 100 feet from off-site single family detached dwellings.

D. **Landscaping/Buffering/Screening.** Yards, berms, vegetative screening, fences or walls must buffer adjacent properties and public streets from dormitory structures.

3.06.02.08 Single-Family Dwelling Units

A. **Maximum Dwelling Units per Structure.** No one single-family attached structure is permitted to exceed 8 townhouse dwelling units.

B. **UT/UM District Requirements.** Single-family detached and single-family attached dwelling units are permitted in the UM Subarea of the UT/UM District as follows:
1. Single-family detached dwelling units:
    a. Must be no more than 2.5% of total dwelling units in the UM Subarea.
    b. Must be located in accordance with the Transition standards in Section 5.11.
2. Single-family attached dwelling units must be designed so that:
    a. Blocks containing single-family attached dwelling units include an alley.
    b. Garages are alley-loaded; garages must not face or be accessed from any road within the district.
    c. The buildings are a minimum of 3 stories in height.
    d. Front entrances are a minimum of 3 feet above the grade of the sidewalk.

C. **SCN-16 Requirements.** Single-family detached dwelling units are permitted in the SCN-16 District as follows:
1. No more than 10% of proposed dwelling units in the SCN-16 District are permitted to be single-family detached dwelling units.

D. **SM District Requirements.** Single-family detached and single-family attached dwelling units are permitted in the SM District as follows:

1. Single-family detached dwelling units are not permitted in the Mixed Use Center Core.
2. Single-family attached dwelling units permitted to be located in the Mixed Use Center Core must be designed in accordance with the following:
    a. Blocks containing single-family attached dwelling units must include an alley.
    b. Garages must be alley-loaded; garages must not face or be accessed from any road within the Mixed Use Center Core.
    c. Must be a minimum of 3 stories in height.
    d. Front entrances must be a minimum of 3 feet above the grade of the sidewalk.
3. Single-family detached and single-family attached dwelling units must meet the Transition standards in Section 5.11.
4. The total number of single-family detached, single-family attached, and multifamily stacked (see Section 3.06.02.09.A) dwelling units must not exceed 20% of the total number of dwelling units approved for the site.
5. The land area dedicated to single-family detached, single-family attached, and multifamily stacked (see Section 3.06.02.09.A) dwelling units must not exceed 10% of the land area of the SM District.

E. **TCN District Requirements.** Single-family attached dwelling units are permitted in the TCN District as follows:
1. Only duplex, triplex, or quadruplex single-family attached dwelling units are permitted.

3.06.02.09 Multifamily Dwelling Units

A. **Maximum Dwelling Units on the Ground Floor.** No one multifamily stacked structure is permitted to exceed 8 multifamily stacked dwelling units on the ground floor.

B. **UT/UM District Requirements.** Multifamily stacked dwelling units are permitted in the UM subarea of the UT/UM District as follows:
1. Blocks containing multifamily stacked dwellings must include an alley.
2. Garages must be alley-loaded; garages must not face or be accessed from any road within the Mixed Use Center Core.
3. Front entrances must be a minimum of 3 feet above the grade of the sidewalk.

C. **SM District Requirements.** Multifamily stacked dwelling units are permitted in the SM District as follows:
1. Multifamily stacked dwellings located in the Mixed Use Center Core must be designed in accordance with the following:
    a. Blocks containing multifamily stacked dwellings must include an alley.
    b. Garages must be alley-loaded; garages must not face or be accessed from any road within the Mixed Use Center Core.
    c. Front entrances must be a minimum of 3 feet above the grade of the sidewalk.
2. Multifamily stacked dwellings located in the Mixed Use Center Fringe must meet the Transition standards in Section 5.11.
3. The total number of multifamily stacked, single-family detached, and single-family attached (see Section 3.06.02.08.C) dwelling units must not exceed 20% of the total number of dwelling units approved for the site.
4. The land area dedicated to multifamily stacked, single-family detached, and single-family attached (see Section 3.06.02.08.C) dwelling units must not exceed 10% of the land area of the SM District.

D. **TCC District Requirements.** Multifamily dwelling units are permitted in the TCC District as follows:
1. Only above a first floor nonresidential use or uses that are the predominate use(s) on the first floor and the first floor includes features that activate a streetscape, such as a predominance of glass and an entrance.

E. **VC and RC District Requirements.** Multifamily dwelling units are permitted in the VC and RC Districts as follows:

1. Only above first floor nonresidential use or uses that are the predominate use(s) on the first floor and the first floor includes features that activate a streetscape, such as a predominance of glass and an entrance.

3.06.02.10 Tenant Dwellings

A. **Applicability.** Tenant dwellings are subject to base district regulations and the following additional regulations:

B. **Tenant Dwellings.**

1. **All Parcels Except Open Space Parcels.**
    a. **Number Permitted.**
        1. One tenant dwelling is permitted on a parcel of at least 10 acres.
        2. One additional tenant dwelling is permitted for each 25 acres of a parcel in excess of the minimum 10 acres.
    b. **Tenant Dwellings for Seasonal Labor/Special Exception.** In addition to those structures permitted under Section B.1.a above, additional tenant dwellings for seasonal labor may be permitted by special exception.
2. **Open Space Parcels.** Tenant dwellings on open space parcels are only allowed in the A-3, ARN, ARS, and TLN districts
    a. One tenant dwelling shall be permitted on parcels with at least 25 acres.

C. **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 dwellings 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 3.06.02.B.1.a. above, each unit of a multiple dwelling structure is considered a separate tenant dwelling.
4. **Home Occupations.** Occupants of tenant dwellings may conduct home occupations subject to Section 3.06.09.03.
5. **Size of Tenant Dwelling.** No tenant dwelling unit shall exceed 2,500 square feet in gross floor area.
6. **Number of Tenant Dwellings** The number of tenant dwellings must not exceed four per parcel.

D. **Historic Structures**. The applicability standards for structures existing prior to January 7, 2003, as identified in Section 3.06.01 apply.

3.06.03 Lodging

3.06.03.01 Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, and Rural Resorts

A. **Applicability**. This section applies to any Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, or Rural Resort that is established either as the initial use of the subject property, by change of use of the property, or by conversion of one use to another.

B. **Approval**. No Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn or Rural Resort shall be established until a sketch plan or site plan, as applicable, for the proposed use is approved and the appropriate building permit and applicable Fire Prevention Code permits obtained.

C. **Private Parties**

1. Private parties are subject to the maximum attendees, times and durations described below:

Table 3.06.03.01-1 Private Parties

Table 3.06.03.01.1 Private Parties		
Use	Maximum attendees (including overnight guests) for parties allowed on daily basis	Times per calendar year that parties may exceed maximum daily guests

Use	Maximum attendees (including overnight guests) for parties allowed on daily basis	Times per calendar year that parties may exceed maximum daily guests
Bed and Breakfast Homestay	20	10
Bed and Breakfast Inn	50	20
Country Inn	100	20
Rural Resort as Event Facility (see subsection G.7)	See Section 3.06.04.03	See Section 3.06.04.03

2. **Hours of Operation.** Hours of operation for private parties are limited to 7:00 AM to 12:00 midnight.
3. **Landscaping/Buffering/Screening.** Outdoor private party areas shall meet the requirements of Section 5.07.04.A.6, regardless of the size of the adjacent property. For Bed and Breakfast Homestays or Bed and Breakfast Inns, the Zoning Administrator may waive this requirement in whole or in part in accordance with Section 5.07.08 or if the adjacent property owner(s) provides written consent to waive all or part of the required landscaping/buffering/screening requirements.
4. **Permits**. For Bed and Breakfast Homestays, Bed and Breakfast Inns, or Country Inns, private parties for more than the maximum daily attendees require approval of a Building Permit to allow the structure to be used for the private parties and a Zoning Permit for each private party. A Zoning Permit shall be applied for at least thirty (30) days in advance of each private party, or at least 30 days in advance of the first private party of the calendar year if the dates of all those private parties are listed. The Zoning Permit application shall be accompanied by a copy of the approved Building Permit and proof of any necessary approvals from County agencies, such as the Health Department and Fire Official.

D. **Bed and Breakfast Homestay.** The following standards apply to a Bed and Breakfast Homestay:

1. **Intensity/Character.**
   a. **Management.** The owner of the premises shall reside on the premise and manage the Bed and Breakfast Homestay.
   b. **Guest Rooms.** A maximum of 4 guest rooms are permitted.
   c. **Lot Size.** No minimum lot area.
   d. **Food Service.** The Bed and Breakfast Homestay shall not contain restaurant facilities, but may provide food service only for overnight guests or private party attendees.
2. **Exterior Lighting.** In addition to the requirements of Section 5.08.05, the maximum height of pole-mounted exterior lighting is 12 feet.
3. **Noise.** No outdoor music permitted between 11 PM and 10 AM on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, and between 10 PM and 10 AM on any other day.
4. **Roads/Access.** For any Bed and Breakfast Homestay that is located on a lot which does not have access to a Class II or Class III road, the property owner shall provide documentation to the Zoning Administrator demonstrating that the establishment has permission to use the private road or private access easement serving such lot..

E. **Bed and Breakfast Inn.** The following standards apply to a Bed and Breakfast Inn:

1. **Intensity/Character.**
   a. **Number Permitted.** Only a single Bed and Breakfast Inn use type, and its related uses and accessory uses, is permitted on a lot in the ARN, ARS, and A-3 zoning districts.
   b. **Management.** The owner or manager of the premises shall provide full-time management at all times when the Bed and Breakfast Inn is occupied by overnight guests or private party attendees. An owner or manager may live on the premises and must be onsite at all times when the Bed and Breakfast Inn is occupied by overnight guests or private party attendees.
   c. **Guest Rooms.** The number of guest rooms shall not exceed 10.

d. **Lot Area.** The minimum lot area is 5 acres.

e. **Size of Use.** Maximum floor area ratio: 0.04.

f. **Food Service.** The Bed and Breakfast Inn shall not contain restaurant facilities, but may provide food service only for overnight guests or private party attendees.

g. **Yard Standards.** Parking shall be setback 40 feet from all lot lines.

2. **Landscaping/Buffering/Screening.**

a. New driveways providing access to a Bed and Breakfast Inn use shall not be located within a required buffer yard area except as necessary to access the site.

3. **Exterior Lighting.** Exterior lighting for a Bed and Breakfast Inn is subject to Section 5.08.05.A.1-3 (Exterior Lighting Standards). In addition to the requirements of Section 5.08.05, the maximum height of pole-mounted exterior lighting, outside of parking areas is 12 feet.

4. **Noise.** Outdoor music is not permitted between 11 PM and 10 AM on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, or between 10 PM and 10 AM on any other day.

5. **Roads/Access.**

a. For any Bed and Breakfast Inn that is located on a lot which does not have access to a Class II or Class III road, the property owner shall provide documentation to the Zoning Administrator demonstrating that the establishment has permission to use the private road or private access easement serving the lot.

b. Only two points of access are permitted for the Bed and Breakfast Inn.

6. **Historic Property**. 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 and Breakfast Inn and is exempt from the minimum lot area, yard and floor area ratio requirements specified above. Any expansion or enlargement of 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 7.10.

F. **Country Inn.** The following applies to a Country Inn:

1. **Approval.** Minor special exception review and approval is required in ARN, ARS, and A-3 zoning districts if a Country Inn contains a restaurant that serves more than 100 persons.

2. **Intensity/Character.**

a. **Number Permitted.** Only a single Country Inn use type, and its related uses and accessory uses, is permitted on a lot in the ARN, ARS, and A-3 zoning districts.

b. **Management.** The owner or manager of the premises shall provide full-time management at all times when the Country Inn is occupied by overnight guests or private party attendees. An owner or manager may live on the premises and must be onsite at all times when the Country Inn is occupied by overnight guests or private party attendees.

c. **Guest Rooms.** The number of guest rooms shall not exceed 40.

d. **Minimum Lot Area.** The minimum lot area is 20 acres.

e. **Size of Use.**

i. The floor area ratio must not exceed 0.04.

ii. Any restaurant and indoor Banquet/Event Facilities located on the property shall not exceed 49 percent of the total floor area of the Country Inn.

f. **Food Service.**

i. Food service may be provided for overnight guests and private party attendees.

ii. Full-service restaurant facilities may be provided to the general public in accordance with the individual Zoning District regulations.

g. **Yard Standards.**

i. The Country Inn use shall be setback 100 feet from all lot lines.

ii. Parking shall be setback 100 feet from all lot lines.

iii. Outdoor private party areas shall be setback 200 feet from all lot lines or 100 feet from a lot line of a property having a commercial use.

h. **Accessory Use.** A maximum of 10% of the gross floor area of the Country Inn may be composed of accessory day treatment, spa facilities.

3. **Landscaping/Buffering/Screening.**

a. New driveways providing access to the Country Inn shall not be located within a required buffer yard area except as necessary to access the site.

4. **Exterior Lighting.** All exterior lighting shall comply with the standards of Section 5.12.A.1-3 (Exterior Lighting Standards). In addition to the requirements of Section 5.12, the maximum height of pole-mounted exterior lighting, outside of parking areas, shall be 12 feet.

5. **Noise.** No outdoor music shall be permitted between 12 AM (midnight) and 7 AM.

6. **Roads/Access.**

a. For any Country Inn that is located on a lot which does not have access to a Class II or Class III road, the property owner shall provide documentation to the Zoning Administrator demonstrating that the establishment has permission to use the private access easement serving such lot..

b. Only two points of access for a Country Inn.

7. **Historic Property**. 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 is exempt from the minimum lot area, yard and floor area ratio requirements specified above. Any expansion or enlargement of a 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 7.10.

G. **Rural Resorts.** The following standards apply to rural resorts:

1. **Parcel Size.** The minimum lot area of rural resorts shall comply with Section 3.06.03.01.G.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 resorts shall be appropriately sited so as not to infringe on the character of any existing village. At a minimum, rural resorts shall be located at least 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 resorts shall comply with the road access standards in Section 5.09.01.

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.

6. **Open Space.** A minimum of 75% of the site must remain in an agricultural, forestry, open space, or historic preservation use. Recreational uses customarily incidental and subordinate to the rural resort permitted in the open space area may include: swimming pools and related facilities, boating facilities, tennis and other sports courts, equestrian facilities, picnic areas, golf courses and related facilities, ballfields, children's play equipment and passive recreation facilities. 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 Resort may be permitted as an Event Facility pursuant to Section 3.06.04.03 by Minor Special Exception.

8. **Additional Standards for Certain Districts.** In the ARN, ARS, TLN and TR-2 districts, rural resorts shall comply with the following additional regulations in addition to the general regulations set forth above. Where there is a conflict between these additional regulations and the general regulations controlling the development of rural resorts, these standards shall control.

a. **Intensity/Character.** The lot area, guest room, and yard requirements for rural resorts are as follows:

Minimum Lot Size	Nos. of Guest Rooms	Minimum Required Yard (From All Lot Lines)
40 acres	Up to 20 rooms	125 feet
60 acres	21-40 rooms	200 feet
80 acres	41-60 rooms	250 feet
100 acres	61-80 rooms	300 feet
120 acres	81-100 rooms	350 feet
150 acres	101-120 rooms	375 feet
More than 120 rooms requires special exception approval pursuant to Section 7.09		

b. **Size of Use.**
   i. Any restaurant and Banquet/Event Facilities, and conference and training facilities shall be less than 50 percent of the total floor area of the rural resort.
   ii. Outdoor storage related to the rural resort facilities is permitted.
   iii. Maximum Floor Area Ratio: 0.04.

c. **Landscaping/Buffering/Screening.**
   i. Driveways shall not be located within a required buffer yard area except as necessary to access the site.

d. **Roads/Access.**
   i. Only two points of access are permitted to a rural resort. This requirement does not preclude an additional access for emergency vehicles only.

e. **Parking.**
   i. **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

f. **Noise.** Outdoor music is not allowed after 11:00 PM.

3.06.03.02 Camp, Day and Boarding

A. **Applicability**. This section applies to day and boarding camps in the ARN, ARS, TLN, TR-2, JLMA and PD-CV districts. Day and Boarding Camps are defined as part of the Campground use.

B. **Approval.** Day and boarding camps that exceed 30 campers in the TLN, PD-CV, and JLMA-20 districts must have special exception review and approval.

C. **Intensity/Character.**
   1. **Site Size.**

Use	Scope of Use/Campers	Lot Area (Minimum)
Level I—small scale	Up to 30 campers or boarders daily.	15 acres
Level II—medium scale	Up to 100 campers or boarders daily.	40 acres
Level III—large scale	Up to 250 campers or boarders daily.	100 acres
Level IV	> 250 campers or boarders daily.	Special exception pursuant to Section 7.09

   2. **Temporary Dwellings.** Day and boarding camps shall not be used as principle or accessory dwelling units except for the owner or manager and permanent maintenance personnel.
   3. **Accessory Structures.** Accessory Structures incidental to the day and boarding camp, including those structures with restrooms and other facilities, shall be provided in accordance with the Loudoun County Health Department requirements.

D. **Location on Site/Dimensional Standards.** Structures shall be set back from lot lines as follows:

Use	Setback from Lot Lines
Level I—small scale	150 ft.
Level II—medium scale	200 ft.
Level III—large scale	250 ft.
Level IV	300 ft.

C. **Roads/Access.**

1. **Driveways.** Driveways shall not be located within a required buffer yard area except as necessary to access the site.
2. **Number of Access Points.**
   a. **Camp with Less Than 15 Campers/Level I Camp.** Only one point of access is permitted to a Class I or Class II road from a camp with less than 15 campers or a Level I day and boarding camp. This requirement does not preclude an additional access for emergency vehicles only.
   b. **Level II or III Day and Boarding Camp.** Only two points of access are permitted to a Class I or Class II road from a Level II or III day and boarding camp. This requirement does not preclude an additional access for emergency vehicles only.

3.06.03.03 Campgrounds

A. **Applicability.** This section applies to campgrounds in the ARN, ARS, TLN, TR-2, and JLMA districts.

B. **Approval.** Campgrounds in the JLMA-20 district must have special exception review and approval.

C. **Intensity/Character.**

1. **Site Size.**

Use	Scope of Use/Campsites	Lot Area (Minimum)
Level I—small scale	Up to 50 campsites	40 acres
Level II—medium scale	>50 up to 100 campsites	80 acres
Level III—large scale	>100 up to 150 campsites	160 acres
Level IV	> 150 campsites	Special exception pursuant to Section 7.09

2. **Not Permanent Residence.** Campgrounds shall not be used as permanent residences, except for the owner or manager and permanent maintenance personnel.
3. **Campsites. Each** campsite shall be a minimum of 1,250 square feet and at least 25 feet in width.
4. **Recreational Area.** Each campground shall provide a recreational area consisting of 100 square feet per campsite.
5. **Communication.** Cellular service or accessible wi-fi should be available somewhere on site. If not available, an emergency telephone shall be provided for each 50 campsites.
6. **Streets and Walks Lighted.** Streets and trails shall be lighted every 400 feet.
7. **Service Buildings.** Service buildings with restroom and other facilities shall be provided in accordance with the Loudoun County Health Department requirements.

D. **Groundcover.** All areas within a campground shall have sufficient groundcover to prevent erosion and blowing dust.

1. **Size of Use.**
   a. **Structure Size.** The cumulative size of structures (excluding tent platforms) at a campground shall not exceed the following standards:

Use	Scope of Use/Campsites	Total Size of All Structures (Maximum)

Use	Scope of Use/Campsites	Total Size of All Structures (Maximum)
Level I—small scale	Up to 50 campsites	8,000 square feet
Level II—medium scale	>50 up to 100 campsites	16,000 square feet
Level III—large scale	>100 up to 150 campsites	32,000 square feet
Level IV	>150 campsites	Special exception pursuant to Section 7.09

E. **Location on Site/Dimensional Standards.** A campground shall be set back from lot lines as follows:

Use	Lot Area (Min)	Size of Structures (Max)	Setback from Lot Lines
Level I—small scale	40 acres	8,000 square feet	150 ft.
Level II—medium scale	80 acres	16,000 square feet	200 ft.
Level III—large scale	160 acres	32,000 square feet	250 ft.

F. **Roads/Access.**

1. **Driveways.** Driveways shall not be located within a required buffer yard area except as necessary to access the site.
2. **Number of Access Points.**
   a. Only one point of access is permitted to a Class II or Class III road from a Level I campground. This requirement does not preclude an additional access for emergency vehicles only.
   b. Only two points of access are permitted to a Class II or Class III road from a Level II, III or IV campground. This requirement does not preclude an additional access for emergency vehicles only.

3.06.03.04 Guest Farm or Ranch

A. **Applicability.** This section applies to any guest farm or ranch.

B. **Size.** No more than 20 guest rooms can be rented.

C. **Approval.**

1. Renting of more than three guest rooms requires special exception review and approval in the RAR, RV and VAR districts.

3.06.03.05 Hotel/Motel

A. **Applicability**. This section applies to the hotels/motels.

B. **Locational Criteria.**

1. A Hotel/Motel must have direct 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.

C. **Site Development Criteria.** Hotel/Motel uses shall be served by public water and sewer.

D. **Hotels/Motels in the SE Districts.** Hotels/Motels in the SE districts are permitted if:

1. The hotel/motel use includes at least 30 square feet per each hotel room of meeting/conference space.
2. A restaurant and/or carry-out food service is provided on-site.
3. The following amenities are provided: Swimming pool, exercise room or fitness facility, a guest store or area offering personal necessities or other items, and the required meeting/conference space.

E. **Hotels/Motels in the UT/UM and UE Districts.** Hotels in the UT/UM and UE districts are permitted if:

1. Individual guest rooms in the hotel/motel are accessed only from an interior lobby in the building and are not be directly accessible from the exterior of the building; and
2. All stairwells, corridors and circulation components of the building are completely enclosed within the

building envelope.

3.06.04 Commercial

3.06.04.01 Animal Hospital

A. **Applicability**. This section applies to animal hospitals in the UM, UE, SI, ARN, ARS, JLMA-LE, JLMA-LI and RC districts.

B. **Intensity/Character.**

1. The minimum lot area for any animal hospital in the SI, ARN, ARS, TI, and JLMA-LI districts is 5 acres. Small scale animal clinics located in commercial centers are not subject to this requirement.

C. **Size of Use.**

1. **Floor Area Ratio.** The floor area ratio shall not exceed 0.04 in the SI, ARN, ARS and JLMA districts.
2. **Storage Yards.** The total area of storage yards shall not exceed 10% of the total area of the principal structure.
3. **Location on Site/Dimensional Standards.** The minimum required yards in the SI, ARN, ARS, TI, and JLMA-LI districts are:
    a. Structures of less than 5,000 square feet of gross floor area: 100 feet minimum from all lot lines.
    b. Structures greater than 5,000 square feet and less than 15,000 square feet of gross floor area: 150 feet minimum from all lot lines.
    c. Structures greater than 15,000 square feet of gross floor area: 200 feet minimum from all lot lines.

D. **Roads/Access.**

1. **Driveways**. Driveways shall not be located within a required buffer yard area except as necessary to access the site.
2. **Number of Access Points.** Only two points of access are permitted from an animal hospital to a Class I, Class II or Class III road. This requirement does not preclude an additional access for emergency vehicles only.

3.06.04.02 Antique Shop, Art Gallery, Studio or Craft Shop

A. **Applicability**. This section applies to any antique shop, art gallery or studio, or craft shop in the ARN, ARS, and TLN-10 districts. These uses are included in the definition of a retail use.

B. **Intensity/Character Standards.** Hours of operation are limited to 8:00 a.m. to 9:00 p.m.

C. **Size of Use**.

1. **Site Size.** The minimum lot area is 1 acre.
2. **Structures.**
    a. The maximum total size of all structures used for art galleries or studios and craft shops is 3,000 square feet in gross floor area.
    b. The maximum total size of all structures used for antique shops is 10,000 square feet in gross floor area.

D. **Location on Site/Dimensional Standards.** The minimum setback is 100 feet from all lot lines.

E. **Roads/Access Standards.**

1. **Number of Access Points.** Only 1 point of access is permitted to a Class I, Class II or Class III road. This requirement does not preclude an additional access for emergency vehicles only.

F. **Historic Structures.** The applicability standards for structures existing prior to January 7, 2003, as identified in Section 3.06.01 shall apply.

3.06.04.03 Auction House

A. **Applicability**. This section applies to any auction house in the ARN or ARS districts.

B. **Intensity/Character Standards.**

1. **Hours of Operation.** Hours of operation are limited to 8:00 a.m. to 9:00 p.m.
2. **Sanitary Facilities.** Bathroom facilities shall be provided on site, consistent with the Uniform Statewide Building Code.

C. **Size of Use.**

1. **Site Size.** The minimum lot area is 10 acres.
2. **Structure.** Only one structure is allowed on the lot. The structure shall not exceed 10,000 square feet in gross floor area.
3. **Outdoor Storage.** The maximum area of outdoor storage is 2,000 square feet.

D. **Location on Site/Dimensional Standards.** The auction house shall be set back at least 100 feet from all lot lines.

E. **Roads/Access Standards.**

1. **Driveways.** Driveways shall not be located within a required buffer yard area except as necessary to access the site.
2. **Number of Access Points.** Only one point of access is permitted to a Class I, Class II or Class III road. This requirement does not preclude an additional access for emergency vehicles only.

F. **Parking.**

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

G. **Historic Structures.** The applicability standards for structures existing prior to January 7, 2003, as identified in Section 3.06.01 shall apply.

3.06.04.04 Automobile Car Sharing

A. **Applicability**. This section applies to any Automobile Car Sharing use in the UE district.

B. **On-Site Automobile Storage**. On-site automobile storage in the UE district is limited to 10 cars.

3.06.04.05 Banquet/Event Facility

A. **Applicability**. This section applies to all Banquet/Event Facility uses, except within the SM and SE district.

B. **Intensity/Character.**

1. **Hours of Operation.** Hours of operation are limited to 7:00 AM to 12:00 midnight.
2. **Size of Use.** The minimum lot area for a Banquet/Event Facility is 20 acres.
3. **Floor Area.** The floor area ratio shall not exceed 0.04.
4. **Location and Site/Dimensional Standards.**
    a. The Board of Supervisors may increase the outdoor area setback in establishing conditions associated with a Minor Special Exception for the Banquet/Event Facility use.
    b. The Banquet/Event Facility use shall be setback 100 feet from all lot lines.
    c. Parking shall be setback 100 feet from all lot lines.
    d. Outdoor private party areas shall be setback 200 feet from all lot lines or 100 feet from a lot line of a property having a commercial use.
5. **Maximum Number of Attendees:** 200 attendees, plus 2 extra attendees per each acre over 20 acres.

Minimum Acreage	No. of Attendees
20 acres	200 attendees
50 acres	260 attendees
75 acres	310 attendees
100 acres	360 attendees

B. **Roads/Access Standards.**

1. **Number of Access Points.** Only 2 points of access are permitted to a publicly maintained road for the Banquet/Event Facility use. This requirement does not preclude an additional access for emergency vehicles only.
2. For any Banquet/Event Facility use that is located on a lot which does not have frontage on a publicly maintained road, the applicant shall provide documentation to the Zoning Administrator demonstrating that a private access easement may be used to provide legal access to the Banquet/Event Facility use.

C. **Exterior Lighting.** In addition to the requirements of Section 5.08.05.D, the maximum height of pole-mounted exterior lighting, outside of parking areas, is 12 feet.

3.06.04.06 Building Maintenance Services

A. **Applicability**. This section applies to building maintenance services.

B. **Storage**. All storage for these building maintenance service uses shall be enclosed.

3.06.04.07 Business Support Services

A. **Applicability**. This section applies to business support services.

B. **Retail Sales**. Retail sales to the general public shall not exceed 20% of the gross floor area devoted to business support services.

C. All storage for the services must be enclosed.

Once districts are edited (depending on district) may need a requirement that parking is to side or rear.

3.06.04.08 Child Day Care

A. **Applicability**. This section applies to child day cares and child day homes.

B. **Child Day Homes:**

1. Subsections B.2, 3, 4, and 5 of this Section are not modifiable by Minor Special Exception.
2. The total number of children cared for in a child day home must not exceed 12 children under the age of 13. The "total number of children cared for in a child day home" includes the provider's own children, children residing on the premises, and non-resident children.
3. The child day home shall be the principal residence of the child day home provider.
4. The child day home shall comply with any and all County and Code of Virginia requirements, including without limitation, obtaining a Zoning Permit in accordance with Section 7.03 of this Ordinance, obtaining a County Business License, and obtaining a State Family Day Home License in accordance with the Code of Virginia, as applicable, prior to establishing the use.
5. Prior to the approval of a Zoning Permit for a child day home, written notice of the Zoning Permit application shall be sent to the last known address of the owner of each adjacent property as shown on the County's current real estate tax assessment records. For purposes of this subsection, "adjacent" mean properties abutting the subject property and all property immediately and diagonally across the street or road from the subject property, but not including properties separated from the subject property by a roadway having more than 2 through lanes of travel or properties located across a roadway that are more than 100 feet from the boundary of the subject property. The applicant or the Zoning Administrator shall send the written notice by certified or registered mail. If the Zoning Administrator does not send the notice, the applicant shall submit mail receipts or an affidavit to the Zoning Administrator showing that the required notice was sent. The written notice shall include the following information:
    a. A statement that a Zoning Permit application for a child day home has been submitted to the County;
    b. The address of the property subject to the Zoning Permit application for the child day home;

c. A statement informing the adjacent property owner:
    1. that if they have any objection to the proposed child day home that they can send their objection in writing to the Zoning Administrator,
    2. that the objection must be received within 30 days from the date the notification letter was sent,
    3. that the written objection shall include the specific issues that are the basis for their objection, and
    4. A mailing address for the Zoning Administrator.

6. The Zoning Permit application for the child day home shall include a Sketch Plan, in accordance with Section 7.05.C of this Ordinance, The Sketch Plan shall show the size and location of the required outdoor play area and fence required by subsection 8 below, and the required parking spaces.
7. If the Zoning Permit application for the child day home is denied, the child day home may be permitted by approval of a Minor Special Exception by the Board of Supervisors, in accordance with Section 7.10 of this Ordinance.
8. Unless exempted by 8.d. below, an outdoor play area shall be provided on the lot where the child day home is located. The outdoor play area shall meet the following standards:
    a. The minimum size of the outdoor play area is 75 square feet for each child permitted in the outdoor play area at any given time.
    b. A fence at least 3 feet 6 inches in height shall completely enclose the outdoor play area so that children are safely contained inside, and that all persons entering the outdoor play area are within direct line of sight from the child day home.
    c. The outdoor play area shall be located in the rear or side yard.
    d. No outdoor play area is required on-site if:
        1. the child day home is located within 1,000 feet of an existing park or outdoor play area of at least 2 times the size required for the child day home, and
        2. the park or outdoor play area may be accessed without crossing an arterial or collector road, and
        3. the park or outdoor play area is a public park (neighborhood, community or regional park).

9. No more than 2 non-resident assistants/employees are permitted at any time during hours of operation.
10. The hours of operation for the child day home are limited to 5 days a week between 6:00 AM and 7:00 PM.
11. Signs for the child day home are permitted in accordance with Section 6.01 of this Ordinance.
12. Parking spaces required by Section 5.05.02 of this Ordinance shall be designed for the drop off/pick up of children and shall be designed and constructed to enhance the safety of children as they arrive and leave the child day home.
13. A child day home that cares for more than 9 children (including the provider's own children, children residing on the premises, and non-resident children) is permitted only in a single family detached dwelling located on a lot that is at least 4,000 square feet.

C. **Child Day Care:**

1. The child day care shall comply with all County and Code of Virginia requirements, including obtaining a Zoning Permit in accordance with Section 7.03 of this Ordinance, a County Business License, and a State Child Day Center License in accordance with the Code of Virginia prior to establishing the use. This subsection is not modifiable by Minor Special Exception.
2. Except as provided under 2.e. below, an outdoor play area shall be provided on the lot where the child day care is located. The outdoor play area shall meet the following standards:
    a. The minimum size of the outdoor play area is 75 square feet for each child permitted in the outdoor play area at any given time.

b. A fence at least 3 ½ feet in height shall completely enclose the outdoor play area so that children are safely contained inside, and that all persons entering the outdoor play area are within direct line of sight from the child day care classroom areas.

c. The outdoor play area shall not be located within the minimum required front yard, but may extend into the minimum required side and rear yards. No play equipment shall be located within any required yard or setback of any district.

d. The outdoor play area shall be safely segregated from parking, loading, or service areas (such as dumpster pads or delivery sites).

e. No outdoor play area is required on-site if:

1. the child day care is located within 1,000 feet of an existing park or outdoor play area of at least 2 times the size required for the child day care, and

2. the park or outdoor play area may be accessed without crossing an arterial or collector road, and

3. the park or outdoor play area is either:

a. a public park (neighborhood, community or regional park), or

b. other public play area or park shown on the approved concept development plan, site plan, or subdivision plat for the development the child day care is located, and which is for the use of owners and residents of the portion of the development where the child day care is located.

3. 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 area for the drop off/pick up of children, providing at a minimum 1 parking space per 20 children, shall be located in proximity to the child day care structure in such a way that provides safe and clearly designated access to enter or exit the day care. Such parking spaces may be used to meet the minimum off-street parking requirements of Section 5.05.02.

3.06.04.09 Commercial Nursery

A. **Applicability**. This section applies to all retail sales associated with production nurseries and commercial nurseries.

B. **On-Site Production.** At least 25% of the area designated as a commercial nursery shall be dedicated to the cultivation of plants that are grown and sold on site. In calculating the percentage of plants grown on-site, plants must be cultivated at the subject nursery facility for at least 1 full season of new growth for that plant. Plants brought to the subject nursery for immediate resale are considered non-site produced plants and accessory products.

C. **Certification**. Plant production must be certified by the County Extension Agent if requested by the Zoning Administrator.

D. **Accessory Products.**

1. Accessory products include those related to the culture and care of plants sold such as pottery, baskets, garden accessories, baked goods, and floral supplies. The sale of bulk products is permitted subject to the buffer yard requirements of Section 5.07.04. Propane, firewood, lawn and garden tractors, or machine or other equipment sales are not accessory products.

2. The sales area for accessory products is limited to 25% of the total sales area.

3.06.04.10 Convenience Stores

A. **Applicability**. This section applies to convenience stories (with or without gasoline sales) that are located in freestanding structures.

B. **Accessory Uses**. In the RC, VC, JLMA-LI, SN, SCN, SM, SC, SE, SI, and TCC districts a convenience store (with or without gasoline sales) may include a car wash as an accessory use subject to approval of a special exception.

C. **Minimum Lot Area and Frontage.**

1. **Minimum Lot Area:** 50,000 square feet.
2. 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.

D. **Maximum Retail Area Size:** 5,000 square feet.

E. **Noise Mitigation.** 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 5.12.B.

3.06.04.11 Craft Beverage Manufacturing

A. **Applicability**. This section applies to craft beverage manufacturing. For purposes of this section, "craft beverage manufacturing" means:

1. A small-scale brewery manufacturing no more than 15,000 barrels of beer per calendar year licensed in accordance with § 4.1-208 of the Code of Virginia, as amended, or
2. A small-scale distillery manufacturing no more than 36,000 gallons of distilled spirts per calendar year, licensed in accordance with § 4.1-206 of the Code of Virginia, as amended.

B. **Intensity/Character.**

1. **Tasting Rooms and Accessory Food Sales.**
    a. Facilities for tasting rooms and accessory food sales must not exceed the lesser of (i) 49% of the total gross floor area of the craft beverage manufacturing use or (ii) 5,000 square feet.
    b. Outdoor tasting rooms or similar outdoor activities must be set back at least 50 feet from all lot lines of adjacent agriculturally or residentially zoned properties.
    c. Facilities for accessory food sales related to craft beverage consumption for the convenience of tasting room patrons only are permitted.
2. **Restaurant.** A restaurant may be provided in accordance with the applicable zoning district.
3. **Storage Areas.** Outdoor equipment and storage of materials used for craft beverage manufacturing are not permitted.

C. **Water and Sewer.** The use must be served by central water and central sewer.

3.06.04.12 Drive-through Facilities Associated With Banks, Financial Institutions, and Pharmacies

A. **Applicability**. This section applies to drive-through facilities associated with banks, financial institutions, and pharmacies.

B. **Where Permitted**.

1. Drive-through facilities are permitted accessory to banks, financial institutions, and pharmacies that also provide a standard range of customer services in a building.
2. Drive-through facilities are permitted accessory to uses in the Retail use category in the SM districts.

C. **Lanes.** Drive-through facilities must include an escape lane from the service lanes.

D. **Buffer.**

1. A Type C buffer yard must be provided between the bank, financial institution, or pharmacy and any abutting property zoned, used, or planned for residential uses. This does not apply to vertically mixed-use buildings containing residential uses in the SM zoning district.
2. In lieu of the maximum percentages applicable to deciduous and evergreen trees per Section 5.07.06, a maximum of 30% of the required plant units may be large deciduous trees and/or small deciduous trees. All other plant units shall consist of evergreen trees and/or evergreen shrubs.

E. **Stacking.** Stacking space must be sufficient to avoid vehicle stacking into drive lanes, parking spaces, and public streets.

3.06.04.13 Farm Machinery

A. **Applicability**. This section applies to any farm machinery use.

B. **Location.** The establishment shall be located on a lot with frontage on a Class I or Class II road, and no more than 1,000 feet from the Class I or Class II road.

C. **Buffer**. The structures, storage, and parking areas and/or the perimeter of the property shall have a Buffer Yard Type B to screen such areas from adjacent residential buildings.

D. **Setback**.

1. Buildings shall be set back a minimum of 75 feet from all property lines.
2. Parking, driveways (other than entrance) and storage yards shall be set back at least 75 feet from the property line along any road frontage, and at least 50 feet from all other property lines.
3. No structure shall be located within 500 feet of an existing residential structure.

E. **Site Size.** Sites for such establishments shall not be less than 3 nor more than 10 acres in size.

F. **Building Size**. The total Floor Area Ratio for all structures shall not exceed 0.1.

G. **Accessory Sales**. Accessory retail sales are limited to farm and garden equipment parts and related tools and accessories. The floor area devoted to the display and sale of related tools and accessories is limited to 15% of the floor area of the building site. No other non-farm equipment sales are permitted (such as lumber, hardware, building materials, or like items).

3.06.04.14 Farm Markets

A. **Applicability.** This section applies to farm markets.

B. **Product Origin**. Except as provided in subsection G below, at least 25% of the products offered for sale must be derived directly from agricultural, horticultural, aquacultural, or animal husbandry products produced on site or on other property in Loudoun County owned or leased by the operator of the Farm Market. Upon request, an annual report verifying this percentage shall be submitted to the Zoning Administrator .

C. **Location.** A Farm Market shall be located on the site of ongoing agricultural, horticultural or aquacultural activity unless otherwise provided elsewhere in the Zoning Ordinance.

D. **Access.** Farm Markets shall be located on roads where the entrance provides safe sight distance. The Virginia Department of Transportation may require turn lanes. Farm markets that share a private access easement with another property owner/s, must show the easement allows a use of this type or written permission must be obtained by the sharing parties.

E. **Accessory Products.**

1. Sales area for accessory products is limited to 10 percent of the total area devoted to sales. The calculation of total sales area includes areas devoted to the display of items for sale.
2. Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other items directly related to the culture, care, use of, or processing of a principal use in the applicable zoning district. Products not related to the principal permitted use such as lawn mowers and tractors are not allowed.

F. **Maximum Structure Size**. Retail sales areas within structures are limited, in the aggregate, to 10,000 square feet of floor area or a Floor Area Ratio of .02 (whichever is greater).

G. **Farm Markets with Off-Site Production.** Farm Markets with off-site production are permitted if, in addition to subsections B through F above, the following are met:

1. At least 50% of the products offered for sale at the Farm Market (off-site production) must be produced in Loudoun County. An annual report verifying this percentage shall be submitted to the Zoning Administrator on request.
2. Parking spaces are calculated on the basis of the floor area of indoor and outdoor sales area.
3. Landscaping/Buffering/Screening.
    a. The use shall comply with Section 5.07.04.A.6.
    b. Parking areas shall comply with Section 5.07.05.

c. Storage areas shall comply with Section 5.07.04.

3.06.04.15 Feed and Farm Supply Center

A. **Applicability**. This section applies to feed and farm supply centers.

B. **Heavy Equipment**. No more than 10% of the floor area or display or storage area used for the enterprise shall be devoted to heavy equipment and machinery.

3.06.04.16 Kennels/Indoor Kennels

A. **Applicability**. This section applies to kennels or indoor kennels. It does not apply to animal hospitals or animal care businesses.

B. **Indoor Kennel.**

1. **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. An indoor kennel must not have outdoor runs.
2. **Waste Handling.** Indoor kennels must have an animal waste handling plan.
3. **Accessory Uses**
    a. Indoor Kennels may include the following accessory uses:
        1. up to 10% of gross floor area for retail sales,
        2. up to 10% of gross floor area for veterinary service,
        3. up to 10% of gross floor area for animal hospital, and
        4. up to 10% of gross floor area for grooming.
    b. Accessory uses may not exceed 25% of the total gross floor area.

C. **Kennels in AR, TR, and JLMA Districts.** Kennels in the AR, TR, and JLMA districts shall comply with the following standards.

1. **Location on Site/Dimensional Standards.** An outdoor kennel or associated use 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 5.09.01.
    b. Only one point of access is permitted from a kennel to a public road. This requirement does not preclude an additional access for emergency vehicles only.
3. **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, is 55 dB(A).

3.06.04.18 Personal Services

A. **Applicability**. This section applies to cleaning and garment personal services uses.

B. **Cleaning and Garment Services**. Cleaning and garment services containing no more than 3,000 square feet of gross floor area. For purposes of this subsection, "cleaning and garment services" means establishments for the mechanical cleaning of garments, articles or goods of fabric for retail customers.

3.06.04.19 Restaurant

A. **Applicability**. This section applies to any restaurant use in the ARN, ARS, JLMA-2, and JLMA-3 zoning districts.

B. **Approval.** Minor special exception review and approval required. On-site restaurants directly related to ongoing agriculture, horticulture and animal husbandry activity are permitted without minor special exception.

C. **Intensity/Character Standards.** Hours of operation are limited to 6:00 a.m. to 12:00 midnight.

D. **Size of Use.**

1. **Site Size.** The minimum lot area is 20 acres except that no minimum lot size applies to adaptive reuse of

farm structures existing as of January 7, 2003.

2. **Floor Area Ratio.** The maximum floor area ratio is 0.01 except that no maximum floor area ratio applies to adaptive reuse of farm structures existing as of January 7, 2003.
3. **Location on Site/Dimensional Standards.** The use shall be set back from lot lines as follows:
    a. *Structures of up to 1,500 square feet of gross floor area*: 100 feet minimum from all lot lines.
    b. *Structures greater than 1,500 and up to 4,000 square feet of gross floor area*: 150 feet minimum from all lot lines.
    c. *Structures over 4,000 square feet of gross floor area*: 175 feet minimum from all lot lines.

E. **Roads/Access Standards.**

1. **Driveways.** Driveways shall not be located within a required buffer yard area except as necessary to access the site.
2. **Number of Access Points.** Only one point of access is permitted to a Class II or Class III road. This requirement does not preclude an additional access for emergency vehicles only.

3.06.04.20 Small Business, Agricultural and Rural

Purpose.

- ***General.*** *This section allows residents to operate small-scale service and contracting businesses in the agricultural, rural, transition, village, and joint land management area zoning districts. Intended to preserve the rural and historic character of those districts and agriculture as an industry. It is the general intent of this Section 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 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.*
- ***Allow Local, Small-Scale Businesses to Locate and Operate.*** *This Section allows local, small-scale businesses to locate and operate. It is not intended to permit franchises, branch facilities or other partial elements of larger enterprises that have other business facilities in other locations. Those larger scale enterprises, including expanding businesses which initially located in rural areas under this Section, must locate in the County's industrial and commercial zoning districts where they will not adversely impact residential neighborhoods or agricultural activities.*
- ***Uses Temporary for Starting New Business.*** *The uses approved under this section are considered temporary for the purpose of starting new businesses. Once a small business needs to expand its area, number of employees, or commercial and customer traffic beyond the capacity and character of the rural area, the business shall relocate to a location appropriately zoned for commercial, business or employment uses. The Board of Supervisors may impose appropriate conditions limiting the duration or transfer of special exceptions granted under this Section.*
- ***Adaptive Re-use of Farm Structures.*** *This Section provides for the adaptive re-use of farm structures for home occupations and small businesses.*

A. **Applicability.** This section applies to small businesses in the ARN, ARS, A-3, TR, TLN, VR, JLMA and PD-CV districts. District regulations shall also apply to small business uses located in those districts. Any use accessory and subordinate to a principal agricultural use shall not be affected by this section. In addition, this section does not affect any legal nonconforming use as provided for in Chapter 9.

B. **Permitted Small Business Uses.** Small business uses, as listed in subsection D, which meet all of the conditions in Section 3.06.04.17.E are allowed on lots of 10 acres or greater, subject to approval of a zoning permit/sketch plan (see Section 3.06.04.17.H).

C. **Small Business Uses Permitted by Special Exception.** Small businesses not meeting the criteria of subsection C are allowed by special exception. The following uses may be approved as small businesses:

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 .
8. The sale of any goods or items produced on the premises.
9. Except as provided above, no retail or wholesale commercial businesses are permitted.

D. **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
(e) Business vehicle may not have more than two axles.				

2. **Regulations for Structures.**

	Acreage	Size of Structures
(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. **Accessory Structures, Agriculture**. Notwithstanding the limitations placed on home occupations in Section 3.06.09.03, 100% of an agriculture accessory 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 5.07.04. Outdoor storage space must be enclosed on all sides by a fence.		

5. **Setback requirements.**
   a. The minimum setback for all structures or storage yards of less than 2,000 sq. ft. for uses allowed under this Section is 50 feet from all lot lines.
   b. The minimum setback for all structures or storage yards in excess of 2,000 sq. ft. is 100 feet from all lot lines.
   c. The minimum setback for all structures or storage yards used for the storage of heavy equipment is 200 feet from all lot lines and 500 feet from existing residential dwellings.
6. **Access.** All businesses which use, or store on site, heavy equipment shall access a Class II or Class III road.

F. **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 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 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 3.06.04.17), such as distances between storage yards, structures 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, that the Board of Supervisors finds necessary to mitigate potential off-site impacts of the proposed use.

G. **Signs.** Signs for permitted and special exception small businesses approved under Section 3.06.04.17 are subject to the regulations contained in Chapter 6 of this Ordinance for non-residential uses in the applicable zoning district.

H. **Parking.**
1. **Location.** No parking shall be permitted in a required yard or setback.

3.06.04.21 Snack or Beverage Bars

A. **Applicability.** This section applies to snack or beverage bars in the ARN or ARS districts.

B. **Intensity/Character Standards.** Hours of operation are limited to 6:00 a.m. to 9:00 p.m.

C. **Size of Use.**
1. **Site Size.** The minimum lot area is 5 acres.
2. **Structure.** The maximum size of structures used is 2,500 square feet in gross floor area (total all structures).

D. **Location on Site/Dimensional Standards.** The minimum setback for a snack or beverage bar is 50 feet from all lot lines.

E. **Roads Access Standards.**
1. **Number of Access Points.** Only one point of access is permitted to a Class II or Class III road. This requirement does not preclude an additional access for emergency vehicles only.

3.06.04.22 Vehicle Repair, Heavy

A. **Applicability**. This section applies to Heavy Vehicle Repair uses.

B. **Generally**
1. Motor vehicle service and repair shall be conducted within a building and shall not include on-site storage of inoperable vehicles.
2. All areas containing vehicles under repair shall be screened.

C. **Heavy Vehicle Repair Uses with Accessory Vehicle Sales**
1. **Applicability.** Limited motor vehicle sales are permitted as an accessory use to heavy vehicle repair subject to this section. This section does not prevent a mechanic from selling a car to recover costs associated with a mechanic's lien.
2. **Location**.
    a. The accessory vehicle sales must be on the same lot and within the same building as the principal use of Vehicle Repair, Heavy.
    b. Accessory vehicle sales are only permitted when the use is located on a paved local road capable of accommodating the traffic generated by the use, and accessed by the same roads that serve the

principal use.

c. Any car-carrier loading/unloading area and vehicle storage areas must be located on the same lot and separated from the customer parking areas.

3. **Outside Display.** Outside display of vehicles is not permitted within front yards, setbacks or within minimum parking areas as set forth in Section 5.05.03.

4. **Inventory.**

   a. All vehicles sold must have received repair, modification, or customization (not to include light repair) by the Heavy Vehicle Repair use.

   b. All vehicles sold for street use must meet applicable state and federal regulations regarding emissions and safety.

   c. The sale and/or outdoor storage of vehicles that are not in operating condition is not permitted.

5. **Franchise Prohibited.** No dealership franchises are permitted.

3.06.04.23 Vehicle Repair, Light

A. **Applicability**. This section applies to Light Vehicle Repair uses.

B. **Heavy Vehicle Repair**. Up to 10% of the floor area may be used for heavy motor vehicle service and repair as defined in Heavy Vehicle Repair.

C. **Repair to Occur Indoors**. Motor vehicle service and repair shall be conducted within a building.

D. **Storage of Inoperable Vehicles Prohibited**. On-site storage of inoperable vehicles is not permitted.

E. **Screening**. All areas containing vehicles under repair shall be screened.

3.06.04.24 Vehicle Wholesale Auction

A. **Applicability**. This section applies to any vehicle wholesale auction.

B. **Locational Criteria.**

1. Vehicle wholesale auctions shall be located on a Class I or Class II road capable of accommodating the traffic generated by the use.
2. Vehicle wholesale auctions shall be located on parcels that are at least partially located within the noise contour areas of the Airport Impact Overlay District, as existing at the time of initial site plan approval.
3. The minimum lot area is 50 acres.

C. **Site Development Criteria.**

1. Any car-carrier loading/unloading area and vehicle storage areas shall be located separately from the customer parking areas.
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 is not permitted.
5. Outdoor vehicle storage, parking spaces, and loading spaces shall be specifically identified on an approved site plan and is limited to those areas.
6. The minimum setback for outdoor vehicle storage is 100 feet from any road right-of-way.
7. The test driving of all vehicles must be conducted on-site.
8. Vehicle wholesale auctions shall not be conducted before 8:00 a.m., after 6:00 p.m., or on Saturdays or Sundays.

3.06.05 Public/Civic/Institutional

3.06.05.01 Amphitheater

A. **Applicability.** This section applies to any amphitheater in the TSN, TSC, SM, ARN or ARS districts. This section does not apply to small-scale amphitheaters that are accessory to community centers, HOA facilities,

residential subdivisions, or other principal uses.

B. **Intensity/Character.**

1. The minimum lot area for an amphitheater in the ARN or ARS districts is 50 acres.
2. **Accessory Uses.** Accessory uses may include concession facilities for the sales of drinks and food during events, and offices used solely to operate and manage the amphitheater.

C. **Size of Use.**

1. The capacity for permitted amphitheaters is limited to 2,000 seats. Amphitheaters in the SM district may exceed 2,000 seats with special exception approval.
2. Accessory concession facilities 5,000 square feet in the ARN or ARS districts.

D. **Location.** The minimum setback from lot lines is 1000 feet in the ARN or ARS districts.

E. **Roads/Access.**

1. **Number of Access Points.** Only 2 points of access are permitted to an amphitheater. This requirement does not preclude an additional access for emergency vehicles only.
2. **Driveways.** Driveways are prohibited within a required buffer yard except as necessary to access the site.

3.06.05.02 Agricultural Cultural Center

A. **Applicability**. This section applies to agricultural cultural centers in the ARN, ARS and Route 28 CO, PD-CM and CB districts.

B. **Intensity/Character of Use.** The minimum lot area for an agricultural cultural center is 10 acres.

C. **Size of Use.**

1. **Floor Area Ratio.** The maximum floor area ratio is 0.04.
2. **Storage Yards.** The total area of all storage yards is limited to 10% of the total gross floor area of the principal structure on the site. Outdoor exhibit space open to members of the public is not counted as part of the area of storage yards.

D. **Location on Site.** The minimum set back from lot lines is:

1. **Structures over 18,000 square feet of gross floor area**: 225 feet minimum from all lot lines.
2. **Structures greater than 9,000 square feet, and up to 18,000 square feet of gross floor area**: 175 feet minimum from all lot lines.
3. **Structures of less than 9,000 square feet of gross floor area**: 125 feet minimum from all lot lines.

E. **Roads/Access.**

1. **Number of Access Points.** Only 1 point of access is permitted to a Class I, Class II or Class III road. This requirement does not preclude an additional access for emergency vehicles only.
2. **Driveways.** Driveways are not permitted within a required buffer yard area except as minimally necessary to access the site.

F. **Historic Structures**. The applicability standards for structures existing prior to January 7, 2003, as identified in Section 3.06.01 shall apply.

3.06.05.03 Agricultural Education or Research

A. **Applicability.** This section applies to any agricultural education or research use in the ARN, ARS, TLN and TR-2 districts.

B. **Size of Use Standards.**

1. Site Size. The minimum lot area is 25 acres.
2. Visitors/Customers/Parking Spaces. No more than 200 visitors are allowed on any one day, and no more than 100 vehicles are allowed on site at any one time. Additional visitors are allowed by right, subject to an increase in minimum site size at a rate of 1 acre per 5 visitors in excess of 25 acres.
3. Structure. The maximum floor area ratio is 0.04.
4. Storage Yards. The maximum total area of storage yards shall not exceed 10% of the total area of the

principal structure.

C. Location on Site/Dimensional Standards. The minimum setback all from lot lines is:

1. Structures up to 7,000 square feet of gross floor area: 100 feet.
2. Structures greater than 7,000 square feet of gross floor area and up to 12,000: 150 feet.
3. Structures greater than 12,000 square feet of gross floor area: 200 feet.

D. Roads/Access.

1. Number of Access Points. Only 2 points of access are permitted to a public road. This requirement does not preclude an additional access for emergency vehicles only.

2. Driveways. Driveways are not permitted within a required buffer yard area except as necessary to access the site.

3.06.05.04 Assembly

A. **Applicability**. The following standards shall apply to assembly uses in the ARN, ARS, JLMA and TLN-10 districts, which includes religious land uses.

B. **Approval.** Religious land uses with seating capacity of more than 300 in the sanctuary or main activity area, or with accessory schools, day care centers with more than 50 children, or recreation facilities, must have special exception review and approval.

C. **Size of Use.**

1. **Site Size.** The minimum lot area is:
    a. Seating capacity of 300 seats or less: 10 acres.
    b. Seating capacity of 300 seats or more seats, and accessory uses (schools, day care centers, recreation facilities): 20 acres.
2. **Maximum Floor Area Ratio.** The maximum floor area ratio, as measured utilizing all structures and the total gross acreage of the site is 0.20.
3. **Storage Yards.** The maximum total area of storage yards is 10 percent of the total area of the principal structure.

D. **Location on Site.**

1. **Setbacks from Lot Lines.** The minimum setback from lot lines is 75 feet for buildings and other structures and 100 feet for parking.

E. **Accessory Uses.** Religious land uses may include but are not limited to accessory classrooms, offices, day care, camps, recreational facilities, caretaker's quarters, food bank, thrift shop, retail sales and cemeteries. Accessory child care facilities shall comply with Section 3.06.04.08.

F. **Roads/Access.**

1. **Number of Access Points.** Only 2 points of access are permitted to a Class I, Class II or Class III road from an assembly use. This requirement does not preclude an additional access for emergency vehicles only.

G. **Modification of Performance Standards.** For religious land uses, the Zoning Administrator may modify any of the standards listed in this Section 3.06.05.22 to eliminate a substantial burden on religious exercise as guaranteed by the federal Religious Land Use and Institutionalized Persons Act of 2000 (42 U.S.C. Sec. 2000cc) ("RLUIPA"), as amended. In granting a modification, the Zoning Administrator may require conditions consistent with RLUIPA that will secure substantially the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties.

3.06.05.05 Botanical Garden

A. **Applicability.** This section applies to botanical gardens in the ARN, ARS, JLMA-20 and PD-CV districts. These are defined as part of a cultural facility use.

B. **Intensity/Character of Use.**

1. **Site Size.** The minimum lot area for any botanical garden is 5 acres.

2. **Hours of Operation.** The hours of operation are limited to 6:00 a.m. to 9:00 p.m., except that permitted temporary special events at a botanical garden may operate beyond the 9:00 p.m. time according to the terms of the temporary special events permit.
3. **Accessory Uses.** Accessory uses are only permitted on lots 20 acres in size or larger. Accessory uses to a botanical garden, may include retail sales (e.g., gift shops), small restaurants or cafes, or visitor centers are subject to the following standards:
    a. Retail sales are limited to the sale of items directly related to the nature and character of the principal permitted use.
    b. Accessory uses other than visitor centers 1,000 square feet of gross floor area. A visitors center is limited 2,500 square feet of gross floor area.

C. **Size of Use.**

1. **Floor Area Ratio.** The maximum floor area ratio is 0.02.
2. **Storage Areas.** The total area of storage areas is limited to 10% of the total area of the principal structure.

3.06.05.06 Conference and Training Facility

A. **Applicability.** This section applies to conference and training facilities in the ARN, ARS, and TLN-10 districts.

B. **Intensity/Character.** The minimum lot area is:

Use	Lot Area(Minimum)	Average Daily Users
Level I-small scale	50 acres	Up to 50 users
Level II-medium scale	100 acres	>50 and up to 100 users
Level III-large scale	150 acres	>100 and up to 150 users
Level IV	Requires special exception approval pursuant to Section 7.09	>150 users
Average daily users include the employees, trainees and conferees the conference and training facility is designed to accommodate. Service trips, which are trips made to the facility for the purpose of delivering food, supplies, and related materials are in addition to the average daily users.		

B. **Size of Use.**

1. **Floor Area Ratio.** The maximum floor area ratio is 0.04.
2. **Accessory Uses.**
    a. Dining and banquet facilities may be provided for employees, trainees and conferees. The maximum total area of banquet and dining facilities is 20% of the total area of the principle permitted structure.
    b. The maximum total area of lodging facilities is 40% of the total area of the principal permitted structure.
3. **Special Events Only by Section 3.05 or Special Exception.** Special events shall receive approval pursuant to Section 3.05, or be specifically provided for in the approval of a special exception (Section 7.09), as applicable.
4. **No Products Sold On-Site.** No products shall be sold on-site, except those that are clearly incidental and integral to the training programs and seminars. Shirts, glasses, golf equipment, pens and pencils, mugs and similar items with the logo of the company or firm conducting or sponsoring the conference or seminars are considered incidental and integral to the training program.
5. **Storage Yards.** The maximum total area of storage yards is 10% of the total area of the principle structures.
6. **On-Site Recreation Facilities.** On-site recreation facilities may be used solely by employees, trainees or conferees.
7. **Open Space.** At least 75% of the site must remain in an agricultural, forestry, open space, or historic preservation use.
8. **Location on Site/Dimensional Standards.** The minimum setback from lot lines is:

Use	Setback from Lot Lines
Level I—small scale	150 ft.
Level II—medium scale	200 ft.
Level III—large scale	250 ft.

C. **Roads/Access.**

1. **Number of Access Points.** Only 1 point of access is permitted to a Class I, Class II or Class III road. This requirement does not preclude an additional access for emergency vehicles only.
2. **Driveways.** Driveways shall not be located within a required buffer yard area except as necessary to access the site.

D. **Noise Standards.**

1. The maximum allowable dB(A) level of impulsive sound from the site, as measured at the property line, shall not exceed 55 dB(A).
2. Outdoor music is not allowed after 11:00 PM.

3.06.05.07 Country Club

A. **Applicability**.

1. This section applies to country clubs in the ARN and ARS. Country clubs are defined as part of the outdoor or major recreation use.
2. For purposes of this section:
    a. “Lot Area” includes the total acreage of abutting parcels under common ownership and control, or under a common development plan, and
    b. "Property Line” means the outer line of properties under common ownership and control, or under a common development plan.

B. **Intensity/Character.** The minimum lot area is:

Use	Lot Area(Minimum)
Level I-small scale	50 acres
Level II-medium scale	75 acres
Level III-large scale	150 acres

B. **Size of Use.**

1. **Floor Area Ratio.** The maximum floor area ratio is 0.04.
2. **Maximum Structure Size.** The maximum size of structures is:

Use	Maximum Total Size of PermittedPrincipal Structures (GFA)
Level I—small scale	25,000 sq. ft.
Level II—medium scale	50,000 sq. ft.
Level III—large scale	75,000 sq. ft.

3. **Accessory Structures.** The maximum total area of all accessory structures is 15 percent of the total gross floor area of the principal structures used for the country club.
4. **Distribution of Uses.**

Use	Total Maximum Gross Floor Area of the Principal Permitted Structures
Dining and Restaurant Facilities	30%
Banquet and Conference Facilities	25%

Use	Total Maximum Gross Floor Area of the Principal Permitted Structures
Spa and Health Facilities	15%

C. **Use Limitations.**

1. Enclosed principal structures for dining and banquet facilities, conference facilities, spa, fitness facilities, and recreational activities (such as pool and tennis) must be sited and designed to take advantage of the topography and existing vegetation to blend into the rural landscape to the maximum extent feasible.
2. Principal structures must be clustered to maximize usage of site infrastructure (i.e. parking, travelway, utilities). This does not apply to principal structures that have reason to be separated from the main country club complex (e.g. maintenance facilities, structures housing livestock).
3. Structures shall be sited to minimize visual impacts on adjacent properties and promote the rural character of the landscape. Siting on primary ridgelines or hilltops, if visible from the adjacent public roadways is prohibited. However, if, because of engineering constraints (e.g. utility easements, drainage, access easements, soil conditions, etc.) it becomes necessary to site a facility on a primary ridgeline or hilltop, the applicant shall provide additional landscaping and buffering to mitigate the visual impact from adjacent public roadways.

D. **Minimum Required Yards.**

1. The minimum required yard for principal and accessory structures is 150 feet from all property lines (the "property line" is the outer line of the properties under common ownership and control).
2. To encourage preservation of environmental resources, the Zoning Administrator may reduce yard requirements up to 25%.
3. Accessory structures, not requiring a building permit, may be located a minimum of 25 feet from all property lines.

E. **Landscaping/Buffering/Screening.**

1. **Buffer.** A Buffer Yard Type B (see Section 5.07.04.D) is required for principal or accessory structures associated with the country club that are adjacent to parcels of 3 acres or less that are not part of a common development plan.

F. **Roads/Access.**

1. **Number of Access Points.** Only 2 direct points of access are permitted from a Country Club use to a public road. This requirement does not preclude an additional access for emergency vehicles.
2. **Driveways.** Driveways shall not be located within a required buffer yard area

G. **Water and Sewer.** A Country Club shall be served by a communal water system and a communal wastewater collection and pre-treatment or treatment system.

H. **Parking.**

1. **Surface.** Where practicable, a pervious surface is required.

I. **Noise Standards.** The maximum allowable dB(A) level of impulsive sound from the site, as measured at the property line, is 55 dB(A).

3.06.05.08 Death Care Services

A. **Applicability**. This section applies to cemeteries, mausoleums, crematoriums, and funeral services. This section does not apply to crematoriums permitted in the SM district.

B. **Intensity/Character of Use.**

1. **Site Size.** The minimum lot area for any cemetery, mausoleum, crematorium is 10 acres.
2. **Hours of Operation.** The hours of operation are limited to 6:00 a.m. to 9:00 p.m. or dusk, whichever occurs first.

C. **Size of Use.**

1. **Maximum Floor Area Ratio.** The maximum floor area ratio is 0.04.

2. **Storage Areas.** The maximum total area of storage areas is 10% of the total area of the principal structure.

D. **Location on Site/Dimensional Standards.**

1. **General.** The minimum set back is 50 feet from lot lines.
2. **Setback from Residences.** The minimum setback from a residence is 100 feet, unless property owner of the neighboring residence consents in writing to a reduced setback.
3. **Setback from Water Company Well**. The minimum setback from a city, town or water company well is 300 yards (Section 57-26 Code of Virginia).

E. **Roads/Access.**

1. **Driveways.** Driveways shall not be located within a required buffer yard area except as necessary to access the site.
2. Stacking. Sufficient car stacking space must be provided on the lot such that a collector or arterial road need not be used to form funeral processions. The area of the lot used to form funeral processions shall have direct, but limited, access to the collector or arterial road.

3.06.05.09 Fairground

A. **Applicability**. The following standards shall apply to fairgrounds in the ARN, ARS and JLMA-20 districts. A fairground is classified as part of an outdoor or major recreation use.

B. **Intensity/Character of Use.** The minimum lot area is 25 acres.

C. **Size of Use.**

1. **Floor Area Ratio.** The maximum floor area ratio is 0.04.
2. **Storage Areas.** The maximum total area of storage areas is 10% of the total area of the principal structures.
3. **Building Height.** Maximum building height is 35 feet.
4. **Location on Site.** The minimum setback from lot lines is:
    a. Structures of less than 20,000 square feet of gross floor area: 150 feet.
    b. Structures greater than 20,000 square feet, up to 40,000 square feet of gross floor area: 200 feet.
    c. Structures greater than 40,000 square feet of gross floor area: 225 feet.

D. **Roads/Access.**

1. **Number of Access Points.** Only 2 points of access to a fairground are permitted. This requirement does not preclude an additional access for emergency vehicles only.
2. **Driveways.** Driveways are not permitted within a required buffer yard area except as necessary to access the site.

E. **Exterior Lighting Standards.** Refer to Section 5.12.A.1-3.

F. **Noise.**

1. **Location in Relation to Residential Use.** No loading/unloading activities, or other noise-producing activities are allowed within 250 feet of an existing adjacent single family detached use during the hours of 11:00 p.m. and 6:00 a.m.
2. **Maximum dB(A).** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, is exceed 55 dB(A). In addition, outdoor music is not allowed after 11:00 PM.

G. **Parking.**

1. **Surface.** All parking areas serving a fairground must use a dust-free surfacing material as provided in the Facilities Standards Manual.

3.06.05.10 Farm Based Tourism

A. **Applicability**. This section applies to farm based tourism in the ARN, ARS, TLN, JLMA, and Route 28 CO, PD-

CM and CB districts. These are defined as part of cultural tourism (see Section 3.03.04).

B. **Intensity/Character Standards.**

1. **Site Size.** The minimum lot area for a farm based tourism use is 5 acres.
2. **Visitors/Customers/Parking Spaces.** The minimum lot area increases based on the number of visitors/customers, as follows:

Use	Scope of Use/Event	Lot Area Requirement
Level I—small scale	No more than 300 visitors on any one day; no more than 150 vehicles allowed on site at any one time.	>5 acres, up to 40
Level II—medium scale	> 300 visitors daily, no more than 600 visitors on any one day; no more than 300 vehicles allowed on site at any one time.	>40 acres, up to 80
Level III—large scale	> 600 visitors daily, no more than 800 visitors on any one day; no more than 400 vehicles allowed on site at any one time.	>80 acres

3. **Hours of Operation.** Hours of operation are limited to 8:00 a.m. to 9:00 p.m.
4. **Owner.** The farm based tourism use shall be operated or maintained by the owner, operator, or occupant of the land on which the primary associated agriculture, horticulture or animal husbandry use is conducted.

B. **Size of Use Standards.**

1. **Structure.**
   a. The maximum size (total for all structures, based on gross floor area) used for the farm based tourism use is:

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Level I—small scale	5 acres, up to 40 acres	Up to 5,000 square feet
Level II—medium scale	>40 acres, up to 80 acres	> 5,000 square feet, up to 7,500 square feet
Level III—large scale	>80 acres	> 7,500 square feet, up to 10,500 square feet

2. **Storage Areas.** The maximum total area of all storage areas is 25% of the total floor area of the structures used for the farm based tourism use.

C. **Location on Site/Dimensional Standards.**

1. **Lot Lines.** The minimum setback from all lot lines for structures used for farm based tourism is:

Use	Size of Structures (Maximum)	Setback from Lot Lines
Level I—small scale	Up to 5,000 square feet	100 feet
Level II—medium scale	>5,000 square feet up to 7,500 square feet	150 feet
Level III—large scale	>7,500 square feet, up to 10,000 square feet	200 feet

D. **Road/Access Standards.**

1. **Driveways.** Driveways are prohibited in a required buffer yard area except as necessary to access the site.

3.06.05.11 Golf Course

A. **Applicability.** This section applies to any golf course in the ARN, ARS, TLN, and JLMA districts. A golf course is classified as part of an outdoor or major recreation use.

B. **Intensity/Character.**

1. **Site Size.** The minimum lot area for a golf course is:

a. 75 acres for 9 holes.
b. 150 acres for 18 holes.

2. **Hours of Operation.** The hours of operation for a golf course are limited to 6:00 a.m. to 9:00 p.m.
3. **Accessory Uses.** Accessory uses to a golf course may include a club house with a pro shop and small restaurant or café, subject to the following standards:
   a. The pro shop is limited to sales of golf-related items.
   b. Accessory uses 25% of the total size of the golf clubhouse.

C. **Size of Use.**
1. **Structure Size.** The maximum size of all structures (total) used at a golf course is 25,000 square feet in gross floor area.
2. **Storage Yards.** The maximum total area of storage yards is 5,000 square feet.

D. **Location on Site/Dimensional Standards.** The minimum setback is 200 feet from all lot lines.

E. **Nutrient Management Plan.** A Nutrient Management Plan must be approved by the Loudoun County Soil and Water Conversation District and the Department of Building and Development.

F. **Roads/Access.**
1. **Number of Access Points.** Only 2 points of access are permitted to a public road from a golf course. This requirement does not preclude an additional access for emergency vehicles only.

3.06.05.12 Health and Fitness Centers

A. **Applicability**. This section applies to health and fitness centers.

B. **Massage Services**. A health and fitness center may provide massages if:
1. The health club occupies an area greater than 5,000 square feet, and
2. No more than 5% of the gross floor area is used for massages.

C. **Development Criteria in Certain Districts.** Permitted subject to the following criteria in the SI, TLI, TI, and JLMA-LI districts. Special exception review and approval is required if criteria is not met.
1. **Pickup and Drop-off.** Include a designated pickup and delivery zone providing at a minimum one (1) parking space per twenty (20) patrons/children located in close proximity to the facility that provides safe and clearly designated access to enter or exit the facility.
2. **Access.** No inter-parcel access to an adjoining industrial use or SI, TIE, JLMA-LI zoned parcel.
3. **Site Design.** Building entrances and exits must be separated from vehicular circulation for industrial uses.

D. **Bicycle Parking.** Parking and storage for bicycles must be provided consistent with Section 5.05.03.

3.06.05.13 Hospitals

A. **Applicability.** This section applies to hospitals. Hospitals are classified as a medical care facility (Section 3.03.04).

B. **Location.** All hospital sites shall have frontage on a Class I or Class II road capable of accommodating the traffic generated by the site.

C. **Site Development Criteria.**
1. Hospitals serving over 100 inpatients must be served by public water and sewer systems.
2. The minimum setback for hospital structures is 250 feet from County-designated Agricultural and Forestal districts.
3. The minimum setback for principal structures is the greater of:
   a. 100 feet from property lines, or
   b. the minimum yard setback requirements of the applicable district, or
   c. the adjacent district setback requirements.
4. The minimum setback for accessory structures and parking is the greater of:

a. 25 feet from any rights-of-way, private access easements, and property lines which adjoin agricultural or residential districts, or

b. the minimum yard setback requirements of adjoining districts.

3.06.05.14 Private Schools

A. **Applicability**. This section applies to private schools (elementary, middle, or high). They are defined as part of a school use. This section does not apply to public schools.

B. **Approval.**

1. Minor special exception for more than 15 pupils in the SR, A-3, SN, SCN, TLN, TR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, RAR, VR, and VAR districts.
2. Minor special exception regardless of size in the Urban, SM, SC, SE, TLI, JLMA-LE, RC, RV, and VC districts.
3. Special exception regardless of size in the SI, TIE, JLMA-LI, ARN, and ARS districts.

C. **Notice Required**. Operators of a private school within the SE, SI, TLI or JLMA-LE districts must notify all applicants for admission to the school, at the time of application, of the potential permitted and special exception uses within the district.

1. **Notification Document.** 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. The document shall remain on file at the school for the period of the student's enrollment.

3.06.05.15 Public Safety Uses

A. **Applicability**. This section applies to public safety uses (fire and/or rescue stations and police stations or substations) in the ARN, ARS, TLN and JLMA districts. These standards do not apply to the development of a temporary fire and/or rescue station in the ARN, ARS, TLN and JLMA districts.

B. **Fire and/or Rescue Station.** The following apply to fire and/or rescue stations:

1. **Size of Use.**
    a. **Site Size.** The minimum lot area is is 2 acres.
    b. **Floor Area Ratio.** The maximum floor area ratio is 0.3.
    c. **Storage Yards.** The maximum total area of storage yards is 20% of the total area of the principal structure.
    d. **Setback from Lot Lines.** The minimum setback for structures associated with Fire and/or Rescue Stations ~~s~~is 100 feet from all lot lines. The setback may be reduced to 60 feet from lot lines if a Buffer Yard Type C is provided along the lot line.
2. **Roads/Access.**
    a. **Number of Access Points.** Only 2 points of access are permitted to a Class I or Class II road. This requirement does not preclude an additional access for emergency vehicles only.
3. **Parking.** Refer to Section 5.05.02.B.4. These spaces are be in addition to vehicle storage spaces for vehicles not in use.
4. **Exterior Lighting Standards.** Refer to Section 5.12.A.1 and 2 (Exterior Lighting Standards).

C. **Police Station or Substation**. The following apply to police stations or substations:

1. **Size of Use.**
    a. **Site Size.** The minimum lot area is 2 acres.
    b. **Floor Area Ratio.** The maximum floor area ratio is 0.3.
    c. **Storage Yards.** The maximum total area of storage yards is 20% of the total area of the principal structure.
    d. **Setback from Lot Lines.** The minimum setback from lot lines is:
        i. Structures of less than 4,000 square feet of gross floor area: 60 feet.

ii. Structures greater than 4,000 square feet, and up to 8,000 square feet of gross floor area: 100 feet.

iii. Structures greater than 10,000 square feet of gross floor area: 120 feet.

2. **Roads/Access.**

   a. **Number of Access Points.** Only 2 points of access are permitted to a Class I or Class II road. This requirement does not preclude an additional access for emergency vehicles only.

3. **Parking.** Refer to Section 5.05.02.B.4. These spaces are in addition to vehicle storage spaces for vehicles not in use.

4. **Exterior Lighting Standards.** Refer to Section 5.12.A.1 and 2 (Exterior Lighting Standards).

3.06.05.18 Recreation

A. **Applicability.** This section applies to indoor recreation uses and outdoor or major recreation uses.

B. **Rural and Transition Policy Area Districts.** Amusement or theme parks and sports stadiums, complexes, arenas or sports fields are not permitted in the ARN, ARS, RAR, RC, RV, VR, VC, VAR, TLN-10, TLN-3, TLN-1, TSN, TCN, TCC, TLI, or TIE districts.

C. **Intensity/Character.** Indoor recreation uses in UT, UM, or UE districts.

1. Must not exceed 10,000 square feet .
2. The building for an indoor recreation use must be minimum of three stories in height and contain two or more distinct principal uses that do not share the same physical space.

D. **Pickup and Drop-off.** Indoor and outdoor or major recreation uses in the SE, SI, TLI, TIE, JLMA-LE, and JLMA-LI districts must include a designated pickup and delivery zone providing at a minimum one (1) parking space per twenty (20) patrons/children located in close proximity to the facility that provides safe and clearly designated access to enter or exit the facility.

E. **Approval.** Indoor and outdoor/major recreation uses and that do not meet applicable criteria listed in subsection B and C must have special exception review and approval.

3.06.05.17 Rural Retreat

A. **Applicability.** This section applies to rural retreats in the ARN, ARS, A-3, TLN-10, SC, RAR, RC, RV, VSR, JLMA-3 and JLMA-20 districts.

B. **Approval.** Permitted rural retreats must meet the development standards provid in subsection C below. Any rural retreat that does not meet the development standards of subsection C requires special exception approval.

C. **Development Standards.** Rural retreats must be compatible with and supportive of the property's primary land use of agriculture, forestry, open space and/or historic preservation.

1. Hours of Operation. Hours of operation are limited to 7:00 AM to 12:00 midnight.
2. **Minimum Acreage.** The minimum acreage is 50 acres.
3. **Open Space.** A minimum of 75% of the property's total acreage must be kept in an agricultural, forestry, open space, and/or historic preservation use.
4. **Frontage and Access.** The property on which the Rural Retreat is located must have frontage and access on a Class I or Class II road.
5. **Floor Area Ratio.** The maximum floor area ratio is 0.04. The property's total acreage is used to determine the permitted floor area.
6. **On-Site Food Services.** The Rural Retreat may provide on-site food service for employees and retreat visitors, but may not contain restaurant facilities open to the general public.
7. **Setbacks.** The minimum setback for all Rural Retreat buildings is 200 feet from adjacent properties.
8. **Storage Areas.** Storage areas related to the Rural Retreat are permitted.
9. **Programs.** The Rural Retreat may include training programs, seminars, and similar activities.
10. **Special Events.** Special events require approval pursuant to Section 3.05, unless the Rural Retreat meets

the requirements of Section 3.06.04.05.

11. **Products Sold On-Site.** Products sold on-site must be clearly incidental and integral to the purpose and program of the Rural Retreat.
12. **One Principal Dwelling.** Only 1 principal dwelling unit is permitted. Tenant dwellings are permitted in accordance with Section 3.06.02.03.
13. **Adaptive Reuse.** Incorporating restored structures to preserve rural character is encouraged and subject to Section 5.10.
14. **On-Site Recreation.** The Rural Retreat may provide on-site recreation facilities to be used solely by employees and visitors, but not by the general public.
15. **Average Daily User and Acreage Ratio.** 100 users per 50 acres. No more than 450 users are allowed on greater than 200 acres special exception approval. "Average Daily Users" includes employees 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.
16. **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. **Performance Standards.** The Rural Retreat use shall comply with the applicable performance standards of Section 5.08.

E. **Statements of Use.**

1. **Statement of Use.** For all Rural Retreats, a statement of use shall be filed in conjunction with the site plan. The statement of use shall define the operations of the Rural Retreat and provide a narrative of how the use meets the development standards.

3.06.05.18 Schools, Public (Elementary, Middle or High)

A. **Applicability.** This section applies to public elementary, middle or high schools ("public schools"). These are defined as part of a school.

B. **Approval.**

1. Permitted in the SR, A-3, SN, SCN, TLN, TR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, RAR, VR, and VAR districts.
2. Minor special exception in the Urban, SM, SC, SE, TSN, TCC, TLI, JLMA-LE, RC, RV and VC districts.
3. Special exception in the SI, TIE, JLMA-LI, ARN and ARS districts.

C. **Utilities.** All public schools must be served by either central or municipal sewer and water utilities.

D. **Lighting:**

1. **Light Fixtures.** Exterior building lighting, including security lighting, and parking lot lighting must be full cutoff and fully shielded and shall direct light downwards and into the interior of the property and away from surrounding roads and properties.
2. **Exterior Building Lighting.** The maximum average illumination for exterior building lighting (including security lighting) is 5 foot-candles at grade level ,unless otherwise required by law, ordinance, or regulation.
3. **Parking Lot Lighting.** The maximum average illumination for parking lot lighting is 2 foot-candles at grade level. Parking lot lighting must be turned off within one hour following the end of evening activities, or by 11 p.m., whichever occurs first.
4. **Recreational and Athletic Fields and Facilities Lighting.** Lighting for recreational and athletic fields and facilities is subject to the following:
    a. Lighting must be turned off by 11 p.m.
    b. Lighting must be directed inward and downward toward the field being illuminated.
    c. Lighting must incorporate a reflector technology system that directs light onto the field being illuminated.
    d. Lighting must be cut-off and shielded in directions away from the recreational or athletic field to

minimize glare and spillage onto adjacent properties.

e. Maximum illumination is 10 foot-candles above background light levels measured at the boundary of any residential district, or, in residential or agricultural districts, at the lot line of any adjacent lot.

f. The maximum height of light poles is 80 feet.

5. **Height of Light Fixtures.** The maximum mounting height of any exterior light fixture is 20 feet, except for light poles for athletic fields. Height is measured from the ground to the light fixture.

E. **Landscaping/Buffering/Screening.** In addition to Section 5.07.04, Public Schools must provide an additional 5 evergreen trees per 100 linear feet along all side yard and rear yard buffers adjoining existing residential uses, except where existing vegetation is preserved and provides an equivalent buffer (refer to Section 5.07).

F. **Trails.** Any on-site pedestrian circulation network must connect to any existing or proposed public use trails on adjacent properties which are designed to abut or connect to the public school site.

G. **Bicycle Parking.** Bicycle parking must be installed at the Public School building consistent with requirements of Section 5.05.03.

H. **Noise.** Installation of outdoor public address systems are limited to the recreational and athletic fields. Noise emanating from the public address system is limited to 60 dBA at the property boundaries and use of the system is prohibited after 11 p.m. and before 8:00 a.m.

I. **Setbacks:**

1. **From Agriculture or Residential.** The minimum setback for principal Public School buildings is 100 feet from adjacent agriculturally or residentially zoned properties or, if located within a mixed use zoning district, from any land bay designated for agricultural or residential use. This setback does not apply to accessory public school buildings, to the applicable zoning district yard requirements.

2. **From Industrial/Commercial/Office.** The minimum setback for principal Public School buildings is 50 feet from adjacent industrial, commercial or office zoned properties or, if located within a mixed use zoning district, from any land bay designated for industrial, commercial or office uses. This setback does not apply to accessory public school buildings, to the applicable zoning district yard requirements.

J. **Building and Site Design.**

1. **Stormwater Management.** Unless stormwater management is provided by an existing approved off-site storm water management facility, stormwater management and Best Management Practices are required on-site in accordance with the Virginia Stormwater Management Handbook and the Loudoun County Facilities Standards Manual.

2. **Bus Parking Area.** Stormwater runoff from bus parking areas must be routed to an oil and water separator or a system providing equivalent treatment for water quality purposes.

3. **Design.** Public school building design must avoid the use of continuous plane building surfaces and wherever practicable shall break up large building segments into smaller segments through the use of fenestration and setbacks. Public School buildings must include accent materials around the building exterior to provide further architectural interest.

4. **Erosion and Sediment Control**. The following erosion and sediment control practices are required during construction where an outfall drains to a sensitive environmental feature (streams, wetlands, and very steep slopes). These requirements are applied adjacent to the sensitive environmental feature if on-site, or if off-site, along the property line(s) proximate to the sensitive environmental feature:

a. Super silt fence must be substituted for silt fence;

b. Sediment traps and basins must provide double the minimum required volume (268 cubic yards per acre) except that this volume may be reduced to avoid impacts to sensitive environmental features;

c. Stabilization matting is required in all vegetated, constructed channels and on slopes greater than 3:1.

5. **Floodplain:**

a. A maximum of 20% of on-site areas in major and minor floodplain may be used for utilities, trails

or other uses permitted within the floodplain, exclusive of road crossings. These areas are excluded from the calculation for meeting the forest cover requirement of (c) below;

b. Road Crossings are not subject to the use limitation of (a) above, and areas used for road crossings are excluded from the calculation for meeting the forest cover requirement of (c) below;

K. **Transportation.**

1. Public Schools must have direct access to at least one Class I or Class II road. Public Schools must have a secondary means of access, which may be provided by either a paved or unpaved roadway. Access to a public school site must be capable of accommodating traffic generated by the site.
2. Entrances/Exits must meet minimum Virginia Department of Transportation sight distance standards.
3. Right and left turn lanes, into and out of a site, are required when needed to accommodate traffic generated by the site.
4. At signalized intersections (stop signs or traffic signals) adjacent to a school site, crosswalks are required to access the site, as needed, to accommodate pedestrian traffic generated by the site.
5. A traffic impact analysis, in conformance with the Loudoun County Facilities Standards Manual, is required in conjunction with each site plan application for a Public School building. The traffic impact analysis must include, at a minimum, an analysis of the need for right and left turn lanes into and out of the public school site and the crosswalks to provide pedestrian access to the public school site.

L. **Airport Impact Overlay Noise Contours.** No Public School shall be located within the portions of the County subject to the Airport Impact Overlay District Ldn 65 or higher aircraft noise contour.

M. A Phase I Archaeological survey must be provided to the County in conjunction with each site plan application for a Public School building.

3.06.05.19 Schools, Public (15 or Fewer Pupils)

A. **Applicability**. This section applies to any public elementary, middle, or high school for 15 or fewer pupils. These are defined as part of a school (see Section 3.03.04).

B. **Size of Use**. The minimum lot area is 5 acres, except to the extent permitted on smaller lots in the PD-MUB or PD-TC zoning districts.

C. **Outdoor play space**. Outdoor play space must be provided in accordance with Section 3.06.03.

3.06.06 Industrial / Production

3.06.06.01 Contractor

A. **Applicability**. This section applies to any contractor.

B. **Retail Sales**. Up to 10% of the gross floor area devoted to the contractor may include retail sales to the general public.

C. **Outdoor Storage**. Outdoor storage of equipment, supplies, and construction trailers is permitted. Storage yards must be screened in accordance with Section 5.07.04.

3.06.06.02 Data Center

A. **Data Centers**. This section applies to data centers in the UE, SE, SI, JLMA-LE, JLMA-LI, TLI, and TIE zoning districts.

B. **Principal Building Facades.** This subsection applies to principal building facades, which include all building facades that face adjacent Class I or Class II roads. Principal building facades associated with new construction must meet the following standards:

1. Principal building facades must avoid the use of undifferentiated surfaces by including the following design elements: change in building height; building step-backs or recesses; fenestration; and change in building material, pattern, texture, color, or use of accent materials.
2. When a building has more than 1 principal façade, the principal building facades must be consistent in terms of design, materials, details, and treatment.

3. Loading bays are not permitted in principal building facades.

C. **Screening of Mechanical Equipment.** To minimize visibility from adjacent roads and adjacent properties, ground level and roof top mechanical equipment must be screened. This screening may be provided by a principal building. Mechanical equipment not screened by a principal building shall be screened by a visually solid fence that surrounds the equipment, screen wall or panel, parapet wall, or other visually solid screen that is constructed of materials compatible with those used in the exterior construction of the principal building. Screening is not required for mechanical equipment ~~if~~ that the Zoning Administrator determines is located in a manner no adverse impact on adjacent roads and adjacent properties.

D. **Exterior Lighting.** All exterior lighting must be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties.

E. **Pedestrian and Bicycle Facilities.**

1. **Provision of Sidewalks and/or Trails**. Sidewalks and/or trails for pedestrian and/or bicycle access must be provided, at a minimum, along any side of a public road that abuts the property upon which the data center is located.
    a. Exception. Sidewalks and/or trails are not required along public roads where such facilities are not included in the Countywide Transportation Plan (CTP).
2. **Sidewalk and/or Trail Connections.** To provide for future sidewalk and/or trail connections, the sidewalks and/or trails for pedestrian and/or bicycle access provided must be equivalent to any other sidewalk and/or trail for pedestrian and/or bicycle access that is located on the same side of the public road, and within 500 feet, of the subject property.

F. **Landscaping/Buffering/Screening.**

1. **Buffer Yards.** In lieu of the buffer yard required under Table 5.07.04.B., any side/rear yard abutting property located within a VR, VAR, CR, A-3, JLMA, TLN, TSN, TCN, PD-H, SCN, SN, R, PD-RV, or PD-AAAR zoning districts that is not developed with commercial or industrial uses must include a Buffer Yard Type C with required plantings located on an earthen berm that has a minimum height of 6 feet and a grade lower than 2:1.
2. **Road Corridor Buffer.**
    a. In lieu of the road corridor buffer required under Section 5.07.02.B., any front yard abutting a collector or arterial road must include a Road Corridor Buffer Type 3 with required plantings located on an earthen berm that has a minimum height of 6 feet and a grade lower than 3:1.
    b. If a Gateway Corridor Buffer is required, the Gateway Corridor Buffer applies.
3. In lieu of the requirements of Section 5.07.06.B.2., the following requirements apply to the plant types used to meet subsection F.1 and F.2 above. Maximum percentages apply solely in determining the quantity of a given plant type are be counted towards meeting a Plant Unit requirement, and do not preclude the installation of additional plant material from that plant type, if desired.
    a. A maximum of 30% of the required plant units may be large deciduous trees.
    b. A minimum of 40% and a maximum of 70% of the required plant units must be evergreen trees that are a minimum of 8 feet in height at the time of planting.
    c. A maximum of 30% of the required plant units may be small deciduous trees.
    d. A maximum of 20% of the required plant units may be a combination of shrubs, ornamental grasses, and perennials.
    e. Use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, may be substituted for the above requirements if determined by the County Urban Forester to provide screening at the density, depth, and height equivalent to the Buffer Yard Type C with earthen berm required under subsection F.1. or Road Corridor Type 3 with earthen berm required under subsection F.2.
    f. The maximum percentages of plant types provided under (a) through (d) above apply to each property line where the buffer yard or road corridor buffer is required.

3.06.06.03 Extractive Industries

A. **Applicability**. This section applies to Extractive Industries uses.

B. **Lot Size.** The minimum lot size is 3 acres.

C. **Pit Walls.** The pit wall of a quarry must be set back at least 1000 feet from the JLMA-LI, TME, or SME district boundary, except:

1. Where quarries are adjacent to land not under County zoning authority, such as Dulles Airport or an incorporated town, the minimum setback from the quarry pit wall to the district boundary may be reduced to 200 feet by special exception approval, which assures that the reduction is compatible with adjacent land uses.
2. Where quarries are adjacent to a public road of 4 or more lanes, or to a road designated as a part of an approved VDOT or County corridor study or identified in the Comprehensive Plan to be 4 or more lanes, the setback may be reduced to not less than 200 feet, provided an effective buffer is constructed and maintained.
3. ~~Where quarries are adjacent to the GB district, the setback may be reduced to a minimum of 200 feet.~~

D. **Processing Equipment.** Structures and buildings enclosing processing equipment associated with an extraction operation, including crushers, conveyors, washers, and screeners, must be set back a minimum of 500 feet from the district boundary, except where the operation is adjacent to land not under County zoning authority, such as Dulles Airport or an incorporated town. In those cases, the setback may be reduced to a minimum of 200 feet by special exception approval, which assures abutting lands are adequately buffered from the processing operations.

E. **Other Extraction Structures.** Other structures and buildings related to extraction operations, including scale houses and storage yards, must be set back a minimum of 200 feet from the district boundary and 100 feet from all public roads within the district. If those structures are adjacent to the SE, JLMA-LI or SI districts, the minimum setback may be reduced to 50 feet.

F. **Office and Administration**. The minimum setback for buildings devoted solely to office and administrative uses is 50 feet from the district boundary.

G. **Nonresidential Uses.** For adjacent neighboring properties, no commercial, industrial or other nonresidential building is allowed within 50 feet from the property line of an existing and/or approved quarry operation.

3.06.06.04 Flex Buildings

A. **Applicability.** This section applies to flex buildings.

B. **Yards.** In the SE District, the yard adjacent to roads, except when a greater setback is required by Section 5.07.02, must be provided as follows:

1. Minimum front yard: 30 feet;
2. Maximum front yard: 50 feet.

C. **Height.** Maximum building height is 2 stories. This requirement does not apply to the UE and SM district.

D. **Loading Bays.**

1. At least 2 loading bays are required for all buildings.
2. All loading bays must be located so that vehicles using them are not visible from public streets.
3. All loading bays must be screened from view by the building, landscaping, walls or decorative fencing.
4. Except during the process of loading or unloading, trucks and trailers must not be parked outside the building, unless parked in screened areas not visible from adjacent roads or properties.

E. **Uses.**

1. At least 51% of the gross floor space of each building shall be used for Industrial/Production uses.
2. Office uses recognized as appropriate in flex buildings shall be associated with permitted and special exception uses in the applicable district and must not include professional office uses with high-turnover or high intensity traffic, such as corporate headquarters (unless associated with a permitted use), law offices, architectural offices, insurance offices, medical offices and health maintenance organizations.

F. **Outdoor Storage**. Outdoor storage is not permitted.

G. All sources of emission of noise and/or vibration shall meet the performance standards of Sections 5.08.

3.06.06.05 Mini-Warehouse

A. **Applicability**. This section applies to a mini-warehouse in the SE, SI, SM, JLMA-LE, JLMA-SI, and TLI zoning districts.

B. **Height.** The building that contains the use must be at least:

1. 3 stories in height in SM districts.
2. 2 stories in height in SE districts.

C. **Intensity/Character Standards.** Mini-warehouse uses must be designed in accordance with the following:

1. No individual unit may be accessed directly from the exterior of the building.
2. The building that contains the se shall be designed to be consistent with other buildings in the district in terms of scale, height, mass, fenestrations, and architectural details and materials.
3. No outdoor storage.

D. **Landscaping/Buffering/Screening.** Refer to Section 5.07. When the use abuts a major collector road, in lieu of the road corridor buffer for other major collector roads required under Section 5.07.02, a Road Corridor Buffer Type 3.

E. **Security.** If a security device is provided for the building or a security fence is installed around the use, the owner (in consultation with the Department of Fire and Rescue) must demonstrate on the site plan the selection of a device to allow adequate and timely access of emergency vehicles to the mini-warehouse. The device shall be installed prior to occupancy permit.

3.06.06.06 Outdoor Storage

A. **Applicability**. This section applies to outdoor storage uses. This includes outdoor storage, vehicle outdoor storage, vehicle storage and impoundment, or an industrial storage use where items are stored outdoors and not exclusively in an enclosed structure.

B. **Screening**. All outdoor storage must be enclosed by a fence, wall, landscaped berm, or other screening method in accordance with Section 5.07.05.

C. Outdoor storage is not permitted in the following zoning districts: UT/UM, UE, SM (Mixed Use Center Core only).

3.06.06.07 Sawmills

A. **Applicability.** This section applies to sawmills.

B. **Intensity/Character Standards.**

1. **Site Size.** The minimum lot size is 12 acres.
2. **Customers/Parking Spaces.** The minimum lot size increases based on the number of customers attracted to the use, as follows.

Use	Scope of Use	Lot Size (Minimum)
Level I—small scale	No more than 25 customers on any one day; no more than 13 vehicles allowed on site at any one time.	5 acres
Level II—medium scale	> 25 customers on any one day, no more than 100; no more than 50 vehicles allowed on site at any one time.	12 acres
Level III—large scale	> 100 customers on any one day, no more than 150; no more than 75 vehicles allowed on site at any one time.	25 acres

3. **Hours of Operation.** Hours of operation are limited from 6:00 a.m. to 6:00 p.m.

B. **Size of Use.**

1. **Structure.** Excluding the actual timber cutting equipment, the size of all structures used at the sawmill is

limited to the following gross floor areas (total all structures):

Use	Lot Size (Minimum)	Size of Structures (Maximum)
Level I—small scale	12 acres	3,500 square feet
Level II—medium scale	20 acres	5,500 square feet
Level III—large scale	25 acres	7,000 square feet

2. **Storage Yards.** The size of storage yards used for a sawmill is limited to the following (in square feet):

Use	Lot Size (Minimum)	Size of Storage Yard (Maximum)
Level I—small scale	12 acres	1 acre
Level II—medium scale	20 acres	2 acres
Level III—large scale	25 acres	3 acres

C. **Location on Site/Dimensional Standards.**

1. **Lot Lines.** The minimum setback for structures and storage yards from lot lines is:

Use	Size of Structures (Maximum)	Setback from Lot Lines
Level I—small scale	Up to 3,500 square feet	225 feet
Level II—medium scale	>3,500 square feet, up to 5,500 square feet	275 feet
Level III—large scale	>5,500 square feet, up to 7,000 square feet	325 feet

2. **Sawdust and or Wood Chip Pile.** The maximum height of sawdust or wood chip piles is 25 feet. ~~and~~ Sawdust and wood chip piles must be located within the storage yard.

D. **Roads/Access Standards.**

1. **Driveways.** Driveways are not permitted within a required buffer yard area except as necessary to access the site.

E. **Noise Standards.** The maximum allowable dB(A) level of impulsive sound emitted by the use, as measured at the property line, is 55 dB(A).

3.06.06.08 Wholesale Distribution, Warehousing, and Storage

A. **Applicability**. This section applies to any wholesale distribution, warehousing, and storage use.

B. **Retail Sales.** Retail sales to the general public are limited to 20% of the gross floor area devoted to the wholesale distribution, warehousing and storage use.

3.06.07 Infrastructure

3.06.07.01 Parking Facility

A. **Applicability.** This section applies to any parking facility use.

B. **Approval.**

1. All parking facility uses must have special exception review and approval with the exception of commuter parking lots that do not meet the criterion in subsection B2.
2. Commuter parking lots exceeding 50 spaces located within rural, transition, JLMA, and suburban residential zoning districts require special exception review and approval.

3.06.07.02 Public Utilities

A. **Applicability**. This section applies to uses in the Utilities use category (Section 3.03.07) that are provided or operated by Towns, VDOT, LCSA, Public Utilities and Public Service Corporations. This section does not apply

to solar facilities (site-specific or commercial).

B. **Site Size**. The minimum lot area is 0.5 acre.

C. **Landscaping/Buffering/Screening**

1. All utility facilities, (except for a municipal water well (defined as a major utility)) require a minimum Buffer Yard Type C.
2. A municipal water well (defined as a major utility) requires a minimum Buffer Yard Type A if the well area includes other accessory structures or buildings. Side and rear buffer yards must be supplemented with an additional two (2) evergreen trees per 100 linear feet.

D. **Access Easements**. Utilities may be accessed by private access easement.

E. **Utility Substations**. Utility Substations are governed by Section 3.06.05.24 and not this Section.

F. **Municipal Water Well.** Prior to approval of the first site plan application for a new municipal water well, the applicant shall complete the requirements of either Subsections F.1 or F.2. The applicant has the discretion to choose either option. The applicant shall provide the results to the Director of the Department of Building and Development in conjunction with the site plan application. The applicant must conduct the tests during the initial testing period prior to the approval of a site plan for a new municipal water well, and is not required to conduct continuous monitoring of off-site wells after site plan approval.

1. Yield and Drawdown Tests required by the Virginia Department of Health-Office of Drinking Water, and monitoring of existing private wells within 500 feet of the proposed municipal water well, as recommended by the Virginia Department of Health–Office of Drinking Water. Monitoring of private wells is allowed only with the consent of the property owner; or
2. A Hydrogeologic Report prepared in accordance with Section 6.240.A (Background Information), Section 6.240.B (Analysis of Background Information), Section 6.240.E (Pumping Test), and Section 6.240.G (Groundwater monitoring program proposal) of the Facilities Standards Manual. Monitoring of private wells is allowed only with the consent of the property owner.

3.06.07.03 Recycling Collection Centers and Material Recovery Facilities

A. **Applicability.** This section applies to recycling collection centers and material recovery facilities (defined as part of a solid waste facility use).

B. **Recycling Collection Centers (Generally)**. Recycling collection centers (public or private) shall meet the following minimum standards:

1. Recycling collection centers may be established on a site that has either a public or private school, shopping center, community center, church, park, fire station, or library, or on land owned by a local government or a homeowners' association.
2. A recycling collection center may use movable containers and trailers to collect and store recyclable materials.
3. Recycling collection enters must accept only glass, metals, plastics, papers, corrugated cardboard, and other identified reusable recyclable items. Hazardous or toxic materials must not be accepted.
4. The maximum aggregate area of all recycling containers (which may be portable), and permanent or semi-permanent buildings or structures is 3,000 square feet.
5. All recyclable materials stored at recycling collection centers must be stored in containers constructed of a durable waterproof and rustproof material that is properly maintained to preserve its waterproof and rustproof qualities, secured from unauthorized entry or removal of material, and with a capacity sufficient to accommodate the material collected.
6. Recycling containers must be clearly marked to identify the type of material which may be deposited. Recycling collection centers must clearly to identify the name and telephone number of the facility sponsor and the hours of operation, and display a notice stating that no material must be left outside the recycling enclosure or containers.
7. All recycling collection centers must be maintained free of litter by a responsible sponsoring organization or by Loudoun County.

8. All recycling collection centers must be screened from other uses on the same parcel and adjacent residential uses in accordance with Section 5.07.04.
9. Recycling containers must be at least 150 feet from any dwelling.
10. The recycling collection center must be situated so that vehicular ingress and egress does not pose traffic hazards. A minimum of 1 stacking or parking space per 500 square feet of the recycling collection center, or the anticipated peak customer load as determined by the Zoning Administrator, whichever is higher, is required on-site. Stacking and parking spaces are not allowed within the road right-of-way or setbacks.
11. Occupation of any parking spaces by the recycling collection center may not reduce required parking spaces for the principal use below the required minimum, unless:
    a. A parking study shows that existing parking capacity is not fully utilized during the hours of operation of the principal use and the recycling collection center, or
    b. Hours of normal operation of the principal use do not overlap those of the recycling collection center.
12. No portion of any center is allowed in any major floodplain or required setback.
13. Noxious odors must not be emitted beyond any boundary lines of the recycling drop-off center.
14. Operation of centers shall occur during daylight hours, unless located within commercial or industrial areas equipped with lighting capable of illuminating the center during periods of darkness.

C. **Public Recycling Collection Centers.** The minimum setback for public recycling collection centers is 50 feet from the right-of-way of any street or as otherwise specified under Section 5.07.02, and 50 feet from any lot or land bay zoned, used, or planned for residential uses. The use shall not obstruct pedestrian or vehicular circulation.

D. **Private Recycling Collection Centers.** Private recycling collection centers:
1. Must meet the setback requirements for SI and JLMA-LI uses adjacent to a lot or land bay zoned, used, or planned for residential use, and
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. That equipment is not permitted in residentially zoned districts.

E. **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 at least 8 feet in height and landscaped on all property lines; and
    b. The operation is located at least 300 feet from any property zoned, used, or planned for residential uses.
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 is permitted if the noise level requirements of Section 5.12.B. and any special exception conditions are met.
4. All exterior storage of material must be in sturdy containers or enclosures covered, secured, and maintained in good condition at all times, or must be baled or palletized. Exterior storage must not be visible from any adjacent road or other property.
5. MRF sites must be maintained free of litter, cleaned of loose debris on a daily basis, and secured from unauthorized entry and removal of materials when unattended.
6. The maximum hours of operation for MRF sites located within 500 feet of an occupied residential dwelling are 7:00 p.m. and 8:00 a.m. The MRF must be administered by on-site personnel during all hours of operation.
7. Any containers provided for after-hours donation of recyclable materials must be at least 500 feet from any occupied dwelling unit.

8. If the MRF is open to the public, at least 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, is required on-site.
9. At least 1 parking space is required 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.
10. No dust, fumes or smoke, above ambient levels may be detectable on adjacent properties.
11. Noise or vibration emitted or derived from the MRF shall not exceed the levels permitted by Sections 5.08 and 5.12.B. respectively.
12. All material recovery facilities may accept only glass, metals, plastics, papers, corrugated cardboard, construction debris, and other identified reusable recyclable items. Hazardous or toxic materials must not be accepted.
13. Noxious odors must not be emitted beyond any boundary lines of the facility.

3.06.07.05 Stockpiling

A. **Applicability.** This section applies to any stockpiling.

B. **Intensity/Character Standards.**

1. **Size of Use.**
    a. **Minimum Lot Size.** Five Acres
    b. **Pile Area.** The maximum area of a single stockpile of dirt is 2 acres.
    c. **Height.** The maximum height of a single stockpile of dirt is 25 feet above original natural grade. For each additional 5 acres in lot area, the height may increase 1 foot in height to a maximum of 50 feet above original natural grade. No stockpile of dirt must be visible above the existing tree line as viewed from any property line.
    d. **Slope.** Maximum slope is 3:1.
2. **Siting.**
    a. No stockpiling is permitted in the MDOD and/or FOD.
    b. No stockpiling is permitted in wetlands, hydric soils, or areas identified as containing endangered species or plants.
    c. Stockpiling only is permitted on forested sites when there is an approved forest management plan.
3. **Location on Site/Dimensional Standards.**
    a. **Setback from Single-Family Dwellings.** No stockpiling, loading/unloading activities, general stockpiling operations, or related activities are allowed within 500 feet of an existing residential structure.
    b. **Other setbacks.** No stockpiling is permitted within 100 feet of any lot line and/or public or private street.
4. **Hours of Operation.** The hours of operation are limited to 7:00 AM to 6:00 PM.

C. **Access/Vehicular Circulation.**

1. **Access.** Access to the lot is required from a paved, State maintained road at least 20 feet in width.
2. **Driveways/Internal Access Roads (driveways).** Driveways are not permitted within a required buffered setback except as necessary to access the site. Driveways must have all-weather roadways negotiable by loaded transport vehicles.
3. **Vehicular Circulation.** Adequate-stacking space must be provided on site to accommodate anticipated traffic. Stacking spaces must be screened in accordance with subsection E.
4. **Debris.** To prevent the tracking of debris, mud, dirt or other material on public rights-of-way, the public rights-of-way must be hosed off on a daily basis when stockpiling is occurring. During winter months roadways must be chemically treated to prevent icing conditions after hosing off the roadway.

D. **Materials.** Stockpiles of dirt may be composed only of uncontaminated dirt and naturally occurring rock.

Incorporated organic material, including roots, twigs, limbs, logs, leaves, and grass may not exceed three (3) percent by volume at any location in the stockpile of dirt. Processing within the stockpile of dirt is limited to grading, sorting, and compacting of dirt and waste rock. Screening of dirt is not permitted.

E. **Exterior Lighting.** Exterior Lighting is permitted for security purposes only and in accordance with Section 5.09.01.

F. **Landscaping/Buffering/Screening.** Refer to Section 5.07.03.A.6.

G. **Compliance with other Ordinances.** This section does not relieve the stockpiling use from complying with other Federal, State or County laws. If there is a conflict between the applicable law, the more restrictive law applies. A Zoning Permit and grading permit is required prior to the commencement of any stockpiling. In addition, prior to commencing any stockpiling a preliminary soil report must be conducted in accordance with Chapter 6 of the Facilities Standards Manual.

3.06.07.06 Telecommunications Facility

A. **Applicability.** This section applies to telecommunications facilities.

B. **Antennas.**

1. **Building-Mounted Antennas Over 60 Feet .**

   a. This subsection B.1 applies to antennas mounted on buildings or structures and connected unmanned equipment, any portion of which that exceeds 60 feet in height. Height is measured from natural ground elevation.

   b. Omnidirectional or whip antennas must not exceed 20 feet in height or 7 inches in diameter. The antenna must consist of a material or color which matches the exterior of the building or structure upon which they are mounted.

   c. Directional or panel antennas must not exceed 10 feet or 2 feet in width. Antennas must consistent of a material or color which matches the exterior of the building or structure upon which they are mounted.

   d. Dish antennas 6 feet in diameter and must be screened from public view.

   e. Signals, lights, and/or illumination are not permitted on any antenna, unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County.

   f. Cylinder shrouds for the concealment of antennas 11 feet in height or 26 inches in diameter and must consist of a material or color which matches the exterior of the building or structure upon which they are mounted. No portion of the antenna must be exposed outside the shroud.

   g. Related unmanned equipment structure(s) are limited to 500 square feet of total gross floor area per user on each site and 12 feet in height. If located within the building or structure where 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 structure's density. The structures shall consist of a material or color which matches the exterior of the building or structure where they are mounted.

   h. If the equipment structure is located on a roof, the equipment and structures are limited to 25% of the roof area.

   i. All antennas and related unmanned equipment must be removed within 90 days after they are no longer in use.

   j. The original approved height of a monopole or tower may increase 20 feet for the collocation of telecommunications antennas if their height (including collocated antennas) does not exceed 199 feet.

2. **Antennas Up To 60 Feet in Height.**

   a. This subsection B.2 applies to antennas mounted on buildings and structures and connected unmanned equipment connected to such antennas, no portion of which exceeds a height of sixty (60) feet. Height is measured from the natural ground elevation.

b. Omnidirectional or whip antennas 8 ½ feet in height or 3 inches in diameter and must consist of a material or color which matches the exterior of the building or structure where they are mounted. The antennas shall be flush mounted so that neither the antenna nor any portion of the supporting mount extends more than 2 feet from the building or structure.

c. Directional or panel antennas 5 feet in height or 1 foot in width and must consist of a material or color which matches the exterior of the building or structure where they are mounted. The antennas shall be flush mounted so that neither the antenna nor any portion of the supporting mount extends more than 2 feet from the building or structure.

d. Dish antennas 3 feet in diameter and shall consist of a material or color which matches the exterior of the building or structure on which they are mounted.

e. Signals, lights, and/or illumination are not permitted on any antenna, unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County.

f. Cylinder shrouds for the concealment of antennas are limited to 6 feet in height or 14 inches in diameter and shall consist of a material or color which matches the exterior of the building or structure where they are mounted. No portion of the antenna must be exposed outside the shroud.

g. Only 1 related unmanned equipment structure on an antenna support structure. The related unmanned equipment structure is limited to 5 feet in height or 20 cubic feet in volume and shall consist of a material or color which matches the exterior of the antenna support structure on which it is mounted.

h. Antennas and related unmanned equipment structures located on the roof of a building 15 feet above the building height and may not occupy more than 25% of the roof area.

i. All antennas and related unmanned equipment must be removed within 90 days after they are no longer in use.

3. **Antenna Hub Sites.** The following apply to antenna hub sites:

a. Related unmanned equipment at antenna hub sites 500 square feet of total gross floor area and 12 feet in height.

b. Antenna hub sites are subject to any maximum permitted floor area ratio and minimum yard requirements of the applicable zoning district applies.

c. Antenna hub sites must be compatible with development located in the surrounding visual range regarding the setting, color, lighting, topography and materials. To the maximum extent feasible, related unmanned equipment at an antenna hub site must be located in the interior of the subject property.

d. Related unmanned equipment at antenna hub sites must be screened by a solid fence, wall or berm 8 feet in height with an evergreen hedge reaching an ultimate height of at least 8 feet and a planted height of at least 4 feet. If equipment is added to an existing screened enclosure that contains telecommunication uses and/or structures, the screening requirements may be satisfied with the existing screening.

e. Antenna hub sites that are fully enclosed within a building are not subject to the above criteria.

f. Antenna hub sites must be removed within 90 days after they are no longer in use.

C. **Monopoles.** The following apply to monopoles and related unmanned equipment structure(s) :

1. **Monopoles, Permitted By Right.** Monopoles are a permitted use subject to the performance standards listed in subsection B.3 if:

a. Located within an overhead utility transmission line right of way with existing structures greater than eighty (80) feet in height.

b. In the SE, SI, JLMA-LE, JLMA-LI, TLI, or TIE zoning districts they are located at least 750 feet from an adjoining residential district.

c. In the SI, TIE and JLMA-LI zoning districts subject to subsection B.4 if located less than 750 feet

from an adjoining residential district.

d. In the ARN, ARS, RN, TLN, JLMA-1, JLMA-2, JLMA-3, RAR, VAR, SAR, VR, UE, VC and RC zoning districts, when accessory to a fire or rescue station.

2. **Monopoles, Special Exception Required.** Except as provided under subsection C.1, telecommunications monopoles require a special exception and are subject to subsection C.3 and the additional submission requirements under subsection C.4, if located:

   a. In the ARN, ARS, RN, TLN, JLMA-1, JLMA-2, JLMA-3, RAR, VAR, SAR, VR, UE, VC and RC zoning districts, except as provided in subsection C.1.d, and in the SE, SC, SCN, SC, SM, UT, UM, SM, and RV zoning districts.

   b. In the SE, SI, JLMA-LE, and TLI zoning districts and less than 750 feet from an adjoining residential district.

   c. In all zoning districts, except SCN, as an accessory use to a fire and rescue station, except as provided in subsection C.1.d.

   d. In all zoning districts, within the right of way of a private toll road.

   e. In the SR-1, SR-2, SR-3, SR-4, SR-8, SN, SCN zoning districts when located on property owned by:

      i. Any department or branch of the Federal Government, Commonwealth of Virginia, Loudoun County Government, or Loudoun County School Board; or

      ii. Public Utilities.

3. **Monopoles, General Performance Criteria.** All telecommunications monopoles, whether listed as a permitted or special exception use, are subject to the following standards:

   a. The proposed telecommunications monopole must be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. The facility must be located in the interior of the property and areas of existing vegetation, if applicable, must be used to screen the facility.

   b. New telecommunications monopoles must be designed to accommodate at least 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 the monopole, including antennas, is limited to 199 feet, as measured from the natural ground elevation.

   d. Satellite and microwave dishes attached to monopoles are limited to 2 feet in diameter.

   e. Except as provided in subsections C.3.m and C.4.d, the minimum setback is 1 foot for every 5 feet in height to any property line. Structures and buildings may be constructed within the setback areas of the monopole if other zoning standards are met.

   f. The related unmanned equipment structure(s) are limited to 500 square feet of total gross floor area per telecommunications provider on each site. The maximum height of a related unmanned equipment structure is 12 feet.

   g. Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, monopoles must blend with the background.

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

   i. A commission permit is required, except when located in accordance with subsection C.1.a if the monopole does not exceed the height of existing overhead utility transmission line structures by

more than 20 feet as measured from natural ground elevation.

j. Monopoles are prohibited within County designated historic districts.

k. All unused equipment and facilities from a commercial public telecommunications site must be removed within 90 days of cessation of commercial public telecommunication use. The site shall be restored as closely as possible to its original condition.

l. Applicants for any commercial public telecommunications facility must 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 required prior to the issuance of a zoning permit. If a proposed telecommunications facility is higher than 199 feet or within 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.

m. 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 under subsection C.3.e does not apply.

n. Applicants proposing a new telecommunications monopole within 1 mile of a County designated historic district or a Virginia Byway must submit at least 3 visual simulations and written justification as to why the monopole could not be sited elsewhere. This requirement also applies if a telecommunications monopole is proposed on a property listed on the National Register of Historic Places.

o. Telecommunications monopoles are prohibited along ridge lines, but are allowed downslope from the top of ridge lines, to protect views of the Catoctin, Bull Run, Hogback, Short Hill, and Blue Ridge Mountains.

p. Applicants must submit documentation, in written and graphic form, regarding the service area to be provided by the proposed telecommunications monopole.

4. **Monopoles, Additional Submission Requirements.** Applicants must submit the following additional information for monopoles that require special exceptions:

a. Photo imagery or other visual simulation of the proposed telecommunications monopole shown with the existing site conditions. This simulation must be provided from at least 3 perspectives. The applicant must address how the facility will be designed to mitigate the visual impact on area residents, facilities, and roads.

b. Except for areas where listed as a permitted use, an applicant for a new commercial public telecommunication monopole must demonstrate that co-location on an existing telecommunications facility or structure greater than 40 feet in height is not feasible. The applicant must evaluate telecommunications facilities and structures greater than 40 feet in height within a 1 mile radius of the proposed facility within the Eastern Loudoun Urban Growth Area. Elsewhere in the County, the applicant shall evaluate such locations within a 2 mile radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining feasibility. Co-location may be determined not feasible if:

i. Planned equipment would exceed the structural capacity of existing and approved telecommunications facilities, considering existing planned use of those facilities, and the 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 7.04 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 7.04, must 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 requiring a special exception under subsection C.2.d are not subject to the lot requirements, building requirements, and open space requirements, if applicable, of the applicable zoning district.

D. **Telecommunications Towers.** This subsection applies to telecommunications towers with related unmanned equipment structure(s).

1. **Telecommunications Towers Permitted By Right.** Telecommunications towers are a permitted use subject to subsection D.3:
   a. In the SI, TIE, and JLMA-SI zoning districts if the tower is 40 feet or less in height and mounted on an existing structure.
   b. In the SI, TIE and JLMA-SI zoning districts if the tower is greater than 40 feet in height and subject to subsection D.4.
2. **Telecommunications Towers, Special Exception Required.** Telecommunications towers require a special exception and are subject subsections D.3 and D.4 if located:
   a. In the ARN, ARS, TLN, JLMA-1, JLMA-2, JLMA-3, RAR, VAR, SAR, VR, RC, VC, SE, SCN, SC, SM, UE, SM, UM and UT zoning districts.
   b. In the SE, JLMA-LE, and TLI zoning districts.
   c. In all zoning districts, except SCN and RV zoning districts, as an accessory use to a fire and rescue station.
   d. In the SR-1, SR-2, SR-3, SR-4, SR-8, SN, and SCN zoning districts when located on property owned by:
      i. Any department or branch of the Federal Government, Commonwealth of Virginia, Loudoun County Government, or Loudoun County School Board; or
      ii. Public Utilities.
3. **Telecommunications Towers, General Performance Criteria.** All telecommunications towers are subject to the following standards:
   a. The telecommunications tower must be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. The facility must be located in the interior of the property and areas of existing vegetation, if applicable, must be used to screen the facility.
   b. New telecommunications towers must 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 must identify the conditions under which future co-location by other service providers is permitted.
   c. The maximum height of telecommunications towers is 199 feet, as measured at the natural ground elevation, unless the applicant can clearly demonstrate that the facilities of 199 feet or less cannot render needed services. At the applicant's expense, the County may have an independent analysis performed on the applicant's proposal.
   d. Satellite and microwave dishes attached to the towers shall not exceed 6 feet in diameter.

e. Except as provided in subsection D.3.n, the minimum setback is 1 foot for every 5 feet in height from the property line. Structures and buildings may be constructed within the setback area of the tower if other zoning standards are met.

f. Related unmanned equipment structure(s) is limited to 500 square feet of total gross floor area per telecommunications provider on each site. The maximum height of a related unmanned equipment structure is 12 feet.

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

h. No signals or lights or illumination are permitted on a telecommunication tower unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the County.

i. A commission permit is required.

j. Telecommunication towers are prohibited within County designated historic districts.

k. Towers are prohibited within the RV zoning district.

l. All unused equipment and facilities must be removed from a commercial public telecommunications site within 90 days of cessation of commercial public telecommunication use. The site must be restored as closely as possible to its original condition.

m. Applicants for any commercial public telecommunications facility must 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 required prior to the issuance of a zoning permit. If a proposed telecommunications facility is higher than 199 feet or within 5 miles of the property boundary of either Dulles or Leesburg Airports, the applicant must 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.

n. When locating on a Loudoun County or a Loudoun County Sanitation Authority site or fire and/or rescue company site: 1) the telecommunications equipment must not interfere with the existing telecommunications use of the primary use; and 2) the setback provision of subsection D.3.e does not apply.

o. Applicants proposing a new telecommunications tower within 1 mile of a County designated historic district, property listed on the National Register of Historic Places or Virginia Byway must at least 3 visual simulations and written justification as to why the tower could not be sited elsewhere.

p. Telecommunications towers are prohibited along ridge lines, but are allowed downslope from the top of ridge lines, to protect views of the Catoctin, Bull Run, Hogback, Short Hill, and Blue Ridge Mountains.

q. Applicants must 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 applies to telecommunications towers approved by special exception:

a. The applicant must provide photo imagery or other visual simulation of the proposed facility shown with the existing site conditions. This simulation must be provided from a minimum of 3 perspectives. The applicant must address how the facility can be designed to mitigate the visual impact on area residents, facilities, and roads.

b. Except for areas where listed as a permitted use, an applicant for a new commercial public telecommunications towers must demonstrate that co-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 1 mile radius of the proposed facility within the Eastern Loudoun Urban Growth Area. Elsewhere in the County,

the applicant must evaluate such locations within a 2 mile radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining feasibility. Co-location may be determined not feasible if:

i. Planned equipment would exceed the structural capacity of existing and approved telecommunications facilities, considering existing planned use of those facilities, and the 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 Section 7.04 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 7.04, must 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 must demonstrate that a telecommunications monopole, of comparable transmission capabilities, cannot be utilized or cannot provide an equivalent level of service.

3.06.07.07 Utility Substations

A. **Applicability.** The following standards apply to utility substations. Utility substations are defined as a major utility (Section 3.03.07).

B. **Utility substation, transmission**. The following apply to transmission utility substations:

1. Minimum lot size in all rural and residential districts: 1 acre.
2. Minimum lot size in all commercial and industrial districts is the minimum lot size of the district.

C. **Utility substation, distribution**. The minimum lot size of distribution utility substations is 1 acre.

D. **Comprehensive Plan Compliance.** All utility substations must be located in areas consistent with the Comprehensive Plan. A Commission Permit is required unless the utility substation is specifically delineated in the Comprehensive Plan.

E. **Buffers.** All utility transmission and distribution substations and accessory storage yards require a minimum Buffer Yard Type C, however, if required utility connections preclude installation of large and small deciduous trees, the maximum percentage applicable to shrubs under Section 5.07.06.B.2.d. does not apply. In lieu of the minimum and maximum percentages applicable to evergreen trees under Section , 5.07.06.B.2.b. at least 40% and up to 70% of the required plant units must be evergreen trees..

F. **Access.** Utility substations may be accessed by a private access easement.

3.06.08 Agriculture

3.06.08.01 Agriculture, Horticulture and Animal Husbandry

A. **Applicability**. This section applies to any agriculture, horticulture or animal husbandry use.

B. **Parcel Size.**

1. Agriculture, Horticulture and Animal Husbandry have no minimum lot size.
2. Animal Husbandry is not permitted on a parcel of less than 5 acres in size unless a Conservation Farm Plan with a section identifying required Best Management Practices is approved for that parcel as described in subsection C below.

C. **Conservation Farm Plan.**

1. Prior to the establishment of an Animal Husbandry use on a property of less than 5 acres the owner of the parcel must:
    a. Obtain a Conservation Farm Plan (also known as a farm management plan) including a waste management plan, through and with the Loudoun County Soil and Water Conservation District (SWCD) and the Virginia Cooperative Extension Service (VCES), and
    b. provide a copy of the executed Conservation Farm Plan to the Zoning Administrator.
2. The Conservation Farm Plan shall indicate the types and quantity of proposed animals, location and size of existing and proposed structures, grazing areas, and location and type of wells and septic fields and reserve septic fields.
3. The Conservation Farm Plan must include a Best Management Practices section identifying the best management practices necessary to support the proposed types and quantity of animals.
4. The Conservation Farm Plan must address the type and construction of any wells, septic fields and reserve septic fields and environmental features such as steep slopes, rock outcroppings and streams.
5. The VCES must review the Best Management Practices section to confirm that it is consistent with generally accepted Animal Husbandry standards. The applicant must provide documentation indicating that confirmation to the Zoning Administrator.
6. After approval, no additional animals may be added to the site without an approved amendment to the Conservation Farm Plan.

D. **Setbacks for Certain Structures.** New structures for housing livestock, including barns, run-in sheds, stables, and similar structures must be set back 60 feet from the property lines that abut a lot with a dwelling that is existing or under construction at the time of zoning permit. This setback may be reduced if the dwelling is located more than 60 feet from the property line with the lot proposed for the new structure.

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

A. **Applicability**. This section applies to agriculture support and service uses that are directly associated with ongoing agriculture, horticulture or animal husbandry, on-site.

B. **Intensity/Character.**
1. **In Association with On-Going Agriculture, Horticulture, or Animal Husbandry Use.** The agriculture support use (direct association) is allowed only in direct association with an on-going agriculture, horticulture, or animal husbandry use or activity.
2. **Site Size.** The minimum lot area for any agriculture support use (direct association) is 5 acres, except for the following uses:

Use	Lot Area(Minimum)
Equestrian Event Facility	25 acres
Stable, Livery	25 acres

3. **Visitors/Customers/Parking Spaces.** The number of visitors/customers allowed depends on the size of the lot area, as follows:

Use	Scope of Use/Event	Lot Area (Minimum)
Level I—small scale	No more than 200 visitors on any one day; no more than 100 vehicles on site at any one time.	5 to 25 acres See subsection B.2 above
Level II—medium scale	> 200 visitors on any one day, no more than 400; no more than 200 vehicles on site at any one time.	>25 acres, up to 50 acres
Level III—large scale	> 400 visitors on any one day, no more than 600; no more than 300 vehicles on site at any one time. Exception: 4 additional visitors and 2 additional vehicles allowed per acre in excess of 100 acres.	>50 acres, up to 100 acres

4. **Hours of Operation.** Hours of operation for any agriculture support use (direct association) are limited to

the hours from 6:00 a.m. to 9:00 p.m.

5. **Owner.** The agriculture support use (direct association) must be operated or maintained by the owner or occupant of the land upon which the primary associated agriculture, horticulture, or animal husbandry use is conducted.

C. **Size of Use.**

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

Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	12,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Exception: Additional 2,400 square feet of structure size allowed per every 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size.	36,000 square feet

2. **Storage Areas.** The total area of all storage areas used in the agricultural support use (direct association) is limited to the following size:

Use	Lot Area	Size of Storage Areas (Maximum)
Level I—small scale	5 to 25 acres	5,000 square feet
An additional 1,000 square feet of storage area is allowed per every 10 acres in excess of 25 acres, up to 20,000 square feetin total storage area size.		

D. **Location on Site/Dimensional Standards.** The minimum setback for structures or storage areas of an agricultural support use (direct association) from lot lines is:

Use	Lot Area(Min.)	Size of Structures(Max.)	Setback from Lot Lines
Level I—small scale	5 to 25 acres	12,000 square feet	60 feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet	120 feet
Level III—large scale	> 50 acres, up to 100 acres	36,000 square feet	175 feet

E. **Landscaping/Buffering/Screening.**

1. **Buffer.** Refer to Section 5.07.04.A.6.
2. **Storage Areas.** Refer to Section 5.07.04.

F. **Road/Access Standards.**

1. **Driveways.** Driveways are not permitted within a required buffer yard area except as necessary to access the site.
2. **Vehicles/Equipment.** Any agricultural support use (direct association) that involves the use of or services heavy equipment must have direct access to a Class I or Class II road . Direct access by a private easement is not allowed.

G. **Hazardous Chemicals, Pesticide Use.** The use and application of herbicides, pesticides, and potentially hazardous chemicals and substances such as paints and solvents is prohibited within the required buffer.

3.06.08.03 Agriculture Support Use (Standalone)

A. **Applicability.** This section applies to agricultural support and service uses that do not have a direct association with agriculture, horticulture or animal husbandry, on-site.

B. **Intensity/Character.**

1. **Site Size**. The minimum lot area for an agriculture support use (standalone) is 5 acres, except for the following uses:

Use	Lot Area (Minimum)
Agricultural education or research	25 acres
Farm distribution hub	25 acres
Equestrian event facility	25 acres
Stable or livery	25 acres

2. **Visitors/Customers/Parking Spaces.** The number of visitors/customers allowed depends on the size of the lot area, as follows:

Use	Scope of Use/Event	Lot Area (Minimum)
Level I - small scale	No more than 200 visitors on any one day; no more than 100 vehicles on site at any one time.	5 to 25 acres See subsection B.1 above
Level II - medium scale	More than 200 visitors on any one day and less than 400; no more than 200 vehicles on site at any one time.	>25 acres, up to 50 acres
Level III - large scale	More than 400 visitors on any one day and less than 600; no more than 300 vehicles on site at any one time. Exception: 5 additional visitors and 2 additional vehicles are allowed per acre in excess of 100 acres.	>50 acres, up to 100 acres

3. **Hours of Operation.** Hours of operation for an agricultural support use (standalone) are limited to 6:00 a.m. to 10:00 p.m.

C. **Size of Use.**

1. **Structure Size.** The size of structures used for the agricultural support use (standalone) are limited to the floor area ratio or gross floor area, as applicable:

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Agricultural education or research facility	25 acres	Maximum FAR: 0.02
Farm Distribution Hub	25 acres	Maximum FAR: 0.02
All Other Uses		
Level I—small scale	5 to 25 acres	12,000 square feet
Level II—medium scale	>25 acres, up to50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to100 acres. Exception: Additional 2,400 square feet of structure size allowed per every 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size.	36,000 square feet

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

D. **Location on Site/Dimensional Standards.** An agricultural support use (standalone) shall be set back from lot lines as follows:

Use		Size of Structures (Max.)	Setback from Lot Lines
Agricultural education or research facility		Maximum FAR (all structures): 0.02	150 ft.
Farm Distribution Hub		Maximum FAR (all structures): 0.02	150 ft.
All Other Uses			

Use		Size of Structures (Max.)	Setback from Lot Lines
Level I—small scale		12,000 square feet	60 ft.
Level II—medium scale		24,000 square feet	120 ft.
Level III—large scale		36,000 square feet	175 ft.

E. **Roads/Access Standards.**

1. **Driveways.** Driveways shall not be located within a required buffer yard area except as necessary to access the site.
2. **Vehicles/Equipment.** Any use that involves the use of or services heavy equipment shall have direct access to a Class I or Class II road.
3. **Number of Access Points.** Only two points of access are permitted from the use to a Class I, Class II or Class III road. This requirement does not preclude an additional access for emergency vehicles only.

3.06.08.04 Brewery, Limited

A. **Applicability**

1. This section applies to limited breweries.
2. Limited breweries shall be licensed as a Limited Brewery in accordance with Title 4.1 of the Code of Virginia, as amended.
3. No limited brewery shall be established either as the initial use of the subject property or by change of use of the property until a sketch plan is approved per Chapter 7.
4. The owner of a limited brewery must contact the Loudoun County Department of Fire, Rescue and Emergency Management and Department of Building and Development for an informational inspection of the building(s) or structure(s) to be used for the limited brewery prior to establishing the use.

B. **Location.**

1. A limited brewery must be located on a farm on land zoned agricultural.
2. A limited brewery must be located on one or more abutting parcels of land, totaling at least 10 acres, owned or leased by the licensed limited brewery.

C. **Intensity/Character.**

1. Outdoor tasting rooms or similar outdoor activities must be set back at least 50 feet from all lot lines of adjacent agriculturally or residentially zoned properties under separate ownership.

D. **Private Access Easements**. Limited Breweries that share a private access easement with another property owner/s, must show the easement permits access to such use.

3.06.08.05 Wayside Stands

A. **Applicability.** This section applies to wayside stands.

B. **Retail Sales.**

1. Wayside stands are for retail sales provided the principal sales items sold are farm and garden products produced principally on-site. “On-site” means all locations (may be separate parcels) used by the owner or tenant for farming (agriculture, horticulture or animal husbandry).
2. The maximum aggregate size of permanent retail sales areas within structures is 10,000 square feet in gross floor area or an FAR of 0.02, whichever is greater.

C. Wayside stands may be located in farm structures existing prior to January 7, 2003. The sales area in an existing farm structure have no limitation and may be used as a sales area subsequent to compliance with the Uniform Statewide Building Code .

D. **Accessory Products**. Sales areas for accessory products are limited to 25% of the gross sales area. Accessory products include those products related to the care and culture of products produced on the farm, such as pottery, baskets, and garden accessories.

E. **Access**. Entrances and exits to the wayside stand must provide safe ingress and egress to and from public and private roads, and be channeled to prevent unrestricted vehicular access to and from the premises.

F. **Seasonal Produce.** Sales area for seasonal produce harvested on the farm may include the area of actual production.

3.06.08.06 Winery, Commercial

A. **Applicability.** This section applies to commercial wineries.

B. **Uses**. In addition to facilities for making and bottling wine, uses at a commercial winery may include:

1. The growing of fresh fruits or agricultural products for the production of wine; and
2. Accessory uses such as wine tasting rooms, at which wine tasting occurs, accessory food sales related to wine tasting, and wines produced on-site are sold; and
3. The manufacture and sale of cider in accordance with this definition and Section 4.1-213 of the Code of Virginia.

C. **Approval.** Commercial wineries that exceed 20,000 square feet must have special exception review and approval.

D. **Intensity/Character.**

1. **Site Size.** The minimum lot area for a commercial winery is 10 acres.
2. **Wine Tasting Rooms and Accessory Food Sales.** Facilities for wine tasting rooms and accessory food sales (including a kitchen) 49% of the total gross floor area of all structures at the commercial winery.
3. **Hours of Operation.** Hours of operation are limited to 10:00 a.m. to 10:00 p.m.

E. **Size of Use.**

1. **Floor Area Ratio.** The maximum floor area ratio for a commercial winery is 0.04.
2. **Storage Yards.** The maximum total area of storage yards is exceed 20% of the total area of the principal structure.

F. **Location on Site/Dimensional Standards.** The minimum setback is 125 feet from all lot lines.

G. **Landscaping/Buffering/Screening.**

1. **Buffer.** Refer to Section 5.07.03.A.6.

H. **Roads/Access Standards.**

1. **Driveways.** Driveways to a commercial winery are not allowed within a required buffer yard area.
2. **Vehicles/Equipment.** Commercial wineries that use heavy equipment must have direct access to a Class I or Class II road.

CHAPTER 4: OVERLAY DISTRICTS

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4.01 General Provisions of Overlay Districts

Purpose. The Overlay Districts in Chapter 4 are established to provide special regulations in designated areas of the County.

A. **Applicability.** Overlay Districts in Chapter 4 are Zoning Districts that overlap and overlay applicable underlying Zoning Districts and also overlap other applicable Overlay Districts, so that any land subject to an Overlay District may also be in one or more overlapping Overlay Districts as well as one or more underlying Zoning Districts.

B. **Establishment of Overlay Districts.** Overlay Districts are established and amended by the procedures in Chapter 7 unless otherwise stated by the Overlay District.

C. **District Boundaries.** Refer to Chapter 11 for provisions related to the interpretation of Overlay District map features and district boundaries.

D. **Overlapping, Conflicting, or Additional Overlay District Provisions.** In addition to Conflicting Provisions language in Section 1.02.I, the following applies in Overlay Districts:

1. **Overlapping Provisions.** When any provisions of the Overlay Districts in Chapter 4 overlap with any other provisions in this Zoning Ordinance (for example, multiple, separate applicable development standards), the provisions of the Overlay District are additional provisions except as expressly stated otherwise.
2. **Conflicting Provisions.** When any provision of the Overlay Districts in Chapter 4 conflict with any other provisions in this Zoning Ordinance, the greater requirement or more specific provision applies.
3. **Additional Provisions.** The provisions of the Overlay Districts in Chapter 4 are in addition to any other applicable provisions in this Zoning Ordinance, except as expressly stated otherwise.

E. **Specific Definitions.** Terms defined expressly in an Overlay District are provided in Chapter 11 and organized and referenced accordingly.

F. **Uses.** All uses are permitted according to the underlying Zoning District(s) in Chapter 3, except as expressly stated in an Overlay District in Chapter 4.

G. **Additional Procedures.** Specific additional procedures in Overlay Districts, including submission requirements, are provided in Chapter 7.

4.02 Airport Impact Overlay District

***Purpose**. The purpose of this overlay district is to:*

- *Acknowledge the unique land use impacts of airports.*
- *Regulate the siting of noise sensitive uses.*
- *Ensure that the heights of structures are compatible with airport operations.*
- *Complement Federal Aviation Administration (FAA) regulations regarding noise and height.*

A. **Definitions.** Key words, terms, and phrases defined in Section 4.02.01 apply when used in Section 4.02.

B. **Applicability.**

1. **District Boundaries.** The AIOD boundaries are as follows:
    a. Boundaries are based on the Ldn 60 and 65 aircraft noise contours and an area that extends 1 mile beyond the Ldn 60 aircraft noise contour. The County will use the following sources as a basis for delineating the Ldn aircraft noise contours:
        1. Washington Dulles International Airport: The FAA Part 150 Noise Compatibility Programs, Washington Dulles International Airport, August, 1992, and
        2. Leesburg Municipal Airport: Environmental Assessment Report. October, 1985.
    b. For the purpose of administering these regulations the AIOD has 3 airport noise impact areas:
        1. Outside of but within 1 mile of the Ldn 60.
        2. Between the Ldn 60 - Ldn 65.

3. Within the Ldn 65 or higher.

C. **Use Limitations For the Construction of Dwellings.** In addition to the use limitations and regulations for the zoning district over which an AIOD is located, the following use limitations apply to the construction of dwellings:

1. For areas outside of but within 1 mile of the Ldn 60:
    a. **Disclosure Statement.** The applicant must disclose in writing to all prospective purchasers that they are located within an area that will be impacted by aircraft overflights and aircraft noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures, and promotional documents, including the illustrative site plan(s) on display within any sales related office(s), as well as in homeowner association documents, and by inclusion on all subdivision plats and site plans, and within all deeds of conveyance.
2. For areas between the Ldn 60 - Ldn 65:
    a. **Disclosure Statement.** The applicant must disclose in writing to all prospective purchasers that they are located within an area that will be impacted by aircraft overflights and aircraft noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures, and promotional documents, including the illustrative site plan(s) on display within any sales related office(s), as well as in homeowner association documents, and by inclusion on all subdivision plats and site plans, and within all deeds of conveyance.
    b. **Acoustical Treatment.** The applicant must incorporate acoustical treatment into all dwelling units to insure that interior noise levels within living spaces (not including garages, sunrooms, or porches) do not exceed an average sound level of 45 db(A) Ldn. Compliance with this standard must be based upon a certification from an acoustical engineer licensed in the Commonwealth of Virginia, submitted at the time of zoning permit approval, that the design and construction methods and materials to be used in the construction of the dwelling are such that the foregoing standard will be met, assuming exterior noise levels between 60 to 65 Ldn.
    c. **Avigation Easements.** Prior to the approval of any subdivision plat creating residential lots or for existing lots of record and prior to the approval of a zoning permit, the owner(s) of such parcel or parcels must dedicate an avigation easement to the Metropolitan Washington Airports Authority, indicating the right of flight to pass over the property, as a means to securing the long-term economic viability of Washington Dulles International Airport.
3. Within the Ldn 65 or higher airport noise impact area, dwellings are not permitted. However, new dwelling units and additions to existing dwellings may be permitted, provided that:
    a. The lot was recorded or had subdivision plat approval prior to the effective date of adoption of this Ordinance.
    b. The new dwelling or addition complies with the acoustical treatment requirements for residential districts set forth in the Virginia Uniform Statewide Building Code.
4. No building or other structure will be located in a manner or built to a height that constitutes a hazard to aerial navigation. Where a structure is proposed in a location or to be built to a height that may be hazardous to air traffic such structure must not be erected without certification from the FAA that it will not constitute a hazard to air traffic.

D. **Disclosure Statement Required.** A disclosure statement must be placed on all subdivision plats, site plans, and deeds to any parcel or development within the AIOD, that clearly identifies any lot that is located within the AIOD and any airport noise impact area of the AIOD (i.e., Section 4.02C.1.b.1, 4.02C.1.b.2, or 4.02C.1.b.3) in which the lot is located.

4.02.01 AIOD Definitions

Ldn: The symbol for "yearly day-night average sound level," which means the 365-day average, in decibels, for the period from midnight to midnight, obtained after the addition of 10 decibels to sound levels for the periods between 10 p.m. and 7 a.m., local time.

45 db(A) Ldn: The symbol for the required level of noise attenuation in residential structures constructed within the area between airport noise contour 60 and airport noise contour 65, expressing a required yearly interior day-night average sound level of 45 decibels or less.

4.03 Floodplain Overlay District

Purpose. *The purpose of this overlay district is to conserve the natural state of watercourses and watersheds and to prevent the:*

- *Loss of life and property.*
- *Creation of health and safety hazards.*
- *Disruption of commerce and governmental services.*
- *Extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:*
  - *Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.*
  - *Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.*
  - *Requiring all those uses, activities, and developments that do occur in areas susceptible to flooding to be protected and/or flood-proofed against flooding and flood damage.*
  - *Preventing individuals from using land and erecting structures which are unsuited for intended purposes because of flood hazards.*

A. **Applicability.** These provisions apply to all privately and publicly owned lands within the jurisdiction of the County of Loudoun and identified as being located within the Floodplain Overlay District (FOD). Only those uses set forth in Section 4.03.E and 4.03.F will be permitted or special exception uses within the FOD, and land so encumbered may be used in a manner permitted in the underlying zoning district only if and to the extent such use is also permitted in the FOD. The degree of flood protection sought by Section 4.03 is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Section 4.03 does not imply that property outside the FOD or land uses permitted within the FOD will be free from flooding or flood damages. Section 4.03 must not create liability on the part of Loudoun County or any officer or employee thereof for any flood damages that result from reliance on Section 4.03 or any administrative decision lawfully made thereunder.

B. **Authority.** Authority for these provisions includes:
   1. Flood Damage Reduction Act, Va. Code Sections 10.1-600 et seq.
   2. Va. Code Sections 15.2-2200 through 15.2-2329 (Planning, Subdivision of Land and Zoning).
   3. Soil Conservation Districts Law, Va. Code Sections 10.1-500 et seq.
   4. Erosion and Sediment Control Law, Va. Code Section 62.1-44.15:51 et seq.
   5. Potomac River Basin Compact, Va. Code Section 28.2-1001.
   6. National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq., as amended by the National Flood Insurance Reform Act of 1994 and the Flood Insurance Reform Act of 2004.
   7. Code of Federal Regulations, Title 44, Section 59.1-70.9.

C. **Definitions.** The key words and phrases defined in Section 4.03.C apply when used in Section 4.03.

D. **Administration.**
   1. **Designation of Floodplain Administrator.** The Zoning Administrator, or his/her designee, shall administer and implement these regulations and is referred to herein as the Floodplain Administrator.
   2. **Duties and Responsibilities of the Floodplain Administrator.** The Floodplain Administrator shall:

a. Review all applications for development located within the FOD.
b. Interpret FOD boundaries in accordance with Section 11.02 and provide available base flood elevation and flood hazard information.
c. Review applications for development to determine whether proposed activities will be reasonably safe from flooding and meet the requirements of Section 4.03.
d. Review applications for reconstruction, rehabilitation, addition, or other improvement of a structure to determine whether such proposed activities constitute substantial improvements.
e. Review applications for development to determine whether all necessary permits have been obtained from the Federal, State, or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or altering of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any altering of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
f. Verify that applicants proposing to alter a watercourse have notified affected adjacent towns, cities, county or state government, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (Virginia Department of Environmental Quality, United States Army Corps of Engineers) and have submitted copies of such notifications to the Federal Emergency Management Agency (FEMA).
g. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with Section 4.03 or to determine if non-compliance has occurred or violations have been committed.
h. Review submitted FEMA Elevation Certificate applications and require incomplete or deficient applications to be corrected.
i. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain Flood Insurance Rate Maps (FIRMs), including Floodplain Studies and Floodplain Alterations approved in accordance with the Facilities Standards Manual (FSM), within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
j. Maintain and permanently retain records that are necessary for the administration of the FOD, including:
    1. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps), and Letters of Map Change; and
    2. Documentation supporting approval or denial of development permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variations pursuant to Section 4.03.K, and records of enforcement actions taken to correct violations of these regulations.
k. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
l. Advise the Board of Supervisors regarding the intent of these regulations and, for each application for a variation pursuant to Section 4.03.K, prepare a staff report and recommendation.
m. Administer the requirements related to proposed work on existing buildings:
    1. Make determinations as to whether buildings and structures that are located in FOD (Major Floodplain only) and that are damaged by any cause have been substantially damaged.
    2. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct such damaged structures; and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.

n. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to development permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in FOD; and provide property owners with information necessary to file claims for Increased Cost of Compliance coverage under the National Flood Insurance Program (NFIP) flood insurance policies.

o. Notify FEMA when the corporate boundaries of the County have been modified and:

1. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to Section 4.03 has either been assumed or relinquished through annexation or otherwise; and

2. For any new area for which the authority to regulate pursuant to this Section 4.03 has been assumed, prepare necessary amendments to the Zoning Map and appropriate requirements, and submit such amendments to the Board of Supervisors for adoption. A copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

p. Upon the request of FEMA, complete and submit information regarding the number of buildings in the FOD (Major Floodplain only), number of approved permits for development in the FOD (Major Floodplain only), number of approved variations pursuant to Section 4.03.K. Any variations that are approved shall be noted in the annual or biennial report submitted to FEMA's Federal Insurance Administrator.

q. Serve as a referral agent on all legislative land development applications.

3. **Delineation of the FOD.** The original basis for the delineation of the FOD shall be the floodplain as shown on the Flood Insurance Study (FIS) and the Flood Insurance Rate Map (FIRM) for the County of Loudoun prepared by FEMA, Federal Insurance Administration, dated February 17, 2017. The boundaries of the floodplain and FOD may change based on information submitted in accordance with this Chapter, and/or subsequent revisions or amendments to the FIS and FIRM approved by FEMA.

E. **Permitted Uses.** The following uses shall be permitted within the FOD provided such uses conform with Section 5.03. Uses allowed in the underlying district shall be prohibited to the extent such uses are not permitted or special exception uses in the FOD. Where any uses, structures, or improvements will result in development within the FOD, an application for a Floodplain Alteration shall be submitted in accordance with Section 4.03.H.2 and the FSM.

1. Permitted uses in FOD (Major Floodplain). Such uses shall not cause any increases in base flood elevation of the FOD (Major Floodplain) unless otherwise provided below.

a. Agriculture, horticulture, forestry, and fisheries, not requiring the erection of structures, except that incidental structures shall be permitted in accordance with this Section. An increase in base flood elevation may be permitted provided a Conditional Letter of Map Revision (CLOMR) is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use.

b. Passive and Active Recreation Uses, except swimming pools, provided that the area of impervious surfaces within the FOD (Major Floodplain) does not exceed 3% of the area of FOD (Major Floodplain) located within the subject parcel and the boundary of the FOD (Major Floodplain) does not change.

c. Stormwater management improvements as follows:

1. Rooftop disconnection. Associated soil amendments shall be located outside of areas of existing tree cover and shall not require the clearing of existing tree cover.

2. Sheet flow to conservation area.

3. Sheet flow to vegetated filter and associated soil amendments located outside of areas of existing tree cover and not requiring the clearing of existing tree cover.

4. Grass channel and associated soil amendments.
5. Soil amendments located outside of areas of existing tree cover and not requiring the clearing of existing tree cover.
6. Other stormwater management improvements provided that such improvements shall only serve permitted or approved special exception uses in the FOD, and shall only serve those portions of such uses that are located within the FOD.

d. Utility lines in the floodplain and road crossings. An increase in base flood elevation on site may be permitted provided a CLOMR is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use. Road crossings shall be designed and constructed in accordance with the standards and regulations of the Virginia Department of Transportation (VDOT) and/or the FSM, whichever shall apply.

e. Public roads shown on the Comprehensive Plan or included in a Capital Improvement Program project. An increase in base flood elevation may be permitted provided a CLOMR is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use.

f. Public roads, private roads, and driveways.

g. Repair, reconstruction, or improvement of existing residences, so long as the footprint of the existing residence is not increased within the FOD and provided that such repair, reconstruction, or improvement, whether located within or outside of the FOD, is not a substantial improvement. If such repair, reconstruction or improvement is a substantial improvement then conformance with Section 4.03.I shall be required.

h. Parking areas accessory to permitted or approved special exception uses in the FOD. All such parking areas shall be equipped with best management practices in accordance with Chapter 5 of the FSM and Chapter 1096 of the Codified Ordinances.

i. Incidental structures, not exceeding 840 square feet of floor area, associated with permitted or approved special exception uses in the FOD, and temporary structures associated with Special Events in the FOD. Incidental structures include storage sheds, maintenance sheds, backstops, bath houses and locker rooms. Provided, however, bulk storage of gasoline, chemicals, fuels, or similar substances are prohibited in the FOD; and further provided that any new construction shall comply with applicable FEMA standards.

j. Temporary storage of material or equipment necessary in the construction of permitted or special exception uses in the FOD.

k. Alterations of the floodplain associated with any permitted or approved special exception uses in the FOD. Such alterations shall not relocate or alter the natural active channel except for road crossings permitted under Section 4.03.E.1.d or Section 4.03.E.1.m, to protect existing habitable structures subject to periodic flooding, or for stream restoration permitted under Section 4.03.E.1.p. Applications for alterations of the floodplain shall be in accordance with Section 4.03.H.2. To the extent that the boundaries of the FOD change as a result of an approved Floodplain Alteration, any areas no longer within the FOD may be used for any use in the underlying zoning district, subject to the provisions of the applicable zoning district regulations and conditions of any approved special exception.

l. Restoration and rehabilitation of historic structures.

m. Road crossings that result in an increase in the base flood elevation off-site provided that:
    1. A CLOMR is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use.
    2. The road crossing shall be a feature shown on the Comprehensive Plan or included in a Capital Improvements Program project.
    3. The road crossing shall be designed and constructed in accordance with the standards and regulations of the Virginia Department of Transportation and/or the FSM, whichever shall apply.

4. The resulting increase in the base flood elevation shall not affect existing buildings and structures.
5. Affected off-site property owners may at any time mitigate impacts on their land as a result of an increase in the base flood elevation by:
    a. Submitting a Floodplain Alteration to reclaim that portion of their land subject to the increase in base flood elevation as a result of the road crossing, provided there is no increase in the base flood elevation; and/or
    b. Requesting a modification of the building setback or parking setback requirements on specific lots or parcels of land affected by the increase in the base flood elevation by special exception approved by the Board of Supervisors, in accordance with Section 7.09 and 4.03.G of the Zoning Ordinance.

n. Public water utility drinking water supply reservoirs, including, without limitation, reclaimed quarries.
o. Maintenance of the design conditions of an approved Floodplain Alteration.
p. Stream Restoration designed in accordance with the FSM and approved by the County. An increase in base flood elevation may be permitted provided a CLOMR is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use.
q. Wetland Mitigation. An increase in base flood elevation may be permitted provided a CLOMR is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use.
r. Flood mitigation practices carried out in order to minimize and reduce flood risk in accordance with the Code of Federal Regulations, Title 44. Section 78.1, et seq.
s. Special Events, pursuant to 3.05.D, without land disturbing activity.

2. Permitted uses in floodplains in FOD (Minor Floodplain), with or without an increase in base flood elevation:
    a. Uses allowed under Section 4.03.E.1, except that increases in the base flood elevation in the FOD (Minor Floodplain) shall be permitted.
    b. Alteration of the floodplain whether or not associated with a permitted or approved special exception use in the FOD. To the extent that the boundaries of the FOD change as a result of the Floodplain Alteration, any areas no longer within the FOD may be used for any use in the underlying zoning district, subject to the provisions of the applicable zoning district regulations and conditions of any approved special exception.
    c. Stormwater management improvements whether or not associated with permitted or approved special exception uses in the FOD.
    d. Ponds designed by the Natural Resources Conservation Service, a Licensed Professional Engineer, or a Class B Land Surveyor.
    e. Basketball or tennis courts, and swimming pools.
    f. Parking areas less than 5,000 square feet not otherwise permitted. Such parking areas shall not be subject to 100-year flooding greater than 1 foot in depth, shall be equipped with best management practices in accordance with Chapter 5 of the FSM and Chapter 1096 of the Codified Ordinances, and shall not result in any change in existing grade.

F. **Special Exception Uses.** The following uses and structures may be permitted in the FOD (Major Floodplain or Minor Floodplain) by the Board of Supervisors by special exception, subject to Section 7.09 and Section 4.03.G, provided that such uses conform with Section 5.03 and such uses shall not cause any increase in the base flood elevation of the FOD (Major Floodplain) unless otherwise provided below. Uses allowed in the underlying district shall be prohibited to the extent such uses are not permitted or special exception uses in the FOD. Where any uses, structures, or improvements will result in development within the FOD, an application for a Floodplain Alteration shall be submitted in accordance with Section 4.03.H.2 and the FSM.

1. Marinas, boat rentals, docks, piers, wharves, water ski jump facilities.

2. Special Events, pursuant to 3.05.D, with land disturbing activity.
3. Riding stables.
4. Structures required for the operation of a public utility not otherwise permitted by this Ordinance.
5. Incidental structures, greater than 840 square feet of floor area, associated with permitted or approved special exception uses in the FOD. Incidental structures include storage sheds, maintenance sheds, backstops, bath houses, and locker rooms. Provided, however, bulk storage of gasoline, chemicals, fuels, or similar substances are prohibited in the FOD; and further provided that any new construction shall comply with applicable FEMA standards.
6. Passive and Active Recreation Uses, except swimming pools, provided that the area of impervious surfaces within the FOD (Major Floodplain) does not exceed 10% of the area of FOD (Major Floodplain) located within the subject parcel, that cause the boundary of the FOD (Major Floodplain) to change, and/or that cause an increase in base flood elevation. Such increase in base flood elevation may be permitted provided a CLOMR is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use.

G. **Standards For A Special Exception.** In considering applications for a special exception, the Board of Supervisors shall be satisfied that the following standards and those of Section 7.09 have been met:

1. The proposed use will not increase the danger to life and property due to increased flood heights or velocities.
2. The proposed use will not increase the danger that materials may be swept downstream to the injury of others.
3. The proposed water supply and sanitation systems are designed to prevent disease, contamination, and unsanitary conditions.
4. The proposed use or structure shall be located and designed to limit its susceptibility to flood damage, and available alternative locations, not subject to flooding, for the proposed use shall be considered.
5. The proposed use is compatible with existing and planned development.
6. The proposed use is in harmony with the Comprehensive Plan.
7. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site shall not cause significant damage.

H. **Floodplain Overlay District Development Procedures.**

1. **Floodplain Information to be Submitted with Land Development Applications.** All new subdivision proposals and other proposed development greater than 50 lots or 5 acres, whichever is the lesser, on any parcel of land which includes FOD within its boundaries, shall include with such proposals base flood elevation data in accordance with Chapter 5 of the FSM. The submission of such base flood elevation data shall be considered a request for a cartographic interpretation pursuant to Section 11.02, to interpret the exact location of the boundaries of the FOD based on such data.
2. **Floodplain Alteration.** Any proposed development in the FOD shall require approval of a Declaration of No Impact to Floodplain or Floodplain Alteration in accordance with Chapter 5 of the FSM. Any required Floodplain Alteration shall conform with the following:
    a. **Procedures for Floodplain Alterations.** Applications for Floodplain Alterations shall be in accordance with Chapters 5 and 8 of the FSM and conform with the following procedures:
        1. An approved CLOMR from FEMA shall be provided prior to approval of a Floodplain Alteration that proposes any increase in the base flood elevation within the FOD (Major Floodplain).
        2. Floodplain Alterations that would result in changes to the boundaries of the FOD shall be subject to the following:
            a. The application for such Floodplain Alteration shall be considered a request for a cartographic interpretation pursuant to Section 11.02 to interpret the exact location of the boundaries of the FOD upon approval of the Floodplain Alteration.
            b. Prior to approval of a Floodplain Alteration that would result in any increase in the base flood elevation off-site or other changes to the boundaries of the FOD off-site, an

instrument describing the change in the base flood elevation executed by each affected property owner shall be recorded among the land records of Loudoun County, Virginia.

b. **Engineering and Environmental Criteria for Floodplain Alterations.** All proposed alterations to the floodplain shall meet the following criteria:

1. Alterations to the floodplain shall not create erosive water velocity on-site or off-site (where erosive water velocity is based on analysis of the surface material and permissible velocities for specific cross sections affected by the proposed alteration), and the mean velocity of stream flow at the downstream end of the site after alteration shall be no greater than the mean velocity of the stream flow under existing conditions.
2. Alterations to the floodplain shall be in conformance with Chapter 1220 of the Codified Ordinances of Loudoun County and the Erosion and Sediment Control Law, Va. Code Section 62.1-44.15:51 et seq.
3. The flood carrying capacity within the altered floodplain shall be maintained.

3. **Zoning Permit Required.** All development occurring within the FOD (Major Floodplain), including placement of manufactured homes, shall be undertaken only upon the approval of a zoning permit. The following provisions shall apply to all such zoning permits:

a. In addition to the requirements of Section 7.06.B, the application for such zoning permit shall include the following:

1. Copies of all necessary permits from Federal, State, or local agencies from which prior or concurrent approval is required.
2. The base flood elevation.
3. The elevation of the lowest floor (including basement).
4. For a structure to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
5. Topographic information showing existing and proposed ground elevations.

I. Floodplain Overlay District Development Standards:

1. **General Development Standards.** The following provisions shall apply to development located in the FOD (Major Floodplain):

a. Residential Construction. New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated to or above (1 foot freeboard recommended) the base flood elevation.

b. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building (including manufactured homes) shall have the lowest floor, including basement, elevated to or above the base flood elevation. Non-residential buildings may be flood-proofed in lieu of being elevated provided that all areas of the building components lower than 1 foot above the base flood elevation are water tight with walls impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the base flood elevation to which such structures are floodproofed, shall be retained by Floodplain Administrator.

c. All new construction and substantial improvements (including manufactured homes) shall be in accordance with all applicable sections of this Ordinance, the FSM, and Chapter 1410 of the Codified Ordinances, and anchored to prevent flotation, collapse, or lateral movement of the structure.

d. Newly placed manufactured homes and/or substantial improvements to manufactured homes shall meet all applicable State anchoring requirements for resisting wind forces and shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

e. All new construction and substantial improvements (including manufactured homes) shall be constructed with materials and utility equipment resistant to flood damage.

f. All new construction or substantial improvements (including manufactured homes) shall be constructed by methods and practices that minimize flood damage.

g. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

h. New and replacement public and individual water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

i. New and replacement public sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

j. Individual sewage disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

k. Prior to the approval of a Floodplain Alteration for any proposed alteration or relocation of any channel or watercourse, all required permits shall be obtained from the U. S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these agencies). The applicant shall provide notification of such alteration or relocation to the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA. If such alteration or relocation results in a change to the floodplain in an adjacent town, city, county, or state, notification shall also be provided by the applicant to such jurisdiction.

l. The flood carrying capacity within an altered or relocated portion of any channel or watercourse shall be maintained. Under no circumstances shall any development adversely affect the water carrying capacity of any channel or watercourse.

2. **Space Below the Lowest Floor.** In FOD (Major Floodplain), fully enclosed areas, of new construction or substantially improved structures, which are below the base flood elevation shall meet the following minimum standards:

   a. Such areas shall not be designed or used for human habitation. Such areas shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to such areas shall be the minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).

   b. Such areas shall be constructed entirely of flood resistant materials below the base flood elevation.

   c. Such areas shall include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters that are either certified by a licensed professional engineer or architect or that meet the following minimum design criteria:

      1. Provide a minimum of 2 openings on different sides of each enclosed area. Foundation enclosures made of flexible skirting are not considered enclosed areas for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, are considered as enclosed areas and require such openings.
      2. The total net area of all openings must be at least 1 square inch for each square foot of enclosed area subject to flooding.
      3. If a building has more than 1 enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
      4. The bottom of all required openings to such enclosed areas shall be no higher than 1 foot above the adjacent grade.
      5. Openings shall only be equipped with screens, louvers, or other opening coverings or devices that permit the automatic flow of floodwaters in both directions.

3. **Standards for Recreational Vehicles.** The following provisions shall apply to recreational vehicles located within the FOD (Major Floodplain):
    a. Any recreational vehicles placed on a site shall be fully licensed, on its wheels or jacking system, and attached to the site only by quick disconnect type utilities and security devices, and shall have no permanently attached additions; or
    b. Recreational vehicles placed on a site for 180 days or longer shall be deemed to be manufactured homes and shall meet all development standards of Section 4.03.I.1 and 4.03.I.2.
4. **Standards for Subdivision Proposals.** The following provisions shall be required for any subdivision of a parcel that includes FOD (Major Floodplain):
    a. All subdivision proposals shall be consistent with the need to minimize flood damage.
    b. All subdivision proposals that have public utilities and facilities, such as sewer, gas, electrical, and water systems, shall have such utilities and facilities located and constructed to minimize flood damage.
    c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

J. **Density Calculations.** For purposes of calculating the permitted floor area and number of residential units in the underlying zoning district, the land area in any portion of the FOD shall be included as part of the land area for such calculations.

K. **Variations.**

1. **Authority.** Pursuant to Code of Federal Regulations 44CFR60.6, the Board of Supervisors may approve a variation of the standards of Sections 4.03.I.1, 4.03.I.2., and 4.03.I.3 for any proposed development within the FOD (Major Floodplain) in the instances as set forth below. Requests for approval of a variation of the standards of Sections 4.03.I.1, 4.03.I.2., and 4.03.I.3 shall be made in accordance with the procedures for a Minor Special Exception application as set forth in Section 7.09, except that the issues for consideration shall be as set forth in Section 4.03.K.2. No variation shall be approved for any proposed development within the FOD (Major Floodplain) that will cause any increase in the base flood elevation of the FOD (Major Floodplain).
    a. New construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation provided that such new construction or substantial improvement is protected by methods that minimize flood damages during the base flood and creates no additional threats to public safety.
    b. Repair or rehabilitation of historic structures provided that such repair or rehabilitation shall not preclude the structure's continued designation as a historic structure and the variation is the minimum necessary to preserve the historic character and design of the structure.
2. **Application for a Variation of the Standards of Sections 4.03.I.1, 4.03.I.2, and 4.03.I.3.** Any person owning property, or having a possessory or contract interest in property and the consent of the owner, may file an application for variation of the standards of Sections 4.03.I.1, 4.03.I.2., and 4.03.I.3 in regard to such property with the Floodplain Administrator. The application shall contain the following information and such additional information as required by Section 7.01.B and 7.01.C:
    a. The particular standards of Sections 4.03.I.1, 4.03.I.2., and 4.03.I.3 that prevent the proposed construction on, or use of, the property.
    b. The existing zoning of the property, including any previously approved modifications, conditions, or proffers.
    c. The special conditions, circumstances or characteristics of the land, building, or structure that prevent the use of the land in compliance with the standards of Sections 4.03.I.1, 4.03.I.2., and 4.03.I.3.
    d. The particular hardship that would result if the specified standards of Sections 4.03.I.1, 4.03.I.2., and 4.03.I.3 were to be applied to the property.

e. The extent to which it would be necessary to vary the standards of Sections 4.03.I.1, 4.03.I.2., and 4.03.I.3 in order to permit the proposed construction on, or use of, the property.

f. An explanation of how the requested variation conforms to each of the applicable standards set out in Section 4.03.K.4.

3. **Issues for Consideration.** In considering an application for a variation of the standards of Sections 4.03.I.1, 4.03.I.2., and 4.03.I.3, the following factors shall be given reasonable consideration:

   a. The danger to life and property due to increased flood heights or velocities caused by encroachments.

   b. The danger that materials may be swept on to other lands or downstream to the injury of others.

   c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

   d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

   e. The importance of the services provided by the proposed facility to the community.

   f. The requirements of the facility for a waterfront location.

   g. The availability of alternative locations not subject to flooding for the proposed use.

   h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

   i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

   j. The safety of access by ordinary and emergency vehicles to the property in time of flood.

   k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

   l. The historic nature of a structure.

   m. Such other factors which are relevant to the purposes of this ordinance.

4. **Decision on Application for Variation of the Standards of Sections 4.03.I.1, 4.03.I.2, and 4.03.I.3.** No such variation of the standards of Sections 4.03.I.1, 4.03.I.2, and 4.03.I.3 shall be approved by the Board of Supervisors unless all of the following findings are made:

   a. The applicant has demonstrated good and sufficient cause.

   b. Failure to grant the variation of the standards of Sections 4.03.I.1, 4.03.I.2, and 4.03.I.3 would result in exceptional hardship to the applicant.

   c. Granting of such variation of the standards of Sections 4.03.I.1, 4.03.I.2, and 4.03.I.3 will not result in:

      1. Any increase in base flood elevation of the FOD (Major Floodplain);
      2. Additional threats to public safety;
      3. Extraordinary public expense;
      4. The creation of nuisances;
      5. Fraud or victimization of the public; or
      6. Conflicts with other local laws or ordinances.

   d. The variation of the standards of Sections 4.03.I.1, 4.03.I.2, and 4.03.I.3 is the minimum required to provide relief.

5. **Notice of Approval.** Upon approval of a variation of the standards of Sections 4.03.I.1, 4.03.I.2, and 4.03.I.3, the Floodplain Administrator shall notify the applicant of such approval, in writing, and that development in accordance with the approved variation may increase the risks to life and property and may result in increased premium rates for flood insurance.

4.03.01 FOD Definitions

Alteration. A development action which will change the cross section of the floodplain and will increase either the erosive velocity or height of floodwaters either on-site or off-site. Alterations include, but are not limited to, land disturbing activities.

Base flood. The flood having a 1% chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Base flood elevation. The water surface elevations of the base flood. The water surface elevation of the base flood is calculated based on the datum specified on Loudoun County's Flood Insurance Rate Map.

Basement. That portion of a building having its floor below ground level on all sides.

Conditional Letter of Map Revision (CLOMR). A formal review and written comment from FEMA on a proposed project that would, upon construction, cause an increase in base flood elevation. Upon completion of the construction of such project, a Letter of Map Revision (LOMR) issued by FEMA, determining that the increase was warranted, shall be required.

Cross section. Shape and dimensions of a channel and valley of the floodplain perpendicular to the line of flow.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Elevated building. A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

Flood or Flooding.

1. A general or temporary condition of partial or complete inundation of normally dry land areas from:
    a. The overflow of inland waters; or,
    b. The unusual and rapid accumulation or runoff of surface waters from any source.
    c. Mudflows which are proximately caused by flooding as defined in paragraph 1.b of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1.a of this definition.

Flood Insurance Rate Map (FIRM). The official map of Loudoun County on which the Federal Emergency Management Agency (FEMA) has delineated areas in the floodplain subject to inundation of the base flood and the risk premium zones based on the technical data in the Flood Insurance Study. The FIRM that has been made available digitally is called the Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS). A report by FEMA that examines, evaluates, and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudflow and/or flood-related erosion hazards.

Floodplain. Any land area susceptible to being inundated by water from the base flood and having a drainage area greater than 100 acres. For purposes of regulation under this Ordinance, a distinction is made between the Major Floodplain and Minor Floodplain. Major Floodplain shall correspond to Zones AE and A as shown on the FIRM, as may be subsequently revised or amended by FEMA, and is considered to be the Special Flood Hazard Area by FEMA. All

watersheds draining greater than 640 acres shall be considered Major Floodplain. Minor Floodplain shall correspond to watersheds of 640 acres or less that are not designated as Zone AE or A.

Floodproofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without any cumulative increase the base flood elevation. Floodways are included within, and regulated as, FOD (Major Floodplain). Floodways are not shown on the FIRM but are included within the Special Flood Hazard Area designated on the FIRM, which is regulated as FOD (Major Floodplain).

Freeboard. A factor of safety expressed in feet above a flood level for purposes of floodplain management. "Freeboard" compensates for the many unknown factors that contribute to flood heights greater than the height calculated for Base Flood, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

Historic structure. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Virginia Landmarks Register; or,
4. Individually listed on the Loudoun County Register of Heritage Resources.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Code of Federal Regulations 44CFR §60.3.

Manufactured Home. A structure constructed and subject to federal regulation, which is transportable in one or more sections; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to utilities. The term "manufactured home" also includes recreational vehicles placed on a site for greater than 180 consecutive days whether connected to utilities or not.

New construction. Structures for which the start of construction commenced on or after January 5, 1978. All such structures shall comply with the Loudoun County regulations in effect at the time of construction. Any improvement(s) to a structure shall comply with the Loudoun County regulations in effect at the time of construction of the improvement(s).

Recreational Vehicle. A vehicle that is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Road, Crossing of the Floodplain, or Road Crossing. Any public road, private road, or driveway traversing a floodplain generally perpendicular to the flow of the drainageway.

Special Flood Hazard Area (SFHA). The land in the floodplain subject to a 1% percent or greater chance of being flooded in any given year. This area corresponds to where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and includes Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, and V as shown on the FIRM.

Start of construction. Means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stormwater Management Improvements. Surface or subsurface drainage improvements, storm sewers, detention and retention ponds, and other such improvements as required by the Facilities Standards Manual (FSM), the Loudoun County Stormwater Management Ordinance, Chapter 1096 of the Codified Ordinances of Loudoun County, or the Loudoun County Erosion and Sediment Control Ordinance and Plan, Chapter 1220 of the Codified Ordinances of Loudoun County.

Stream Corridor. Includes the stream and extends in cross section from the channel's bankfull level towards the upland (perpendicular to the direction of streamflow) to a point on the landscape where channel-related surface and/or soil moisture no longer influence the plant community.

Stream Restoration. Converting an unstable, altered, or degraded stream corridor, including adjacent riparian area and flood-prone areas, to its natural stable condition considering recent and future watershed conditions.

Structure. An assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, gospel and circus tents, platforms, stagings, observation towers, telecommunications towers, radio and TV broadcasting towers, water tanks, trestles, piers, open sheds, coal bins, shelters, walls, power line towers, pipelines, railroad tracks, manufactured homes, and gas or liquid storage tanks that are principally above ground.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred flood related damages on 2 occasions in which the cost of the repair on the average equaled or exceeded 25% of the market value of the structure at the time of each such flood event or substantial damage regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any altering, repair, or rehabilitation of a historic structure, provided that the altering, repair, or rehabilitation will not preclude the structure's continued designation as a historic structure. Historic structures undergoing altering, repair, or rehabilitation that would constitute a substantial improvement as defined above, must comply with all requirements of Section 4.02 that do not preclude the structure's continued designation as a historic structure. Documentation that a specific requirement of Section 4.02 will cause removal of the structure from the National Register of Historic Places or the Virginia Landmarks Register must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from the requirements of Section 4.02 will be the minimum necessary to preserve the historic character and design of the structure.

Utility Lines in the Floodplain. Storm sewers, sanitary sewers, water lines, and similar lines running generally parallel and perpendicular to the flow of the drainageway; and other public utility lines traversing a floodplain generally perpendicular to the flow of the drainageway.

Violation. The failure of a structure or other development to be fully compliant with this Section 4.02. A structure or other development without a FEMA approved Elevation Certificate, other certifications, or other evidence of compliance required in this Section 4.02 shall be presumed to be in violation until such time as that documentation is provided.

Watercourse. A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial damage resulting from flooding may occur.

4.04 Mountainside Development Overlay District

Purpose. *The purpose of this overlay district is to regulate land use and development on the mountainsides of the County, to provide for low density residential development in mountainside areas and to achieve the following goals:*

- *Ensure mountainside development will not result in substantial damage to significant natural resource areas, wildlife habitats, or native vegetation areas.*
- *Ensure that mountainside development is compatible with the slope of the land.*
- *Ensure proper design is used in grading and in the development of structures, roadways, and drainage improvements.*
- *Ensure mountainside conditions are properly identified and incorporated into the planning process for subdivision and site development.*
- *Prevent erosion and minimize clearing and grading.*
- *Protect tree cover and native vegetation.*
- *Ensure that all development is compatible with the existing topography and soils conditions.*

A. **Authority.** Authority for provisions in Section 4.03 includes:
   1. Chapter 11, Title 15.2, Code of Virginia (Planning, Subdivision of Land and Zoning);
   2. Soil and Water Conservation, Va. Code Title 10.1, Chapter 5;
   3. Environmental Quality law, Va. Code Title 10.1, Chapter 11.1;
   4. State Water Control law, Code of Virginia Title 62.1, Chapter 3.1; and
   5. Uniform Statewide Building Code and International Building Code Chapter 18;

B. **Applicability.**
   1. **Covered Activities.** Section 4.03 applies to Covered Activities within the MDOD except as allowed in Section 4.03.C.2.
      a. Mountainside areas are defined by the presence of certain natural features such as elevation, forests, steep slopes, unstable soils, and groundwater recharge areas that are commonly associated with these areas.
      b. The following categories of mountainside area are established within the MDOD as shown on the MDOD Map:
         1. **Somewhat Sensitive Areas.** Areas with potentially slight or limited environmental and/or public safety impacts from development;
         2. **Sensitive Areas.** Areas with moderate environmental and/or public safety impacts from development; and
         3. **Highly Sensitive Areas.** Areas with potentially severe environmental and/or public safety impacts from development.
   2. **Activities Not Subject to MDOD Setbacks and Performance Standards.** The following land disturbing activities are allowed within the MDOD and are not subject to the Setbacks of Section 4.03.E and Performance Standards of Section 4.04.F and 4.04.G, in accordance with the following specified restrictions:
      a. **Agricultural Operations.** Agricultural, horticultural, or animal husbandry operations located in the

MDOD that are covered by, and conducted in conformance with, a Conservation Farm Plan, that includes best management practices, approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service, and a Nutrient Management Plan approved by the Loudoun County Soil and Water Conservation District. Structures associated with agricultural operations are subject to all regulations in Section 4.04.

b. **Timber Harvesting and Silviculture**. The Mountainside Resource Protection Setbacks of Section 4.03.E. and the performance standards of Sections 4.03.F and 4.03.G do not apply to Timber harvesting and other silvicultural activities that are conducted only in conformance with a Forest Management Plan that meets the requirements of the FSM, includes best management practices, and is approved by the County. All timber harvesting must also meet the notification requirements of Section 10.1-1181.2.H of the Code of Virginia. Within the MDOD, only those roads shown on the approved Forest Management Plan will be constructed or used for timber harvesting and other silvicultural activities. Timber harvesting or other silvicultural activities not conducted in accordance with such approved Forest Management Plan, to include the construction or use of roads not shown on the approved Forest Management Plan, or timber harvesting that has not met the notification requirements of Section 10.1-1181.2.H of the Code of Virginia, will not be considered a lawful agricultural operation and are subject to all regulations in Section 4.04.

c. **Virginia Department of Transportation, Public Utilities, and Municipal Utilities.** The Virginia Department of Transportation (VDOT), Loudoun Water, and other municipal utilities or 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 Code of Virginia, do not require a special exception pursuant to the requirements of Section 4.04 as follows:

1. Any Covered Activities must obtain a locational clearance approved by the Zoning Administrator and the Department of Building and Development.

C. Uses and Activities.

1. **Permitted Expansion of an Existing Single Family Detached Dwelling in a Highly Sensitive Area.** Any expansion of an existing single family detached dwelling that existed within a Highly Sensitive Area prior to October 4, 1995 is permitted by right as follows:
   a. The expansion is subject to the performance standards of Sections 4.04.F and 4.04.G and
   b. The expansion does not increase the total floor area or height of the single family detached dwelling, as existed on October 4, 1995, by more than 50%.
   c. The expansion is not permitted into a Mountainside Resource Protection Setback.
2. **Permitted Uses and Activities within the Mountainside Resource Protection Setbacks.** The following Covered Activities are permitted within the Mountainside Resource Protection Setbacks required under Section 4.04.E, pursuant to the performance standards of Sections 4.04.F and 4.04.G. and associated clearing to the minimum extent necessary for the installation and maintenance of the fence; fences must.
   a. Fences that do not obstruct surface water flow;
   b. Publicly accessible trails and other passive recreation facilities, including facilities for pedestrian, bike or other non-motorized uses, provided that such facilities are designed with permeable materials.
   c. Restoration and revegetation, including the removal of invasive plant species in accordance with the reforestation standards in the Facilities Standards Manual.
3. **Special Exception Approval Required.** Special Exception approval is required for each of the following:
   a. Covered Activities in Highly Sensitive Areas of the MDOD.
   b. Subdivision of land into 3 or more lots in Sensitive Areas or Highly Sensitive areas of the MDOD.
   c. Groundwater extraction for commercial use or sale.

D. Mountainside Resource Protection Setbacks.

1. Covered activities are subject to the following setbacks.
   a. **Crest and Ridgeline Protection Setback.** Except as permitted by Section 4.04.D, Covered

Activities are not permitted on any Crest of a designated hill or slope and must be setback 100 horizontal linear feet on either side measured from the Ridgeline.

b. **Perennial Headwaters Setback.** The Perennial Headwaters Setback applies to those portions of the Perennial Headwaters of the Catoctin Creek and Goose Creek that are not subject to the River and Stream Corridor Resources standards. Except as permitted by Section 4.04.D, Covered Activities are not permitted within the stream channel of any Perennial Headwaters and must be setback 100 horizontal linear feet from the outermost edge of any Stream Bank of any Perennial Headwaters. This setback does not apply to the expansion or construction of a public reservoir on Catoctin Creek.

c. **Spring Protection Setback.** Except as permitted by Section 4.04.D., Covered Activities must be setback 100 feet from a spring, measured from the vertical source of a spring on flat terrain or from the first emergence of a spring on a steep slope (15% or greater). This setback does not apply to the expansion or construction of any public reservoir on Catoctin Creek.

2. **Subdivision of land within Mountainside Resource Protection Setbacks.** Any application for subdivision of land subject to any of the Mountainside Resource Protection Setbacks set forth in Section 4.04.E must provide an exhibit, plat, or plan demonstrating a buildable area exclusive of any Mountainside Resource Protection Setback area on any lot meeting the minimum lot requirements.

E. **Performance Standards in Somewhat Sensitive and Sensitive Areas.** Covered Activities in Somewhat Sensitive and Sensitive Areas of the MDOD must comply with the following standards:

1. In somewhat sensitive areas, land disturbing activities exclusive of a dwelling, driveway, drainfield, and wells are permitted subject to the following:
   a. Selective clearing, to the extent necessary to locate the use, of up to 50% of forestal areas on existing slopes less than 15%.
   b. Selective clearing, to the extent necessary to locate the use, of up to 25% of forestal areas on existing slopes of 15% to 25%.
   c. No clearing of existing slopes greater than 25% except the minimum necessary to locate the use.
   d. The limits of land disturbing activities are reduced by 50% in the following soil conditions associated with major groundwater recharge areas: soil mapping units 27, 48, 50, 52, 54, 55 and 89.
2. On lots in Sensitive Areas containing 10 acres or less, no more than 1 acre of land disturbing activity is permitted, exclusive of a dwelling, driveway, drainfield, and well. On lots containing more than 10 acres, land disturbing activities must not exceed 10% of the lot exclusive of a dwelling, driveway, drainfield, and well. In addition to these constraints, where the existing slope is 15% or greater, land disturbing activity limits are reduced by 50% and are permitted only if the applicant demonstrates that no suitable alternative locations exist on areas with existing slopes less than 15%.
3. In Sensitive Areas a grading plan is required that demonstrates methods to minimize erosion.
4. No land disturbing activity is permitted on soil mapping units 59 or 88 except for access roads and drives when no alternatives exist.
5. Prior to any land disturbing activity on existing slopes of 25% or more, or in soil mapping units 27, 59, 88 or 89, the applicant must provide a Type I Preliminary Soils Review in accordance with the FSM concurrent with Zoning Permit application. The review must follow the procedures found in the FSM.
6. Prior to any land disturbing activity, the applicant must provide a scaled exhibit that shows the existing and proposed slope contour and ground cover and how the disturbed area will be restored. If the exhibit is associated with an application, the exhibit must be the same size and scale as the associated application.

F. **Performance Standards in Highly Sensitive Areas.** Covered activities in Highly Sensitive Areas of the MDOD must comply with the following standards in addition to the Performance Standards in Somewhat Sensitive and Sensitive Areas set forth in Section 4.04.F. If there is a conflict between these sections, the more restrictive standard applies.

1. Roads, drives, and dwellings placed on existing slopes greater than 25% or in Soil Mapping Unit 59 require a geotechnical study in accordance with the FSM approved by the Department of Building and Development.
2. No land disturbing activity shall is permitted on soil mapping units 59 or 88 except for except when no alternatives exist.
3. The centerline grade of private roads and driveways must not exceed 14%. Under drainage and culvert design must conform to the requirements of the FSM.
4. Land disturbances, exclusive of utility easements, must be minimized and require a grading permit, but are allowed as necessary for building sites and related improvements, not to exceed 1 acre exclusive of a dwelling, driveway, drainfield and well, and existing cleared areas. Special exception conditions limiting clearing may include, but are not limited to:
    a. Selective clearing up to a maximum 50% of exis1ting forest areas on existing 0-15% slopes.
    b. Selective clearing up to a maximum 25% of existing forest areas on existing 15-25% slopes; and
    c. Minimal clearing for roads and drives on existing slopes of greater than 25%.
5. Standards set out in Sections 4.04.G.1, 4.04.G.2, and 4.04.G.3 may be modified by Special Exception procedures set forth in Section 7.09 if the application satisfies the public purpose of those standards to an equivalent degree.
6. Where a site is served by groundwater, a proven supply approved by the County Health Department must be provided as follows:
    a. **Existing lots.** Prior to issuance of a zoning permit.
    b. **Lots created after October 4, 1995**. Prior to approval of a record plat.
    c. Such other standards which are relevant, including Section 7.09 Issues for Consideration and Section 1.02, Purposes of Zoning Goals, Purpose, and Intent.

G. **Additional MDOD Specific Procedures.** Refer to Section 7.01.F.2.e for additional MDOD specific procedures.

4.04.01 MDOD Definitions

Bankfull: The water level, or stage, at which a stream or river is at the top of its banks and any further rise would result in water moving into the floodplain. It may be identified by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Bankfull Bench: A flat or shallowly sloped area above bankfull that slows high velocity flows of water during flows above bankfull.

Covered Activities. For the purposes of Sections 4.04, 4.05, and 5.03, Covered Activities includes all of the following:

A. **Land Development Applications**:
    1. Legislative: All Zoning Amendments, Special Exceptions, Minor Special Exceptions, Commission Permits, Certificates of Appropriateness, Variances and Zoning Modifications reviewed for approval by the Planning Commission, Board of Supervisors, Board of Zoning Appeals, or Historic District Review Committee.
    2. Administrative: All Subdivisions (including preliminary subdivision plats), Site Plans, grading permits, construction plans and profiles, and zoning permits and building permits that involve land disturbing activities, modifications reviewed for approval by the Zoning Administrator.

B. **Land Disturbances or Land-Disturbing Activity**: Land Disturbances or Land-Disturbing Activities include, but are not limited to: cutting; filling; clearing; excavation; grading; construction; reconstruction; investigations (such as test wells); and the location, sourcing, and construction of water supply systems under Chapter 1040 of the Loudoun County Codified Ordinances.

C. Uses in Chapter 3.

Crest. The uppermost line of a mountain or chain of mountains from which the land falls away on at least two sides to a lower elevation or elevations.

Perennial Headwaters. Perennial headwaters are Perennial Streams of the Catoctin Creek and the Goose Creek originating in the Blue Ridge, Short Hill, and Catoctin Mountains.

Perennial Stream: A stream with flowing water year-round during a typical year, including the Catoctin Creek, Goose Creek, Limestone Branch, Piney Run, Broad Run and their tributaries, as well as any unnamed streams discharging into the Potomac River. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Ridgeline. The elongated crest or series of crests at the apex or uppermost point of intersection between two opposite slopes or sides of a mountain and includes all land within 100 feet below the elevation of any portion of such line or surface along the crest (Code of Virginia Section 15.2-2295.1).

Stream Bank. The confining cut of land forming a natural channel for the nontidal water movement of a stream.

Stream Bed: The substrate of the stream channel between either bankfull bench. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Structure. For the purposes of Sections 4.04 and 4.05, the term "structure" includes, but is not limited to, all buildings, water/dam embankments, retaining walls, field/tile drainage, road construction, and cut or fill operations.

4.05 Limestone Overlay District

Purpose. *The purpose of this overlay district is to preserve and protect the unique geologic characteristics and the groundwater quality in its limestone area. The provisions of Section 4.05 are intended to regulate land use and development in areas underlain by limestone and in areas with Karst features and Karst terrain to:*

- *Protect the health, safety, and welfare of the public, resulting from subsidence or other earth movement;*
- *Protect groundwater and surface water resources from contamination; and*
- *Reduce the potential for property damage resulting from subsidence or other earth movement.*

A. **Authority.** Authority for these provisions includes:

1. Chapter 11, Title 15.2, Code of Virginia (Planning, Subdivision of Land and Zoning);
2. Soil and Water Conservation, Code of Virginia Title 10.1, Chapter 5;
3. Environmental Quality law, Code of Virginia Title 10.1, Chapter 11.1;
4. State Water Control law, Code of Virginia Title 62.1, Chapter 3.1; and
5. Uniform Statewide Building Code and International Building Code Chapter 18;

C. **Applicability.**

1. **Covered Activities.** Section 4.05 applies to Covered Activities within the Limestone Overlay District (LOD) except as allowed in Section 4.05.C.2.
2. **Activities Not Subject to LOD Setbacks and Development Standards.** The following land disturbing activities are permitted within the LOD and are not subject to LOD Setbacks and Development Standards, subject to the specific limits as specified with the activity.
    a. **Agricultural Operations.** The requirements of the LOD do not apply to agricultural, horticultural, or animal husbandry operations located in the LOD that are covered by, and conducted in conformance with, a Conservation Farm Plan, that includes best management practices, approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service, and a Nutrient Management Plan approved by the Loudoun County Soil and Water Conservation District. Structures associated with agricultural operations are not exempt from these provisions.
    b. **Forestry and Silviculture.** The requirements of the LOD do not apply to Timber harvesting and

other silvicultural activities that are conducted only in conformance with a Forest Management Plan that meets the requirements of the FSM, includes best management practices, and is approved by the County. All timber harvesting shall must also meet the notification requirements of Section 10.1-1181.2.H of the Code of Virginia. Within the LOD, only those roads shown on the approved Forest Management Plan shall will be constructed or used for timber harvesting and other silvicultural activities. Timber harvesting or other silvicultural activities not conducted in accordance with such approved Forest Management Plan, to include the construction or use of roads not shown on the approved Forest Management Plan, or timber harvesting that has not met the notification requirements of Section 10.1-1181.2.H of the Code of Virginia, are not considered a lawful agricultural operation and are not exempt from LOD requirements.

c. **Gardens.** Gardens are exempt from the provisions of Section 4.05, provided that no cutting, filling, or berming is required to create such garden.

d. **Paving of Existing Driveways.** The paving of driveways that existed on February 17, 2010, is exempt from the provisions of this Section 4.05 except that any proposed paving requires a locational clearance approved by the Department of Building and Development, as set forth in Section 4.05.H.2.b.

e. **Structures or Land Disturbance of 720 Square Feet or Less.** Any land disturbing activities or structures involving the disturbance of 720 square feet or less of land are exempt from the provisions of Section 4.05, except:

   1. No such disturbance is be permitted within 20 feet of a Karst/Sensitive Environmental Feature ;
   2. No structures, even if 720 square feet or less, are permitted within the Karst/Sensitive Environmental Feature Setback;
   3. This exemption does not apply to swimming pools, principal dwellings, and accessory dwellings, or to structures or land disturbing activities whose purpose is to change water flow; and
   4. This exemption does not apply to wells, except in cases involving the replacement of a dry well serving an existing inhabited structure.

D. **Identification of Karst/Sensitive Environmental Features and Required Setbacks.**

1. **Geophysical Study.** For all Covered Activities on properties subject to the LOD as identified on the LOD Map, the applicant must submit a Geophysical Study in accordance with Chapter 6 of the FSM. The Geophysical Study must identify the following Karst/Sensitive Environmental Features associated with limestone bedrock:
   a. Sinkholes, Swallets, or Closed depressions.
   b. Rock outcrops.
   c. Underground solution channels within 45 feet of the surface.
   d. Cave openings.
   e. Springs.
   f. Perennial Sinking Streams.
2. **Geotechnical Report.** A Geotechnical Report in accordance with Chapter 6 of the FSM is required to verify the location, extent, and conditions of any of the Karst/Sensitive Environmental Features listed in Section 4.05.D.1 whenever recommended by the Geophysical Study.
3. **Karst/Sensitive Environmental Feature Setbacks.** Each Karst/Sensitive Environmental Feature within the LOD including, without limitation, those identified by any required Geophysical Study, or any Preliminary Soils Review as required by the Facilities Standards Manual, must be identified on the land development application and is subject to the setbacks specified below in Table 4.05-1:

- Table 4.05-1 Karst/Sensitive Environmental Feature Setbacks

Table 4.05-1 Karst/Sensitive Environmental Feature Setbacks ~~Karst/Sensitive Environmental Feature~~	~~Minimum Setback (in feet)[1]~~

Karst/Sensitive Environmental Feature	Minimum Setback (in feet)[1]
Rock Outcrop (setback required for drilling any well)	10
Sinkhole, swallet, or closed depression	100
Cave Opening	100
First emergence of a spring	100
First emergence of a spring that is on a slope greater than 15% and is downslope from the land disturbing activities, development, or impervious surface coverage	200
Bankfull Bench of a Perennial Sinking Stream	100
Underground solution channels within 45 feet of the surface	50
Any other identified Karst/Sensitive Environmental Feature	50
[1] The minimum setback is measured outward from the outermost edge of the Karst/Sensitive Environmental Feature as described in Table 4.05-1.	

4. **Reduction of the Karst/Sensitive Environmental Feature Setbacks.** The Karst/Sensitive Environmental Feature Setback may be reduced by up to 50% if the Geophysical Study concludes that the risks of collapse and groundwater contamination are non-existent or insignificant for the proposed location and use. However, no reduction is permitted for the Karst/Sensitive Environmental Feature Setback associated with the following:
    a. Any Perennial Sinking Stream.
    b. Any spring.
    c. Any sinkhole, swallet, closed depression, or cave opening that receives either a perennial or intermittent sinking stream.
    d. Any rock outcrop (for drilling any well).

E **Uses and Activities.**

1. **Prohibited Pollution Sources.** The following uses are prohibited within the LOD:
    a. Facilities or uses that generate or manufacture hazardous substances.
    b. Storage of hazardous substances in an aggregate amount greater than 55 gallons (or the dry weight equivalent) on site at any one time, excluding heating oil or gasoline within above ground storage tanks.
    c. Automotive Use Category uses identified in Section 3.02.
    d. Underground storage tanks, except for propane tanks and water cisterns shown on an approved Geophysical Study.
    e. Waste-related Use Category uses identified in Section 3.02.
    f. Convenience store (with gasoline sales).
2. **Permitted Uses and Activities Within Karst/Sensitive Environmental Feature Setbacks.**
    a. The following Covered Activities are permitted within Karst/Sensitive Environmental Feature Setbacks in accordance with the specified limitations:
        1. Fences that do not obstruct surface water flow.
        2. Publicly accessible trails and other passive recreation facilities, including facilities for pedestrian, bike or other non-motorized uses, provided that such facilities are designed with permeable materials and setback a minimum of 25 feet from each Karst/Sensitive Environmental Feature.

3. Restoration and vegetation, including the removal of invasive plant species in accordance with the reforestation standards in the Facilities Standards Manual.
4. Residential structures are prohibited within Karst/Sensitive Environmental Feature Setbacks (as set forth in 4.05.D.3 or as may be reduced pursuant to the provisions of Section 4.05.D.4), except as follows:
    1. On any lot existing on February 17, 2010, where there is no feasible development site available outside of the Karst/Sensitive Environmental Feature Setback, a single principal dwelling , and/or a drainfield for such principal dwelling, if otherwise permitted under this ordinance, may be permitted if, prior to the approval of a zoning permit, the following requirements are met:
        a. A Geophysical Study is provided for the proposed principal dwelling and/or drainfield.
        b. All recommendations of the Geophysical Study are complied with.
        c. Such principal dwelling and/or drainfield, is sited on the lot as far from the Karst/Sensitive Environmental Feature as feasible.
        d. If the Geophysical Study shows that subsidence poses a serious risk to public health or safety or to the safety of residents or users of the proposed principal dwelling and/or drainfield, the design of the proposed principal dwelling and/or drainfield must be certified, both structurally and geotechnically, by a professional engineer.
    2. No structures for uses other than a principal dwelling and/or drainfield (i.e. no structures for accessory uses) are permitted within the Karst/Sensitive Environmental Feature Setback.

3. **Permitted Uses and Activities Outside of Karst/Sensitive Environmental Feature Setbacks.**
    a. **Permitted By Right.** Except for Prohibited Pollution Sources of Section 4.05.E.1 all uses and structures permitted by right in any underlying zoning district(s) and any applicable overlay zoning district are permitted within the LOD if located outside of the Karst/Sensitive Environmental Feature Setbacks, subject to development standards and mitigation measures required pursuant to the LOD.
    b. **Permitted By Special Exception.** Except for Prohibited Pollution Sources of Section 4.05.E.1, all uses and structures permitted by special exception in any underlying zoning district(s) and any applicable overlay zoning district may be permitted by Special Exception approval pursuant to Section 7.09 if located outside of the Karst/Sensitive Environmental Feature Setbacks.
4. **Permitted Changes to Legally Existing Covered Activities within the LOD.** The expansion, alteration, or reconstruction of existing buildings, structures, and impervious surfaces that legally existed on February 17, 2010, is permitted and is not subject to the Development Standards of Section 4.05.F or Mitigation Measures of Section 4.05.G, provided that:
    a. Such alteration does not increase the total footprint of a building or structure, or increase the total area of impervious surface (exclusive of existing buildings and structures), as it existed on February 17, 2010, by more than 25% or 2,000 square feet, whichever is greater, and;
    b. Any such expansion does not encroach into a Karst/Sensitive Environmental Feature Setback.
    c. If the existing building, structure, or impervious surface is located within a Karst/Sensitive Environmental Feature Setback, then such expansion must not get closer to the Karst/Sensitive Environmental Feature than the closest point of the existing building, structure, or impervious surface as it existed on February 17, 2010.
    d. If expansion away from a Karst/Sensitive Environmental Feature is not feasible, then such expansion may get closer to the Karst/Sensitive Environmental Feature if such expansion is in conformance with Section 4.05.E.1.b.1.
    e. A locational clearance for the expansion or alteration is approved by the Department of Building

and Development.

f. A locational clearance is not required for the reconstruction of a building, structure, or impervious surface pursuant to the LOD, in the exact location it occupied on February 17, 2010.

5. **Creation of New Lots within the LOD.** Prior to approval of any buildable lot created after February 17, 2010, the applicant must demonstrate on a scaled plat, plan, or exhibit that there is a sufficient area on the lot outside of the Karst/Sensitive Environmental Feature Setbacks identified in Section unless an approved sewage disposal site exists that is subject to Section 1066.17 of the Loudoun County Codified Ordinances (LCCO) and/or an approved well site exists that is subject to Section 1040.19 of the LCCO.

F. **Development Standards for the LOD.** Unless otherwise specified in the LOD, all Covered Activities in the LOD are subject to the following development standards:

1. **Structures in Potential Subsidence Areas.** Structures are prohibited in all areas where a Geophysical Study indicates that potential subsidence may occur that would cause property damage, physical injury, or harm to the public or future residents, unless there are no alternative locations within a given lot of record, and a subsequent Geotechnical Report indicates that such potential harm can be mitigated. In such cases the structures must be constructed in accordance with all mitigation techniques recommended by the Geotechnical Report.
2. **Site Grading.** A grading permit is required for all land disturbing activities. Site grading, including any fill or berm placement, must maintain natural drainage patterns. A Geophysical Study is required for all berms and filling operations.
    a. If no alternative exists other than to impact natural drainage patterns, then drainage must be designed to avoid damage to Karst/Sensitive Environmental Features as identified in the required Geophysical Study, and in any subsequently required Geotechnical Report, by mimicking pre-development volumes.
3. **Surface Water Run-Off.**
    a. Non-point source pollution load of surface runoff from land disturbing activity that is naturally conveyed to a sinkhole, swallet, closed depression, or cave opening must meet the stormwater quantity and quality standards specified in Chapter 5 of the FSM. In addition, the runoff must travel over vegetative filters or other filtration measures, as established in the Virginia Stormwater BMP Clearinghouse, prior to entering such features.
    b. Surface water runoff must not be redirected or concentrated to enter a sinkhole, swallet, closed depression, or cave opening.
    c. Post-development flow of surface water runoff to a sinkhole, swallet, closed depression, or cave opening that receives a sinking stream must be the same as pre-development flow of surface water runoff to such features.
4. **Limits of Disturbance and Revegetation.** Disturbed areas must be limited to what is necessary to locate the use, and any disturbed areas that are not covered by paving, stone, or other solid materials must be revegetated.
5. **Wells.** Wells are subject to the following standards:
    a. Installation of wells is subject to Chapter 1040 of the LCCO, the Virginia Department of Health Private Well Regulations, the Virginia Department of Health Waterworks Regulations, and "Subdivisions with Communal Water Systems" standards under Chapter 6 of the FSM.
    b. Communal Water Supply Systems are required for all subdivisions of 15 or more lots approved after February 17, 2010, except for subdivisions in which each lot of the subdivision contains 10 or more acres of land; and
        1. All lots must be served by the Communal Water Supply System for the subdivision.
6. **On-Site Sewage Disposal Systems.** On-site sewage disposal systems, as defined in the Land Subdivision and Development Ordinance (LSDO), are allowed in the LOD for individual lots and subdivisions with fewer than 15 lots, and for subdivisions in which each lot of the subdivision contains 10 or more acres of land. Sewage disposal systems are subject to the review processes and requirements in the LSDO (Section

1245.10) and must comply with requirements of the Virginia Department of Health – Division of Sewage and Water Services and the Loudoun County Health Department.

7. **Communal Wastewater Systems.** Communal Wastewater Systems are required for all subdivision of 15 or more lots approved after February 17, 2010, except for subdivisions in which each lot of the subdivision contains 10 or more acres of land or if the applicant demonstrates to the County that other types of systems are available that will achieve and maintain the same or superior treatment results. C ommunal Wastewater Systems in the LOD are subject to the following standards:
    a. Communal Wastewater Systems must be built outside of Karst/Sensitive Environmental Feature Setbacks if sufficient buildable land area exists on the property; or
    b. Where insufficient buildable land area exists outside of the Karst/Sensitive Environmental Feature Setbacks the following standards must be met:
        1. As much of the proposed Communal Wastewater System must be sited outside the Karst/Sensitive Environmental Feature Setbacks as possible; and
        2. The applicant must demonstrate through a Geophysical Report and Detailed Soils Site Investigation Report acceptable to the County that the Communal Wastewater System will:
            a. Prevent a change in the levels of pre-development run-off within the Karst/Sensitive Environmental Setbacks area.
            b. Enhance filtration.
            c. Will not have an adverse environmental impact on underlying aquifers and groundwater.
        3. In addition, the applicant must provide a plan for regular operation and maintenance.
    c. All Communal Wastewater Systems must be capable of producing secondary effluent, or better, as identified in the Sewage Handling and Disposal Regulations of Virginia.
8. **Golf Course Use.** Any golf course use within the LOD must meet the following standards:
    a. A Water Management Plan must be approved by the Department of Building and Development; and
    b. A Nutrient Management Plan must be approved by the Loudoun County Soil and Water Conservation District and the Department of Building and Development.
9. **Stormwater Management Facilities and Best Management Practice Facilities (BMPs).** BMP facilities constructed within the LOD must meet the following standards:
    a. must not be located within Karst/Sensitive Environmental Feature Setbacks.
    b. must provide a Geophysical Study.
    c. stormwater management ponds, sediment traps, and sediment basins must be lined with impervious materials in accordance with Chapter 5 of the FSM to prevent groundwater pollution.
10. **Irrigation Systems.** Irrigation systems are prohibited unless the water for such system is supplied from a source that is not dependent on groundwater, such as, but not limited to, cisterns and stormwater management ponds. Communal Water Supply Systems that obtain water through communal wells are not an acceptable source of water for irrigation systems.
11. **Explosives and Blasting.** Blasting within LOD is subject to Section 6.157 of the FSM.
12. **Notice to Property Owners.** The following or similar language must be contained in all deeds of conveyance and on all record subdivision plats and site plans for land in the LOD:
    a. “In addition to the requirements of any underlying zoning district(s) and any other applicable zoning overlay districts, this property also is subject to the requirements of the Limestone Overlay District (LOD). Please contact the Zoning Administrator for more information.”
    b. “Maintenance of Individual Sewage Disposal Systems must be done in accordance with all State and County requirements to help prevent potential groundwater contamination.”

G. **Mitigation Measures for the LOD.** In addition to compliance with the development standards in Section 4.05.F, Covered Activities must employ measures necessary to mitigate any potential adverse impacts to the

County's subsurface water resources or Karst/Sensitive Environmental Features associated with limestone bedrock, as identified in the required Geophysical Study as set forth in Section 4.05.D, and any subsequently required Geotechnical Report, or in any other study required by the Zoning Ordinance, LSDO, or FSM.

1. **General.** Mitigation measures must be directly related to proposed land disturbing activities and its potential adverse impact on the County's water resources or Karst/Sensitive Environmental Features associated with limestone bedrock identified on the subject property.
2. **Mitigation Measures.** If mitigation measures are recommended by a study required by the Zoning Ordinance, LSDO, or FSM to protect against ground surface collapse, surface or groundwater pollution, and/or spring contamination, the County must require such measures to mitigate the identified adverse impacts. Such measures may include, but are not limited to, the following list. This provision must not be construed to limit the County's ability to impose mitigating conditions in its review of special exception applications, nor its ability to accept mitigating proffers in its review of zoning map amendment applications:
    a. **Ineligibility for Density Increases.** The applicant may not be eligible for density increases otherwise permitted under the clustering provisions of this Ordinance.
    b. **Use of a Cluster Subdivision.** Where not otherwise required by this Zoning Ordinance, the County may require that development of uses be clustered.
    c. **Landscaping and Reductions in Impervious Surface Coverage.** The County may require:
        1. Reductions in the maximum impervious surface coverage allowed.
        2. Reductions in the area devoted to landscaped lawns.
        3. Use of xeriscape (i.e., use of native plant materials and landscape materials that have lower water and nutrient requirements).
    d. **Storage Tank Testing and Containment.** The County may require leak testing and secondary containment for above ground storage tanks other than propane or water tanks.
    e. **Conservation of Native Vegetation**. The County may require retention of indigenous vegetation to the maximum extent feasible, and in accordance with Tree Conservation Standards in Chapter 7 of the FSM.
    f. **Groundwater Protection.** The County may require the applicant to establish a regular system of groundwater monitoring by a qualified professional for the proposed development and such other measures as may be recommended by other County Ordinances.
    g. **Prohibition of Additional Specific Pollution Sources.** The County may prohibit specific pollution sources, as defined in Chapter 5 of the FSM as "stormwater hotspots", and other uses and activities with high risk of releasing pollutants, if the applicant does not propose effective mitigation measures acceptable to the County, or provide evidence that pollution sources will be monitored and that facility design standards will be followed.

H. **Additional LOD Specific Procedures.** Refer to Section 7.01.F.2.d for additional LOD specific Procedures.

4.05.01 LOD Definitions

Bankfull. The water level, or stage, at which a stream or river is at the top of its banks and any further rise would result in water moving into the floodplain. It may be identified by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Bankfull Bench. A flat or shallowly sloped area above bankfull that slows high velocity flows of water during flows above bankfull.

Covered Activities. For the purposes of Sections 4.04, 4.05, and 5.03, Covered Activities includes all of the following:

A. **Land Development Applications**:

1. Legislative: All Zoning Amendments, Special Exceptions, Minor Special Exceptions, Commission

Permits, Certificates of Appropriateness, Variances and Zoning Modifications reviewed for approval by the Planning Commission, Board of Supervisors, Board of Zoning Appeals, or Historic District Review Committee.

2. Administrative: All Subdivisions (including preliminary subdivision plats), Site Plans, grading permits, construction plans and profiles, and zoning permits and building permits that involve land disturbing activities, modifications reviewed for approval by the Zoning Administrator.

B. **Land Disturbances or Land-Disturbing Activity**: Land Disturbances or Land-Disturbing Activities include, but are not limited to: cutting; filling; clearing; excavation; grading; construction; reconstruction; investigations (such as test wells); and the location, sourcing, and construction of water supply systems under Chapter 1040 of the Loudoun County Codified Ordinances.

C. Uses in Chapter 3.

Garden. On a lot, land used for the cultivation of plants for personal or group use, consumption, or donation and not for either bona fide agricultural use or for sale.

Hazardous substances. A substance or substances that are flammable, corrosive, reactive or toxic. A hazardous substance may be federally regulated under the RCRA Subtitle C by the Environmental Protection Agency (EPA) or at the state level under the Virginia Hazardous Waste Management Regulations by the Department of Environmental Quality (DEQ).

Perennial Sinking Stream. A stream which flows year round on the surface with an established flora and vegetation which sinks underground. Groundwater is the primary source of water for stream flow. Perennial stream "means a body of water depicted as perennial on the most recent U.S. Geological Survey 7-1/2-minute topographic quadrangle map (scale 1:24,000) or identified by a method, established in guidelines approved by the Virginia Department of Conservation and Recreation, that does not require field verification."

Structure. For the purposes of Sections 4.04 and 4.05, the term "structure" includes, but is not limited to, all buildings, water/dam embankments, retaining walls, field/tile drainage, road construction, and cut or fill operations.

4.06 Quarry Notification Overlay District

Purpose. *The purpose of this overlay district is to acknowledge the unique land use impact of a quarry on neighboring land uses and the need to notify the owners of the presence of a neighboring quarry.*

A. **Applicability.**

1. **District Boundaries.** The QNOD boundaries are based on the presence of quarrying operations at any location in the County. The QNOD includes all parcels within 3,000 feet of any property approved for quarrying operations whether or not blasting operations occur on such property.

B. **Use Limitations.** In addition to the use limitations and regulations for the zoning district over which the QNOD is located, the following use limitation applies:

1. **Full Disclosure Statement.** For all residential and/or nonresidential structures constructed within the QNOD, the owner must disclose in writing to all prospective purchasers that they are located within an area that may be impacted by quarry operations and blasting. Such notification will be accomplished by inclusion of this information in all of the following:

   a. Sales contracts.
   b. Brochures.
   c. Promotional documents.
   d. Illustrative site plan(s) on display within any sales related office(s).
   e. Homeowner association documents.
   f. Subdivision plats and site plans.
   g. Deeds of conveyance.

4.07 Village Conservation Overlay District – VCOD

Purpose: *The purpose of this overlay district is to:*

- *Implement the Rural Historic Village Place Type of the General Plan.*
- *Recognize that each Rural Historic Village has a unique character linked to its historic development pattern, spatial organization, and location within the County and sense of place that should be preserved and enhanced.*
- *Support the retention and reinforcement of historic development patterns, character, and visual identity of individual villages.*
- *Protect the small, compact, pedestrian-scale, rural communities characterized by low-density residential development situated on smaller lots interspersed with limited commercial uses and encourage extension of this development pattern when new construction occurs.*
- *Protect and reinforce the commercial core of villages that provides for the daily needs of village residents, surrounding rural residents, and visitors.*
- *Ensure new commercial and residential; construction is designed to complement surrounding properties and maintain the existing development pattern within each Village by:*
  - *Respecting each village's historic precedents for lot size, building setbacks, spacing, and orientation to the street.*
  - *Considering the context of each village's historic buildings by designing new buildings that are compatible in siting, size, scale, massing, materials, design details, and roof forms.*
- *Maintain areas of open space and natural areas on the perimeter of the villages to retain a hard edge and visual separation of the Rural Historic Villages from the surrounding agricultural landscape.*
- *Preserve existing trees and vegetation, which define building lots and contribute to the streetscape.*

A. **Applicability.** The Village Conservation Overlay District (VCOD) is established as an overlay district, meaning that it is a district overlaid upon other districts. Land within the VCOD may be used as permitted in the underlying district, subject to the VCOD Development Standards of this district.

B. **District Boundaries.** The VCOD boundaries are as established on the adopted zoning map and affect the following villages set forth below.

1. Aldie
2. Ashburn
3. Bluemont
4. Bowmantown (also known as Aldie Mountain)
5. Lincoln
6. Loudoun Heights
7. Lucketts
8. Neersville
9. Paeonian Springs
10. Philomont
11. St. Louis
12. Taylorstown
13. Waterford

C. **Expansion of VCOD Boundaries.** Expansion of the VCOD is only permitted in areas designated as the Rural Historic Village Place Type in the General Plan.

D. **VCOD Development Standards.** When the following requirements conflict with other provisions of this Ordinance, the following requirements apply unless otherwise noted:

1. **Building Height.** Proposed buildings must have a building height that does not exceed 25% of the average height of principal buildings on the same side of the street within 150 feet of both sides of the lot or lots being developed.

a. The building height is not permitted to exceed the maximum building height permitted in the underlying zoning district.

2. **Building Features.** Proposed buildings should be consistent with the following building design elements of existing buildings within 300 feet of the lot or lots being developed:
    a. Building stories;
    b. Roof type;
    c. Front or side (if visible from the street) porch type and location;
    d. Building orientation; and
    e. Attached or detached garage.
3. **Building Area.** The gross square footage of proposed buildings must be within 50% of the average gross square footage of principal buildings on the same side of the street within 150 feet of both sides of the lot or lots being developed.
4. **Average Front Yard.** Proposed buildings or additions to existing buildings must have front yards that are within 25% of the average front yard of principal buildings on the same side of the street within 150 feet of both sides of the lot or lots being developed.
5. **Average Side Yard.** Proposed buildings or additions to existing buildings must have side yards that are within 50% of the average side yard of principal buildings on the same side of the street within 150 feet of both sides of the lot or lots being developed.
    a. Side yards are not permitted to be less than the minimum side yard permitted in the underlying zoning district.
6. **Rear Yard Encroachment.** Additions to existing buildings on nonconforming lots may encroach into a required rear yard by up to 25% or to within 15 feet of the rear property line, whichever is greater.
    a. This encroachment is permitted to occur 1 time after the adoption date of this Ordinance.
7. **Lot Coverage.** The required lot coverage for existing nonconforming lots may be exceeded by up to 25% of the maximum lot coverage permitted in the underlying zoning district.
    a. Exceeding the maximum lot coverage is permitted for the purposes of constructing an addition or an accessory building.
    b. Exceeding the maximum lot coverage is permitted to occur 1 time after the adoption date of this Ordinance.
8. **Maximum Lot Size.** Any new lot created after the adoption date of this ordinance is not permitted to be greater than the largest existing lot that fronts the same road as and is within 100 feet of the subject parcel.
9. **Variation of Lot Sizes and Dimensions.** In all new subdivisions containing 6 or more lots, a mixture of lot sizes and dimensions must be provided as follows:
    a. No more than 33% of all lots are permitted to be similar in total lot area.
        1. For purposes of this subsection, “similar” lot areas is defined as within 500 square feet of each other.
    b. The lot width for new lots must be within 51% of the average of the minimum lot width and the maximum lot width of existing lots within 300 feet of the subject lot or lots to be subdivided.
    c. Larger and wider lots are encouraged on corners.
    d. Smaller lots are encouraged adjacent to parks and open spaces.
10. **Garage Locations.** Front-loaded garages must meet the following requirements:
    a. Setback at least 20 feet behind the front line of all principal buildings.
        1. *Exception.* When a lot on the same side of the street within 150 feet of both sides of the subject lot has a garage setback less than 20 feet from the front lot line of all principal buildings on such lot, the minimum garage setback may be equal to or greater than the garage setback on such lot.

b. Detached from the principal structure; and

c. The garage door opening(s) are not permitted to be wider than the width needed to accommodate two automobiles.

11. **Connections to Existing Streets.** Within the VCOD, the connections to the existing road network for any new development must be provided as follows:

a. If feasible, the new road must be designed in a way that does not dead end and required a cul-de-sac, e.g. the road must connect to another road at each end.

b. When an existing street is extended, connections to the existing or planned street system so that future street connections to adjacent developable parcels within the VCOD can be created must be made to the maximum extent feasible.

1. *Exception.* Such street connections are not required on unavoidable steep slopes (Section 5.03.02) or in the Floodplain Overlay District (FOD) (Section 4.03). Unless they are impossible to avoid, developments must be designed so road connections avoid regulated natural resources.

c. When the new development creates 6 or more lots, the new road network must connect to existing streets where feasible and continue the predominate street pattern in the village.

1. When blocks are the predominate street pattern, the length of new blocks must be within 30% of the average block length in the existing village; and

2. Blocks designed to include a mid-block through-alley allowing secondary vehicle access to land uses on the block may be a maximum of 2 times the length of the average block length in the village, half of which will be used in the calculation of average block length.

d. All development plans must incorporate and continue all streets stubbed to or shown as stubbed to the boundary of the development by previously approved development plans/plats or existing development.

a. **Sidewalks.** Sidewalks may be provided for the lot or lots being developed in accordance with the Facilities Standards Manual (FSM).

b. **Street Trees.** Street trees must be provided in accordance with Section 5.07.02.E.

4.08 Historic Overlay District

Purpose. *The purpose of this overlay district is to:*

- *Protect the historic character and resources of established HODs in the County.*
- *Foster civic pride and preserve an appreciation for the historic values on which the County and the Nation were founded.*
- *Maintain and improve property values.*
- *Protect and enhance the County's attraction to tourists and visitors.*
- *Provide for the education and general welfare of the people of the County.*
- *Protect against destruction of or encroachment upon historic areas.*
- *Otherwise accomplish the general purposes of this Zoning Ordinance, the General Plan, and the provisions of Chapter 22, Title 15.2, Code of Virginia of 1950, as amended.*

A. **Authority.** To promote the general welfare through the preservation and protection of historic places and areas of historic interest in the County, HODs are regulated in accordance with the provisions §§ 15.2-2306 and 15.2-2283 of the Code of Virginia of 1950, as amended.

B. **Applicability.** The requirements of Section 4.08 apply to each parcel located in a in the County established pursuant to Section 7.09.08. HODs are regulated in accordance with the provisions of:

1. Section 4.08, Section 10.03, and Section 7.09.08 of this Zoning Ordinance; and

2. The individual Historic District Guidelines for any established HOD, which are hereby incorporated into,

and adopted as part of, this Zoning Ordinance.

C. **Certificate of Appropriateness – Administrative for Minor Actions (CAPA).** The Zoning Administrator has the authority to review the following minor actions.

1. Minor amendments to a previously approved CAPP where the work authorized by the previously approved CAPP has not been completed and the proposed modification is in substantial conformance with the previously approved CAPP.
2. Installation, removal, or replacement of fences and gates.
3. Installation, removal, or replacement of signs, pursuant to Chapter 6.
4. Removal of non-contributing material.
5. Minor alteration of a non-contributing structures or structures.
6. Construction of accessory structures of that are 250 square feet or less.
7. Replacement of windows and doors replacement.
8. Installation or replacement of storm windows and storm doors .
9. Replacement of siding.
10. Replacement of roofs.
11. Minor alteration to small architectural details, to include, without limitation, shutters, lighting fixtures, gutters, and downspouts.
12. Screening of utilities, trash cans, and dumpsters.

D. **Certificate of Appropriateness (CAPP).** The HDRC has the authority to issue CAPPs for the following purposes:

1. **Erection, Reconstruction, Alteration, Moving, Restoration, or Demolition.** No building or structure, including signs, is permitted to be erected, reconstructed, altered, moved, restored, or demolished within an HOD unless and until the HDRC has approved a CAPP, except as otherwise provided below. In addition, within all Historic Roadway (HR) Districts, fences, walls, and signs cannot be altered, erected, reconstructed, moved, restored, or demolished unless and until the HDRC has approved a CAPP.
    a. **Exemption.** Ordinary repairs and/or maintenance of an exterior feature that do not involve a significant change in design, material, or outer appearance do not require HDRC approval of a CAPP.
    b. **Exception.** A farm building or structure does not require HDRC approval of a CAPP , unless otherwise so required by the Zoning Administrator if the work to be completed meets the following criteria:
        1. The work to be completed is to a bona fide farm building or structure; and
            a. For the purposes of Section 4.08.C, a "bona fide farm building or structure" is a building or structure primarily used for agricultural, horticultural, or animal husbandry purposes as defined in this Zoning Ordinance, and located on a parcel that is subject to a farm plan approved by the Loudoun County Soil and Water Conservation District, or classified by the Office of the County Assessor under the land use tax assessment program as Agriculture.
        2. The Zoning Administrator determines, in conjunction with the application for a zoning permit, that the proposed work would not have a clear and substantial detrimental impact on the character of the HOD .
2. **Razing or Demolition.** No permit to raze or demolish a building or structure within an HOD will be approved unless and until the HDRC has approved a CAPP. No fence, walls, or signs located within HR Districts is permitted to be razed or demolished unless and until the HDRC approves a CAPP,
    a. **Exception.** Buildings, structures, fences, wall, or signs within an HOD may be razed or demolished without a CAPP as otherwise provided in Sections 4.08.C., 4.08.E., or 4.08.F.
3. **Minimum Yard and Setback Reductions in HODs.** No reduction in the minimum yard or setback for a building or structure in an HOD is permitted unless and until the following criteria are met. Upon meeting

the criteria, the Zoning Administrator will grant a reduction of minimum yard and setback requirement for the building or structure located within HOD.

a. The HDRC must approve a CAPP that includes the reduction of the minimum yard and/or setback requirements and make a finding that the yard and/or setback reduction is consistent with the existing streetscape and adopted Historic District Guidelines for said HOD, and

b. The reduction of the yard and/or setback requirement does not violate sight distance regulations of Section 5.09.04 and of the Virginia Department of Transportation.

E. **CAPP and CAPA Application and Procedures.** All CAPP and CAPA requests must follow the application and procedures requirements of Section 7.12.

F. **Required Maintenance and Demolition by Neglect.** The owner of any building or structure located within an HOD must:

1. Maintain such building or structure in accordance with Chapter 1410 of the Codified Ordinances of Loudoun County, as amended; and
2. Prevent any deterioration to such building or structure that may result in a loss of its structural integrity, cause any unsafe or hazardous condition, or produce a detrimental effect upon the character of the HOD or the life and character of the building or structure. Such deterioration includes, without limitation, the following:
   a. Deterioration of any exterior architectural feature.
   b. Deterioration of any exterior wall or other structural support.
   c. Deterioration of any roof or element of the roof support system.
   d. Deterioration of any chimney.
   e. Deterioration or crumbling of exterior stucco, plaster, or mortar.
   f. Ineffective waterproofing of, or lack of a protective coating on any exterior wall, roof, and foundation, to include, without limitation, broken windows and doors.
   g. Poorly maintained landscaping or plant overgrowth, to include, without limitation, any dead overhanging trees or limbs, roots, or invasive tendrilled climbing vines, causing, or which may cause, damage or deterioration.
3. The owner of any fence, wall, or sign within a HR District must maintain such fence, wall, or sign in good condition and reasonably protected against decay and deterioration.

G. The County may institute appropriate procedures for the acquisition of any building or structure that remains in a substantially deteriorated or deteriorating condition following notice to the owner thereof that the owner is in violation of Section 4.08.D of this Ordinance.

H. **Right to Raze or Demolish.** The owner of any historic landmark, building, or structure located within an HOD is, as a matter of right, entitled to raze or demolish such historic landmark, building, or structure provided that the following conditions are met.

1. The owner has submitted an application for a CAPP to raze or demolish such historic landmark, building, or structure in accordance with Section 7.12;
2. The owner has, for a period of time set forth in Table 4.08-1 and at a price reasonably related to its fair market value, made a bona fide offer to sell such historic landmark, building, or structure and the land pertaining thereto to any person, firm, corporation, government, or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it will preserve and restore the historic landmark, building, or structure and the land pertaining thereto; and
3. No bona fide contract, binding upon all parties thereto, has been executed for the sale of any such historic landmark, building, or structure, and the land pertaining thereto, prior to the expiration of the applicable time period as set forth in Table 4.08-1.
   a. Any appeal that may be taken to the Court, in accordance with Section 4.08.F. of this Zoning Ordinance will not affect the right of the owner to make a bona fide offer to sell.
   b. No offers to sell are permitted to be made more than 1 year after a final decision by the HDRC, but

thereafter the owner may renew their request to the HDRC to approve the razing or demolition of the historic landmark, building, or structure.

Table 4.08-1. Required Sales Period by Offering Price for Historic Resource Proposed for Demolition	
Offering Price	To Sell Period
Less than $25,000	3 months
$25,000 or more but less than $40,000	4 months
$40,000 or more but less than $55,000	5 months
$55,000 or more but less than $75,000	6 months
$75,000 or more but less than $90,000	7 months
$90,000 or more	12 months

4. **Bona Fide Offer to Sell and Procedures for Filing Notice of Offer.** Before making a bona fide offer to sell as provided for in this Section, an owner must first file a notice with the Zoning Administrator.
    a. The notice must include the following information:
        1. Property identification.
        2. Offering price.
        3. Date the offer of sale is to begin.
        4. Name and address of the listing real estate agent, if any.
    b. Reasonable assurances that the historic landmark, building, or structure will be preserved.
    c. No time period set forth in the time schedule contained in Table 4.08-1 will begin to run until said notice has been filed.
    d. Within 5 days of receipt of a notice, copies of the notice must be delivered to the HDRC.
5. **Question as to Price.** Questioning whether a historic landmark, building, or structure has been offered for sale at a price reasonably related to its fair market value is permitted in accordance with the following process:
    a. A written petition signed by at least 5 persons owning real estate in the vicinity of property offered for sale must be filed with the HDRC on or before 15 days after the offer of sale has begun; or
    b. The HDRC may question said price on its own motion.
    c. Upon receipt of the petition referenced in 5.a., or upon its own motion, the HDRC must, at the expense of the County, appoint 3 disinterested real estate appraisers, familiar with property values in Loudoun County, who will forthwith make an appraisal of the historic landmark, building, or structure in question and file a written report with the HDRC stating whether or not the offer to sell the historic landmark, building, or structure is at a price reasonably related to its fair market value.
        1. The concurring opinion of any 2 of the 3 appraisers will be final and binding.
            a. In the event the opinion is that the offer to sell the historic landmark, building, or structure is at a price reasonably related to its fair market value, the owner may continue to offer the property for sale pursuant to this Section 4.08.E.
            b. In the event the opinion is that the offer to sell the historic landmark, building, or structure is not at a price reasonably related to its fair market value, the date of the offer to sell first established pursuant to this Section is void, and if the owner wishes to take advantage of the right provided in Section 4.08.E, must re-file the notice pursuant to Section 4.08.E.4.
    d. Notwithstanding an adverse opinion by the appraisers, if an owner has entered into a binding bona fide contract as provided in this Section 4.08.E prior to the date the appraisers have filed their report with the HDRC, the price is deemed reasonably related to the fair market value.

I. **Hazardous Conditions.** Nothing in Section 4.08 prevents razing or demolition without HDRC approval due to unsafe conditions that would endanger life or property as follows:

1. **Landmarks, Buildings, or Structures.** A Building Official determines and verifies in writing the unsafe conditions necessitating the razing or demolition in accordance with Chapter 1410 of the Codified Ordinances of Loudoun County, as amended of a historic landmark, building, or structure within an HOD.
2. **Walls, Fences, and Signs.** The Zoning Administrator determines and verifies in writing the unsafe conditions necessitating the razing or demolition of a wall, fence, or sign within an HOD.

J. **Maintenance of Inventory of Buildings and Structures.** Following the establishment of a new HOD, the Zoning Administrator will maintain an inventory of the historic landmarks, sites, buildings, and structures of particular historic value located within the HOD create pursuant to Section 7.09.08.C4. Following addition to or removal from an existing HOD, the Zoning Administrator will update the inventory of the Historic District.

K. **Enforcement.** In addition to the remedies provided in Section 10.01 et seq. of the Zoning Ordinance, the Zoning Administrator has the authority to order that work be stopped and that all CAPPs, CAPAs, or other permits for the work being performed on a building or structure located within an HOD be revoked, or if no CAPP, CAPA, or other permit has been approved, to require the approval of the necessary CAPP or CAPA prior to the continuation of work on said building or structure.

4.09 Suburban Mixed Use Overlay District

The Suburban Mixed Use Overlay District is currently being drafted. The Suburban Mixed Use Overlay District is intended to apply to the area identified as the Suburban Mixed Use Place Type in the 2019 General Plan. Several zoning districts will be permitted in this Place Type. The purpose of the overlay district is to achieve an overall development pattern that reorganizes the fragmented suburban area. The Suburban Mixed Use Overlay will focus on the integration of a mix of residential and nonresidential uses that is pedestrian-oriented, maximizes space usage, and provides amenities by addressing features such as the character and location of, as well as the interaction between, streets, buildings, parking, and public spaces.

Draft text will be added to this section once it is complete.

CHAPTER 5: DEVELOPMENT STANDARDS

Contents:

5.01 Site Development

5.02 Utilities

5.03 Natural and Environmental Resources (NER)

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5.12 Owner's Associations

5.13 Variation of Residential Lot Sizes

5.01 Site Development

5.01.01 Site Development

***Purpose**. The purpose of this Chapter is to:*

- *Aid in the intended and desired interpretation of the requirements of this Zoning Ordinance.*
- *Provide clarity and consistency in the application of site development terms.*
- *Ensure desired interpretation produces General Plan Place Types.*

5.01.01 Building Height

A. Building height is defined in Chapter 11.

B. Exemptions. The building height limitations of the Zoning Ordinance that are specified in each zoning district do not apply to:

1. Towers, gables, penthouses, scenery lofts, cupolas, barns, silos, farm buildings, residential chimneys, spires, flag poles, monuments or transmission towers and cables, telecommunications or data transfer antennas or other similar structures and necessary mechanical appurtenances.
2. Any smokestack, water tank, radio, or television antenna or tower the height of that does not exceed the distance therefrom to the nearest lot line.
3. Any of the enumerated structures in 5.01.01.b now or hereafter located within existing public utility easements.

C. The height of buildings that are 10 feet or less from the front property line must be measured perpendicular to and from the curb line.

D. In all other cases, the building height is measured perpendicular to and from the ground surface. Ground surface is equivalent to the average finished grade where the ground surface meets the front wall of the building.

E. In cases where the front façade of the building contains a parapet wall or other design feature that does not align with the roof of the building, height is measured as if the parapet wall or design feature is a pitched roof.

5.01.02 Buffers, Yards, and Setbacks

A. Buffers, yards, and setbacks are defined in Chapter 11 and are not interchangeable.

B. Buffers, yards, and setbacks are separate regulations in the Zoning Ordinance that may require different widths and other requirements specified in Section 3.06 Use-Specific Standards or the zoning districts.

C. All Road Corridor Buffers and setbacks, yard setbacks, and other setbacks measured from public roads must be measured from the wider of:

1. The existing dedicated right-of-way, or
2. The right-of-way proposed in the Countywide Transportation Plan, or

D. The minimum dedicated right-of-way permitted for VDOT acceptance of the right-of-way for maintenance.

E. If no dedicated right-of-way exists, or if less than the minimum right-of-way exists, or if no construction plans are approved for the road, the buffer, yard or setback is to be measured from the edge of the existing travelway.

F. All Road Corridor Buffers and Setbacks, yard setbacks, and other setbacks measured from private roads or private access easements must be measured from the outer edge of the associated right-of-way or easement.

5.01.03 Uses on Lots

A. Each permitted use must meet the minimum lot size requirement for that use that is specified in the zoning district requirements, or the minimum lot size requirement specified in the Use Specific Standards in Section 3.06 for that use, whichever is greater.

B. A maximum of 1 principal dwelling on any 1 lot is permitted except when the principal use is multifamily dwellings.

C. A principal dwelling, except multifamily dwelling units, may not be located on the same lot with any other principal use, building or structure with the following exceptions:

1. Accessory uses as permitted by Section 3.04.
2. Accessory dwelling units in accordance with Section 3.06.02.01.
3. Telecommunications Uses and/or Structures in accordance with the applicable zoning district standards and the Use Specific Standards in Section 3.06.07.06.

5.01.04 Regular Lots – Determining and Measuring Yards and Setbacks

A. **Yards.**

1. All yards must be provided with the minimum depth specified in the zoning district or as required by Use-Specific Standards in Section 3.06.
2. All yards must be provided across the full length of the property line from which it is measured except where yard setback lines intersect at lot corners.
3. All yard setbacks measured from roads must be measured from the property line coterminous with the public road right of way boundary, the private road right of way boundary or a private access easement boundary.
4. All yard setbacks must be measured and located perpendicular to and parallel with the property line from which it is measured.
5. When the property line is rounded at intersections the yard setback must be rounded to transition from one yard to another.

B. **Front Yard.**

1. On interior lots, the front yard is the yard nearest the street.
2. Corner lots have 2 front yards which are adjacent to the streets and are provided at the same depth.
3. In the ARN and ARS zoning districts, the front yard of a corner lot must be determined to be:
    a. The same as the front yards of the prevailing building pattern or the prevailing lot pattern if a building pattern has not been established as long as the shorter of the 2 frontages is 80% or more of the required lot width.
    b. When the shorter of the 2 frontages is less than 80% of the minimum required lot width the shorter frontage is determined to be the front yard of the lot.
    c. In either a or b above, the determined front yard must be shown on the subdivision plat or site plan.
4. Through corner lots:
    a. The front yard must be the yard with the shortest width fronting the street, or
    b. If the shortest width fronting on a street is 80% or more of the length of the longest boundary fronting on a street, the applicant may select either frontage as the front yard if lot width requirements based on the selected front are met. The front yard must be shown on the subdivision plat or site plan.
    c. There will be no rear yard on a through corner lot.
5. Through lots:
    a. A through lot will have 2 lot boundaries that are generally opposite each other and adjacent to 2 streets.
    b. The front yard of a through lot must be the yard with the shorter boundary fronting on a street unless otherwise determined by the Zoning Administrator due to the prevailing building pattern, or the prevailing lot pattern if a building pattern has not been established.
    c. If the lot has equal frontage on 2 streets, the front yard of the lot must be determined to be the same as the front yards of the prevailing building pattern, or the prevailing lot pattern if a building pattern has not been established.
    d. The front yard must be shown on the preliminary and final subdivision plats and site plans.

e. The remaining yard opposite the designated front yard of a through lot is designated as the rear yard. This rear yard setback will be determined to be the same as the setback of the prevailing building pattern, or the prevailing lot pattern if a building pattern has not been established.
    1. When there is no prevailing building or lot pattern within 500 feet or when multiple through lots are created at the same time, the subject yard setback must have a depth equal to the required rear yard setback specified in the district.
    2. This rear yard setback must be measured from the property line.
    3. This rear yard setback must be shown on the preliminary and final subdivision plats and site plans.

6. Corner Lots.
    a. Corner lots have 2 front yards which are adjacent to the streets and no rear yards.
        1. The remaining yards are provided and measured as side yards.
        2. If 2 different side yards depths are required in the zoning district, the larger required yard depth must be used for each yard.
        3. Notwithstanding anything to the contrary contained in this Zoning Ordinance, yard depths on corner lots must be sufficiently large to comply with VDOT sight distance requirements or Section 5.09.04 Visibility at Intersections, whichever is greater.

C. **Side Yards**
1. On regular lots, side yards extend from the required front yard setback line to the required rear yard setback line.
2. On regular through lots, side yard setback lines extend from the required front yard setback line to the rear yard setback line as designated in 5.01.04.B.5.e.
3. On corner lots, side yard setback lines extend perpendicularly from both front yard setback lines that are parallel to both streets to a point where side yard setback lines intersect.

D. **Rear Yards** on Interior Lots must be measured from the rear property line.

E. **Width Measurements.**
1. The width of a regular lot is measured between the side lot lines and along the required front yard setback line.
2. The distance between side lot lines, measured between the points where they intersect with the front property line must not be less than 80% of the required lot width for the use and the zoning district.
3. When lots front on curved streets or a cul-de-sac, the radii of which do not exceed 90 feet, the distance between side lot lines where they intersect with the front property line must not be less than 60% of the required lot width for the use and the zoning district. This width must be measured along the arc of the curve of the front property line.
4. When lots front on curved streets or a cul-de-sac, the radii of which exceeds 90 feet, the distance between side lot lines where they intersect with the front property line must not be less than 80% of the required lot width for the use and the zoning district. This width must be measured along the arc of the curve of the street line.
5. The width specified in 5.01.04.E.2, 3 and 4 must be measured only along continuous frontage facing 1 street.
6. The minimum width of a lot on a private access easement, when the easement is parallel to the front lot line, must be determined by measurement between the side lot lines along the front yard setback line.
7. Where the private access easement is perpendicular to the front lot line and extends into the lot to intersect the front yard setback line, the lot width measurement must exclude the width of the private access easement.

F. **Length to Width Ratio Measurement.** The width of a regular lot must be determined by measurement across the required front yard setback line. If the lot is a regular lot, the lot length is the horizontal distance between the front lot line and the rear lot line. The ratio of length to width is specified in the zoning district standards.

5.01.05 Irregular Lots – Measurement of Yards and Setbacks

A. **Dimensional Requirements.** An irregular lot is considered to meet the dimensional requirements of the zoning district where it is located provided:

1. The lot area must meet district requirements for the proposed use.
2. Lot width does not need to meet district requirements if the requirements below are met:
    a. The area in required yard setbacks and other open space areas on the irregular lot must not be less than that which is required for the use in the district on a regular rectangular lot that meets the required minimum width and area.
    b. Building area remaining after required yard setbacks have been provided must have dimensions and locations appropriate for all buildings proposed.
3. All yards must provide at least the same separation from all lot lines as the required minimum side yards in the district, provided:
    a. Where district regulations permit building to the lot line of a regular lot under specified circumstances, the same regulations must apply on an irregular lot, except as provided with relation to accessory buildings and structures in Section 5.01.03.
    b. If an irregular lot abuts a street at any point, a distance equal to the required yard on a regular lot adjacent to a street in the district must be provided.
4. **Length to Width Ratio Measurement.** If the lot is of irregular dimensions, the lot length is determined to be the average of at least 3 representative measurements of the distance between the front lot line and the rear lot line as measured in a straight line. The ratio of length to width is specified in the zoning district standards.

5.01.06 Road Corridor Buffer, Yard Setback, and Other Measurements from Streets

A. All Road Corridor Buffers, yard setbacks, and other setbacks from public streets must be measured from the wider of:

1. The existing dedicated right-of-way; or
2. The ultimate right-of-way specified in the Countywide Transportation Plan; or
3. The minimum dedicated right-of-way permitted for VDOT acceptance of the right-of-way for maintenance.

B. For public roads, if no dedicated right-of-way exists, or if less than the minimum right-of-way exists, or if there are no approved construction plans for the road, the right-of-way must be assumed to be centered on the existing travelway.

C. All Road Corridor Buffers, yard setbacks, and other setbacks from private roads must be measured from the outer edge of the associated easement.

5.01.07 Permitted Structures in Required Yard Setbacks

A. The following are allowed in a required yard setback or other setback, provided applicable sight distance and fire safety requirements are met and maintained:

1. **In all yard setbacks, including a front yard setback and other required setbacks:**
    a. Fences, provided that no fence in a residential front yard setback exceeds 3 1/2 feet in height.
    b. Ground level terraces, patios or decks not over 30 inches high.
    c. Awnings or canopies provided they do not project more than 4 feet from the existing building facade.
    d. Bay windows and overhanging floors, eaves, and gutters projecting no more than 30 inches into the yard setback.
    e. Architectural features, chimneys, or the like, projecting no more than 24 inches into a side or rear yard setback or no more than 3 feet into a front yard setback provided that such projection is no closer than 3 feet from a lot line.

f. Porches, enclosed or unenclosed, may project a maximum of 3 feet into a yard setback or other setback provided that such projection is no closer than 3 feet from a lot line except as otherwise permitted under Section 5.01.07.C.

g. Arbors and trellises.

h. Flag poles.

i. Recreational equipment.

j. Signs, pursuant to Chapter 6.

k. Bus Shelters.

l. Entry stairs or handicap ramps including rails.

2. **In any yard setback, except the front yard setback:**

a. Clotheslines.

b. Fences, provided that no fence may exceed 8 feet in height in residential areas.

c. Balconies may project a maximum of 4 feet provided such projection does not extend closer than 3 feet to a lot line.

d. Air conditioner condensers rated at 5 tons or less provided they are more than 4 feet from any property line.

e. Air conditioner condensers rated at over 5 tons provided they are more than 12 feet from any property line.

f. In conjunction with a single family dwelling only, any non-habitable, one-story accessory structure that is more than 5 feet from a rear or side property line or a common wall in portions of required yards setbacks that are located as follows.

g. On irregular lots, at least 40 feet behind the front line of any building adjacent to the lot line, and at least 25 feet from any access easement. On regular lots, at least 60 feet from road rights-of-way or private access easement lines at the front of the lot, and at least 25 feet from any road right-of-way or private access easement lines at the side of the lot.

h. In conjunction with a single family detached (SFD) dwelling only, an attached garage that is more than 5 feet from a rear or side property line, subject to the following standards:

1. In no case can the distance between the attached garage and structures on the adjacent property be less than 16 feet, excluding detached, non-habitable structures.

2. No windows or doors are permitted on the side of the attached garage that is located within the required yard setback.

3. No portion of the principal structure other than the attached garage is permitted within the required yard setback.

4. The attached garage is not permitted to be converted into habitable space.

5. No second story addition over the attached garage is permitted that extends into the minimum required yard setback for the, except as provided herein.

6. A detached garage located at the rear of a lot that has been developed following lot requirements that allowed it to be attached to a similar garage on a contiguous lot may be located within the side yard setback and no closer than 2 feet to the rear property line. No rear yard is required for garages that are accessed from the front of the lot on such lots.

7. In conjunction with Section 3.05.B.1, temporary buildings for the storage of construction materials, subject to the following standards:

a. The height of a temporary building must not exceed 9 feet from average finished grade to the peak of the roof.

b. The temporary building must be setback from any property line a minimum distance equal to its height.

c. Except for the temporary building, no outdoor storage of construction related materials is permitted to be located anywhere within a minimum required yard setback.

d. With the issuance of the Zoning Permit, the Zoning Administrator may impose conditions to mitigate any adverse impact on abutting properties to include fencing and screening requirements.

e. For single family detached (SFD) dwellings, decks exceeding 30 inches in height may not extend closer than 5 feet to a rear or side lot line.

f. For single family attached (SFA) dwellings, decks exceeding 30 inches in height may extend to the interior side lot line and no closer than 5 feet to any other lot line.

3. **In a Rear Yard Setbacks:**

a. For single family detached (SFD) dwellings, unenclosed porches must maintain a minimum rear yard setback of 10 feet. If a rear lot line abuts land that is common open space or land that is subject to a permanent open space easement which is at least 10 feet in width, an unenclosed porch may extend no closer than 5 feet to such rear lot line.

b. For single family attached (SFA) dwellings, unenclosed porches must maintain a minimum rear yard setback of 5 feet to a rear line.

B. **Prohibited uses in required yards.**

1. Except as specifically permitted in Section 5.01 no part of a use including principal or accessory buildings, parking, loading, outdoor storage, dumpsters and areas for the collection or storage of refuse, maintenance areas, ground or building mounted mechanical equipment, utility equipment or other on-site components or uses are permitted in any minimum yard setback or required perimeter setback.

2. Outdoor storage and display of stock in trade by retail establishments that is accessible by retail customers is included in this prohibition.

3. Any on-site component noted in (1) or (2) above must be screened from view from all public streets and adjoining parcels following the requirements provided at 5.07.05.

5.01.08 Building Location Error - Yard or Setback Reduction

A. Notwithstanding any other provision of this Zoning Ordinance, the Zoning Administrator may approve a reduction in the minimum yard setback and/or other setback and buffer requirements when any existing or partially constructed building does not comply with the requirements applicable at the time the building was constructed or partially constructed. The reduction in the minimum yard setback and/or other setback and buffer requirements must be in accordance with the following provisions:

1. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations;

2. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner as determined by the Zoning Administrator;

3. The reduction will not be detrimental to the use and enjoyment of other properties in the immediate vicinity; and

4. The error does not exceed 10% of the applicable minimum yard setback, other setback or buffer.

B. Upon approval of a reduction for a particular building in accordance with this Section, the same must be deemed to be a legally established building.

C. The Zoning Administrator has no power to waive or modify the standards necessary for approval under this Section.

D. If there is an error greater than 10% of the measurement that is involved, a reduction may be granted by the Board of Zoning Appeals (BZA) in accordance with Section 7.14.

5.01.09. Density and Floor Area Ratio Calculations

A. Calculations of gross and net densities, gross and net residential area, lot area, floor area ratios, and similar measurements must be made in accordance with the formulas provided in the zoning districts, within the definitions of these terms in Chapter 11, or within the Use-Specific Standards of Section 3.06 of this Zoning Ordinance.

B. Wherever a FAR requirement is specified in this Zoning Ordinance, such requirement does not apply to residential uses unless such requirement specifically states that it applies to residential uses.

5.01.10 Buildable Area and Lot Coverage

A. Buildable area is determined by subtracting the total square footage of area included within the minimum front, side, and rear yard setbacks from the total area of the lot.

B. Lot coverage is a maximum standard specified in each zoning district as a percentage of the total lot area. Lot Coverage is determined by dividing the total ground area of the lot that is occupied or proposed to be occupied by principal and accessory buildings and structures by the total lot area. The resulting figure is multiplied by 100 to obtain the lot coverage percentage.

5.01.11 Density Credit for Public Uses

A. This section applies to determining density credit for public uses and certain public road dedications in any zoning district.

1. The public road dedications that may use the density calculations described in this section are those that are for the purpose of constructing or improving any primary highway interchange or portion thereof, lying within or adjacent to a Highway Transportation Improvement District established in accord with Section 15.2-4600 of the Code of Virginia and are hereafter included in the references to public uses.
2. In those zoning districts, including planned development districts, where density or intensity of land use is controlled by the number of dwelling units per acre or FAR, or other similar measure, such computations with respect to a lot from which land has been severed for the purpose of constructing or improving any public use or portion thereof, including roads shown on the adopted Countywide Transportation Plan, must be based upon the lot area including the area severed for such purpose when:
    a. The area dedicated or conveyed is necessary for the installation or improvement of the public use, including roads shown on the adopted Countywide Transportation Plan, and is in accordance with the adopted Comprehensive Plan;
    b. The area dedicated or conveyed is suitable in location, size, shape, condition and topography for such needed public use and there are no encumbrances to the title that would interfere with such use;
    c. The Board of Supervisors has specifically approved by resolution, the computation of density or intensity for the lot based upon the lot area existing prior to dedication or conveyance; and
    d. An effective irrevocable dedication in fee simple to public use or conveyance to Loudoun County or to another public instrument has occurred and evidence of such dedication or conveyance is on record among the land records of Loudoun County.
3. Calculations of allowable density must be based on the following:
    a. For development that requires a site plan, allowable density must be calculated in accord with the zoning district in effect at the time a site plan is officially accepted for the lot; or
    b. For development that does not require a site plan, allowable density must be calculated in accord with the zoning district regulations in effect at the time a record plat of subdivision is officially accepted for the lot.
4. Calculations of allowable floor area must be based on the FAR as established by the zoning district in effect at the time a site plan is officially accepted for the lot.
5. For the purposes of this section, the terms "lot" and "lot area" may include all adjacent parcels owned in common and which are the subject of an approved unified concept development plan specifying the allocation of density or FAR, whichever is applicable, calculated pursuant to this section.
6. Where applicable, the term "interchange" means a grade separated limited access intersection with one or more turning roadways for travel between portions of such intersection and must include all related improvements such as access or service roads necessitated by the interchange; and the term "area dedicated" must include all property in excess of the right-of-way for a normal width typical highway section.

7. In no case must conveyances or dedications made to a public body in exchange for monetary compensation be eligible for density computation under this section.
8. Conveyances or dedications made or committed to by the landowners or predecessors in interest as part of an approved condition of a subdivision application, special exception application, or a zoning map amendment application are not eligible for density computation under this section provided that an effective irrevocable dedication or conveyance made during the pendency of an application does not decrease the lot area for purposes of density or intensity computation.

5.02 Utilities

Purpose. *The purpose of this section is to:*

- *Promote the public health, safety, and welfare for the County and its citizens.*
- *Provide clarity and consistency in the standards for the installation of utilities.*
- *Promote the orderly development of land.*
- *Provide standards that lessen any visual impact.*
- *Ensure best practices are applied and maintained for the longevity of infrastructure.*

A. **Applicability**. The duly adopted policies, standards, and requirements established in the Zoning Ordinance apply to all utilities and improvements for development within the County.

B. **General Standards.**

1. **Location**.
    a. **Undergrounding.** All utilities must be located underground on the development site except as exempted by this section.
    b. **Conforming to natural topography**. Each utility must be located, to the extent practicable, in a manner that conforms to the natural topography, minimizes the disturbance of steep slopes and natural drainage areas, and allows vehicular and pedestrian interconnections within the site and existing or future development on adjoining lands.
    c. **Within public street rights-of-way**. If it is necessary to locate a new or existing public utility within the right-of-way of a public street, the developer must obtain the proper permit from the Virginia Department of Transportation (VDOT) prior to installation.
    d. **Allowing street trees and landscaping**. Installation of utilities in or adjacent to the right-of-way must not restrict the installation of street trees or required landscaping.

C. **Specific Standards.**

1. **Rural Policy Area Zoning Districts.**
    a. **Utility Requirements.**
        1. **Water.** All lots must be served by either:
            a. Individual water systems, located on the lot served, or
            b. Communal water system, located within Common Open Space.
        2. **Sewer.** All lots must be served by either:
            a. Individual sewage disposal systems, located on the lot served or in Common Open Space. A maximum of 70% of the lots are permitted to have primary and/or reserve septic fields within Common Open Space. The record plat must identify the location of all septic fields and must assign them to lots, or
            b. Communal sewage disposal system that must be located within Common Open Space.
        3. Lots in the Rural Policy Area Zoning Districts must be served by a central or communal water and sewer system only if they are located within a Water or Sewer Service District, the boundaries of which are determined by the County of Loudoun and Loudoun Water, and when the system is available.

4. Lots in the Rural Policy Area Zoning Districts must be served by municipal water and sewer system only if extension of the municipal utility lines are agreed upon by the County of Loudoun, the municipal provider, and the Health Department, and the when the system is available.

b. **Maintenance of Water and/or Sewage Disposal Systems.**

1. **Individual Systems.** Maintenance of Individual Water and Individual Sewage Disposal Systems are the responsibility of the owner of the lot the system serves.

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

2. **Joint Land Management Area (JLMA) Zoning Districts**.

a. **Utility Requirements.** Both municipal water and municipal sewer facilities must be provided to every development site, if available as determined by the Zoning Administrator, in consultation with the Town, and if the Town permits the connection. If municipal water and/or municipal sewer facilities are not available, or if the Town does not permit the connection, development may be served by an individual water supply system (private well) and/or an individual sewage disposal system.

b. Notwithstanding subsection 5.02.C.2.a.1. above, Town-owned or County-owned and operated public uses must connect to municipal water and/or municipal sewer facilities only if the existing municipal water line and/or municipal sewer line is within 300 feet of the property line of the parcel being developed and if the Town permits such connection, unless the County and Town agree that the presence of other physical or geographical constraints would make the connection unreasonable. Otherwise, such Town or County public uses may use communal systems or an individual water supply system (private well) and/or individual sewage disposal system.

c. Notwithstanding subsection 5.02.C.2.a.1. above, any development on a lot existing prior to January 7, 2003, that does not require the approval of any type of subdivision or site plan application to be developed may use an individual water supply system (private well) and/or individual sewage disposal system, provided, however, that if such development is required to connect to a public/municipal sewer pursuant to the Codified Ordinances of Loudoun County, then an individual sewage disposal system is not permitted.

1. For the purposes of this Section, and notwithstanding the provisions of the Land Subdivision and Development Ordinance (LSDO), lots established by or resulting from the recordation of a boundary line adjustment (BLAD) after January 7, 2003, where all of the lots involved in the BLAD existed prior to January 7, 2003, are deemed to have existed prior to January 7, 2003.

d. Private wells, septic systems, and communal systems may be located within open space.

e. In the JLMA-20, development must be served by individual wells, except for Town-owned or County-owned and operated public uses that may be served by municipal water facilities, if available as determined by the Town, or may be served by communal water supply systems. Development must be served by an on–site septic system, except for Town-owned or County-owned and operated public uses that may be served by municipal sewer facilities, or may be served by communal sewer systems.

3. **Planning Development District – Rural Village (PD-RV)**.

a. **Utility Design and Financing Requirements.** The applicant must demonstrate to the satisfaction of the Board of Supervisors, the technical and financial ability to provide an appropriately sized water treatment and sewage collection system for both immediate and long-term needs. The location of the water and wastewater treatment facilities, or connections to public water and sewer mains,

proposal must be shown in the Concept Development Plan and must be accompanied with a financing plan designed to obtain sufficient revenue from the system users to pay all construction, operating, service and replacement costs incurred by the LCSA. All proposals must meet State and Local Health Department requirements for water and wastewater treatment facilities.

b. Lots within the Village Center must be served by appropriately sized public water and wastewater collection facilities provided and constructed by the applicant and dedicated to the Loudoun County Sanitation Authority (LCSA), the public body which will be ultimately responsible for utility operation, control and maintenance.

c. Lots in the Village Conservancy and Satellite Conservancy sub-districts that are not adjacent to the Village Center, may be served by private water supply and sewage disposal systems meeting all State and Local Health Department criteria.

4. **Rural Hamlets.**

a. **Water.**

1. Rural Hamlet lots must be served either by:

a. Individual wells on or off each lot, or

b. A communal water system constructed by the developer, or

c. A municipal water system if located within an area designated for such connection in the Comprehensive Plan, or

d. Connection with an existing rural village, rural hamlet or other public water system.

2. All water systems must comply with applicable town, County, State, and/or Loudoun Water standards and requirements, including a commission permit if required by applicable law. As for 1 and 2 above, the Health Department approval of both a safe and adequate water supply system and designated backup well sites based on hydrogeological studies, must be a precondition to recordation of a record plat establishing a rural hamlet.

b. **Wastewater.**

1. Rural Hamlet lots must be served either by:

a. Individual sewage disposal system located on or off the lot, or

b. A communal wastewater treatment system constructed by the developer, or

c. A municipal wastewater system, if located within an area designated for such connection in the Comprehensive Plan; or

d. Connection with an existing rural village, rural hamlet or other public wastewater treatment system.

2. All wastewater systems must comply with applicable town, County, State, and Loudoun Water standards and requirements, including a commission permit if required by applicable law.

5. **Exemptions.** The following uses are exempt from the requirements of this ordinance.

a. Pursuant to § 56-46.1 of the Code of Virginia, electrical transmission lines of 138 kV or more, approved by the State Corporation Commission (SCC), are deemed to have satisfied the requirements of this ordinance. In addition, the following utility uses are exempt from the provisions of this section: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar equipment when used for the purpose of distributing service to individual customers, but not including substations, transmission lines, or trunk lines located on or above the surface of the ground, for the distribution to consumers of telephone, cable television, or other communications, electricity, gas or water, or for the collection of sewage or surface water.

b. Stream Restoration and Wetland Mitigation are exempt from the zoning district requirements except as stated for specific environmental overlay districts.

D. **Transition Policy Area Zoning Districts.** New uses may be served by public central water and sewer systems.

E. **Suburban Policy Area Zoning Districts.** New uses must be served by public central water and sewer systems.

F. **Urban Policy Area Zoning Districts.** New uses must be served by public central water and sewer systems.

5.03.01 River and Stream Corridor Resources

Purpose. *The purpose of the River and Stream Corridor Resources (RSCR) is to identify, establish, and regulate these resources to:*

- *Protect natural ecosystems, restore water quality, serve Loudoun's population, and support the built environment through healthy surface and groundwater resources.*
- *Maintain a healthy river and stream corridor ecosystem that promotes desired water quality standards, prevents soil erosion and flooding, and supports biological diversity.*
- *Promote river and stream health through streambank/streambed stability, temperature moderation, nutrient removal, sediment removal, flood control, and sustained aquatic habitat and food resources.*
- *Protect and improve stream quality and watershed health by decreasing the amount of stormwater runoff and pollutants from reaching local waters.*
- *Protect and enhance impaired streams and their tributaries to improve water quality and provide ecological benefits while also providing opportunities for passive recreation.*
- *Protect rivers and public drinking water reservoirs to ensure a clean, safe, and adequate supply of drinking water.*
- *Conserve and protect wildlife habitats, wildlife travel corridors, and access to streams and water sources through the preservation of natural resources, such as native vegetation, forest cover, woodlands, floodplains, streams and stream corridors, wetlands, and undeveloped steep slopes and defined associated areas.*

A. **Definitions.** Key words, terms, and phrases defined in Section 5.03.05 apply when used in Section 5.03.01.

B. **Applicability and Exemptions.**

1. **Areas of Applicability.** Section 5.03.01 applies to the following areas:
    a. Rivers and Streams
    b. Floodplain (including Major Floodplain and Minor Floodplain)
    c. Adjacent Steep Slopes
    d. Other Protected Resources
    e. Riparian Protection Buffer
    f. Variable Riparian Preservation Buffer
2. **Exemptions.**
    a. **Existing Lots of Record.** On any existing lot of record as of as of the adoption date of this Ordinance, up to 1 single-family dwelling and an accessory unpaved or permeable surfaced and maintained driveway or parking area, and/or detached garage, and incidental structures permitted under Section 4.02 is permitted within the RSCR Management Area established pursuant to Section 5.03.01.D. below.
    b. **Existing Buildings and Structures.** Existing buildings and structures within the RSCR are not considered nonconforming, i.e., they can be added to, subject to the standards of 5.03.04 and provided that such addition does not increase the total floor area of the structure, as existed on [adoption date], by more than 25%, and, if destroyed by fire or casualty, they can be rebuilt to the same or an equivalent footprint, subject to other county, state, and federal agency regulations and approval.

C. **Uses and Activities.** Except for any exemptions under Section 5.03.01.B.2, refer to table 5.03.03 for uses and activities allowed within RSCR.

D. **RSCR Management Area.** The RSCR Management Area must be provided in accordance with Table 5.03.01-1 and as follows:

1. As a minimum 300 foot wide buffer measured from the bankfull bench along each side of Scenic Rivers, the Potomac River, and Bull Run;
2. As a minimum 100 foot wide buffer measured from the bankfull bench along each side of all other rivers and streams; and
3. The widths of the following RSCRs may be included in the measurement of the applicable minimum 300-foot or 100-foot buffer width:
    a. The Resource Area Width.
    b. The Riparian Protection Buffer; and
    c. The Variable Riparian Preservation Buffer.

Table 5.03.01-1. DETERMINING THE WIDTH OF THE RSCR MANAGEMENT AREA

Minimum Width	Resource Area Width[2]	Riparian Protection Buffer **Width**[1]	Variable Riparian Preservation Buffer **Width**
For Scenic Rivers, the Potomac River, Bull Run, and Broad Run			
300 feet	If the **Resource Area Width** is 250 feet or more	Additional 50 Feet	None required
300 feet	If the **Resource Area Width** is less than 250 feet	50 Feet	The remaining width needed to achieve the Minimum Buffer Width (300 feet)
For all Other Rivers and Streams			
100 feet	If the **Resource Area Width** is 50 feet or more	Additional 50 Feet	None required
100 feet	If the **Resource Area Width** is less than 50 feet	50 Feet	The remaining width needed to achieve the Minimum Buffer Width (100 feet)

1. The addition of the required Riparian Protection Buffer width (50 feet) to the Resource Area Width may result in a greater width than the Minimum Buffer Width.
2. For determining the Resource Area Width, the Floodplain must be measured from the bankfull bench. The Resource Area Width applies to the entire length of each side of rivers and streams.

E. **Administrative Change to the Outermost Portion of the RSCR Management Area.** The outermost portion of the required RSCR Management Area (the portion of RSCR Management Area located the farthest from the Resource Area Width) may be changed as follows:

2. The Resource Area Width of the RSCR Management Area is not permitted to be changed (not including an approved Floodplain Alteration in accordance with Section 4.03 or more specific site data showing RSCR features submitted pursuant to Section 5.03.04.
3. A change that reduces the RSCR Management Area to less than 300 feet or 100 feet, as applicable, is not permitted.
4. Where a Riparian Protection Buffer or Variable Riparian Preservation Buffer widens the RSCR Management Area to greater than 300 feet, or 100 feet, as applicable, the outermost 25 feet of such Riparian Protection Buffer or Variable Riparian Preservation Buffer may be changed by the Zoning Administrator to permit the following uses, subject to the applicable Development and Land Disturbance standards and applicable Additional use specific standards in adjacent steep slopes under Section 5.03.04:
    a. Parking for publicly accessible trails or publicly accessible passive recreational uses. that are connected by trails, paths, or other multi-use connection to a public ;passive recreation trail, path, or blueway.
    b. A structure associated with a principal permitted use within RSCR listed under Section 5.03.01.C.1

c. Publicly accessible Passive Recreation open space pursuant to Section 5.04.C.1.b or Community Open Space pursuant to Section 5.04.C.2.

d. Bus stations or Transit or bus shelter structures requiring 1,000 square feet of land disturbance or less.

F. **Development and Land Disturbance Standards.** Covered Activities permitted in RSCR must be in accordance with the Development and Land Disturbance Standards in Section 5.03.04.A.

G. **Additional Use Specific Standards in Adjacent Steep Slopes.** Additional standards required for specific uses and activities within adjacent steep slopes are provided in Section 5.03.04.B

H. **Additional Scenic River Protection.** The permanent or temporary diversion of any Scenic River is prohibited.

I. **Additional RSCR Specific Procedures.** Refer to Section 7.01.F.2.f for additional RSCR specific procedures.

5.03.02 Steep Slope Areas

Purpose. *The purpose of these regulations for Steep Slope Areas is to limit land disturbing activities on naturally occurring very steep slope areas greater than 25% and to establish performance standards for development on steep slope areas of 15% or greater, in order to promote the following:*

- *Undertake development in a manner that will protect life and property from hazards due to slope, unstable and erodible soils, earth movement, and other geologic and hydrologic hazards;*
- *Reduce potential for increased erosion, sedimentation, and surface runoff, and the resulting adverse impacts on water quality;*
- *Promote a safe means of ingress and egress for vehicular and pedestrian traffic in sloped areas;*
- *Preserve the visual quality of steep slope areas, which are a valuable natural and economic resource; and*
- *Encourage innovative and imaginative building techniques to create structures and site plans that are suited to sloped terrain.*

A. **Definitions.** Key words, terms, and phrases defined in Section 5.03.05 apply when used in Section 5.03.

B. **Applicability.**

1. **Covered Activities.** Covered Activities within Steep Slope Areas, including any structure associated with agricultural operations, are subject to Steep Slope Areas standards except as follows:

   a. **Single Dwelling Unit on Existing Legal Lot.** Construction of a single dwelling unit on a legal lot existing as of June 16, 1993, is exempt from Section 5.03.02.D.1.a Such exemption does not apply to nonresidential uses. Development on such lot is subject to Section 5.03.04.

2. **Activities Not Subject to Steep Slope Area standards.** Not including any structure associated with agricultural operations, the following land disturbing activities are allowed within Steep Slope Areas and are not subject to Steep Slope Area standards:

   a. **Agricultural Operations.** Agricultural operations that meet the following standards are not subject to the Steep Slope Areas standards; the agricultural operation must be:

      1. Considered a lawful agricultural operation under Section 5.01;
      2. Conducted in accordance with the Facilities Standards Manual (FSM); and
      3. Conducted in accordance with a Conservation Farm Plan that includes best management practices and is approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service. Agricultural operations not conducted in accordance with an approved Conservation Farm Management Plan shall not be considered a lawful agricultural operation and shall not be exempt from Steep Slope Standards.

   b. **Timber Harvesting**. For timber harvesting or other silvicultural activities to be considered a lawful agricultural operation under Section 5.01, to which Steep Slope Area standards do not apply, such timber harvesting and other silvicultural activities must be conducted only in conformance with a Forest Management Plan that meets the requirements of the FSM, includes best management

practices, and is approved by the County. All timber harvesting must also meet the notification requirements of § 10.1-1181.2.H of the Code of Virginia. Within very steep or moderately steep slope areas, only those roads shown on the approved Forest Management Plan are permitted to be constructed or used for timber harvesting and other silvicultural activities. Timber harvesting or other silvicultural activities not conducted in accordance with such approved Forest Management Plan, to include the construction or use of roads not shown on the approved Forest Management Plan, or timber harvesting that has not met the notification requirements of § 10.1-1181.2.H of the Code of Virginia, is not considered to be a lawful agricultural operation and is not exempt from Steep Slope Area standards.

C. **Establishment of Steep Slope Areas.**

1. **Identification of Steep Slope Areas.** Naturally occurring steep slope areas are classified into one of the following two categories:
    a. Very Steep Slope Areas**.**
    b. Moderately Steep Slope Areas**.**
2. **Minimum Size of Steep Slope Area.**
    a. For the following Zoning Districts and Legacy Zoning Districts under Chapter 2 of this Zoning Ordinance, steep slope standards do not apply to contiguous steep slope areas that are less than 5,000 square feet in land area or less than 15 feet in width. Where the entire contiguous steep slope area is equal to or greater than 5,000 square feet in land area, but the total very steep slope area is less than 5,000 square feet in land area, the entire contiguous steep slope area is subject to the development standards for moderately steep slope areas provided in Section 5.03.04.
        i. Transition Policy Area Zoning Districts in Section 2.03
        ii. Rural Policy Area Zoning Districts in Section 2.04
        iii. Joint Land Management Area Zoning Districts in Section 2.05
        iv. The following Legacy Zoning Districts: TR-2 (Section A.09), JLMA-20 (Section A.10), A-3 (Section A.12), A-10 (Section A.11), and PD-RV (Section A.14).
    b. For the following Zoning Districts and Legacy Zoning Districts under Chapter 2 of this Zoning Ordinance, regulations for Steep Slope Areas do not apply to contiguous steep slope areas that are less than 10,000 square feet in land area, or less than 15 feet in width. Where the entire contiguous steep slope area is equal to or greater than 10,000 square feet in land area, but the total very steep slope area is less than 10,000 square feet in land area, the entire contiguous steep slope area is subject to the development and land disturbance standards for moderately steep slope areas provided in Section 5.03.04.
        i. Urban Policy Area Zoning Districts in Section 2.01
        ii. Suburban Policy Area Zoning Districts in Section 2.02,
        iii. The following Legacy Zoning Districts: PD-H (Section A.01), PD-AAAR (Section A.04), R-1, R-2, R-3 (Section A.07), and PD-CC (Section A.02).
    c. For purposes of calculating the total land area of contiguous steep slopes in subsections (a) and (b) above, the entire contiguous steep slope area must be included, regardless of the number of individual lots or different land ownerships involved.

D. **Uses and Activities.**

1. **Very Steep Slope Areas.** This Section 5.03.02.D.1 applies to lands within very steep slope areas, as defined in Section 5.03.02.C.1.a above.
    a. **General Prohibition on Land Disturbance.** Land disturbing activities, including but not limited to clearing, excavation, grading, construction, reconstruction, and investigative land disturbing activities such as test wells, are prohibited on any very steep slope area, except as allowed under Table 5.03.03
2. **Permitted Uses and Activities.** Except for any exemptions under Section 5.03.02.B.2, refer to table 5.03.03 for uses and activities allowed within Steep Slope Areas.

E. **Development and Land Disturbance Standards.** Covered Activities permitted in steep slope areas must be in accordance with the Development and Land Disturbance Standards in Section 5.03.04.A.

F. **Additional Use Specific Standards** Additional standards required for specific uses and activities within very steep slope areas are provided in Section 5.03.04.B

5.03.03 NERS Use Table

Use Table for Natural and Environmental Resource Standards 5.03.03				
	RSCR	Very Steep Slope Areas	Moderately Steep Slope Areas	Additional Specific Standards
Uses and Activities			P[1]/S[2]	
Infrastructure				
Public **crossings** for paths and trails, roads, rail, bridges, and driveways	P	P		
Paths and trails, including footpaths, biking or hiking paths, and horse trails	P	P		Paths and trails for motorized use are not permitted
Raised public boardwalks	P			
Public water supply reservoirs. including reclaimed quarries	P	P		
Public water	P	P		5.03.04.B.2.
Public sewer	P	P		5.03.04.B.2.
Local and regional stormwater management facilities within the minor floodplain RSCR only	P			
Lakes and ponds	P			
Roads, driveways	P	P		5.03.04.B.1.
Minor utilities	P	P		5.03.04.B.1.
Water lines serving an individual water supply system, Septic lines serving an individual sewage disposal system		P		5.03.04.B.1.
Community, neighborhood, or regional park, provided the use is dependent on RSCR or very steep slope areas	S	S		This use must uniquely require a site located within a very steep slope area and is not compatible with a site that lacks RSCR or very steep slope areas.
Recreation				
Passive recreation, outdoor limited to hiking, biking, horseback riding, picnicking, camping, climbing, hunting, fishing, and wildlife viewing	P	P		Motorized recreation is not permitted.
Active recreation, outdoor within RSCR minor floodplain or RSCR buffers only	P			Within the RSCR, permitted within RSCR minor floodplain or buffers only

1.All Permitted uses listed in the very steep slopes, any underlying zoning district, and overlay district if applicable, subject to the review procedures and standards in this Ordinance.

2.All Minor Special Exception and Special Exception uses listed in very steep slopes, any underlying zoning district, and overlay district if applicable, may be permitted within moderately steep slope areas by the Board of Supervisors by separate Special Exception approval pursuant to this Section 5.03.xx., and if approved, may be subject to certain conditions, pursuant to the provisions of Section 7.09.

Use Table for Natural and Environmental Resource Standards 5.03.03				
	RSCR	Very Steep Slope Areas	Moderately Steep Slope Areas	Additional Specific Standards
Active recreation, outdoor uniquely dependent on RSCR adjacent steep slopes or very steep slope areas	S	S		This use must uniquely require a site located within a RSCR adjacent steep slopes or very steep slope area, and the applicant must demonstrate that the proposed use is not compatible with a site that lacks RSCR or very steep slope areas.
Conservation and Preservation				
Planting Native Vegetation	P	P		
Historic and archaeological sites	P	P		
Conservation, including stream restoration projects, wetland mitigation banks, facilities and activities; Adopt-A-Stream programs; scientific, nature, and archaeological studies; and educational programs	P	P		
Open space, and other conservation uses		P		
Agriculture				
Silviculture as required to care for forests and not commercial forestry, limited to forest preservation and tree planting, limited tree clearing and clearing of invasive species, tree trimming and pruning, and removal of individual trees	P	Agricultural Activities in accordance with Section 5.03.02.B.2 are exempt from Steep Slope Standards		
Agricultural activities (but not structures) including crop planting, crop harvesting, and grazing	P			
Agricultural structures when no other alternatives are feasible or available	S	S		
Other/Miscellaneous				
Limited land-disturbing activity for the sole purpose of surveying and land investigation		P		5.03.04.B.3
Expansion of Commercial Uses and their associated structures existing as of June 16, 1993, when no other alternatives are feasible or available		S		
In any Suburban Policy Area Zoning District in Section 2.02 or Single-Family Residential Legacy Zoning District in Section 2.07.03, land disturbance less than 5,000 square feet within adjacent steep slopes or very steep slope areas when associated with a Permitted, or an approved Minor Special Exception or Special Exception, use in the underlying zoning district, and overlay zoning district if applicable		S		
1.All Permitted uses listed in the very steep slopes, any underlying zoning district, and overlay district if applicable, subject to the review procedures and standards in this Ordinance. 2.All Minor Special Exception and Special Exception uses listed in very steep slopes, any underlying zoning district, and overlay district if applicable, may be permitted within moderately steep slope areas by the Board of Supervisors by separate Special Exception approval pursuant to this Section 5.03.xx., and if approved, may be subject to certain conditions, pursuant to the provisions of Section 7.09.				

5.03.04 Natural And Environmental Resource Development, Land Disturbance, and Additional Use Specific Standards

A. **Development and Land Disturbance Standards.** Covered Activities permitted within River and Stream

Corridor Resources (RSCR), Very Steep Slopes, or Moderately Steep Slopes must be planned to minimize disturbance to soil geology, hydrology, and environmental features. At a minimum, except for the development of roads shown on the Countywide Transportation Plan, and public water utility drinking water supply reservoirs, including reclaimed quarries, all Covered Activities on any parcel of land that includes RSCRs or Steep Slopes within its boundaries must comply with the standards in Table 5.03.04-1:

Table 5.03.04-1 Natural and Environmental Resource Standards (NERS) Development and Land Disturbance Standards

Standard	RSCR	Very Steep Slopes	Moderately Steep Slopes
1. Locational Clearance.	The applicant must obtain a locational clearance from the Department of Building and Development. RSCR, very steep slope areas, and moderately steep slope areas within the proposed area to be disturbed, as well as the location and extent of land disturbing activities and mitigation measures including the proposed building sites, paved areas, drainfields, well locations, and other uses.		
2. Stormwater Best Management Practices.	The applicant must incorporate stormwater management best management practices and erosion and sediment control practices in accordance with erosion and sediment control and stormwater management regulations of the Codified Ordinances and the Facilities Standards Manual (FSM), and such practices must be approved by the Department of Building and Development prior to approval of a zoning permit.		
3. Grading Permit.	A grading permit is required for all land disturbing activity in accordance with erosion and sediment control and stormwater management regulations of the Codified Ordinances and the FSM.		
4. Geotechnical Study.	All grading and land disturbing activities must be addressed in a geotechnical study prepared in accordance with the FSM.		
5. Grading for Accessory Building Pads Prohibited.	Separate building pads for accessory buildings and structures other than public facilities or private garages, are prohibited. Examples include but are not limited to tennis courts, swimming pools, outbuildings, and similar facilities.		
6. Revegetation.	Any land disturbing activity located outside of the limits of disturbance approved for a permitted use must be revegetated with native vegetation.		
7. Preservation of Existing Vegetation.	Existing vegetation must be preserved to the maximum extent possible consistent with the Covered Activity permitted, except that invasive or nonnative vegetation may be removed and revegetated with native vegetation.		
8. Siting and Disturbance.	Land disturbance or land disturbing activity is limited to the area necessary to provide the Covered Activity, and must be designed and configured to minimize disturbance and have minimal adverse effects on water quality and erosion.		
9. Permeable Surfaces.	Roads, paths, trails, driveways, and parking areas must use and maintain surfaces or paving materials that are permeable to stormwater.		
10. Natural Heritage Resources.	The applicant must identify, and then demonstrate that the proposed Covered Activities will not disturb or impact, any Natural Heritage Resources. including any plants, animals, natural communities, and other features that are exemplary, rare, or endangered on a global or statewide basis.		

B. **Additional Use Specific Standards in RSCR adjacent steep slopes and Very Steep Slopes.** In addition to the NERS Development Standards provided in Table 5.03-1, the following standards apply when these specific uses and activities are permitted within RSCR or Very Steep Slopes:

1. **Roads, Driveways, Minor Utility, Water Lines Serving an Individual Water Supply System, or Septic Lines Serving an Individual Sewage Disposal System**.
    a. All roads and driveways must follow natural contour lines to the maximum extent feasible.
    b. No roads, driveways, minor utilities, water lines serving an individual water supply system, or septic lines serving an individual sewage disposal system are permitted to disturb very steep slope areas with slopes greater than 50%.
    c. Roads are not permitted to disturb adjacent steep slopes or very steep slope areas with slopes greater than 25% to 50%, unless no other alternative exists to access a legal lot of record approved prior to June 16, 1993.
    d. Where the following applies, the crossing of adjacent steep slopes or very steep slope areas by means of directional drilling is permitted and the development standards of Section 5-1508(F) do

not apply:

1. directional drilling can be utilized to install: minor utilities, water lines serving an individual water supply system, or septic lines serving an individual sewage disposal system across adjacent steep slopes or very steep slope areas; and
2. the drilling start and end locations do not result in disturbance to adjacent steep slopes or very steep slope areas.

e. Driveways, minor utilities, water lines serving an individual water supply system or septic lines serving an individual sewage disposal system are not permitted to disturb adjacent steep slopes or very steep slope areas with slopes greater than 25% to 50%. However, a short run of no more than 200 feet or 10% of the entire length of the driveway, minor utility, water line and/or septic line, whichever is greater, is permitted to disturb adjacent steep slopes or very steep slope areas with slopes greater than 25% to 50%, based on a geotechnical study or findings from a geotechnical professional that:

1. Such driveway, minor utility, water lines and/or septic lines will not have significant adverse visual, environmental or safety impacts, or appropriate engineering or other measures will be taken by the developer to substantially mitigate any such adverse impact; and
2. No alternative location for such access, minor utility, water line and/or septic line is feasible or available.

f. Shared driveways are required to the maximum extent feasible where their use will minimize or eliminate land disturbance. Shared driveways require a common access easement.

g. The grade of private roads and driveways must comply with the FSM.

h. Storm drainage and culvert design must comply with the FSM.

2. **Public Sanitary Sewer and Water Line Standards.**

a. No public sanitary sewer and/or water lines are permitted disturb adjacent steep slopes or very steep slope areas with slopes greater than 50%.

b. Public water lines must be located within or directly adjacent to the right-of-way of existing or approved roads. The development standards of this Section do not apply to such water lines.

c. Where directional drilling can be utilized to install public sanitary sewer and/or water lines across adjacent steep slopes or very steep slope areas and the drilling start and end locations do not result in disturbance to adjacent steep slopes or very steep slope areas, the crossing of adjacent steep slopes or very steep slope areas by means of directional drilling is permitted and the development standards in this section do not apply.

d. Land disturbing activities in adjacent steep slopes or very steep slope areas with slopes greater than 25% to 50% must be avoided to the maximum extent feasible when determining the alignment of gravity sanitary sewer and/or water lines.

e. For the purpose of these development standards, the adjacent steep slopes or very steep slope areas designated on the County base planimetric and topographic maps may be used.

f. Public sanitary sewer and/or water lines are not permitted cross more than 200 feet of any 1 contiguous adjacent steep slopes or very steep slope area.

1. This maximum distance may be increased by the Zoning Administrator, up to an additional 300 feet, provided that the longer crossing distance is found to reduce or have minimal impacts to other environmentally sensitive areas (streams, wetlands, riparian buffers, etc.), as demonstrated by applicable information and/or reports/studies requested by the Zoning Administrator, including, but not limited to:
    a. Geotechnical study,
    b. Geophysical study,
    c. Preliminary soils review,
    d. U.S. Army Corps of Engineers approved wetland delineation,

e. Tree cover inventory,
f. Phase 1 archeological study; and
g. Rare, threatened, and endangered species survey.

2. If the proposed crossing exceeds 200 feet and the Zoning Administrator finds that the crossing does not minimize impacts to other environmentally sensitive areas or the proposed crossing exceeds a total of 500 feet, the approval of a Minor Special Exception application is required in accordance with Section 7.10 of this Ordinance.

g. If blasting is required for any portion of the public sanitary sewer and/or water line installation, a blasting plan that describes measures that will be utilized to minimize impacts on environmentally sensitive areas must be provided as part of the grading plan.

h. Public sanitary sewer and/or water lines must be aligned in a manner that minimizes disturbance to adjacent steep slopes or very steep slope areas with existing tree cover.

1. In situations where sanitary sewer lines result in the clearing of vegetative cover other than open grassland/pastureland, stabilization plans for temporary construction easements must include reforestation and tree protection in accordance with the FSM.
2. Such reforestation and tree protection must be reviewed and approved by the County Urban Forester.

i. Where adjacent steep slopes or very steep slope areas cannot be avoided, construction methods that minimize easement widths and limits of disturbance must be employed to the maximum extent feasible.

j. Prior to approval of grading plans, the public entity responsible for the maintenance and operation of the proposed sanitary sewer and/or water line must certify that the grading plan minimizes impacts to adjacent steep slopes or very steep slope areas and shows practical limits of construction.

k. To minimize erosion and sediment control failure associated with sliding debris and the operation of machinery within a confined area, 2 rows of super silt fence must be installed as follows:

1. As a perimeter control on the downslope side of the disturbed area.
2. The inside row may be installed without filter fabric.
3. The minimum spacing between the rows must be 3 feet to allow for maintenance.

l. At a minimum, stabilization of disturbed areas must consist of Treatment 1 as described in Standard and Specification 3.36 (Soil Stabilization Blankets & Matting) in the Virginia Erosion and Sediment Control Handbook.

1. In problem areas, as determined by the County, Treatment 2 can be required.

3. **Standards for Limited Land-Disturbing Activity for the Sole Purpose of Surveying and Land Investigation.**

a. Heavy equipment may be used only when no other less-invasive method is feasible to conduct or undertake such limited land-disturbing activity.

b. Land disturbing activity may not exceed 5,000 square feet in the aggregate on any property, including the minimum land disturbance necessary for any studies required by the FSM.

5.03.05 NERS Definitions

Adjacent Steep Slopes: Surface formations with a vertical incline greater than 25% located within the first 50 feet from the edge of a stream or floodplain, which is sufficient steepness to cause problems such as erosion or increased flooding when land is disturbed. Also referred to as Very Steep Slopes when located outside of River and Stream Corridor Resources.

Bankfull: The water level, or stage, at which a stream or river is at the top of its banks and any further rise would result in water moving into the floodplain. It may be identified by physical characteristics such as a clear, natural line

impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Bankfull Bench: A flat or shallowly sloped area above bankfull that slows high velocity flows of water during flows above bankfull.

Covered Activities. For the purposes of Sections 4.04, 4.05, and 5.03, Covered Activities includes all of the following:

A. **Land Development Applications**:
   1. Legislative: All Zoning Amendments, Special Exceptions, Minor Special Exceptions, Commission Permits, Certificates of Appropriateness, Variances and Zoning Modifications reviewed for approval by the Planning Commission, Board of Supervisors, Board of Zoning Appeals, or Historic District Review Committee.
   2. Administrative: All Subdivisions (including preliminary subdivision plats), Site Plans, grading permits, construction plans and profiles, and zoning permits and building permits that involve land disturbing activities, modifications reviewed for approval by the Zoning Administrator.

B. **Land Disturbances or Land-Disturbing Activity**: Land Disturbances or Land-Disturbing Activities include, but are not limited to: cutting; filling; clearing; excavation; grading; construction; reconstruction; investigations (such as test wells); and the location, sourcing, and construction of water supply systems under Chapter 1040 of the Loudoun County Codified Ordinances.

C. Uses in Chapter 3.

Floodplain: A low, usually flat terrain on either side of a river or stream that is normally dry but submerged at times of high water, and where accumulations of silt and sand are deposited away from the main channel. See also, Major Floodplain and Minor Floodplain.

Major Floodplain: The floodplain created by flooding from a stream that drains greater than 640 acres.

Minor Floodplain: The floodplain created by flooding from a stream that drains less than 640 acres but greater than 100 acres.

Moderately Steep Slopes. Surface formation with a vertical incline from 15 to 25%, which is sufficient steepness to cause problems such as erosion or increased flooding when land is disturbed. See also Steep Slopes.

Natural Heritage Resources: Natural Heritage Resources are rare, threatened, and endangered plant and animal species; exemplary natural communities, habitats, and ecosystems; which are listed under the database provided by the Virginia Department of Conservation and Recreation (DCR), Division of Natural Heritage Resources.

Permeable: Describes materials that permit water to enter the ground by virtue of their porous nature or by large spaces in the material.

Riparian: An area of land contiguous to a stream, river, lake, or wetland that contains vegetation that, due to the presence of water, is distinctly different from the vegetation of adjacent areas.

Riparian Forest: A strip of land along a river or stream where forest and vegetation help to protect water quality, filter pollutants, regulate water temperature, enhance aquatic and wildlife habitats, and provide aesthetic value to the river or stream. Also called a riparian forest buffer when part of a larger stream buffer.

Riparian Protection Buffer. RSCR buffer area that is a minimum 50 feet in width and measured beginning from and extending landward from the greatest extent of the RSCR Floodplain, Adjacent Steep Slopes, and Other Protected Resources as indicated in Table 5.03.01-1.

River and Stream Corridor Resources (RSCR). Certain water resources and associated land areas, specifically any of the following:

- Rivers and Streams
- Floodplain (including Major Floodplain and Minor Floodplain)
- Adjacent Steep Slopes

- Other Protected Resources
- Riparian Protection Buffer
- Variable Riparian Preservation Buffer

Rivers and Streams. A natural, flowing course of water draining 100 acres or greater.

Steep Slopes. Surface formation with a vertical incline greater than 15%, which is sufficient steepness to cause problems such as erosion or increased flooding when land is disturbed. See also, Moderately Steep Slopes and Very Steep Slopes.

River and Stream Corridor Resources Management Area. The cumulative regulated area of RSCR composed of the following:

- Resource Area Width,
- Riparian Protection Buffer; and
- Variable Riparian Preservation Buffer.

Other Protected Resources. Wetlands, forests, historic and cultural resources, and archaeological sites that are located partially within or within River and Stream Corridor Resources.

Variable Riparian Preservation Buffer. RSCR buffer area that varies in width as needed to achieve a required minimum buffer width, beginning from and extending landward from the Riparian Protection Buffer provided in accordance with Table 5.03.01-1.

Very Steep Slopes. Surface formation with a vertical incline greater than 25%, which is sufficient steepness to cause problems such as erosion or increased flooding when land is disturbed. See also Steep Slopes.

Scenic River. A river or section or portion of a river designated by an act of the Virginia General Assembly pursuant to § 10.1-400 of the Code of Virginia and that possesses superior natural and scenic beauty, fish and wildlife, and historic, recreational, geologic, cultural, and other assets.

5.04 Open Space Standards

5.04 Open Space Standards

***Purpose**. Chapter 2, Zoning Districts, of this Zoning Ordinance establishes the minimum amount and type of open space requirements by zoning district. The purpose of the open space standards is to:*

- *Promote the public health, safety, and welfare.*
- *Provide consistent open space standards.*
- *Implement the General Plan's open space goals by Policy Area and Place Type.*
- *Ensure and provide the open space desired and appropriate to the district requirements in Chapter 2.*
- *Ensure light, air, and space in all new development.*
- *Preserve the County's natural, environmental, and historic resources.*
- *Ensure the availability of open space for active and passive recreation.*
- *Provide open space and amenities in proximity to users, which promotes compact development patterns and reduces the consumption of resources and capital costs.*
- *Maintain property values.*

5.04.01 Applicability

A. **Applicability.**

1. The amount and type of required open space is indicated in the Dimensional Standards tables of the Zoning Districts listed in Chapter 2.
2. The open space to be provided must meet the requirements of this section in addition to the open space

requirements of the district contained in Chapter 2.

3. Zoning Districts that do not require open space contain the notation N/A in the Dimensional Standards tables.

B. The requirement to provide open space according to the standards in the Dimensional Standards tables in Chapter 2, Zoning Districts applies to the following applications initiated after the effective date of the Zoning Ordinance:

1. All zoning map amendments, including incremental additions to an existing district.
2. All site plans for uses in Residential, Lodging, Public/Civic/Institutional, Commercial, Industrial/Production, Infrastructure Use Classifications as provided in the Use Tables in Section 3.02 with the following exceptions:
    a. Cemeteries, government provided infrastructure, Utilities except commercial solar facilities, uses expressly exempted from providing open space in 3.06 and uses listed under the Use Classifications Agriculture and Miscellaneous.
    b. All residential subdivisions with 5 or more lots.
3. When applicable, the open space represented on the site plan must be provided in accordance with the approved zoning map amendment and/or Concept Development Plan (CDP) where the site that is the subject of the site plan is located.
4. In the absence of a previously approved zoning map amendment and/or CDP that includes the subject site, open space must be provided in the amount and type as specified in the Dimensional Standards table contained in the applicable zoning district in Chapter 2, Zoning Districts.
5. Development applications for up to and including 4 new single-family dwelling units, regardless of form (SFD or SFA duplex, triplex or quadruplex) are exempt from providing open space according to the requirements contained in Chapter 2, Zoning Districts unless the affected land area was included in an approved zoning map amendment or CDP with open space requirements.
6. Piecemeal applications that result in the approval of more than 4 dwelling units without the required open space when it would have otherwise been required if the applications had not been submitted separately, will be required to provide the required amount of open space on any future development application.
7. All development applications subsequent to an approved zoning map amendment or CDP must include a Comprehensive Open Space Plan (COSP) as described in 5.04.10.
    a. The COSP must show the location of the area subject to the development application and its relationship to all of the open space approved for the development.
    b. If the open space requirement is located within the parcel(s) under current review, all information to ensure the provision of the required amount, type, and location and reference to the provisions to insure the long-term protection of the open space must be provided.

5.04.02 Calculation of Open Space.

A. Open Space is calculated by multiplying the required percentage as provided in the district requirements specified in Chapter 2, Zoning Districts, by the gross acreage of the area proposed for development, which may be:

1. The entire parcel area;
2. The combined area of several parcels proposed for development; or
3. The area proposed for development as specified on the site plan.

B. Open space is not permitted to be located on individual building lots.

1. Exceptions. The following open space features may be provided on an individual building lot:
    a. River and Stream Corridor Resources provided pursuant to Section 5.03.01 that are less than 1 acre in size.
    b. Steep Slope Areas provided pursuant to Section 5.03.02 that are less than 1/2 acre in size.

C. The following areas are excluded from the gross acreage used in the calculation of required open space:
    1. Any portion of the parcel that may be included in an easement that would prevent use as part of the development or open space;
    2. Any part of the parcel or parcels that will be subtracted or separated from the gross land area specified above before approval of the application and that sets the final amount of open space required.

D. When specified by district requirements, the amount of open space to be provided must be determined at the earliest plan review opportunity and maintained throughout the development review process until the development is completed unless modified according to Section 5.04.12.

E. Areas within existing easements or rights-of-way may be used to meet open space requirements subject to the limitations in 8.04.02.C, except when the recorded right-of-way or easement language prohibits use contrary to the purpose or intended use of the open space as identified on the CDP or an approved site plan.
    1. The easement or right of-way holder or beneficiary must acknowledge and approve the designation of open space in the subject area.
    2. No more than 30% of the total required open space may be located within an easement or right-of-way.

F. Open space must not include pending dedications or reserved rights-of-way.

5.04.03 Open Space Types and Purposes.

A. Open space must be designated as one of the following three types:
    1. **Recreation Open Space.** Areas for leisure activities to enhance physical and mental health.
        a. Active Recreation open space is areas for leisure activities usually of an organized or formal nature and often requiring fields, courts, and/or equipment designed specifically for the activity. Examples include team sports, swimming, playgrounds, golf courses, and dog parks.
        b. Passive Recreation open space is areas for less organized or less vigorous activities that may only require the space to perform the activity or minor accommodations. Examples include hiking, biking, picnicking, or fishing.
    2. **Community Open Space.** Areas to allow and encourage public gathering for socialization and community support activities. Examples include outdoor gathering space, plazas, greens, squares, and parks.
    3. **Natural, Environmental, or Heritage Open Space.** Areas that contain naturally occurring phenomenon or characteristics that are subject to potentially negative effects from man-made alterations. Examples may include surface or groundwater features, floodplain, prime agricultural or erodible soils, contiguous forest, and threatened or endangered species habitat.
        a. Heritage open spaces may contain natural or man-made structures or landscapes that have gained importance or are unique to represent, interpret, or understand the community's past and are in need of protection or sensitive incorporation into new development.
    4. **Agricultural.** Areas of land in use to produce food or fiber for human or animal consumption, including the support of livestock and tree or timber production, and the provision of same as an essential contribution to the local economy. Agricultural open space may also include areas of land underlain with prime agricultural soils that are not currently in use for agricultural purposes.

B. **Open Space Purpose.** In addition to the Open Space types in 8.04.03 (A), open space must be designated as:
    1. **Common.** Common open space is land within, or related to, a development which is designed or intended for the common use or enjoyment of the residents of the development and their invited guests only. Common open space is not owned by individual lot owners in the development. Ownership must be by an Owner's Association (OA) meeting the requirements of Section 5.12. Common open space may include complementary structures and improvements as necessary and appropriate for the intended use.
    2. **Public.** Public open space is intended to be available for use by and accessible to the general public without the requirement for residency in the development where it is located. Ownership and management of public open space must be by an OA, or a comparable entity created specifically for the purpose of owning and managing the open space and meeting the requirements of 5.12. Public open

space may be owned through dedication by the owner to the County. A fee may be charged for access to the open space.

3. **Private.** The open space may be in private ownership where use and access to the space is determined solely by the owner. The open space area must be under a protective easement limiting its use to the intended open space purpose.

5.04.04. Credits for Inclusion in Open Space

A. **Bonus Credit.** The following are priorities for protection and inclusion in open space and will receive the indicated credit towards meeting the minimum open space amounts required by Chapter 2 Zoning Districts.

1. Historic resources in any of the following designations (1.25 x the area).
    a. Designated as a National Historic Landmark;
    b. Listed or eligible for listing in the National Register of Historic Places or a contributing resource in a historic district listed or eligible for listing in the National Register of Historic Places;
    c. Listed or eligible for listing in the Virginia Landmarks Register or a contributing resource in a historic district listed or eligible for listing in the Virginia Landmarks Register;
    d. Designated as the following types of Historic Overlay Districts (HOD) pursuant to Section 7.09.08:
        1. Loudoun County Historic Site; or
        2. Contributing resource in a Loudoun County Historic and Cultural Conservation District.
2. Prime agricultural soils not currently in production of food or fiber or in support of livestock and not currently protected by a conservation easement in any Transition Policy Area or Rural Policy Area zoning district (1.50 x the area).
3. Mature forest, as determined by an Urban Forester, Certified Arborist or Landscape Architect in accordance with FSM guidelines and approved by the County's Urban Forester or Director's designee greater than 10 acres in any district (1.25 x the area).
4. Mature forest as determined in 3 above, greater than 10 acres contiguous to mature forest greater than 10 acres on an adjacent parcel in any district (1.50 x the area).
5. Pedestrian and bicycle trails or shared use paths that meet the goals or prioritization proposals in the Liner Parks and Trails System (LPAT) (1.25 x the area).
6. Preservation through protective easements of wildlife habitat or corridors connecting fragmented habitat consistent with and as verified by the Virginia Wildlife Action Plan of the Virginia Department of Game and Inland Fisheries (1.25 x area).

B. **Full Credit.** The following areas will receive 1:1 credit towards meeting the minimum open space amounts required by Chapter 2, Zoning Districts.

1. Historic Resources in any County Historic Overlay District as defined in Section 7.09.08.
2. Archaeological Resources as verified by a Phase I Archaeological survey performed by a qualified professional.
3. Cultural Landscapes.
4. Major or minor floodplain if it is provided as a park or contains a trail or shared use path that is consistent with the LPAT Plan, subject to Section 4.03, FOD. Otherwise, floodplain inclusion is subject to the limitation in 5.04.05.B.3.
5. River and Stream Corridor Resources as regulated in Section 5.03.01.
6. Wetland areas.
7. Very Steep Slope Areas and Moderately Steep slope areas, as regulated in Section 5.03.02.
8. In the Mountainside Development Overlay District (MDOD):
    a. Mapped Somewhat Sensitive Areas, Sensitive Areas, Highly Sensitive Areas pursuant to Section 4.04.C.1.c.
    b. Mountainside Resource Protection Areas pursuant to Section 4.04.E.

9. In the Limestone Overlay District (LOD):
    a. Karst/Sensitive Environmental Features and Required Setbacks pursuant to Section 4.05.D.
    b. Prime agricultural or erodible soils or land area currently producing food or fiber for human or animal consumption or in the support of livestock located in the Transition Policy Area or Rural Policy Area and that is not currently protected by a conservation easement.
    c. Mature forest as determined in 5.04.04(a) greater than 1 acre.
    d. Threatened or endangered species and/or habitat that has been verified to be located on the parcel by the Virginia Department of Conservation and Recreation, Division of Natural Heritage pursuant to procedures contained in Chapter 8 of the FSM. (alternately Virginia Department of Agriculture and Consumer Services or Game and Inland Fisheries).
    e. 13. Trails or shared use paths that do not meet the goals or prioritization proposals in the LPAT Plan.
    f. Publicly accessible parks, squares or greens, patios, plazas, outdoor gathering spaces, active recreation spaces and mini-parks.
    g. Open areas required as a condition of Proffers or Conditions of Approval.
    h. Active or passive recreation areas.
    i. Shared use paths or pedestrian and bicycle networks at the minimum width of 10 feet as specified in Table 5.15-1. When paths are provided within larger open space areas receiving credit, the width of the path must not receive additional or separate credit.
    j. Community and cultural open space as defined by the General Plan.
    k. Gateway Road Corridor Buffers as specified in 5.07.02.
    l. Any buffer required by this Zoning Ordinance of 50 feet or greater width that includes a shared use path.

C. **Other Credit.** The following areas will receive the credit indicated when included in open space:
    1. Open areas created by meeting buffer or setback requirements of this Zoning Ordinance (0.75 x the area).
    2. Open areas created by meeting any stormwater management requirements including open channels and detention or retention ponds (0.75 x the area).
    3. Street trees measured by mature canopy. (0.5 x the area of mature canopy).
    4. Any buffer required by this ordinance less than 50 feet wide (0.5 x the area of the buffer).
    5. Any buffer required by this ordinance of 50 feet or greater width that does not include a shared use path. (0.75 x the area of the buffer)

5.04.05 Open Space Design Standards.

A. **General Open Space.** General open space must meet the following Design Standards.
    1. Open space intended or provided as a location for community gathering or assembly requiring public access must:
        a. Be accessible by pedestrians and bicycle by way of a pedestrian facilities and shared use paths, and
        b. Contain features for comfort and convenience and typical for public use and consistent with the intended use, such as benches, trash cans, fountains or water features, play equipment, and landscaping for enjoyment and shade.
        c. When open space is provided in an incremental addition to an existing zoning district, the additional open space that is less than 1 acre in size must be contiguous to at least 1 existing open space parcel or area of approved open space unless it is at least 1 acre. The additional open space must be similar in characteristics to the existing open space to which it will be added.
        d. When adjacent properties contain existing or approved planned open space intended for active or passive recreation open space, every effort must be made to provide pedestrian connections from

the proposed development to the existing open space.

2. Open Space provided as Public Parks must be bordered on at least 1 side by a public or private road.
3. When open space is required by a Use Specific Standard in Section 3.06, that required amount of open space supersedes the minimum open space requirement specified in the district where the use is located. However, the land area of the open space to be provided for the specific use may be included to determine compliance with the development's overall open space requirement for a development.
4. Open space that results from compliance with another Zoning Ordinance requirement may be included in the total minimum open space requirement.
5. Separate parcels or areas of less than 1,000 square feet may be included in the total open space provided but may not count toward meeting the minimum requirement.
6. Open space areas must be appropriately sized for the intended use.
7. There is no minimum or maximum size of a required open space area except the minimum amount required in Chapter 2, Zoning Districts and subsequently determined by the calculation specified in 5.04.B above.
8. All open space areas and facilities except those in private ownership must be accessible to all individuals, regardless of mobility capabilities or limitations.

B. **Limitations.**

1. Slope must not limit the intended use of the open space.
2. Any parking area landscaped island that is less than 130 square feet in area is not permitted to be counted toward the minimum required amount of open space or landscaped open space. However, they may be included in the total open space provided.
    a. Parking lot landscaped open space may not exceed 25% of the total of required open space provided.
3. No more than 25% of the total open space required may be established in the major or minor floodplain.
4. Areas containing 50% or more prime agricultural soil are not permitted to be designated as open space for recreation or community use.
5. Open Space must be contiguous to the development that it is provided for and must not be separated by roads or parcels of land not under the same ownership of the parcel that is developed.

5.04.06 Type-Specific Open Space Design Standards.

A. **Active Residential Recreation.** When open space is required by the district standards to be active residential recreation space it must conform to the following:

1. Provided at the rate specified in the Zoning District standards.
2. The residential active recreation open space must be identified, labeled, and protected for that specific purpose on the COSP required in 5.04.10.
3. The recreational activities intended to be provided on the designated area should be indicated at the earliest stage of the development review, such as on the CDP. The activity must be identified and confirmed upon any site plan or subdivision plat that includes the designated space.
4. The designated area must be centrally located and adjacent to a pedestrian and bicycle network. The network must be accessible and useable to all patrons regardless of mobility limitations.
5. The designated area must be within a ¼ mile radius of each lot in a residential subdivision and each lot must be contiguous to a pedestrian or bicycle path to access said open space.
6. If the development is of such size that the residential active open space cannot be located within ¼ mile of all lots then the open space must be provided in multiple locations in order to meet the proximity requirement.
7. Must be flat and well drained to allow the intended use.

B. **Passive Recreation Space.** When open space is provided as passive recreation space, it should be designed using the following guidelines.

1. Centrally located and accessible by a pedestrian and bicycle network.
2. Contain a variety of natural features such as water bodies, forest, and open space.
3. Should not have limiting factors, such as excessive amounts of steep slopes or wetlands that would prevent or discourage its use.
4. Should not be located adjacent to any road other than a local road.

C. **Commercial or Employment Districts.** When open space is provided in commercial or employment districts it should conform to the following guidelines:
   1. The space should be centrally located and no further than ¼ mile from all buildings proposed in the district.
   2. If 1 centrally located area within a ¼ mile radius cannot be accomplished then multiple spaces should be provided.
   3. The space should provide a respite from work activities and allow for passive recreation.
   4. The space must provide accessories or furniture such as tables and seating for eating, trash receptacles, and shade.
   5. Access to the area may be limited to the same hours of operation as the employment or commercial areas that the space is intended to serve.

D. **Public Outdoor Gathering Space.** When open space is required by the district to be a publicly accessible outdoor gathering any of the following may be provided according to the guidelines herein unless the zoning district requires a specific type or a greater standard. All of the following are considered to be public outdoor gathering space distinguished by size and purpose: greens, parks, squares and plazas,
   1. Green – A green is intended as a place for formal, casual, passive, or impromptu social gathering and must have a minimum area of 5,000 square feet.
   2. Mini or Pocket Park – A mini or pocket park is intended for active or passive recreation. The park must contain a predominance of natural features or recreation equipment for children or adults and accessories for spectators or passive users such as benches, shade trees, refuse receptacles and water fountains. The park must have a minimum area of 5,000 square feet.
   3. Square – A square must serve as a focal point and place for social gathering that is improved with a combination of lawn, landscaping, and seating areas, and be accessible to the public or a specific project's tenants or customers. A square must be bounded by streets on at least one 1 side and pedestrian walkways on at least 2 sides. A square requires a minimum depth and width of 30 feet and a minimum total area of 1,000 square feet.
   4. Plaza – A plaza may also be referred to as a courtyard an is an open space usually surrounded by or adjacent to streets or buildings. A plaza must serve as a visual cue to an adjacent building entrance. A plaza must contain an open area with seating, planting areas, and other accessories. The majority of the land area may contain an impervious surface to support pedestrian activity but it is not required. A plaza requires a minimum depth and width of 10 feet and a minimum area of 300 square feet.

E. **Additional public outdoor gathering space standards** are as follows:
   1. The grade or slope of any constructed surface in the public gathering space must be appropriate for the intended use and must be ADA compliant.
   2. Accessories must be provided as appropriate for the intended use of the space and may include such items as benches, play equipment, bicycle racks, shade trees, waste receptacles, drinking fountains, gazebos, lighting, wayfinding signage, restrooms, landscaping and other convenience or comfort items or features.
   3. The public gathering space must be accessible by and adjacent to a pedestrian/bicycle path or sidewalk.
   4. The public gathering space must be adjacent to a public or private street on at least 1 side.
   5. The public gathering space must be connected to adjacent buildings by sidewalks.
   6. Where conditions allow, outdoor gathering spaces should be located where adjacent buildings or natural land features can provide a sense of enclosure on at least 2 sides while not restricting the penetration of

light and air movement.

7. These design guidelines may be modified to accommodate natural environmental features or engineering requirements.

5.04.07 Trails

A. Trails designed for hikers (pedestrians), bikers, or equestrians for recreational purposes as described in the LPAT Plan are distinguished from pedestrian and bicycle networks intended as an alternative to motorized vehicles access for movement within a development. Trails must be designed to the following standards:

1. The network must avoid connections that encourage or allow public access to areas or pedestrian facilities that are intended to be only for the use of residents of the development or indicated as private.
2. Public and private trail networks must be accessible to and usable by all potential patrons by providing a surface treatment that allows use by all patrons regardless of mobility limitations.
    a. Sections of the network that require steps or include grades that exceed the maximum grade for handicapped accessibility must provide an alternate route around the obstruction.
3. The trail must be provided in an easement that ensures its availability and use to all patrons at all times if it is not included within the boundary of a parcel owned and managed by an OA or dedicated to the County for public use.
4. The ownership and maintenance arrangements must provide mechanisms for repairs, surface maintenance, and replacement of trail accessories as needed.
5. The trail must provide accessories at reasonable intervals along its length such as benches, bike racks, trees for shade, and waste receptacles. The accessories must be included in the ownership and maintenance arrangements required above.
6. Access and use may be subject to reasonable limitations for use such as limited hours for public safety reasons.
7. The trail configuration may be adjusted as needed during development plan approval to accommodate the natural environment and engineering requirements if it can be determined that the intent and purpose of the trail will be achieved.

5.04.08 Uses in Open Space

A. **Uses Generally.**

1. Notwithstanding the uses listed as permitted or as special exceptions in Chapter 2 Zoning Districts where the open space area is located, only the following uses intended to support or facilitate the purpose of the designated type of open space are permitted in the open space.
    a. The OA may further limit the uses permitted in open space under its ownership or management.
    b. The OA must not permit uses in open space areas that are not permitted by the zoning district.
    c. Incidental or accessory uses provided for utilization of the open space, such as agricultural buildings not intended for public assembly, park furniture and other accessories, or recreation or playground equipment.
    d. Incidental structures required for the protection of sensitive environments, if included in open space, such as but not limited to fencing or required buffers are excluded from this limitation.

B. **Common Open Space Permitted Uses.** Uses permitted on common open space under OA ownership and management are:

1. Active and passive recreational uses.
2. Easements and improvements for drainage, communal sewer systems and septic systems, communal water supply systems, wells and other water supply systems.
3. All of the following uses are subject to Use Specific Standards contained in Section 3.06.
4. Tenant Dwelling, accessory to agriculture, horticulture or animal husbandry uses.
5. Uses permitted in the Agricultural Support and Services Directly Related to On-going Agriculture,

Horticulture and Animal Husbandry Activity, On-Site, Use Category, as follows:

a. Direct Market Business for sale of products produced on-site including but not limited to PYO (pick-your-own).
b. Farm co-ops.
c. Farm Market, on-site production.
d. Pet Farm.
e. Stable.
f. Stable, Livery, with frontage on a state maintained road.
g. Wayside Stand.
h. Arboretum.
i. Botanical garden or Nature study area.
j. Nursery, Production, with frontage of a state maintained road.

6. Uses permitted in the Agriculture, Horticulture, and Animal Husbandry pursuant to 3.06.08.01.

C. **Common Open Space Special Exception Uses.** The following uses may be approved in common open space owned by an OA or by the Board of Supervisors, and if approved, may be subject to certain conditions pursuant to Section 7.10.

D. Uses allowed in the Agricultural Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site, Use Category, subject to the use specific standards of Section 3.06 as follows:

1. Stable, Livery, without frontage on a state maintained road.
2. Agricultural Processing.
3. Nursery, Production, without frontage of a state maintained road.

E. **Uses permitted on public open space:**

1. Active and passive recreational uses allowed in open space, as defined in Chapter 11.
2. Easements and improvements for drainage, communal sewer systems and septic systems, communal water supply systems, wells and other water supply systems.
3. Agriculture.

F. **Uses permitted on open space under private ownership** are listed below and must be protected by an easement providing limitations that support the purpose of open space and are also subject to the use specific standards of Section 3.06.

1. Uses on private open space must not result in land disturbance or impervious area of more than 10% of the total parcel area.
2. The growing of agricultural products, timber production and the pasturing of livestock are exempt from this limitation.
3. Uses permitted in the Agriculture, Horticulture, and Animal Husbandry Use Categories.
4. Direct Market Business for sale of products produced on-site including but not limited to PYO (pick-your-own).
5. Farm co-ops.
6. Farm Market, on-site production.
7. Pet Farm.
8. Stable, Private.
9. Stable, Livery, with frontage on a state maintained road.
10. Wayside Stand.
11. Tenant Dwelling, accessory to agriculture, horticulture or animal husbandry uses.
12. Uses permitted in the Agricultural Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity.

5.04.09 Comprehensive Open Space Plan.

A. Following approval of a Zoning Map Amendment and/or CDP that includes requirements for the provision of open space, all of the approved open space must be depicted in 1 drawing to be labeled as the Comprehensive Open Space Plan (COSP) and included in the final plan set.

1. The COSP must show all of the approved open space areas, parcels, trails, bicycle and pedestrian access network and the relationship of each to the approved development.
2. The type and size of each parcel or area of open space must be provided with a clear depiction of its boundaries with metes and bounds.
3. With each submission for approval of a new development plan for a portion of the approved development, an updated COSP must be included and demonstrate the following:
    a. The location, area, and method of protection for open space approved on earlier development plans;
    b. The location, area, and method of protection for open space remaining and to be provided in the future; and
    c. The COSP must show and describe all modifications to the originally approved open space including the method used to approve the modification and the date that it was approved.

5.04.10 Maintenance and Management of Open Space.

A. The Owner of the parcels where open space is provided is responsible for management and maintenance unless other arrangements are approved and documented.

B. Loudoun County is not responsible for the maintenance or replacement of any open space or improvements unless the open space area is dedicated and accepted through the appropriate process.

C. Routine maintenance is permitted according to an approved maintenance agreement. Open space must be maintained as appropriate for its designated use as specified in the approved rezoning CDP, Proffer Statement, or special exception conditions and the following:

1. Routine maintenance of common open space is limited to the removal of dead, diseased, dying, invasive, or noxious plant material.
2. Removal and replacement of dead landscaping and/or screening or buffering materials.
3. Installation of supplemental or additional plant materials consistent with the intent of the open space.
4. Lawn care and maintenance.
5. Repair or replacement of equipment.
6. Maintenance of any prepared surface, e.g., multi-use path or trail, sidewalk, playing field or court.

5.04.11 Ownership, Operation, and Management of Common Open Space and Common Facilities.

A. All common open space and common facilities must be preserved for their intended purpose as expressed in the Concept Development Plan (CDP). The developer must choose prior to approval of the first record plat or final site plan, 1 or a combination of the following methods of preserving, protecting, and administering common open space:

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

C. Establishment of a nonprofit association, corporation, trust, or foundation of all owners of residential property within the planned development. Such organization must conform to the following requirements:

1. The organization must be established prior to approval of the first record plat or site plan, whichever is first in time, in the proposed development. The documents establishing such organizations must be reviewed and approved by the County.
2. Membership in the organization must be mandatory for all residential property owners, present or future, within the planned community and said organization must not discriminate against members or shareholders.

3. The organization must manage maintain, administer and operate all open space and improvements and other land not publicly or privately owned and must secure adequate liability insurance on the land and such improvements.
4. Sales brochures or other literature and documents provided by the seller of all lots must include information regarding membership requirements and responsibilities of such organizations.
5. Retention of ownership, control and maintenance of common open space and improvements by the developer.

D. All common open space not dedicated to the County must be subject to restrictive covenants running with the land restricting its use to that specified in the approved Concept Development Plan. Such restrictions must be for the benefit of and enforceable by all present or future residential property owners and the Board of Supervisors of Loudoun County.

E. All common open space, as well as public recreational facilities, must be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

F. Provisions for establishment of a management organization must include provisions to ensure the continued preservation, management, and maintenance of the open space in the event the organization can no longer fulfill its obligations.

5.04.12. Modifications.

A. Only the Board of Supervisors may modify the requirements for open space in Section 5.04.

B. Modifications of open space requirements and standards must be initiated through an application for a PD zoning district pursuant to the procedures and requirements of Section 7.09.

5.05 Parking Standards

5.05.01 Applicability

Purpose. *The purpose of these regulations is to establish parking, stacking, and loading regulations for new uses, buildings, structures, parking areas, and redeveloped sites in a manner that is consistent with the Comprehensive Plan. These regulations:*

- *Maximize the safety and functionality of parking areas.*
- *Minimize conflicts between pedestrians and vehicles within parking lots and surrounding land uses.*
- *Provide parking and loading facilities in a reasonable proportion to one or more use's needs.*
- *Reduce minimum parking requirements to coincide with common usage rather than peak demand and establishes maximum parking requirements where appropriate.*
- *Provide tailored parking rates responsive to different development contexts.*
- *Minimize the negative environmental and urban design impacts that can result from excessive parking, driveways, and drive aisles within parking areas.*
- *Support mass transit and alternative modes of transportation.*
- *Provide transportation demand management (TDM) strategies to reduce traffic congestion.*

A. **Applicability.** Any new building, structure, use, redeveloped site, or enlarged or expanded existing building must meet this Section's parking requirements and require permanent parking and off-street loading unless specified in this Section. This Section's regulations do not apply to parking, stacking, or loading spaces for uses or structures approved by the County in a valid preliminary or final site plan or a valid preliminary or final subdivision plat prior to the date of adoption of this Section, regardless of whether those spaces have been constructed or otherwise established.

B. **Parking Multiple Principal Uses.** Where multiple principal uses are permitted to be located on a property, the minimum required parking spaces for such uses is calculated cumulatively for each principal use. Parking spaces may be provided in a garage or properly surfaced parking area. In residential districts, County and

VDOT approved streets and travelways designed to accommodate on-street parking may satisfy the one parking space per dwelling requirement unless for residential uses in Villages which follow the regulations prescribed in Section 5.05.13.

C. **Application to Add or Change Use.** When a change in intensity of use of any building or structure would increase the required parking by 10 or more spaces or 10%, whichever is greater, cumulatively from the date of this Zoning Ordinance, through an addition or change in the number of dwelling units, gross floor area, or other specified units of measurements, the increment of additional required parking must comply with this Section unless an adjustment is permitted per Subsection 5.05.09. If fewer than ten 10 spaces or 10%, whichever is greater, are required by a change or series of changes in use, the Zoning Administrator may waive up to the incremental required number of parking spaces, after determining that the waiver is not detrimental to the public welfare.

D. **Review of Parking and Loading Facilities Plan.** Each application for a subdivision, site plan, zoning permit, or certificate of occupancy must include information as to the location and dimensions of parking and loading spaces and the means of ingress and egress to those spaces. This information must be in sufficient detail to determine if the requirements of this Zoning Ordinance are met and must contain the information as is required by applicable provisions of the Land Subdivision and Development Ordinance (LSDO)and the Facilities Standards Manual (FSM).

E. **Procedures for Reduction of Parking.** Reductions in parking and loading spaces may be permitted where spaces are no longer required by these regulations or alternative spaces meeting the requirements of these regulations are provided. Parking reductions may be applied by following the requirements, standards, and procedures in Section 5.05.09.

F. **Inoperable Vehicles.**

1. No repair, maintenance, or restoration of motor vehicles is permitted on any residential lot or common area serving such lot located within any residential zoning district, as defined in Chapter 2 of this Zoning Ordinance, unless the vehicle is owned by and registered in the name of an occupant of the dwelling constituting the principal use for such lot.
2. No inoperable vehicle is allowed to be parked or stored outside a building for more than 1 week on a lot of less than 10 acres in any residential district. Not more than 1 inoperable vehicle may be parked outdoors at a time on any lot greater than 10 acres in any residential district. Any vehicle not displaying current license plates and inspection validation certificate as required by Virginia law will be construed as an inoperable vehicle. Not more than 1 inoperable item of major recreational equipment is allowed to be parked outdoors on any lot of less than 10 acres in area in any residential district.
3. Inoperable vehicles on lots greater than 10 acres may be parked or stored in an open or enclosed space in the rear of the property. Inoperable vehicles must comply with the required rear and side yard setbacks.

5.05.02 Parking Ratios

Note: *In future drafts of the Zoning Ordinance, the parking ratio tables will be organized for ease of use and comparison.*

Number of Parking Spaces Required.

A. **Metrics and Interpretations for Computation.**

1. **Floor Area.** Gross Floor Area (GFA).
2. **Building Capacity.** The capacity of the building expressed in number of persons must be determined by the Uniform Statewide Building Code adopted by the County of Loudoun.
3. **Fraction of a Space.** When the calculation of the number of required parking and loading spaces results in a requirement of a fractional space, any fraction up to and including 0.5 are disregarded, and fractions of over 0.5 must be interpreted as 1 whole parking or loading space.
4. **Commercial Vehicles.** In addition to the requirements in the tables below, 1 off-street parking space is required for each commercial vehicle that is directly associated with permitted and special exception

uses, and will be parked on the premises during normal business hours. Required loading spaces may be credited as part of the total space needed for commercial vehicles.

5. **Minimum.** The number of parking spaces a site must provide.
6. **Maximum.** The number of parking spaces a site must not exceed.
7. **Parking Specific Metrics.**
    a. Dwelling Unit
        1. Example: 1/DU
        2. Interpretation: 1 space for each dwelling unit
    b. Bedrooms
        1. Example: 1 + (0.75) bedrooms
        2. Interpretation: 1 space plus 0.75 times all bedrooms
    c. Guest House
        1. Example: 1/guest house
        2. Interpretation: 1 space for each guest house
    d. Stall
        1. Example: 1/stall
        2. Interpretation: 1 space for each stall
    e. Fuel Pump
        1. Example: 1/2 fuel pumps
        2. Interpretation: 1 space for every 2 fuel pumps
    f. Residence
        1. Example: 1/residence
        2. Interpretation: 1 space for each residence
    g. Acres
        1. Example: 10/5 acres
        2. Interpretation: 10 spaces for every 5 acres
    h. Square feet
        1. Example: 1/1000 sf
        2. Interpretation: 1 space for every 1000 gross square feet
    i. Employee
        1. Example: 1/employee on site
        2. Interpretation: 1 space for every employee working on site
    j. Maximum Occupancy
        1. Example: 0.33/per person in maximum occupancy, plus one per employee
        2. Interpretation: 0.33 spaces per person in maximum permitted occupancy of the building plus one per employee working on site.
8. **Bicycle Specific Metrics.**
    a. Unit
        1. Example: 1/40 units
        2. Interpretation: 1 space for every 40 units
    b. Gross Floor Area
        1. Example: 1/1000 square feet
        2. Interpretation: 1 space per every 1000
    c. Parking Space

1. Example: 1/10 parking spaces
2. Interpretation: 1 per 10 parking spaces

9. **Electric Vehicle Specific Metrics.**
    a. Percentage (%)
        1. Example: 3% of 100 required parking spaces
        2. Interpretation: 3 electric vehicle spaces required for 100 required parking spaces

B. **Use Groups.** To calculate parking, bicycle, and loading requirements, uses are grouped as:

1. **Residential Uses.**
    a. Household Living
    b. Group Living
2. **Lodging Uses.**
3. **Commercial/Mixed Uses.**
    a. Animal Services
    b. Day Care
    c. Financial Services
    d. Food and Beverage Sales/Service
    e. Office, Business and Professional
    f. Personal/Business Services
    g. Retail
    h. Automotive
4. **Public/Civic/Institutional Uses.**
    a. Assembly
    b. Death Care Services
    c. Government/Non-Profit
    d. Education
    e. Medical
    f. Arts, Entertainment, and Recreation
5. **Industrial/Production Uses.**
    a. Manufacturing and Employment
    b. Warehousing, Storage, and Distribution
6. **Infrastructure Uses.**
    a. Transportation/Parking
    b. Utilities
    c. Communications Facilities
    d. Waste-related
7. **Agriculture Uses.**
8. **Accessory Uses.**
9. **Miscellaneous Uses.**

C. **Parking Requirements by Use and Policy Area.** The computation of off-street parking for each permitted use must follow the parking requirements prescribed in zoning districts located within Urban, Suburban, Transition, JLMA, and Rural Policy Areas, and Village Parking, with the following tables (Table 5.05.03-1 through Table 5.05.02-5) and Table 5.05.12-1, subject to the adjustments allowed in this Section. Ratios identified with an asterisk (*) follow the requirements in Section 5.05.13 Specific Residential Design Type Parking. Ratios identified with a double asterisk (**) follow the requirements in Section 5.05.08.A Parking Adjustments.

1. **Urban Zoning Districts - Parking Ratios**

Table 5.05.03-1 Urban Policy Area Parking Ratios Note: NR = Not Required		
URBAN	Minimum	Maximum
Residential		
Household Living:		
Accessory dwelling	1/DU	2/.5DU
Dwelling, single-family attached	* 5.05.13	*
Dwelling, multifamily	* 5.05.13	*
Dwelling, single-family detached	2/DU	5/DU
Live/work dwelling	2/DU	4/DU
Religious housing	2/DU	4/DU
Group Living:		
Rooming and Boarding	1 + (0.25) bedrooms	1 + (0.75) bedrooms
Congregate housing	1 + (0.25) bedrooms	1 + (0.75) bedrooms
Continuing care facility	0.75/1000 sf	2/1000 sf
Lodging		
Hotel/Motel	0.5/guest room	0.75/guest room
Commercial		
Animal Services:		
Animal hospital	1/1000 sf	2/1000 sf
Day Care:		
Adult day care	1.5/1000 sf	2.5/1000 sf
Child day care	1.5/1000 sf	2.5/1000 sf
Child day home	1.5/1000 sf	2.5/1000 sf
Financial Services:		
Bank or financial institution	1/1000 sf	2/1000 sf
Food and Beverage Sales/Service:		
Banquet/Event Facility	5/1000 sf	8/1000 sf
Craft beverage manufacturing	1/1000 sf	2.5/1000 sf
Farm market (off-site production)	1/5 acres	10/5 acres
Food preparation	0.5/1000 sf	2/1000 sf
Food store	0.5/1000 sf	2/1000 sf
Mobile vendor	NR	NR
Restaurant, carry-out only	2/1000 sf	6/1000 sf
Restaurant, sit-down	4/1000 sf	8/1000 sf
Restaurant, fast-food, excluding drive-through facilities	2/1000 sf	6/1000 sf
Snack or beverage bars	0.5/1000 sf	2/1000 sf
Office, Business and Professional:		
Office	0.5/1000 sf	2/1000 sf
Personal/Business services:		
Building maintenance services	0.5/1000 sf	2/1000 sf
Business support services	0.5/1000 sf	2/1000 sf
Personal services	0.5/1000 sf	2/1000 sf
Postal services	0.5/1000 sf	3/1000 sf
Retail:		
Auction	0.5/1000 sf	2/1000 sf
Convenience store	1/1000 sf	3/1000 sf
Convenience store (with gasoline sales)	1/1000 sf	3/1000 sf
Retail, general	0.5/1000 sf	2/1000 sf
Automotive:		
Vehicle service station	1/2 fuel pumps	NR
Public/Civic/Institutional		
Assembly:		

Table 5.05.03-1 Urban Policy Area Parking Ratios Note: NR = Not Required		
URBAN	Minimum	Maximum
Residential		
Household Living:		
Civic, social, and fraternal meeting place	0.5/1000 sf	2/1000 sf
Community center	2/1000 sf	6/1000 sf
Convention or exhibition facility	2/1000 sf	4/1000 sf
Religious land use	2/1000 sf	4/1000 sf
Death Care Services:		
Crematorium	0.5/1000 sf	2/1000 sf
Funeral services	0.5/1000 sf	2/1000 sf
Mausoleum	0.5/1000 sf	2/1000 sf
Government/Non-Profit:		
Government (general)	0.5/1000 sf	2/1000 sf
Public safety	1/1000 sf	2/1000 sf
Education:		
Business/technical school	1/1000 sf	3/1000 sf
Colleges or universities	1/1000 sf	3/1000 sf
Educational institution	1/1000 sf	3/1000 sf
Library	1/1000 sf	2.5/1000 sf
Personal instructional services	1/1000 sf	3/1000 sf
School	1/1000 sf	3/1000 sf
Training facility	1/1000 sf	3/1000 sf
Vocational school	1/1000 sf	3/1000 sf
Medical:		
Clinic, dental or medical	1.5/1000 sf	3/1000 sf
Medical care facility	1.5/1000 sf	3/1000 sf
Arts, Entertainment, and Recreation:		
Amphitheater	4/1000 sf	8/1000 sf
Art Studio	0.5/1000 sf	1/1000 sf
Civic Space Ballfields Trailheads	TBD	TBD
Cultural facility	1/1000 sf	2.5/1000 sf
Dinner theater	2.5/1000 sf	5/1000 sf
Entertainment facility	3/1000 sf	5/1000 sf
Health and fitness center	1.5/1000 sf	4/1000 sf
Recreation, indoor	3/1000 sf	5/1000 sf
Recreation, outdoor or major	4/1000 sf	8/1000 sf
Theater	3/1000 sf	5/1000 sf
Industrial/Production		
Manufacturing and Employment:		
Data center	NR	2.5/1000 sf
Flex building	0.5/1000 sf	1/1000 sf
Media Production	0.5/1000 sf	1/1000 sf
Research and Development	1/1000 sf	2.5/1000 sf
Warehousing, Storage and Distribution:		
Mini-warehouse	0.25/1000 sf	1/1000 sf
Infrastructure		
Transportation/Parking:		
Ground passenger transportation (e.g. taxi, charter bus)	1/1000 sf	4/1000 sf
Heliport or helistop	**	**
Parking facility	**	**
Transit facilities	NR	NR

Table 5.05.03-1 Urban Policy Area Parking Ratios Note: NR = Not Required		
URBAN	Minimum	Maximum
Residential		
Household Living:		
Utilities:		
Solar facility, site-specific	NR	NR
Utility, Minor	NR	1/1000 sf
Communications facilities:		
Communications facility	1/employee on site	NR
Telecommunications facility	1/employee on site	NR
Waste-related:		
Recycling collection center	1/1000 sf	NR
Agriculture		
Farm distribution hub	2/hub	NR
Community garden	2/garden	NR
Farm co-ops	2/co-op	NR
Miscellaneous		
Temporary Uses	**	**

2. **Suburban Policy Area Zoning Districts - Parking Ratios**

Table 5.05.03-2 Suburban Policy Area Zoning Districts - Parking Ratios Note: NR = Not Required		
SUBURBAN	Minimum	Maximum
Residential		
Household Living:		
Accessory dwelling	1/DU	NR
Caretaker or guard	NR	NR
Dwelling, single-family attached	*	*
Dwelling, multifamily	*	*
Dwelling, single-family detached	2/DU	NR
Live/work dwelling	2/DU	NR
Manufactured home	1/DU	NR
Manufactured housing land lease community	1/DU	NR
Religious housing	1/DU	NR
Tenant dwelling	1/DU	NR
Group Living:		
Rooming and Boarding	1 + (0.25) bedrooms	
Congregate housing	1 + (0.25) bedrooms	
Continuing care facility	0.75/1000 sf	
Lodging		
Bed and breakfast homestay	1 + (0.25) bedrooms	1 + (1.00) all bedrooms
Bed and breakfast inn	1 + (0.25) bedrooms	1 + (1.00) all bedrooms
Campground	0.5/camp site	NR
Country Inn	1 + (0.25) bedrooms	1 + (1.00) all bedrooms
Guest farm or ranch	1 + (0.25) bedrooms	1 + (1.00) all bedrooms
Hotel /Motel	0.5/guest room	1.25/guest room
Rural resort	0.5/guest room	1.5/guest room
Commercial		
Animal Services:		
Animal hospital	2/1000 sf	4/1000 sf

Table 5.05.03-2 Suburban Policy Area Zoning Districts - Parking Ratios Note: NR = Not Required		
SUBURBAN	Minimum	Maximum
Kennel	2/1000 sf	4/1000 sf
Kennel, indoor	2/1000 sf	4/1000 sf
Veterinary service	2/1000 sf	4/1000 sf
Day Care:		
Adult day care	2.5/1000 sf	4/1000 sf
Child day care	2.5/1000 sf	4/1000 sf
Child day home	2.5/1000 sf	4/1000 sf
Financial Services:		
Bank or financial institution	2/1000 sf	2.5/1000 sf
Alternative lending institution	2/1000 sf	2.5/1000 sf
Food and Beverage Sales / Service:		
Banquet/Event Facility	5/1000 sf	8/1000 sf
Craft beverage manufacturing	1/1000 sf	4/1000 sf
Farm market	10/5 acres	NR
Farm market (off-site production)	10/5 acres	NR
Food preparation	2/1000 sf	4/1000 sf
Food store	2/1000 sf	4/1000 sf
Mobile vendor	NR	NR
Restaurant, carry-out only	3/1000 sf	8/1000 sf
Restaurant, sit-down	8/1000 sf	15/1000 sf
Restaurant, fast food with drive-through facility	6/1000 sf	20/1000 sf
Restaurant, fast-food, excluding drive-through facilities	6/1000 sf	20/1000 sf
Snack or beverage bars	2/1000 sf	5/1000 sf
Office, Business and Professional:		
Office	2/1000 sf	4/1000 sf
Small business, agricultural and rural	2/1000 sf	4/1000 sf
Personal/Business services:		
Building maintenance services	2/1000 sf	3.5/1000 sf
Business support services	2/1000 sf	3.5/1000 sf
Dry cleaning plant	2/1000 sf	3.5/1000 sf
Farm machinery	2/1000 sf	3.5/1000 sf
Maintenance and repair services	2/1000 sf	3.5/1000 sf
Personal services	2/1000 sf	3.5/1000 sf
Postal services	3/1000 sf	4/1000 sf
Retail:		
Auction	2/1000 sf	3.5/1000 sf
Convenience store	3/1000 sf	4/1000 sf
Convenience store (with gasoline sales)	3/1000 sf	4/1000 sf
Feed and farm supply center	2/1000 sf	3.5/1000 sf
Machinery and equipment sales and services	2/1000 sf	3.5/1000 sf
Nonstore retailers	2/1000 sf	4/1000 sf
Nursery, Commercial	2/1000 sf	3.5/1000 sf
Retail, general	2/1000 sf	4/1000 sf
Automotive:		
Car Wash	NR	1/stall
Vehicle repair, heavy	2/1000 sf	3.5/1000 sf
Vehicle repair, light	2/1000 sf	3.5/1000 sf
Vehicle sales	2/1000 sf	3.5/1000 sf
Vehicle service station	1/2 fuel pumps	1.5/2 fuel pumps
Vehicle wholesale auction	2/1000 sf	4/1000 sf
Public/Civic/Institutional		
Assembly:		

Table 5.05.03-2 Suburban Policy Area Zoning Districts - Parking Ratios Note: NR = Not Required		
SUBURBAN	Minimum	Maximum
Civic, social, and fraternal meeting place	2/1000 sf	8/1000 sf
Community center	6/1000 sf	8/1000 sf
Convention or exhibition facility	4/1000 sf	8/1000 sf
Religious land use	4/1000 sf	8/1000 sf
Death Care Services:		
Cemetery	5/cemetery	NR
Crematorium	2/1000 sf	3.5/1000 sf
Funeral services	2/1000 sf	3.5/1000 sf
Mausoleum	2/1000 sf	3.5/1000 sf
Government/Non-Profit:		
Government (general)	2/1000 sf	4/1000 sf
Public utility service center	2/1000 sf	3.5/1000 sf
Public safety	2/1000 sf	3.5/1000 sf
Education:		
Agricultural education or research	3/1000 sf	4/1000 sf
Business/technical school	3/1000 sf	4/1000 sf
Colleges or universities	3/1000 sf	4/1000 sf
Educational institution	3/1000 sf	4/1000 sf
Library	2.5/1000 sf	4/1000 sf
Personal instructional services	3/1000 sf	4/1000 sf
Rural retreat	2.5/1000 sf	4/1000 sf
School	3/1000 sf	4/1000 sf
Conference and Training facility	4/1000 sf	5/1000 sf
Vocational school	3/1000 sf	5/1000 sf
Medical:		
Clinic, dental or medical	2/1000 sf	4/1000 sf
Medical care facility	2/1000 sf	4/1000 sf
Arts, Entertainment, and Recreation:		
Amphitheater	4/1000 sf	8/1000 sf
Art Studio	1/1000 sf	2.5/1000 sf
Civic Space	TBD	NR
Cultural facility	2.5/1000 sf	4/1000 sf
Dinner theater	5/1000 sf	8/1000 sf
Entertainment facility	5/1000 sf	8/1000 sf
Equestrian event facility	0.33 permitted capacity plus 1/employee	NR
Health and fitness center	4/1000 sf	5.5/1000 sf
Recreation, indoor	5/1000 sf	8/1000 sf
Recreation, outdoor or major	8/1000 sf	10/1000 sf
Shooting range, indoor	2/1000 sf	4/1000 sf
Theater	5/1000 sf	8/1000 sf
Industrial/Production		
Manufacturing and Employment:		
Agricultural processing	1/1000 sf	2/1000 sf
Contractor	1/1000 sf	2/1000 sf
Data center	NR	2.5/1000 sf
Extractive industries	1/1000 sf	2/1000 sf
Flex building	1/1000 sf	2.5/1000 sf
Manufacturing, General	1/1000 sf	2/1000 sf
Manufacturing, Intensive	1/1000 sf	2/1000 sf
Manufacturing, Light	1/1000 sf	2/1000 sf
Media Production	1/1000 sf	2/1000 sf
Research and Development	2/1000 sf	3.5/1000 sf

Table 5.05.03-2 Suburban Policy Area Zoning Districts - Parking Ratios Note: NR = Not Required		
SUBURBAN	Minimum	Maximum
Sawmill	1/1000 sf	2/1000 sf
Wood, metal and stone crafts	1/1000 sf	2/1000 sf
Warehousing, Storage and Distribution:		
Building and landscaping materials supplier	0.5/1000 sf	2/1000 sf
Energy Storage	0.5/1000 sf	2/1000 sf
Freight	0.5/1000 sf	2/1000 sf
Industrial storage	0.5/1000 sf	2/1000 sf
Mini-warehouse	0.5/1000 sf	2/1000 sf
Oil and gas storage	0.5/1000 sf	2/1000 sf
Outdoor storage	NR	NR
Outdoor storage, vehicles	0.5/1000 sf	2/1000 sf
Vehicle storage and impoundment	NR	NR
Wholesale distribution, warehousing and storage	0.5/1000 sf	2/1000 sf
Infrastructure		
Transportation/Parking:		
Airport	**	**
Ground passenger transportation (e.g. taxi, charter bus)	1/1000 sf	4/1000 sf
Heliport or helistop	**	**
Parking facility	**	**
Transit facilities	NR	NR
Utilities:		
Solar facility, site-specific	NR	NR
Solar facility, commercial	NR	NR
Utility, Minor	1/1000 sf	NR
Utility, Major	1/1000 sf	NR
Communications facilities:		
Communications facility	1/employee on site	NR
Telecommunications facility	1/employee on site	NR
Testing station	NR	NR
Waste-related:		
Composting facility	NR	NR
Junkyard	0.5/1000 sf	NR
Recycling collection center	1/1000 sf	NR
Remediation Services	0.5/1000 sf	NR
Solid waste facility	0.5/1000 sf	NR
Vegetative waste management facility	0.5/1000 sf	NR
Agriculture		
Agriculture	NR	NR
Farm distribution hub	2/hub	NR
Community garden	2/garden	NR
Horticulture	NR	NR
Nursery, Production	1/employee on site	NR
Farm co-ops	2/co-op	NR
Pet farm	1/1000 sf of visitor area	NR
Stable or Livery	1/8 stalls	NR
Stable, private	1/8 stalls	NR
Wayside stand	2/stand	NR
Winery, Virginia farm	NR	NR
Miscellaneous		
Temporary Uses	**	**

3. **Transition Policy Area Zoning Districts - Parking Ratios**

Table 5.05.03-3 Transition Policy Area Parking Ratios Note: NR = Not Required		
TRANSITION	Minimum	Maximum
Residential		
Household Living:		
Accessory dwelling	1/DU	NR
Caretaker or guard	NR	NR
Dwelling, single-family attached	*	*
Dwelling, multifamily	*	*
Dwelling, single-family detached	2/DU	NR
Live/work dwelling	2/DU	4/DU
Manufactured home	1/DU	NR
Religious housing	1/DU	4/DU
Tenant dwelling	1/DU	2.5/DU
Group Living:		
Congregate housing	1 + (0.25) bedrooms	1 + (1.00) all bedrooms
Continuing care facility	0.75/1000 sf	2/1000 sf
Lodging		
Bed and breakfast homestay	0.5 + (0.25) bedrooms	NR
Bed and breakfast inn	0.5 + (0.25) bedrooms	NR
Campground	0.5/camp site	NR
Country Inn	1 + (0.25) bedrooms	NR
Rural resort	0.5/guest room	NR
Commercial		
Animal Services:		
Animal care business	2/1000 sf	NR
Animal hospital	2/1000 sf	NR
Kennel	2/1000 sf	NR
Kennel, indoor	2/1000 sf	NR
Veterinary service	2/1000 sf	NR
Day Care:		
Adult day care	2.5/1000 sf	NR
Child day care	2.5/1000 sf	NR
Child day home	2.5/1000 sf	NR
Financial Services:		
Bank or financial institution	2/1000 sf	NR
Food and Beverage Sales/Service:		
Banquet/Event Facility	5/1000 sf	NR
Craft beverage manufacturing	4/1000 sf	NR
Farm market	10/5 acres	NR
Farm market (off-site production)	10/5 acres	NR
Food preparation	2/1000 sf	NR
Food store	2/1000 sf	NR
Restaurant, carry-out only	8/1000 sf	NR
Restaurant, sit-down	8/1000 sf	NR
Restaurant, fast-food, excluding drive-through facilities	8/1000 sf	NR
Snack or beverage bars	2/1000 sf	NR
Office, Business & Professional:		
Office	2/1000 sf	NR
Small business, agricultural and rural	2/1000 sf	NR
Personal/Business services:		
Building maintenance services	2/1000 sf	NR
Business support services	2/1000 sf	NR

Table 5.05.03-3 Transition Policy Area Parking Ratios Note: NR = Not Required		
TRANSITION	Minimum	Maximum
Dry cleaning plant	2/1000 sf	NR
Farm machinery	2/1000 sf	NR
Maintenance and repair services	2/1000 sf	NR
Personal services	2/1000 sf	NR
Postal services	2/1000 sf	NR
Retail:		
Auction	2/1000 sf	NR
Convenience store	4/1000 sf	NR
Convenience store (with gasoline sales)	4/1000 sf	NR
Feed and farm supply center	2/1000 sf	NR
Machinery and equipment sales and services	2/1000 sf	NR
Nonstore retailers	2/1000 sf	NR
Nursery, Commercial	2/1000 sf	NR
Retail, general	2/1000 sf	4/1000 sf
Automotive:		
Car Wash	NR	1/stall
Vehicle repair, heavy	2/1000 sf	NR
Vehicle repair, light	2/1000 sf	NR
Vehicle sales	2/1000 sf	NR
Vehicle service station	1/2 fuel pumps	NR
Public/Civic/Institutional		
Assembly:		
Civic, social, and fraternal meeting place	2/1000 sf	NR
Community center	6/1000 sf	NR
Religious land use	4/1000 sf	NR
Death Care Services:		
Cemetery	5/cemetery	NR
Crematorium	2/1000 sf	NR
Funeral services	2/1000 sf	NR
Mausoleum	2/1000 sf	NR
Government/Non-Profit:		
Government (general)	2/1000 sf	NR
Public utility service center	2/1000 sf	NR
Public safety	2/1000 sf	NR
Education:		
Agricultural education or research	3/1000 sf	NR
Business/technical school	3/1000 sf	NR
Colleges or universities	3/1000 sf	NR
Educational institution	3/1000 sf	NR
Library	2.5/1000 sf	NR
Personal instructional services	3/1000 sf	NR
Rural retreat	2.5/1000 sf	NR
School	3/1000 sf	NR
Conference and Training facility	4/1000 sf	NR
Vocational school	3/1000 sf	NR
Medical:		
Clinic, dental or medical	2/1000 sf	NR
Medical care facility	3/1000 sf	NR
Arts, Entertainment, and Recreation:		
Adult entertainment	4/1000 sf	NR
Agricultural cultural center	3/1000 sf	NR
Agritainment	3/1000 sf	NR

Table 5.05.03-3 Transition Policy Area Parking Ratios Note: NR = Not Required		
TRANSITION	Minimum	Maximum
Amphitheater	8/1000 sf	10/1000 sf
Art Studio	2.5/1000 sf	NR
Civic Space	TBD	NR
Cultural facility	2.5/1000 sf	NR
Cultural tourism	2.5/1000 sf	NR
Dinner theater	5/1000 sf	NR
Entertainment facility	5/1000 sf	NR
Equestrian event facility	0.33 permitted capacity plus 1/employee	NR
Health and fitness center	4/1000 sf	NR
Recreation, indoor	5/1000 sf	NR
Recreation, outdoor or major	8/1000 sf	NR
Shooting range, indoor	2/1000 sf	NR
Theater	5/1000 sf	NR
Industrial/Production		
Manufacturing and Employment:		
Agricultural processing	1/1000 sf	NR
Contractor	1/1000 sf	NR
Data center	NR	NR
Extractive industries	1/1000 sf	NR
Flex building	1/1000 sf	NR
Manufacturing, General	1/1000 sf	NR
Manufacturing, Intensive	1/1000 sf	NR
Manufacturing, Light	1/1000 sf	NR
Media Production	1/1000 sf	NR
Research and Development	2/1000 sf	NR
Sawmill	1/1000 sf	NR
Warehousing, Storage and Distribution:		
Building and landscaping materials supplier	1/1000 sf	NR
Energy Storage	NR	NR
Industrial storage	0.5/1000 sf	NR
Mini-warehouse	0.5/1000 sf	NR
Oil and gas storage	NR	NR
Outdoor storage	NR	NR
Outdoor storage, vehicles	0.5/1000 sf	NR
Vehicle storage and impoundment	NR	NR
Wholesale distribution, warehousing, and storage	0.5/1000 sf	NR
Infrastructure		
Transportation/Parking:		
Airport	**	**
Ground passenger transportation (e.g. taxi, charter bus)	1/1000 sf	NR
Heliport or helistop	**	**
Parking facility	**	**
Transit facilities	NR	NR
Utilities:		
Solar facility, site-specific	NR	NR
Solar facility, commercial	NR	NR
Utility, Minor	1/1000 sf	NR
Utility, Major	1/1000 sf	NR
Communications facilities:		
Communications facility	1/employee on site	NR
Telecommunications facility	1/employee on site	NR
Waste-related:		

Table 5.05.03-3 Transition Policy Area Parking Ratios Note: NR = Not Required		
TRANSITION	Minimum	Maximum
Composting facility	0.5/1000 sf	NR
Junkyard	0.5/1000 sf	NR
Recycling collection center	1/1000 sf	NR
Remediation Services	0.5/1000 sf	NR
Solid waste facility	0.5/1000 sf	NR
Stockpiling	0.5/1000 sf	NR
Vegetative waste management facility	0.5/1000 sf	NR
Agriculture		
Agriculture	NR	NR
Animal Husbandry	NR	NR
Farm distribution hub	2/hub	NR
Community garden	2/garden	NR
Custom operators	1/operator	NR
Horticulture	NR	NR
Nursery, Production	1/employee on site	NR
Farm co-ops	2/co-op	NR
Pet farm	1/1000 sf of visitor area	NR
Stable or Livery	1/8 stalls	NR
Stable, private	1/8 stalls	NR
Wayside stand	5/stand	NR
Winery, Virginia farm	8/1000 SF	NR
Miscellaneous		
Temporary Uses	**	**

4. **Rural Policy Area Zoning Districts - Parking Ratios**

Table 5.05.03-4 Rural Policy Area Parking Ratios Note: NR = Not Required		
RURAL	Minimum	Maximum
Residential		
Household Living:		
Accessory dwelling	1/DU	NR
Caretaker or guard	NR	NR
Dwelling, multifamily	*	*
Dwelling, single-family detached	NR	NR
Live/work dwelling	NR	NR
Manufactured home	NR	NR
Portable dwelling/ trailer construction	NR	NR
Religious housing	NR	NR
Tenant dwelling	1/DU	NR
Group Living:		
Rooming and Boarding	1 + (0.75) bedrooms	NR
Congregate housing	1 + (0.75) bedrooms	NR
Continuing care facility	2/1000 sf	NR
Lodging		
Bed and breakfast homestay	1 + (0.5) bedrooms	NR
Bed and breakfast inn	1 + (0.5) bedrooms	NR
Campground	1 + (0.5) camp site	NR
Country inn	1 + (0.5) bedrooms	NR
Guest farm or ranch	1 + (0.5) bedrooms	NR

Table 5.05.03-4 Rural Policy Area Parking Ratios Note: NR = Not Required		
RURAL	Minimum	Maximum
Hotel/Motel	1/guest room	NR
Rural resort	1 + (0.5) bedrooms	NR
Commercial		
Animal Services:		
Animal care business	2/1000 sf	NR
Animal hospital	2/1000 sf	NR
Kennel	2/1000 sf	NR
Kennel, indoor	2/1000 sf	NR
Veterinary service	2/1000 sf	NR
Day Care:		
Adult day care	2.5/1000 sf	NR
Child day care	2.5/1000 sf	NR
Child day home	2.5/1000 sf	NR
Financial Services:		
Bank or financial institution	2/1000 sf	NR
Food and Beverage Sales/Service:		
Banquet/Event Facility	5/1000 sf	NR
Farm market	10/5 acres	NR
Farm market (off-site production)	10/5 acres	NR
Food preparation	2/1000 sf	NR
Food store	2/1000 sf	NR
Restaurant, carry-out only	8/1000 sf	NR
Restaurant, sit-down	8/1000 sf	NR
Snack or beverage bars	2/1000 sf	NR
Office, Business and Professional:		
Office	2/1000 sf	NR
Small business, agricultural and rural	2/1000 sf	NR
Personal/Business services:		
Building maintenance services	2/1000 sf	NR
Business support services	2/1000 sf	NR
Farm machinery	2/1000 sf	NR
Maintenance and repair services	2/1000 sf	NR
Personal services	2/1000 sf	NR
Postal services	3/1000 sf	NR
Retail:		
Auction	2/1000 sf	NR
Convenience store	4/1000 sf	NR
Convenience store (with gasoline sales)	4/1000 sf	NR
Feed and farm supply center	2/1000 sf	NR
Nursery, Commercial	2/1000 sf	NR
Retail, general	2/1000 sf	NR
Automotive:		
Car Wash	1/stall	NR
Vehicle repair, light	2/1000 sf	NR
Vehicle service station	1/2 fuel pumps	NR
Public/Civic/Institutional		
Assembly:		
Civic, social, and fraternal meeting place	2/1000 sf	NR
Community center	6/1000 sf	NR
Religious land use	8/1000 sf	NR
Death Care Services:		
Cemetery	5/cemetery	NR

Table 5.05.03-4 Rural Policy Area Parking Ratios Note: NR = Not Required		
RURAL	Minimum	Maximum
Crematorium	2/1000 sf	NR
Funeral services	2/1000 sf	NR
Mausoleum	2/1000 sf	NR
Government/Non-Profit:		
Government (general)	2/1000 sf	NR
Public safety	2/1000 sf	NR
Education:		
Agricultural education or research	3/1000 sf	NR
Library	2.5/1000 sf	NR
Personal instructional services	3/1000 sf	NR
Rural retreat	2.5/1000 sf	NR
School	3/1000 sf	NR
Conference and Training facility	4/1000 sf	NR
Vocational school	3/1000 sf	NR
Medical:		
Clinic, dental or medical	2/1000 sf	NR
Arts, Entertainment, and Recreation:		
Agricultural cultural center	3/1000 sf	NR
Agritainment	3/1000 sf	NR
Amphitheater	8/1000 sf	NR
Art Studio	2.5/1000 sf	NR
Civic space	TBD	NR
Cultural facility	2.5/1000 sf	NR
Cultural tourism	2.5/1000 sf	NR
Equestrian event facility	1/3 of the permitted capacity plus 1/employee	NR
Recreation, indoor	5/1000 sf	NR
Recreation, outdoor or major	8/1000 sf	NR
Theater	5/1000 sf	NR
Industrial/Production		
Manufacturing and Employment:		
Agricultural processing	1/1000 sf	NR
Extractive industries	1/1000 sf	NR
Sawmill	1/1000 sf	NR
Infrastructure		
Transportation/Parking:		
Airport	**	**
Marina	**	**
Parking facility	**	**
Transit facilities	NR	NR
Utilities:		
Solar facility, site-specific	NR	NR
Utility, Minor	1/1000 sf	NR
Utility, Major	1/1000 sf	NR
Communications facilities:		
Communications facility	1/employee on site	NR
Telecommunications facility	1/employee on site	NR
Waste-related:		
Composting facility	0.5/1000 sf	NR
Recycling collection center	1/1000 sf	NR
Stockpiling	0.5/1000 sf	NR
Vegetative waste management facility	0.5/1000 sf	NR
Agriculture		

Table 5.05.03-4 Rural Policy Area Parking Ratios Note: NR = Not Required		
RURAL	Minimum	Maximum
Agriculture	NR	NR
Animal Husbandry	NR	NR
Farm distribution hub	2/hub	NR
Auction facility, livestock	2/1000 sf	NR
Brewery, limited	8/1000 sf	NR
Community garden	2/garden	NR
Custom operators	1/operator	NR
Horticulture	NR	NR
Nursery, Production	1/employee on site	NR
Farm co-ops	2/co-op	NR
Feedlot	NR	NR
Pet farm	1/1,000 sf of visitor area	NR
Stable or Livery	1/8 stalls	NR
Stable, private	1/8 stalls	NR
Wayside stand	5/stand	NR
Winery, commercial	8/1000 sf	NR
Winery, Virginia farm	8/1000 sf	NR
Miscellaneous		
Temporary Uses	**	**

5. **JLMA Zoning Districts - Parking Ratios**

Table 5.05.03-5 Joint Land Management Area (JLMA) Policy Area Parking Ratios Note: NR = Not Required		
JLMA	Minimum	Maximum
Residential		
Household Living:		
Accessory dwelling	1/DU	NR
Caretaker or guard	NR	NR
Dwelling, single-family detached	2/DU	NR
Manufactured home	21/DU	NR
Religious housingNR	1/DU	NR
Tenant dwelling	1/DU	NR
Group Living:		
Rooming and Boarding	1 + (0.75) bedrooms	NR
Congregate housing	1 + (0.75) bedrooms	NR
Continuing care facility	2/1000 sf	NR
Lodging		
Bed and breakfast homestay	1 + (0.5) bedrooms	NR
Bed and breakfast inn	1 + (0.5) bedrooms	NR
Campground	0.5/campsite	NR
Country Inn	1 + (0.5) bedrooms	NR
Guest farm or ranch	1 + (0.5) bedrooms	NR
Hotel/Motel	1/guest room	1.25/guest room
Rural resort	0.5/guest room	1.25/guest room
Commercial		
Animal Services:		
Animal care business	2/1000 sf	NR
Animal hospital	2/1000 sf	NR
Kennel	2/1000 sf	NR

Table 5.05.03-5 Joint Land Management Area (JLMA) Policy Area Parking Ratios Note: NR = Not Required		
JLMA	Minimum	Maximum
Kennel, indoor	2/1000 sf	NR
Veterinary service	2/1000 sf	NR
Day Care:		
Adult day care	2.5/1000 sf	NR
Child day care	2.5/1000 sf	NR
Child day home	2.5/1000 sf	NR
Financial Services:		
Bank or financial institution	2/1000 sf	NR
Food and Beverage Sales/Service:		
Banquet/Event Facility	5/1000 sf	NR
Craft beverage manufacturing	8/1000 sf	NR
Farm market	10/5 acres	NR
Farm market (off-site production)	10/5 acres	NR
Food preparation	2/1000 sf	NR
Restaurant, carry-out only	8/1000 sf	NR
Restaurant, sit-down	8/1000 sf	NR
Restaurant, fast-food, excluding drive-through facilities	8/1000 sf	NR
Snack or beverage bars	2/1000 sf	NR
Office, Business & Professional:		
Office	2/1000 sf	NR
Small business, agricultural and rural	2/1000 sf	NR
Personal/Business services:		
Building maintenance services	2/1000 sf	NR
Business support services	2/1000 sf	NR
Dry cleaning plant	2/1000 sf	NR
Farm machinery	2/1000 sf	NR
Maintenance and repair services	2/1000 sf	NR
Personal services	2/1000 sf	NR
Postal services	2/1000 sf	NR
Retail:		
Auction	2/1000 sf	NR
Convenience store	4/1000 sf	NR
Convenience store (with gasoline sales)	4/1000 sf	NR
Feed and farm supply center	2/1000 sf	NR
Machinery and equipment sales and services	2/1000 sf	NR
Nonstore retailers	2/1000 sf	NR
Nursery, Commercial	2/1000 sf	NR
Retail, general	2/1000 sf	NR
Automotive:		
Car Wash	1/stall	NR
Vehicle repair, heavy	2/1000 sf	NR
Vehicle repair, light	2/1000 sf	NR
Vehicle sales	2/1000 sf	NR
Vehicle service station	1/2 fuel pumps	NR
Vehicle wholesale auction	2/1000 sf	NR
Public/Civic/Institutional		
Assembly:		
Civic, social, and fraternal meeting place	2/1000 sf	NR
Community center	6/1000 sf	NR
Convention or exhibition facility	4/1000 sf	NR
Religious land use	4/1000 sf	NR
Death Care Services:		

Table 5.05.03-5 Joint Land Management Area (JLMA) Policy Area Parking Ratios Note: NR = Not Required		
JLMA	Minimum	Maximum
Cemetery	5/cemetery	NR
Crematorium	2/1000 sf	NR
Funeral services	2/1000 sf	NR
Mausoleum	2/1000 sf	NR
Government/Non-Profit:		
Government (general)	2/1000 sf	NR
Public utility service center	2/1000 sf	NR
Public safety	2/1000 sf	NR
Education:		
Agricultural education or research	3/1000 sf	NR
Business/technical school	3/1000 sf	NR
Colleges or universities	3/1000 sf	NR
Educational institution	3/1000 sf	NR
Library	2.5/1000 sf	NR
Personal instructional services	3/1000 sf	NR
Rural retreat	2.5/1000 sf	NR
School	3/1000 sf	NR
Conference and Training facility	4/1000 sf	NR
Vocational school	3/1000 sf	NR
Medical:		
Clinic, dental, or medical	2/1000 sf	NR
Medical care facility	3/1000 sf	NR
Arts, Entertainment, and Recreation:		
Adult entertainment	4/1000 sf	NR
Agricultural cultural center	8/1000 sf	NR
Agritainment	8/1000 sf	NR
Amphitheater	8/1000 sf	NR
Art Studio	2.5/1000 sf	NR
Civic Space	TBD	NR
Cultural facility	2.5/1000 sf	NR
Cultural tourism	2.5/1000 sf	NR
Dinner theater	5/1000 sf	NR
Equestrian event facility	1/3 of the permitted capacity plus 1/employee	NR
Health and fitness center	4/1000 sf	NR
Recreation, indoor	5/1000 sf	NR
Recreation, outdoor or major	8/1000 sf	NR
Shooting range, indoor	2/1000 sf	NR
Theater	5/1000 sf	NR
Industrial/Production		
Manufacturing and Employment:		
Agricultural processing	1/1000 sf	NR
Contractor	1/1000 sf	NR
Data center	NR	NR
Extractive industries	1/1000 sf	NR
Flex building	1/1000 sf	NR
Manufacturing, General	1/1000 sf	NR
Manufacturing, Intensive	1/1000 sf	NR
Manufacturing, Light	1/1000 sf	NR
Media Production	1/1000 sf	NR
Research and Development	1/1000 sf	NR
Sawmill	1/1000 sf	NR
Warehousing, Storage and Distribution:		

Table 5.05.03-5 Joint Land Management Area (JLMA) Policy Area Parking Ratios Note: NR = Not Required		
JLMA	Minimum	Maximum
Building and landscaping materials supplier	1/1000 sf	NR
Energy Storage	NR	NR
Freight	NR	NR
Industrial storage	0.5/1000 sf	NR
Mini-warehouse	0.5/1000 sf	NR
Oil and gas storage	NR	NR
Outdoor storage	NR	NR
Outdoor storage, vehicles	0.5/1000 sf	NR
Vehicle storage and impoundment	NR	NR
Wholesale distribution, warehousing, and storage	0.5/1000 sf	NR
Infrastructure		
Transportation/Parking:		
Airport	**	**
Ground passenger transportation (e.g. taxi, charter bus)	1/1000 sf	NR
Heliport or helistop	**	**
Parking facility	**	**
Transit facilities	NR	NR
Utilities:		
Solar facility, site-specific	NR	NR
Solar facility, commercial	NR	NR
Utility, Minor	1/1000 sf	NR
Utility, Major	1/1000 sf	NR
Communications facilities:		
Communications facility	1/employee on site	NR
Telecommunications facility	1/employee on site	NR
Waste-related:		
Composting facility	0.5/1000 sf	NR
Junkyard	0.5/1000 sf	NR
Recycling collection center	0.5/1000 sf	NR
Remediation Services	0.5/1000 sf	NR
Solid waste facility	0.5/1000 sf	NR
Stockpiling	0.5/1000 sf	NR
Vegetative waste management facility	0.5/1000 sf	NR
Agriculture		
Agriculture	NR	NR
Animal Husbandry	NR	NR
Auction facility, livestock	2/1000 sf	NR
Community garden	2/garden	NR
Custom operators	1/operator	NR
Horticulture	NR	NR
Nursery, Production	1/employee on site	NR
Farm co-ops	2/co-op	NR
Feedlot	NR	NR
Pet farm	1/1000 sf of visitor area	NR
Stable or Livery	1/8 stalls	NR
Stable, private	1/8 stalls	NR
Wayside stand	5/stand	NR
Winery, Virginia farm	8/1,000 SF	NR
Miscellaneous		
Temporary Uses	**	**

D. **Additional Rules for Computing Parking Requirements.**

1. **Uses Not Listed.** The Zoning Administrator must determine in writing the required parking and loading facilities for uses not specifically listed in the tables above. Such determination by the Zoning Administrator must be in writing and is appealable to the Board of Zoning Appeals.
2. **Accessory Uses.** Storage, stock, kitchen, office and other areas accessory to the principle use of a building, or portion of a building, are to be included in the calculation of floor area of the principal use, unless noted otherwise herein.
3. **Alterations, Expansions and Changes in Use.** For alterations, expansions, or changes in use, prior to the issuance of a zoning or occupancy permit, the Zoning Administrator shall determine in writing, based on information submitted by the applicant, the impact of the proposed change on the parking requirement for the building, and the adequacy of the parking provided.

E. **New Construction or Expansion.** Section 5.05.02 applies only to new construction or expansion of an existing use. In the case of an expansion of an existing use, only the expansion is required to meet these regulations. Existing use and parking areas are exempt from this section.

5.05.03 Bicycle Parking

Bicycle. Bicycle parking is required for use categories in zoning districts within Urban and Suburban Policy Areas to encourage the use of bicycles by providing secure and convenient places to park bicycles. These regulations ensure adequate short and long-term bicycle parking by different uses.

A. **Measurements.** Bicycle spaces are measured as the ability for a facility to store one bicycle. One bicycle space equals one stored bicycle.

B. **Required minimums.** The required minimum number of bicycle parking spaces for each use category is shown in Table 5.05.04-1 and Table 5.05.04-2. No bicycle parking is required for uses not listed.

1. **Urban Policy Area Zoning Districts - Bicycle Parking Ratios.**

Table 5.05.04-1
Urban Policy Area Bicycle Parking Ratios
Note: NR = Not Required

URBAN	Long-Term	Short-Term
Residential		
Household Living:		
Accessory dwelling	NR	NR
Dwelling, single-family attached	NR	NR
Dwelling, multifamily	1/35 Units	1/15 Units
Dwelling, single-family detached	NR	NR
Live/work dwelling	NR	NR
Religious housing	NR	NR
Group Living:		
Rooming and Boarding	NR	NR
Congregate housing	NR	NR
Continuing care facility	NR	NR
Lodging		
Hotel/Motel	1/50 guest rooms	1/25 guest rooms
Commercial		
Animal Services:		
Animal hospital	NR	1/1000 sf
Day Care:		
Adult day care	NR	2/1000 sf
Child day care	NR	2/1000 sf
Child day home	NR	NR
Financial Services:		

Table 5.05.04-1 Urban Policy Area Bicycle Parking Ratios Note: NR = Not Required		
URBAN	Long-Term	Short-Term
Bank or financial institution	NR	2/1000 sf
Food and Beverage Sales / Service:		
Banquet/Event Facility	NR	NR
Craft beverage manufacturing	NR	2/1000 sf
Farm market (off-site production)	NR	NR
Food preparation	NR	NR
Food store	NR	1/1000 sf
Mobile vendor	NR	NR
Restaurant, carry-out only	NR	2/1000 sf
Restaurant, sit-down	NR	2/1000 sf
Restaurant, fast-food, excluding drive-through facilities	NR	2/1000 sf
Snack or beverage bars	NR	1/1000 sf
Office, Business and Professional:		
Office	0.25/1000 sf	2/1000 sf
Personal / Business services:		
Building maintenance services	NR	1/1000 sf
Business support services	NR	1/1000 sf
Personal services	NR	2/1000 sf
Postal services	NR	2/1000 sf
Retail:		
Auction	NR	NR
Convenience store	0.25/1000 sf	2/1000 sf
Convenience store (with gasoline sales)	0.25/1000 sf	2/1000 sf
Retail, general	0.25/1000 sf	2/1000 sf
Automotive:		
Vehicle service station	NR	NR
Public/Civic/Institutional		
Assembly:		
Civic, social, and fraternal meeting place	0.25/1000 sf	2/1000 sf
Community center	0.5/1000 sf	4/1000 sf
Convention or exhibition facility	0.25/1000 sf	2/1000 sf
Religious land use	0.25/1000 sf	2/1000 sf
Death Care Services:		
Crematorium	NR	NR
Funeral services	NR	NR
Mausoleum	NR	NR
Government / Non-Profit:		
Government (general)	0.5/1000 sf	NR
Public safety	NR	NR
Education:		
Business / technical school	NR	NR
Colleges or universities	0.5/1000 sf	4/1000 sf
Educational institution	0.5/1000 sf	4/1000 sf
Library	0.5/1000 sf	4/1000 sf
Personal instructional services	NR	2/1000 sf
School	0.5/1000 sf	4/1000 sf
Training facility	NR	NR
Vocational school	NR	NR
Medical:		
Clinic, dental or medical	NR	1/1000 sf
Medical care facility	0.5/1000 sf	4/1000 sf
Arts, Entertainment, and Recreation:		

Table 5.05.04-1 Urban Policy Area Bicycle Parking Ratios Note: NR = Not Required		
URBAN	Long-Term	Short-Term
Amphitheater	NR	4/1000 sf
Art Studio	NR	1/1000 sf
Civic Space	0.5/1000 sf	2/1000 sf
Cultural facility	NR	4/1000 sf
Dinner theater	NR	2/1000 sf
Entertainment facility	0.25/1000 sf	4/1000 sf
Health and fitness center	0.25/1000 sf	4/1000 sf
Recreation, indoor	0.25/1000 sf	4/1000 sf
Recreation, outdoor or major	0.25/1000 sf	4/1000 sf
Theater	NR	2/1000 sf
Industrial / Production		
Manufacturing and Employment:		
Data center	NR	NR
Flex building	NR	NR
Media Production	NR	NR
Research and Development	NR	NR
Warehousing, Storage and Distribution:		
Mini-warehouse	NR	NR
Infrastructure		
Transportation / Parking:		
Ground passenger transportation (e.g. taxi, charter bus)	NR	NR
Heliport or helistop	NR	NR
Parking facility	1/10 spaces	1/20 spaces
Transit facilities	1/10 spaces sf	1/20 spaces
Utilities:		
Solar facility, site-specific	NR	NR
Utility, Minor	NR	NR
Communications facilities:		
Communications facility	NR	NR
Telecommunications facility	NR	NR
Waste-related:		
Recycling collection center	NR	NR
Agriculture		
Farm distribution hub	NR	NR
Community garden	NR	NR
Farm co-ops	NR	NR
Miscellaneous		
Temporary Uses	NR	NR

2. **Suburban Policy Area Zoning Districts - Bicycle Parking Ratios.**

Table 5.05.04-2 Suburban Policy Area Bicycle Parking Ratios Note: NR = Not Required		
SUBURBAN	Long-Term	Short-Term
Residential		
Household Living:		
Accessory dwelling	NR	NR
Caretaker or guard	NR	NR
Dwelling, single-family attached	NR	NR

Table 5.05.04-2 Suburban Policy Area Bicycle Parking Ratios Note: NR = Not Required		
SUBURBAN	Long-Term	Short-Term
Dwelling, multifamily	1/40 Units	1/20 Units
Dwelling, single-family detached	NR	NR
Live/work dwelling	NR	NR
Manufactured home	NR	NR
Manufactured housing land lease community	NR	NR
Religious housing	NR	NR
Tenant dwelling	NR	NR
Group Living:		
Rooming and Boarding	NR	NR
Congregate housing	NR	NR
Continuing care facility	NR	NR
Lodging		
Bed and breakfast homestay	NR	NR
Bed and breakfast inn	NR	NR
Campground	NR	NR
Country Inn	NR	NR
Guest farm or ranch	NR	NR
Hotel / Motel	1/50 guest rooms	1/25 guest rooms
Rural resort	NR	NR
Commercial		
Animal Services:		
Animal hospital	NR	1/1000 sf
Kennel	NR	NR
Kennel, indoor	NR	1/1000 sf
Veterinary service	NR	NR
Day Care:		
Adult day care	NR	1/1000 sf
Child day care	NR	1/1000 sf
Child day home	NR	NR
Financial Services:		
Bank or financial institution	NR	1/1000 sf
Alternative lending institution	NR	1/1000 sf
Food and Beverage Sales / Service:		
Banquet/Event Facility	NR	2/1000 sf
Craft beverage manufacturing	NR	1/1000 sf
Farm market	NR	NR
Farm market (off-site production)	NR	NR
Food preparation	NR	NR
Food store	NR	1/1000 sf
Mobile vendor	NR	NR
Restaurant, carry-out only	NR	1/1000 sf
Restaurant, sit-down	NR	1/1000 sf
Restaurant, fast food with drive-through facility	NR	1/1000 sf
Restaurant, fast-food, excluding drive-through facilities	NR	1/1000 sf
Snack or beverage bars	NR	1/1000 sf
Office, Business and Professional:		
Office	NR	1/1000 sf
Small business, agricultural and rural	NR	NR
Personal / Business services:		
Building maintenance services	NR	NR
Business support services	NR	NR
Dry cleaning plant	NR	NR

Table 5.05.04-2 Suburban Policy Area Bicycle Parking Ratios Note: NR = Not Required		
SUBURBAN	Long-Term	Short-Term
Farm machinery	NR	NR
Maintenance and repair services	NR	NR
Personal services	NR	1/1000 sf
Postal services	NR	1/1000 sf
Retail:		
Auction	NR	NR
Convenience store	0.25/ 1000 sf	1/1000 sf
Convenience store (with gasoline sales)	0.25/1000 sf	1/1000 sf
Feed and farm supply center	NR	NR
Machinery and equipment sales and services	NR	NR
Nonstore retailers	NR	NR
Nursery, Commercial	NR	NR
Retail, general	NR	1/1000 sf
Automotive:		
Car Wash	NR	NR
Vehicle repair, heavy	NR	NR
Vehicle repair, light	NR	NR
Vehicle sales	NR	NR
Vehicle service station	NR	NR
Vehicle wholesale auction	NR	NR
Public/Civic/Institutional		
Assembly:		
Civic, social, and fraternal meeting place	0.5/1000 sf	1/1000 sf
Community center	0.5/1000 sf	2/1000 sf
Convention or exhibition facility	NR	2/1000 sf
Religious land use	NR	2/1000 sf
Death Care Services:		
Cemetery	NR	NR
Crematorium	NR	NR
Funeral services	NR	NR
Mausoleum	NR	NR
Government/Non-Profit:		
Government (general)	0.5/1000 sf	NR
Public utility service center	NR	NR
Public safety	NR	NR
Education:		
Agricultural education or research	NR	NR
Business/technical school	NR	NR
Colleges or universities	NR	2/1000 sf
Educational institution	NR	2/1000 sf
Library	NR	2/1000 sf
Personal instructional services	NR	2/1000 sf
Rural retreat	NR	NR
School	0.5/1000 sf	2/1000 sf
Training facility	NR	NR
Vocational school	NR	NR
Medical:		
Clinic, dental or medical	NR	1/1000 sf
Medical care facility	0.5/1000 sf	1/1000 sf
Arts, Entertainment, and Recreation:		
Amphitheater	NR	1/1000 sf
Art Studio	NR	1/1000 sf

Table 5.05.04-2 Suburban Policy Area Bicycle Parking Ratios Note: NR = Not Required		
SUBURBAN	Long-Term	Short-Term
Civic Space	NR	1/1000 sf
Cultural facility	NR	1/1000 sf
Dinner theater	NR	1/1000 sf
Entertainment facility	NR	1/1000 sf
Equestrian event facility	NR	NR
Health and fitness center	NR	1/1000 sf
Recreation, indoor	NR	1/1000 sf
Recreation, outdoor or major	NR	1/1000 sf
Shooting range, indoor	NR	NR
Theater	NR	1/1000 sf
Industrial / Production		
Manufacturing and Employment:		
Agricultural processing	NR	NR
Contractor	NR	NR
Data center	NR	NR
Extractive industries	NR	NR
Flex building	NR	NR
Manufacturing, General	NR	NR
Manufacturing, Intensive	NR	NR
Manufacturing, Light	NR	NR
Media Production	NR	NR
Research and Development	NR	NR
Sawmill	NR	NR
Wood, metal and stone crafts	NR	NR
Warehousing, Storage and Distribution:		
Building and landscaping materials supplier	NR	NR
Energy Storage	NR	NR
Freight	NR	NR
Industrial storage	NR	NR
Mini-warehouse	NR	NR
Oil and gas storage	NR	NR
Outdoor storage	NR	NR
Outdoor storage, vehicles	NR	NR
Vehicle storage and impoundment	NR	NR
Wholesale distribution, warehousing and storage	NR	NR
Infrastructure		
Transportation / Parking:		
Airport	NR	NR
Ground passenger transportation (e.g. taxi, charter bus)	NR	NR
Heliport or helistop	NR	NR
Parking facility	NR	NR
Transit facilities	NR	NR
Utilities:		
Solar facility, site-specific	NR	NR
Solar facility, commercial	NR	NR
Utility, Minor	NR	NR
Utility, Major	NR	NR
Communications facilities:		
Communications facility	NR	NR
Telecommunications facility	NR	NR
Testing station	NR	NR
Waste-related:		

Table 5.05.04-2 Suburban Policy Area Bicycle Parking Ratios Note: NR = Not Required		
SUBURBAN	Long-Term	Short-Term
Composting facility	NR	NR
Junkyard	NR	NR
Recycling collection center	NR	NR
Remediation Services	NR	NR
Solid waste facility	NR	NR
Vegetative waste management facility	NR	NR
Agriculture		
Agriculture	NR	NR
Farm distribution hub	NR	NR
Community garden	NR	NR
Horticulture	NR	NR
Nursery, Production	NR	NR
Farm co-ops	NR	NR
Pet farm	NR	NR
Stable or Livery	NR	NR
Stable, private	NR	NR
Wayside stand	NR	NR
Winery, Virginia farm	NR	NR
Miscellaneous		
Temporary Uses	NR	NR

3. **Joint Land Management Area Zoning Districts.** There is no Bicycle Parking Requirement for these districts.
4. **Bicycle Parking Standards.** These standards ensure that required bicycle parking is designed so people of all ages and abilities can access the bicycle parking and securely lock their bicycle without inconvenience.

C. **Bicycle Parking Facility types.**

1. U-Rack. A "U-shaped" bicycle facility affixed to pavement that stores up to two bicycles which are locked from the outside.
2. Bollard Rack. A bicycle facility affixed to pavement that stores up to two bicycles which are locked from the outside.
3. Grid Rack. A dual sided bicycle facility affixed to pavement that stores multiple (1 to 20) bicycles which are locked from the outside.
4. Low Profile Rack. A low-lying bicycle facility affixed to pavement that stores multiple (1 to 20) bicycles which are locked from the outside.
5. Bicycle Locker. A locker or box in which up to two bicycles can be placed and locked.
6. Bicycle Cage. A caged bicycle storage facility inside a parking garage that stores multiple bicycles.
7. Secure Parking Area. A weather-protected, standalone bicycle parking structure or building extension with shared racks and access control.

D. **Bicycle Racks.**

1. A bicycle rack must:
    a. allow a bicycle frame and one wheel to be locked to the rack with a high-security lock;
    b. allow a bicycle to be securely held with its frame supported in at least one place;

c. be durable and securely anchored;
d. have a locking surface thin enough to allow standard u-locks to be used, but thick enough so the rack cannot be cut with bolt cutters; and
e. not include any elements within the interior space.

E. **Long-Term Bicycle Parking.** Long-term bicycle parking is located within secure, weather protected facilities and is intended for building and site occupants and others who need bicycle parking for several hours or longer.

1. Location, Access, and Security.
    a. Each long-term bicycle parking space must be provided within a building, covered parking garage, or secure parking area located near the building or structure and the street or other bicycle right-of-way.
    b. Facilities for long-term bicycle parking include: bicycle rooms on the ground floor of a residential/commercial building, bicycle rooms in a parking garage, bicycle cages in a parking garage, and secure parking areas.
    c. When a development project includes multiple buildings, the total number of bicycle parking spaces required will be calculated for the entire project and distributed proportionally to each building based on its share of the total parking space requirement. When the long-term bicycle parking for multiple buildings is co-located, it must be within 200 feet of an entrance to each of the participating buildings.
    d. Each space must be available and accessible for all building tenants during the building's hours of operations. For residential tenants, each space must be accessible 24 hours a day, 7 days a week.
    e. A long-term bicycle parking space in a garage:
        1. must be clearly marked as a long-term bicycle parking space;
        2. must be located no lower than the first complete parking level below grade, and no higher than the first complete parking level above grade;
        3. must be in a well-lit, visible location near the main entrance or elevators;
        4. should be separated from vehicle parking by a barrier that minimizes the possibility of a parked bicycle being hit by a car; and
        5. must be outfitted with a rack to lock the bicycle.
    f. If a long-term bicycle parking space is in an enclosed area, the facility must not be accessible to anyone without authorized access.
    g. Each facility must be well-maintained and well lit.
    h. If the bicycle storage area requires the use of doors, doors must be fully automatic or automatically open with the push of a button.

F. **Short-Term Bicycle Parking.** Short-term bicycle parking must be in publicly accessible, highly visible locations that serve the main entrance of a building. Short-term bicycle parking must be visible to pedestrians and bicyclists on the street and is intended for building and site visitors.

1. Location, Access, and Security.
    a. Each short-term bicycle parking space must be:
        1. available to the public;
        2. located in a convenient, well-lit area that is clearly visible to both a visitor to the building and a person who is on the sidewalk that accesses the building's main entrance; and
        3. within 100 feet of:
            a. the main entrance of each building within the development, and closer than the nearest non-accessible vehicle parking space; or
            b. at least one main entrance of a building with more than one main entrance; unless the applicable deciding body approves an alternative location during the site plan process; and

4. outfitted with a rack to which a bicycle can be locked.

b. Each parking facility is prohibited from obstructing pedestrian traffic or interfering with the use of the pedestrian area.

5.05.04 Electric Vehicle Parking

A. **Electric Vehicle Infrastructure and Parking**. New or expanded development in Urban Policy Area Zoning Districts and Suburban Policy Area Zoning Districts must provide electric vehicle infrastructure and parking. Development in districts in other Policy Area Zoning Districts are not required to provide electric vehicle infrastructure.

B. **General Station Requirements.**

1. Size. An electric vehicle charging station parking space must meet the size of a parking space as required by the Facilities Standards Manual.
2. Installation and Equipment. Electric vehicle charging station installation and equipment must comply with the rules and regulations under the County's building and fire codes, and Facilities Standards Manual.

C. **Accessible Facilities**. Accessible electric vehicle charging stations must be located within 75 feet of the building or facility entrance and connect to a barrier-free accessible route of travel. **Required Facilities**. Each of the land uses identified in Table 5.05.05-1 and Table 5.05.05-2 require electric vehicle infrastructure. Minimum percentages of electric vehicle parking are calculated based on the minimum number of required parking spaces for a use. For purposes of these tables, electric vehicle requirements apply when the development is 10,000 square feet or more and one of the following occurs:

1. A new building or a new off-street parking facility is developed;
2. The parking capacity of an existing building, site, or parking facility is increased by more than 50%.

D. **Urban Policy Area Zoning Districts - Electric Vehicle Parking.**

Table 5.05.05-1
Urban Policy Area Zoning Districts - Electric Vehicle Parking Percentages
Note: NR = Not Required

URBAN	Required Percentage (%)
Residential	
Household Living:	
Accessory dwelling	NR
Dwelling, single-family attached	NR
Dwelling, multifamily	8%
Dwelling, single-family detached	NR
Live/work dwelling	NR
Religious housing	NR
Group Living:	
Rooming and Boarding	NR
Congregate housing	NR
Continuing care facility	NR
Lodging	
Hotel/Motel	3%
Commercial	
Animal Services:	
Animal hospital	NR
Day Care:	
Adult day care	NR
Child day care	NR
Child day home	NR
Financial Services:	
Bank or financial institution	NR

Table 5.05.05-1 Urban Policy Area Zoning Districts - Electric Vehicle Parking Percentages Note: NR = Not Required	
URBAN	Required Percentage (%)
Food and Beverage Sales / Service:	
Banquet/Event Facility	NR
Craft beverage manufacturing	NR
Farm market (off-site production)	NR
Food preparation	NR
Food store	1%
Mobile vendor	NR
Restaurant, carry-out only	NR
Restaurant, sit-down	1%
Restaurant, fast-food, excluding drive-through facilities	NR
Snack or beverage bars	NR
Office, Business and Professional:	
Office	3%
Personal / Business services:	
Building maintenance services	NR
Business support services	NR
Personal services	1%
Postal services	NR
Retail:	
Auction	NR
Convenience store	1%
Convenience store (with gasoline sales)	1%
Retail, general	1%
Automotive:	
Vehicle service station	2%
Public/Civic/Institutional	
Assembly:	
Civic, social, and fraternal meeting place	1%
Community center	2%
Convention or exhibition facility	3%
Religious land use	NR
Death Care Services:	
Crematorium	NR
Funeral services	NR
Mausoleum	NR
Government/Non-Profit:	
Government (general)	NR
Public safety	NR
Education:	
Business/technical school	NR
Colleges or universities	2%
Educational institution	2%
Library	2%
Personal instructional services	2%
School	2%
Training facility	NR
Vocational school	NR
Medical:	
Clinic, dental or medical	NR
Medical care facility	3%
Arts, Entertainment, and Recreation:	
Amphitheater	2%

Table 5.05.05-1 Urban Policy Area Zoning Districts - Electric Vehicle Parking Percentages Note: NR = Not Required	
URBAN	Required Percentage (%)
Art Studio	NR
Civic Space	NR
Cultural facility	NR
Dinner theater	NR
Entertainment facility	1%
Health and fitness center	NR
Recreation, indoor	NR
Recreation, outdoor or major	1%
Theater	NR
Industrial / Production	
Manufacturing and Employment:	
Data center	NR
Flex building	NR
Media Production	NR
Research and Development	NR
Warehousing, Storage and Distribution:	
Mini-warehouse	NR
Infrastructure	
Transportation / Parking:	
Ground passenger transportation (e.g. taxi, charter bus)	NR
Heliport or helistop	NR
Parking facility	NR
Transit facilities	NR
Utilities:	
Solar facility, site-specific	NR
Utility, Minor	NR
Communications facilities:	
Communications facility	NR
Telecommunications facility	NR
Waste-related:	
Recycling collection center	NR
Agriculture	
Farm distribution hub	NR
Community garden	NR
Farm co-ops	NR
Miscellaneous	
Temporary Uses	NR

Table 5.05.05-2 Suburban Policy Area Zoning Districts - Electric Vehicle Parking Percentages Note: NR = Not Required	
SUBURBAN	Required Percentage (%)
Residential	
Household Living:	
Accessory dwelling	NR
Caretaker or guard	NR
Dwelling, single-family attached	NR
Dwelling, multifamily	8%
Dwelling, single-family detached	NR
Live/work dwelling	NR

Table 5.05.05-2 Suburban Policy Area Zoning Districts - Electric Vehicle Parking Percentages Note: NR = Not Required	
SUBURBAN	Required Percentage (%)
Manufactured home	NR
Manufactured housing land lease community	NR
Religious housing	NR
Tenant dwelling	NR
Group Living:	
Rooming and Boarding	NR
Congregate housing	NR
Continuing care facility	NR
Lodging	
Bed and breakfast homestay	NR
Bed and breakfast inn	NR
Campground	NR
Country Inn	NR
Guest farm or ranch	NR
Hotel/Motel	2%
Rural resort	NR
Commercial	
Animal Services:	
Animal hospital	NR
Kennel	NR
Kennel, indoor	NR
Veterinary service	NR
Day Care:	
Adult day care	NR
Child day care	NR
Child day home	NR
Financial Services:	
Bank or financial institution	NR
Alternative lending institution	NR
Food and Beverage Sales / Service:	
Banquet/Event Facility	NR
Craft beverage manufacturing	NR
Farm market	NR
Farm market (off-site production)	NR
Food preparation	NR
Food store	1%
Mobile vendor	NR
Restaurant, carry-out only	NR
Restaurant, sit-down	1%
Restaurant, fast food with drive-through facility	NR
Restaurant, fast-food, excluding drive-through facilities	NR
Snack or beverage bars	NR
Office, Business and Professional:	
Office	3%
Small business, agricultural and rural	NR
Personal/Business services:	
Building maintenance services	NR
Business support services	NR
Dry cleaning plant	NR
Farm machinery	NR
Maintenance and repair services	NR
Personal services	NR

Table 5.05.05-2 Suburban Policy Area Zoning Districts - Electric Vehicle Parking Percentages Note: NR = Not Required	
SUBURBAN	Required Percentage (%)
Postal services	NR
Retail:	
Auction	NR
Convenience store	1%
Convenience store (with gasoline sales)	1%
Feed and farm supply center	NR
Machinery and equipment sales and services	NR
Nonstore retailers	NR
Nursery, Commercial	NR
Retail, general	1%
Automotive:	
Car Wash	NR
Vehicle repair, heavy	NR
Vehicle repair, light	NR
Vehicle sales	NR
Vehicle service station	2%
Vehicle wholesale auction	NR
Public/Civic/Institutional	
Assembly:	
Civic, social, and fraternal meeting place	NR
Community center	2%
Convention or exhibition facility	2%
Religious land use	NR
Death Care Services:	
Cemetery	NR
Crematorium	NR
Funeral services	NR
Mausoleum	NR
Government/Non-Profit:	
Government (general)	NR
Public utility service center	NR
Public safety	NR
Education:	
Agricultural education or research	NR
Business/technical school	NR
Colleges or universities	2%
Educational institution	2%
Library	2%
Personal instructional services	NR
Rural retreat	NR
School	2%
Training facility	NR
Vocational school	NR
Medical:	
Clinic, dental or medical	NR
Medical care facility	1%
Arts, Entertainment, and Recreation:	
Amphitheater	1%
Art Studio	NR
Civic Space	NR
Cultural facility	NR
Dinner theater	NR

Table 5.05.05-2 Suburban Policy Area Zoning Districts - Electric Vehicle Parking Percentages Note: NR = Not Required	
SUBURBAN	Required Percentage (%)
Entertainment facility	1%
Equestrian event facility	NR
Health and fitness center	NR
Recreation, indoor	NR
Recreation, outdoor or major	1%
Shooting range, indoor	NR
Theater	1%
Industrial/Production	
Manufacturing and Employment:	
Agricultural processing	NR
Contractor	NR
Data center	NR
Extractive industries	NR
Flex building	NR
Manufacturing, General	NR
Manufacturing, Intensive	NR
Manufacturing, Light	NR
Media Production	NR
Research and Development	NR
Sawmill	NR
Wood, metal and stone crafts	NR
Warehousing, Storage and Distribution:	
Building and landscaping materials supplier	NR
Energy Storage	NR
Freight	NR
Industrial storage	NR
Mini-warehouse	NR
Oil and gas storage	NR
Outdoor storage	NR
Outdoor storage, vehicles	NR
Vehicle storage and impoundment	NR
Wholesale distribution, warehousing and storage	NR
Infrastructure	
Transportation/Parking:	
Airport	NR
Ground passenger transportation (e.g. taxi, charter bus)	NR
Heliport or helistop	NR
Parking facility	NR
Transit facilities	NR
Utilities:	
Solar facility, site-specific	NR
Solar facility, commercial	NR
Utility, Minor	NR
Utility, Major	NR
Communications facilities:	
Communications facility	NR
Telecommunications facility	NR
Testing station	NR
Waste-related:	
Composting facility	NR
Junkyard	NR
Recycling collection center	NR

Table 5.05.05-2 Suburban Policy Area Zoning Districts - Electric Vehicle Parking Percentages Note: NR = Not Required	
SUBURBAN	Required Percentage (%)
Remediation Services	NR
Solid waste facility	NR
Vegetative waste management facility	NR
Agriculture	
Agriculture	NR
Farm distribution hub	NR
Community garden	NR
Horticulture	NR
Nursery, Production	NR
Farm co-ops	NR
Pet farm	NR
Stable or Livery	NR
Stable, private	NR
Wayside stand	NR
Winery, Virginia farm	NR
Miscellaneous	
Temporary Uses	NR

E. **Rural Policy Area Zoning Districts - Electric Vehicle Parking.** There are no electric vehicle parking requirements for these zoning districts.

F. **Joint Land Management Area Zoning Districts - Electric Vehicle Parking.** There are no electric vehicle parking requirements for these zoning districts.

5.05.05 Motorcycle/Scooter Parking

A. **Applicability.** Any development with more than 50 parking spaces within Urban Policy Area Zoning Districts or Suburban Policy Area Zoning Districts requires motorcycle/scooter parking.

B. **Minimum**. Parking facilities must provide at least 2% of the number of required vehicle spaces for motorcycles/scooters.

C. **Maximum**. Parking facilities must not provide any more than 8% of the number of vehicle spaces for motorcycles/scooters.

5.05.06 Car-Share Parking

A. **Car-Share Parking**. Any development with more than 50 parking spaces in Urban Policy Area Zoning Districts or Suburban Policy Area Zoning Districts require car-share parking spaces.

B. **Minimum**.

1. A parking facility with 51 to 149 parking spaces must have a minimum of 1 car-share parking spaces.
2. One additional car-share parking space is required for each 100 parking spaces more than 149, up to a maximum requirement of 5.

C. **Locational Relief**. One car-share space located within 100 feet of an entrance is equal to 2 required parking spaces for residential uses or 3 required parking spaces for non-residential uses.

5.05.07 Oversized Vehicle Parking

A. **Applicability.** This subsection applies to oversized vehicles in Urban Policy Area Zoning Districts and Suburban Policy Area Zoning Districts.

B. **Generally.** Oversized vehicles can create congestion issues if they are not parked effectively. This subsection identifies oversized vehicle types and the ways to park those vehicles without adversely impacting residential neighborhoods.

C. **Definitions/Abbreviations.**

1. *Business Vehicle:* A vehicle associated with a business. Business vehicles do not exceed a rated capacity of 1.5 tons do not have more than 2 axles.
2. *Commercial Vehicle:*
    a. Any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, towing and recovery vehicle with a registered gross weight of 12,000 pounds or more, and any heavy construction equipment, even if any of the foregoing are parked on a truck, trailer, or semitrailer;
    b. Any trailer, semitrailer, or other vehicle in which food or beverages are stored or sold;
    c. Any trailer or semitrailer used for transporting landscaping or lawn-care equipment whether or not such trailer or semitrailer is attached to another vehicle;
    d. Any container constructed for the transportation of cargo;
    e. Any vehicle licensed for use as a contract carrier or limousine;
    f. Any vehicle more than 25 feet in length or more than 8 feet in height including appurtenances attached to the vehicle or with a width of 102 inches or more, or with a gross weight of 12,000 or more pounds;
    g. Any trailer, semitrailer, or double axle utility trailer, regardless of whether a state safety inspection is required, except those designed to be used as a camper trailer or boat trailer or a single axle utility trailer, regardless of whether such trailer or semitrailer is attached to another vehicle; or
    h. Any vehicle of any size that is being used in the transportation of hazardous materials as defined in § 46.2-314.4 of the Code of Virginia;
    i. Any vehicle with 3 or more axles.
3. *Major Recreational Equipment:* Travel trailers, pick-up campers, motorized dwellings, tent trailers, boats and boat trailers, houseboats and the like and containers or boxes used for transporting such recreational equipment, whether occupied by such equipment or not.
4. *Oversized Vehicle:* Any vehicle type mentioned in this subsection, excluding inoperable motor vehicles.

D. **Requirements.**

1. Generally. Oversized vehicle parking in residential districts is prohibited except where specified.
2. Business Vehicles. Business vehicles may be parked anywhere on any paved surface on site. Business vehicles may also be parked on-street.
3. Commercial Vehicles. One commercial vehicle with a manufacturer's rating of less than 1-1/2 tons may be parked or stored on any residential lot with a principal building, provided that such vehicle is parked in an enclosed garage, accessory building, approved off-street parking area or behind the nearest portion of buildings to streets and is used by a resident of the premises. This regulation shall not prohibit commercial vehicles or containers from loading and unloading in any residential district.
4. Major Recreational Equipment. No major recreational equipment shall be parked or stored on any road, lot, or dedicated open space in a residential district except in a car port or enclosed building or behind the nearest portion of a building to a street. However, that equipment may be parked anywhere on residential premises for a period not exceeding 48 hours. No major recreational equipment can be used for living, sleeping, or housekeeping purposes.

5.05.08 Parking Adjustments

A. **Adjustments to Parking Requirements.** The Zoning Administrator may approve a reduction in minimum required parking spaces, an increase in maximum amount of parking spaces allowed, or determine the required parking spaces for a use that does not have a specified parking ratio listed in Section 5.05.03. Applications for a parking adjustment must the following information, and in the case of special exception, must also meet the requirements of Section 7.09.

1. A parking scoping meeting held between the Applicant and Staff to specify the parking information required in the Applicant's parking study.

2. Parking adjustments completed pursuant to Sections 5.05.09 A-M, require a parking study (completed by a qualified professional with demonstrated experience in transportation planning, traffic engineering, or comparable field), signed and dated as agreed upon with Zoning Administration) which substantiates the need for an adjusted number of parking spaces. Parking adjustment requests for 10 spaces or less do not require a parking study and must be submitted via zoning determination to the Zoning Administrator.
3. A plan showing how the parking spaces must be provided on the site.
4. Any pertinent information applicable to the specific parking adjustment request. This includes, but is not limited to the following information below.
    a. Parking location.
    b. Type of parking (on-street, structured parking, off-street, etc.).
    c. Percentage of parking to be provided in a parking structure, on-street, off-street, by shared parking, or by any other means.
    d. Any applicable supplemental data, graphics, or best practices as agreed upon in the signed parking scoping document.

B. **Shared Parking and Loading Facilities.** Shared parking allows parking spaces to be shared among two or more uses that typically experience peak parking demands at different times and is located on the same lot or on lots within 500 feet in non-Urban Policy Areas or 1/4 mile in the Urban Policy Area. Because parking spaces are shared, the total number of parking spaces that would otherwise be required may be reduced. In addition to all other applicable requirements of this section, the following requirements apply to shared parking:
    1. **Authority to reduce parking**. The Zoning Administrator may reduce the total minimum number of required parking spaces, provided that each use participating in the shared parking experiences peak parking demands at different times. The zoning administrator will base this decision on the criteria established for each parking reduction.
    2. **Parking Study.** As agreed upon in the signed parking scoping document, the Zoning Administrator may require the applicant to submit a parking study to determine the peak parking demand periods or other information needed to determine the viability of shared parking.

C. **Captive Market.** Parking requirements for retail and restaurant uses may be reduced where it can be determined that some portion of the patronage of these businesses comes from other uses (i.e., employees of area offices patronizing restaurants) located within the same building or a maximum walking distance of 400 feet. A parking study may be required to demonstrate the captive market.

D. **On-Street Parking**. On-street parking consists of parking spaces located in a public or private right-of way.
    1. Generally. Each parking space that is in a public or private right-of-way abutting the lot may count as required parking space for the purpose of meeting the requirements in Section 5.05.03. Each parking space must be on a paved area abutting the travelway, and if the parking space is in a public right-of-way it must not be prohibited by the Virginia Department of Transportation or Loudoun County Fire Marshal.
    2. Credit for On-Street Parking. In coordination with the Department of Transportation and Capital Infrastructure and the Virginia Department of Transportation, the Zoning Administrator may allow on-street parking spaces, located within 400 feet of the subject principal use, to be credited to meet the off-street parking spaces for a particular development required by Section 5.05.03. This credit for on-street parking must be included on the Site Plan for the development to identify the particular development receiving credit.

E. **Availability of Public Parking.** Parking requirements may be reduced if a property has available to it a sufficient supply of existing under-utilized public parking spaces in off-street public parking lots, and where the applicant adequately demonstrates that such availability will continue in the future.

F. **Structured Parking Reductions**. Parking reductions may be reduced for providing parking in an above-grade or below-grade parking structure in addition to any reduction in this Section.
    1. Above-grade parking structure reduction. For every 100 spaces placed in an above-grade parking structure, a 5% reduction in required parking spaces may be applied.

2. Below-grade parking structure reduction. For every 100 spaces placed in a below-grade parking structure a 10% reduction in required parking spaces may be applied.

G. **Transportation Demand Management Plan (TDM) Reduction**. Any non-residential development (including multi-family dwellings) exceeding 10,000 square feet may use a transportation demand management (TDM) plan to reduce parking rates. A TDM plan is a parking study that shows parking demand to reduce single-vehicle occupancy transportation by incorporating alternative transportation modes, flex peak times, and pedestrian activity.

1. **Requirements**. A TDM plan complies with the principles of the 2019 General Plan.
    a. A qualified professional with demonstrated experience in transportation planning, traffic engineering, or comparable field must prepare the TDM plan.
    b. A TDM plan must determine:
        1. The anticipated travel demand for the development.
        2. How the anticipated travel demand for the development will be met on-site or off-site, including:
            a. Number of on-street parking spaces, off-street parking spaces, or shared parking arrangements.
            b. Number of short-term and long-term bicycle parking spaces.
            c. Accommodations for pedestrians, cyclists, motorists, transit riders, and the mobility-impaired.
        3. The strategies that will be used to reduce single-occupancy vehicle trips, reduce vehicle miles traveled by site users, and promote transportation alternatives such as walking, bicycling, ridesharing, and transit.
        4. The transportation objectives sought from TDM implementation.
2. **TDM Strategies**. TDM strategies may include, but are not limited to the following:
    a. Walking, cycling, ridesharing, and transit promotion and education.
    b. Shared parking arrangements.
    c. Enhanced bicycle parking and services.
    d. Carpooling benefits.
    e. Free or subsidized transit passes, shuttles, or enhanced transit facilities.
    f. Provisions for alternative work schedules.
    g. Roadway improvements adjacent to the site that will help encourage transportation alternatives.
3. **TDM Decision**. In making a final decision, the Zoning Administrator must find the following:
    a. The project includes performance objectives to minimize single-occupancy vehicle trips and maximize the utilization of transportation alternatives to the extent practicable, considering the opportunities and constraints of the site and the nature of the development.
    b. The project meets the anticipated transportation demand without adversely impacting public infrastructure, such as transit and on-street parking facilities, and the surrounding neighborhood.

H. **Proximity Reductions**. Any non-residential development (including multi-family dwellings) may apply for reduced parking rates for proximity to transit, usable public open space, and affordable housing (as designated by the County's affordable housing types and definitions).

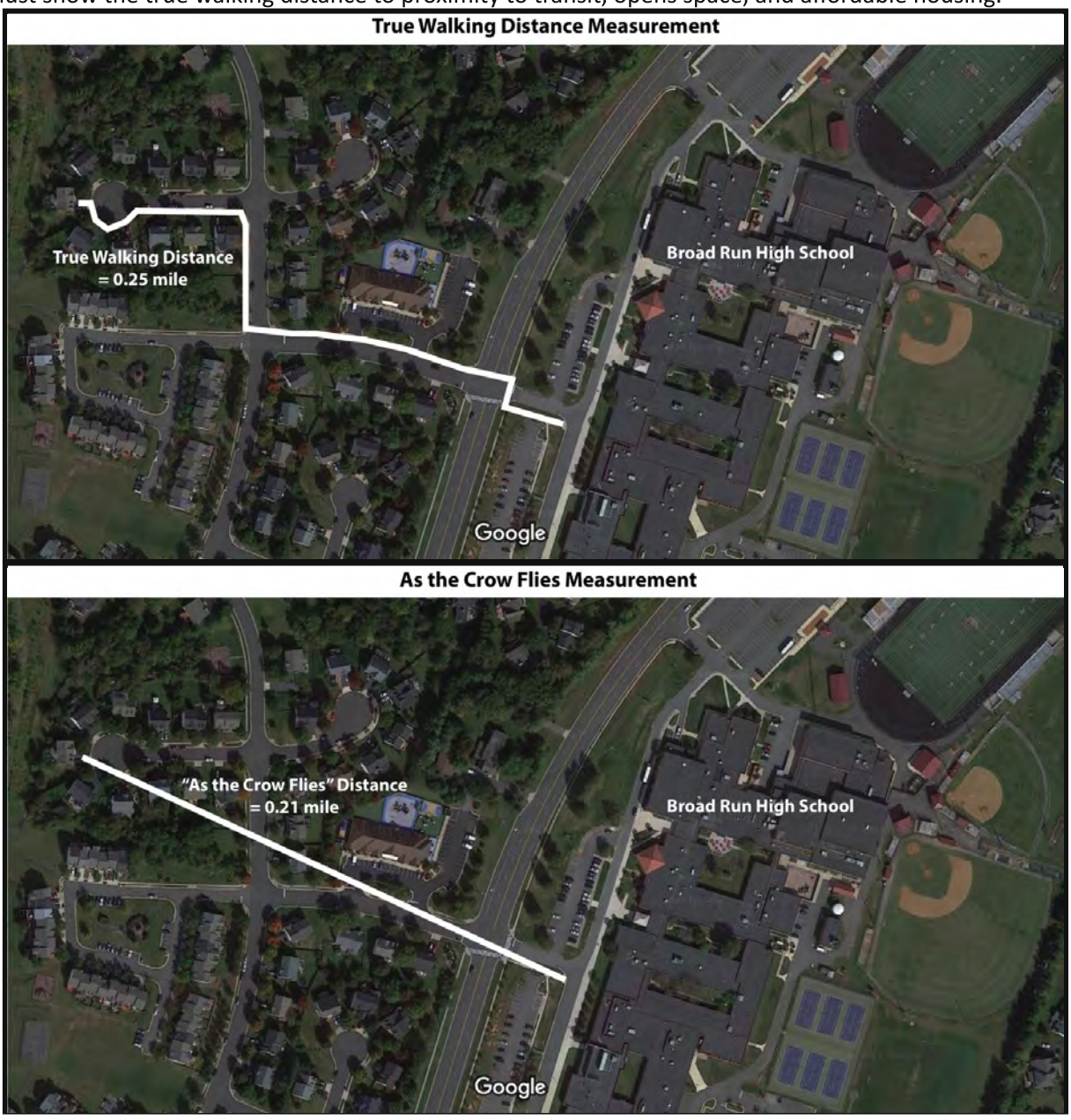
1. Requirements. Parking may be reduced at 5%, 10%, or 15% intervals depending on the criteria established in Table 5.05.09-1. Development must satisfy all three conditions to receive a parking reduction, and must illustrate proximity on a site plan.

Table 5.05.09-1 Proximity Reduction

Proximity ↓	Reduction		
	5%	10%	15%
To Transit	1/2 mile	1/4 mile	1/8 mile
To Usable Public Open Space	1/2 mile	1/4 mile	1/8 mile

Table 5.05.09-1 Proximity Reduction			
Proximity ↓	Reduction		
	5%	10%	15%
To Affordable Housing	1 mile	1/2 mile	1/4 mile

2. Proximity Measurement. Proximity is determined by a true walking distance – where there are sidewalks and walking paths that create a walking route – and not by an "as the crow flies" buffer. The site plan must show the true walking distance to proximity to transit, opens space, and affordable housing.



I. **Affordable Housing Reductions**. Any development providing affordable housing units may apply for reduced parking rates. These reductions apply to all of the County's designated affordable housing types and definitions.

1. Requirements. Parking may be reduced at 5%, 10%, or 15% depending on housing unit income restrictions.
    a. 5% Reduction: Dwelling Units affordable at or below 60% AMI.
    b. 10% Reduction: Dwelling Units affordable at or below 50% AMI.
    c. 15% Reduction: Dwelling Units affordable at or below 30% AMI.

2. Measurement. Reductions are determined by units at varying Area Media Income (AMI) levels. The site plan must show the number of affordable housing units with AMI levels.

Note: Reductions are applied to the number of affordable units within a development. For example, if a 100 dwelling unit development provides 75 affordable units and 25 market rate dwelling units, then reductions only apply to the 75 affordable units. The 25 market rate dwelling units are not eligible for this specific reduction and use the parking ratios prescribed in Sections 5.05.03, 5.05.13, and 5.05.14.

J. **Elderly Housing Reduction**. Any development providing elderly housing units may apply a 5% parking reduction for each 50 required parking spaces.

K. **Alternative Transportation Reductions.**

6. **Transit.**

a. Bus Stop. A reduction of up to 20% of the required parking may be granted for any use, building, or complex within 1,000 feet of any regularly scheduled bus stop.

b. Metrorail Station. A reduction of up to 25% of the required parking may be granted for any use or building within 1,000 feet of any regularly scheduled Metrorail station.

7. **Carpooling/Vanpooling.** A reduction of up to 20% of required parking may be granted for any building or complex exceeding 50,000 square feet GFA that institutes and maintains a carpooling/vanpooling program, including use of ride-sharing programs such as Uber and Lyft.

8. **Shuttle Service.** A reduction of up to 10% of required parking may be granted for any building or complex that provides and maintains a regular shuttle service.

L. **Maximum Reduction.** A combination of the reductions allowed pursuant to this Section may be granted provided that the total reduction of required parking does not exceed 35%.

M. **Special Exceptions**. Any person who can present circumstances to justify a total parking reduction exceeding 35% may apply for a special exception to the Board of Supervisors. Applications for such a reduction shall include the information required by this Section and shall also meet the requirements of Section 7.09.

5.05.09 Loading

A. **Applicability**. The required number of off-street loading spaces is determined by gross floor area (GFA). Outdoor storage, sales, or display areas must be added to GFA if these areas contain materials that are received or distributed by trucks. If a development has 2 or more uses, the off-street loading space requirement is the highest number of spaces required of any one use.

B. **Required Loading**. Required loading spaces will follow the standards prescribed in Table 5.05.10-1.

Table 5.05.10-1 Loading Ratios

Gross Floor Area Square Footage	Minimum Number of Spaces
0-10,000 sf	0
10,001 - 75,000 sf	1
75,001 - 150,000 sf	2
150,001 - 300,000 sf	3
> 300,000 sf	1 for each 100,000 sf

C. **Loading Standards**.

1. Location

a. A loading space must be located within the same site as the building or use served.

b. A loading space is prohibited from projecting into a sidewalk, street, or public right-of-way.

c. A loading space is prohibited from being located between the front building line and the lot line.

d. A loading space is prohibited in required buffer yards.

5.05.10 Parking Location and Design

A. **All Parking Facilities.** All parking facilities must:

1. Conform to the Facilities Standards Manual; and
2. Be provided on the same lot or parcel of land being served, or on a separate lot or parcel of land within (500 feet of the principal entrance of the building being served.

B. **Requirements For Multiple Property Ownership.** Wherever required off-street parking facilities are proposed to be provided elsewhere than on the lot or parcel of land on which the principal use served is located, when such facilities are collectively or jointly provided and used, and/or when the parcels or lots are owned by different parties, the facilities shall be in the same possession, either by deed or long term lease, as the property occupied by the principal use. A certified true copy of the recorded deed or long term lease must be filed with the County of Loudoun prior to site plan or subdivision approval. There shall further be a covenant on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of said principal use. Said covenant shall:

1. Be executed by the owner of said lot or parcel of land and the parties having beneficial use thereof;
2. Be enforceable by either the parties having beneficial use thereof or both;
3. Be enforceable against the owner, the parties having beneficial use, and their heirs, successors and assigns or both; and
4. Be first recorded in the Office of the Clerk of the Circuit Court.

C. **All Off-Street Parking Design Requirements.** All off-street parking facilities must have access from alleys or from streets at locations which accommodate safe pedestrian circulation.

D. **Compact/Walkable/Urban (CWU) Nonresidential Off-Street Parking Design Requirements.** To encourage a pedestrian-friendly environment and reduce vehicle trips within Compact/Walkable/Urban (CWU) development contexts, nonresidential off-street parking requires unique design. Compact/Walkable/Urban (CWU) development contexts include, but are not limited to the Urban Transit Center/Mixed Use, Urban Employment, Suburban Mixed Use, and Transition Community Center Districts.

1. Generally.
    a. All off-street parking must be located on the lot being served, or on a separate lot or parcel 500 feet from the primary pedestrian entrance of the building that it serves.
    b. Access for off-street parking must generally be achieved by means of alleys, off-street vehicular connections between adjacent parking lots, and side streets.
    c. All off-street parking areas and parking lots are designed to have low visibility as much as feasible. Consequently, parking is prohibited at the visual termination of roads and streets and must not be the principal use of corner lots.
    d. Structured parking is required to meet 70% of the parking requirements for the construction of new buildings in the UT Inner Core and UT Outer Core Subareas of the Urban Transit Center/Mixed Use District.
    e. Off-street surface parking lots are prohibited in the Urban Transit Center District within 1/4 mile of the transit station to encourage parking structures.
    f. All off-street surface parking lots in the Suburban Mixed Use, Urban Transit Center District outside 1/4 mile of the transit station and Transition Community Center District other than short-term drop-off/delivery parking, require landscaping per 5.07.06, and must not interfere with pedestrian activity.
    g. An off-street parking facility may be shared by 2 or more uses following the requirements prescribed in Section 5.05.09.
2. Front yard parking. Off-street parking in the front of a non-residential lot is not permitted.
3. Side yard parking. Off-street parking in the side of a non-residential lot is not permitted.
    a. Off-street parking in the side of a nonresidential lot in the Transition Community Center District is permitted provided it has a maximum width of x (or something else to limit).
4. Rear yard parking. Off-street parking is required in the rear of a non-residential lot.

5. On-street parking. On-street parking must be provided generally throughout CWU development contexts. Where streets and travelways within the district have been designed pursuant to County and Virginia Department of Transportation (VDOT) standards to accommodate on-street parking, this on-street parking may be considered as part of meeting parking requirements for non-residential uses pursuant to Section 5.05.08. Additionally, on-street parking must adhere to the following requirements:
    a. Parallel and angled on-street parking is allowed.
    b. On-street parking must not encompass more than 70% of the block frontage.
    c. On-street parking must be inset into the block with street trees or plantings incorporated between groups of parking spaces.
    d. On street parking is not permitted for lots fronting on collector or arterial roads.

E. **Parking Structure Design Requirements.** A parking structure may be constructed as an above-grade or below-grade garage and may be used to meet parking requirements for any use or combination of uses. Parking structures must comply with the design standards of this Section.
1. **Above-grade parking structures.** If the above-grade off-street parking structure is freestanding and not effectively shielded from the street by a building, then the facility must follow the requirements prescribed in this subsection.
    a. All above-grade parking structures must be designed in a manner that is compatible with nearby building architecture to minimize visual impact.
    b. All above-grade parking structures must provide ground-floor windows along the street frontages to prohibit long expanses of blank walls. Any wall facing the street must contain windows, doors, or display areas equal to at least 50% of the ground floor wall area facing the street. This excludes portions of wall faces devoted to driveway entrances and exits, stairwells, elevators, escalators, and booths.
    c. Required windows must have a sill no more than 4-feet above grade. Where the interior floor level prohibits the required sill placement, the sill may be raised 2-feet above the finished floor wall to provide a maximum sill height of 6-feet above grade.

F. **Use Specific Parking Design Requirements.** Certain uses require specific parking design requirements to provide adequate parking facilities.
1. **Recreational and Child Care.** Recreational and child care uses must include a designated pickup and delivery zone and must follow the stacking requirements in the Facilities Standards Manual. This designated pickup and delivery zone must be located within 50 feet of the recreational use's primary building entrance in a way that provides safe and clearly designated access to enter or exit the facility.
2. **Multifamily.** No off-street parking facility for multifamily dwellings is permitted in areas between buildings and streets, unless those parking areas are sufficiently bermed and screened at a minimum height of 6 feet so that the parking areas are not visible from the street.
3. **Home Occupation.** A home occupation permitting an employee to work on-site requires 1 off-street parking space in addition to the minimum off-street parking requirements for the dwelling unit prescribed in Section 5.05.03. Any other need for parking generated by the conduct of a home occupation must be solely by off-street parking. Off-street parking required by this subsection must not be located in a required front yard, unless located within an existing driveway.
4. **Recycling Drop-Off Center.**
    a. The recycling drop-off center must be in a location so vehicular ingress and egress does not pose traffic hazards. This use requires on-site parking and follows the requirements in Section 5.05.03, or the anticipated peak customer load as determined by the Zoning Administrator. Stacking and parking spaces must not be located within the road right-of-way or setbacks.
    b. 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:
        1. 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

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

5.05.11 Residential Parking Limitations

A. **Limitations on Parking and Paved Parking Surfaces Within Residential Yards.**

The following requirements apply to single family detached dwellings in Suburban Policy Area Zoning Districts.

1. All parking for vehicles in any yard must be on a paved parking surface, provided, however, that this shall not be deemed to preclude temporary parking on an unpaved surface in a yard for active loading and unloading.
2. The maximum amount of paved parking surface in a front yard must not exceed:
    a. 30% of the front yard area in the Suburban Policy Area Zoning District.
    b. Limitations may be exceeded for a paved surface that is:
        1. Directly contiguous with, and providing primary access to, 2 side-by-side parking spaces as long as the dimensions of the paved surface access area are not more than 25 feet long and 18 feet wide; or
        2. Located on a lot that has its primary access from a collector or arterial road, and comprises 2 side-by-side parking spaces and a vehicular turn-around area, as long as the dimensions of the paved surface area are not more than 25 feet long and 18 feet wide, and the area of the turn-around does not exceed 162 square feet; or
        3. A driveway on a pipestem lot.
3. The maximum amount of paved parking surface in a rear yard must not exceed 25% of the rear yard area in Suburban Policy Areas.
4. The maximum amount of paved parking surface in a side yard must not exceed:
    a. 25% of the side yard area in a zoning district located in the Suburban Policy Area.
5. For the purposes of this Section, “paved parking surface” shall mean the area of a lot that is used for the parking of vehicles, inclusive of the driveway for accessing that parking, which is surfaced with asphalt, poured or precast concrete, brick, stone, gravel, or any other impervious surface, or grasscrete or other similar pervious surface. A fully enclosed garage is not considered a paved parking surface.
6. The Zoning Administrator may modify the requirements of Section 5.05.12.2 if an applicant can demonstrate that the requirements of this Section cannot be met, while meeting the amount of parking required by Section 5.05.02, because of:
    a. The exceptional size and/or shape of the lot;
    b. Environmental or engineering constraints on the lot;
    c. Special accessibility needs; or
    d. Other extraordinary situations or conditions of the lot.

The Zoning Administrator may attach conditions to any modification to ensure that the results of the modification comply with the purpose and intent of this Section.

5.05.12 Village Parking

Villages are unique small, pedestrian-scale, rural communities and require context-sensitive parking and loading regulations that preserve village character. This subsection prescribes Village parking and loading regulations.

Note: For the purposes of this Section, Villages are those listed in the Village Conservation Overlay District or designated as a Legacy Village Cores by the General Plan.

A. **Village Parking Ratios.** Village parking follows the standards prescribed in Table 5.05.13-1. Uses with ratios that are subject to specific requirements in Section 5.05.13 Specific Residential Design Type Parking

and Section 5.05.08.A Parking Adjustments reference those sections.

Table 5.05.13-1 Village Parking Ratios Note: NR = Not Required		
VILLAGE	Minimum	Maximum
Residential		
Household Living:		
Accessory dwelling	1/DU	2/DU
Caretaker or guard	NR	NR
Dwelling, multifamily	5.05.14	5.05.14
Dwelling, single-family detached	1/DU	3/DU
Live/work dwelling	1/DU	2/DU
Manufactured home	1/DU	2/DU
Religious housing	1/DU	2/DU
Tenant dwelling	1/DU	2.5/DU
Group Living:		
Congregate housing	1 + (0.75) bedrooms	NR
Continuing care facility	2/1000 sf	4/1000 sf
Lodging		
Bed and breakfast homestay	1 + (0.75) bedrooms	NR
Bed and breakfast inn	1 + (0.75) bedrooms	NR
Campground	5/campground	NR
Country inn	1 + (0.75) bedrooms	NR
Guest farm or ranch	1 + (0.5) bedrooms	NR
Hotel/Motel	1/guest room	1.5/guest room
Rural resort	1.25/guest room	1.75/guest room
Commercial		
Animal Services:		
Animal care business	2/1000 sf	4/1000 sf
Animal hospital	2/1000 sf	4/1000 sf
Kennel	2/1000 sf	4/1000 sf
Veterinary service	2/1000 sf	4/1000 sf
Day Care:		
Adult day care	2.5/1000 sf	4/1000 sf
Child day care	2.5/1000 sf	4/1000 sf
Child day home	2.5/1000 sf	4/1000 sf
Financial Services:		
Bank or financial institution	2/1000 sf	4/1000 sf
Food and Beverage Sales/Service:		
Banquet/Event Facility	5/1000 sf	8/1000 sf
Farm market	10/5 acres	NR
Farm market (off-site production)	10/5 acres	NR
Food preparation	2/1000 sf	3.5/1000 sf
Food store	2/1000 sf	4/1000 sf
Restaurant, carry-out only	3/1000 sf	8/1000 sf
Restaurant, sit-down	8/1000 sf	15/1000 sf
Snack or beverage bars	2/1000 sf	5/1000 sf
Office, Business and Professional:		
Office	2/1000 sf	4/1000 sf
Small business, agricultural and rural	2/1000 sf	4/1000 sf
Personal/Business services:		
Building maintenance services	2/1000 sf	3.5/1000 sf
Business support services	2/1000 sf	3.5/1000 sf
Farm machinery	2/1000 sf	3.5/1000 sf
Maintenance and repair services	2/1000 sf	3.5/1000 sf

Table 5.05.13-1 Village Parking Ratios Note: NR = Not Required		
VILLAGE	Minimum	Maximum
Personal services	2/1000 sf	4/1000 sf
Postal services	3/1000 sf	4/1000 sf
Retail:		
Auction	2/1000 sf	3.5/1000 sf
Convenience store	2/1000 sf	4/1000 sf
Convenience store (with gasoline sales)	2/1000 sf	4/1000 sf
Feed and farm supply center	2/1000 sf	4/1000 sf
Nursery, Commercial	2/1000 sf	3.5/1000 sf
Retail, general	2/1000 sf	4/1000 sf
Automotive:		
Car Wash	1/stall	NR
Vehicle repair, light	2/1000 sf	3.5/1000 sf
Vehicle service station	1/2 fuel pumps	NR
Public/Civic/Institutional		
Assembly:		
Civic, social, and fraternal meeting place	2/1000 sf	8/1000 sf
Community center	6/1000 sf	8/1000 sf
Religious land use	6/1000 sf	8/1000 sf
Death Care Services:		
Cemetery	5/cemetery	NR
Crematorium	2/1000 sf	3.5/1000 sf
Funeral services	2/1000 sf	3.5/1000 sf
Mausoleum	2/1000 sf	3.5/1000 sf
Government / Non-Profit:		
Government (general)	2/1000 sf	NR
Public safety	2/1000 sf	NR
Education:		
Agricultural education or research	3/1000 sf	4/1000 sf
Library	2.5/1000 sf	4/1000 sf
Personal instructional services	3/1000 sf	4/1000 sf
Rural retreat	2.5/1000 sf	4/1000 sf
School	2.5/1000 sf	4/1000 sf
Training facility	2.5/1000 sf	4/1000 sf
Vocational school	2.5/1000 sf	4/1000 sf
Medical:		
Clinic, dental or medical	2/1000 sf	4/1000 sf
Arts, Entertainment, and Recreation:		
Agricultural cultural center	3/1000 sf	NR
Agritainment	3/1000 sf	NR
Amphitheater	4/1000 sf	8/1000 sf
Art Studio	1/1000 sf	2.5/1000 sf
Civic space	TBD	NR
Cultural facility	2.5/1000 sf	4/1000 sf
Cultural tourism	2.5/1000 sf	4/1000 sf
Equestrian event facility	5/1000 sf	NR
Recreation, indoor	5/1000 sf	8/1000 sf
Recreation, outdoor or major	8/1000 sf	10/1000 sf
Theater	5/1000 sf	8/1000 sf
Industrial/Production		
Manufacturing and Employment:		
Agricultural processing	1/1000 sf	2/1000 sf
Extractive industries	1/1000 sf	2/1000 sf

Table 5.05.13-1 Village Parking Ratios Note: NR = Not Required		
VILLAGE	Minimum	Maximum
Sawmill	1/1000 sf	2/1000 sf
Infrastructure		
Transportation / Parking:		
Airport	5.05.09	5.05.09
Marina	5.05.09	5.05.09
Parking facility	5.05.09	5.05.09
Transit facilities	NR	NR
Utilities:		
Solar facility, site-specific	NR	NR
Utility, Minor	1/1000 sf	NR
Utility, Major	1/1000 sf	NR
Communications facilities:		
Communications facility	1/employee on site	NR
Telecommunications facility	1/employee on site	NR
Waste-related:		
Composting facility	0.5/1000 sf	NR
Recycling collection center	1/1000 sf	NR
Vegetative waste management facility	0.5/1000 sf	NR
Agriculture		
Agriculture	NR	NR
Farm distribution hub	2/hub	NR
Auction facility, livestock	2/1000 sf	NR
Brewery, limited	2/1000 sf	NR
Community garden	2/garden	NR
Custom operators	1/operator	NR
Horticulture	NR	NR
Nursery, Production	1/employee on site	NR
Farm co-ops	2/co-op	NR
Pet farm	1/1000 sf of visitor area	NR
Stable or Livery	1/4 stalls	NR
Stable, private	1/4 stalls	NR
Wayside stand	10/stand	NR
Winery, commercial	2/winery	NR
Winery, Virginia farm	2/winery	NR
Miscellaneous		
Temporary Uses	5.05.09	5.05.09

B. **Available Public Parking Counted towards Minimum Parking.** Any non-residential development may use available public parking within ¼ mile true walking distance of the site. Public parking may count towards 50% of the minimum off-street parking requirements for that development.

Note: A true walking distance – where there are sidewalks and walking paths that create a walking route – and not by an "as the crow flies" buffer.

C. **Shared Parking.** Any non-residential development may share parking with another non-residential development anywhere in a Village. Shared parking shall comply with Section 5.05.09.B.

D. **On-Street Parking Counted towards Minimum Parking.**

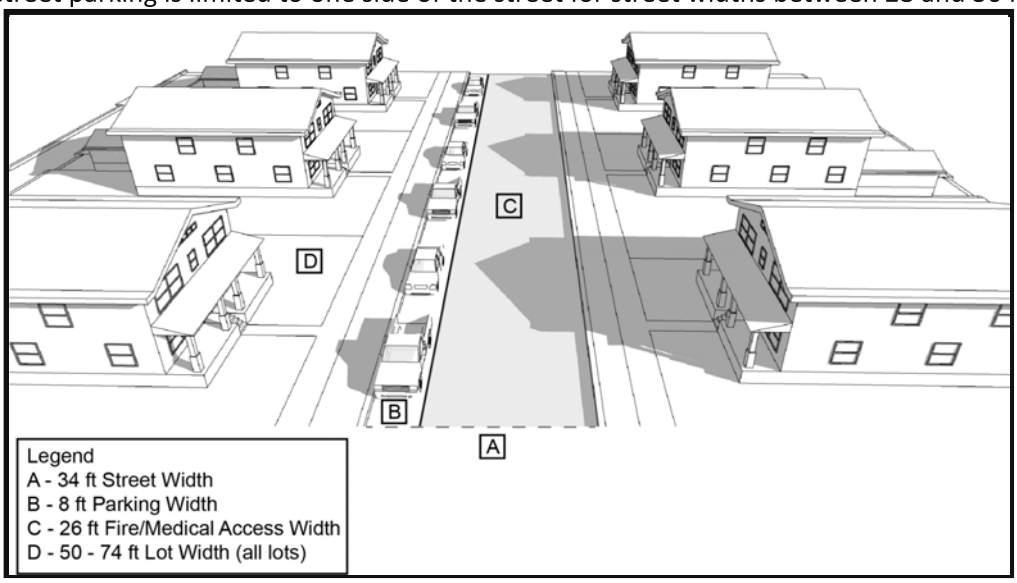
1. Non-residential Use. If approved by VDOT, on-street parallel or angled parking may count towards the minimum off-street parking requirements. On-street parking shall comply with Section 5.05.09.D.
2. Residential Use. On-street parking may count towards the minimum off-street parking requirements.
    a. On-street Parking Matrix. On-street parking follows the requirements prescribed in Table 5.05.13-

2.

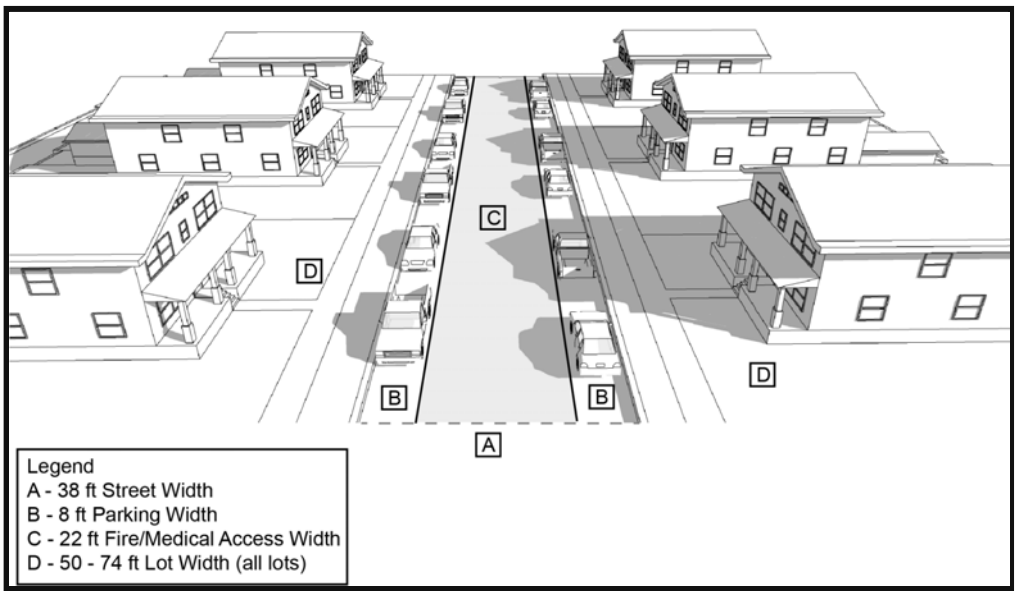
Table 5.05.13-2 Residential On-Street Parking					
Street Width	Parking ↓	Lot Width →	Spaces towards Minimum		
			< 50 ft	50 - 74 ft	> 75 ft
< 28 ft	Not allowed		-	-	-
≥ 28 ft and ≤ 36 ft	One Sided Parking		1	2	3
> 36 ft	Double Sided Parking				

b. Requirements. On-street parking requirements are determined by lot and street widths. The graphics below demonstrate the requirements and are for illustrative purposes.

1. No on-street parking is allowed on street widths less than 28 ft.
2. On-street parking is limited to one side of the street for street widths between 28 and 36 ft.



3. On-street parking may be provided on both sides of the street for street widths greater than 36 ft.



c. Tracking and Permitting. To ensure all residential properties limit on-street overparking, provide adequate fire and safety access, and comply with the standards prescribed in Table 5.05.13-2, the County may track on-street parking through a residential parking permitting system.

E. **Additional Regulations.**

1. Parking for residential, civic, commercial, workplace and recreational uses.

a. Parking must be located at the rear of lots.
b. No off-street parking is allowed in front yards.
c. Adjacent off-street parking lots must have off-street vehicular and pedestrian ways.

2. Access.
   a. Off-street parking access must be achieved by means of alleys, off-street vehicular connections between adjacent parking lots, and side streets.
   b. Driveway curb cuts on neighborhood streets serving residential lots may be allowed if spaced to allow parallel parking for at least 2 cars (a minimum of 36 feet) between successive driveways.
3. Visibility.
   a. Off-street parking areas, carports, and garages must be designed to have low visibility and shall not be located at the visual termination of roads and streets. These structures shall not be the principal use of corner lots.
   b. Front load garages and carports must offset from direct view and be located a minimum of 6 feet behind the principal building façade.
   c. Any parking lot which abuts a street must be buffered by a landscaped strip no less than 10 feet wide and planted with a continuous row of shrubs no less than 3 1/2 feet high, and/or shielded by a wall no less than 3 1/2 feet and no more than 6 feet high.

F. **Loading.**
1. Required loading follows the standards prescribed in Section 5.05.10.
2. Exception. Any non-residential use may not require dedicated loading space on site if the site designates a 9PM to 7AM loading time. Loading in an unoccupied on-street parking space is allowed.

5.05.13 Specific Residential Design Type Parking

A. **Generally.** Different single family attached and multifamily design types, like front loaded single-family attached, alley loaded single-family attached, front loaded stacked multifamily, and alley loaded stacked multifamily design types, require tailored parking regulations to protect character and achieve appropriate neighborhood scale. This subsection addresses parking ratios, arrangements, and regulations for these specific residential design types. These regulations only apply to these specific residential design types.

B. **Requirements.**
1. *Generally*. Specific residential design types must meet the parking requirements of this Subsection.
2. *Tandem Parking.* Tandem parking, i.e., one parking space behind another, is permissible and both parking spaces count towards the site's required parking minimums.
3. *Garage and Driveway Spaces*. Garage and driveway parking spaces may count toward required spaces for residential dwelling units, except that for single-family attached and multifamily stacked dwelling units at least 0.5 spaces/unit will be accommodated by off lot parking spaces.
4. *On-street Parking.* Available on-street parking spaces within the site's property lines (property width) and adjacent to the site's front property line count towards the site's required minimums.
   a. On-street parking is not permitted for lots fronting on collector or arterial roads.
   b. On-street parking may account for up to 1 required parking spot if located within 500 feet of the principal entrance of the building being served.

C. **Specific Residential Design Type Parking Matrix.** Specific residential design types in all Policy Area Zoning Districts must follow the requirements in Table 5.05.13-1. The required number of parking spaces shown in Table 5.05.14-1 is per dwelling unit.

Table 5.05.134-1 Specific Residential Design Types Parking Ratios

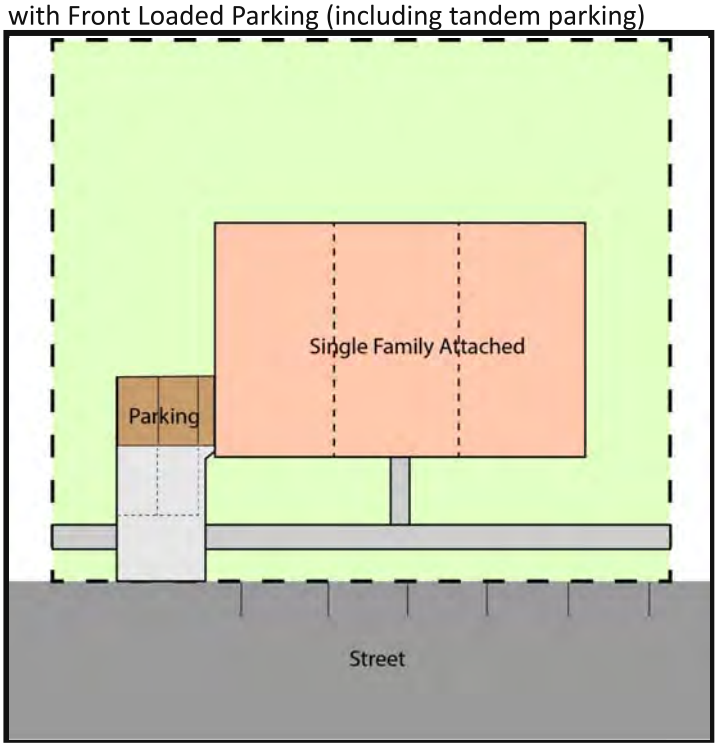
Policy Area →	Urban		Suburban		Rural		Transition		JLMA		Village	
Use ↓	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
Dwelling, single family attached[1]	2	3	2.5	3	2	5	2	4	N/A	N/A	2	3

Table 5.05.134-1 Specific Residential Design Types Parking Ratios													
Policy Area →		Urban		Suburban		Rural		Transition		JLMA		Village	
Use ↓		Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
Dwelling, multifamily[2]	1 Bedroom/ Studio	1.5	2	1.5	2	1.5	2.5	1.5	2	N/A	N/A	1.5	2
	2 Bedrooms	2	2.25	2	3	2	2.5	2	2.5	N/A	N/A	2	2.5
	3+ Bedrooms	2.5	3	2.5	4	2.5	3	2.5	3	N/A	N/A	2.5	3
Dwelling, stacked multifamily[2]		2	3	2.5	3	2	5	2	4	N/A	N/A	2	3
1. By-Right use in UM, SN, SCN, SM, SR-8, TCN, RC and VC. Special exception use in RV. 2. By-Right use in UT, UM, SN, SCN, SM, TCC, RC and VC													

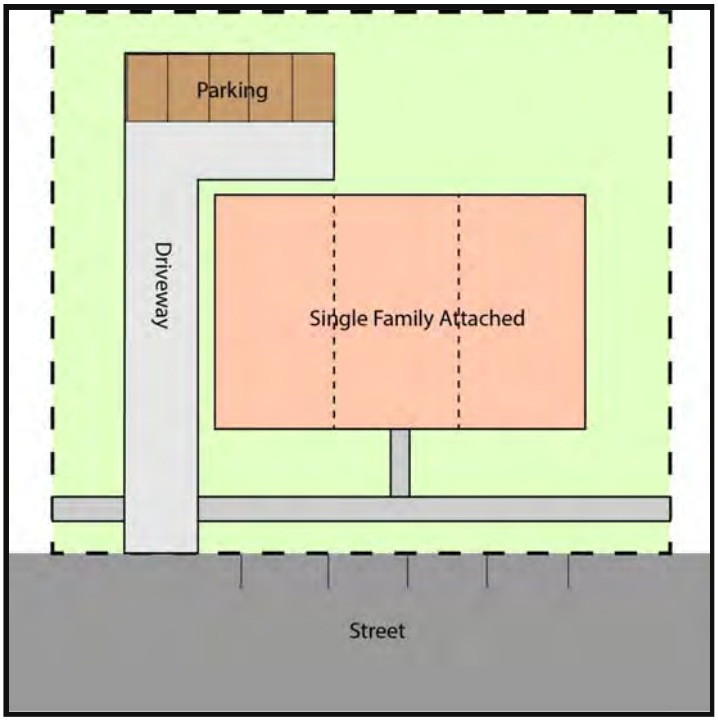
D. **Specific Residential Design Type Parking Arrangement.** Specific residential design types must follow layout arrangements similar to the illustrations in Section 5.05.14.D.1-2. While not shown, layout arrangements may include garages.

1. *Single Family Attached Dwelling.*

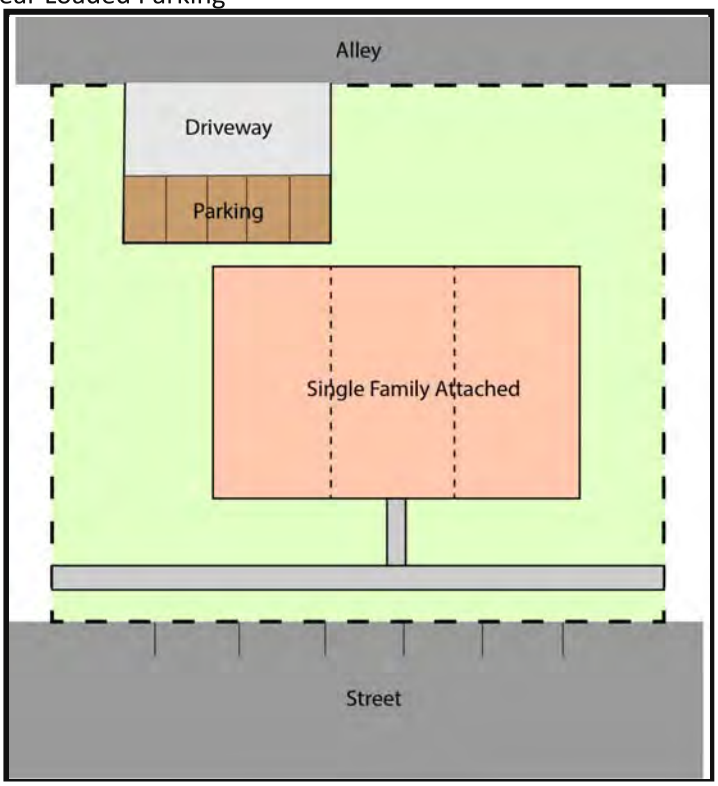
a. Front Street Access with Front Loaded Parking (including tandem parking)



b. Front Street Access with Rear Loaded Parking

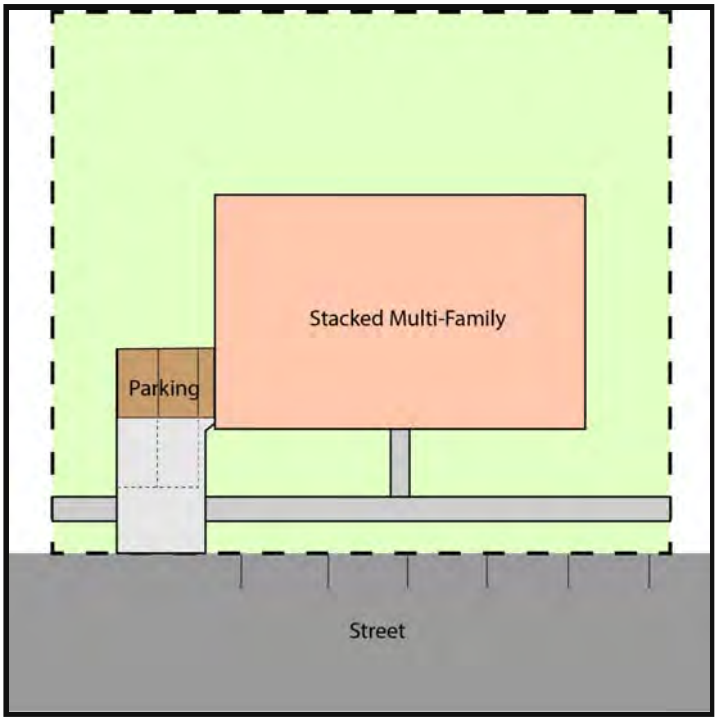


c. Alley Access with Rear Loaded Parking

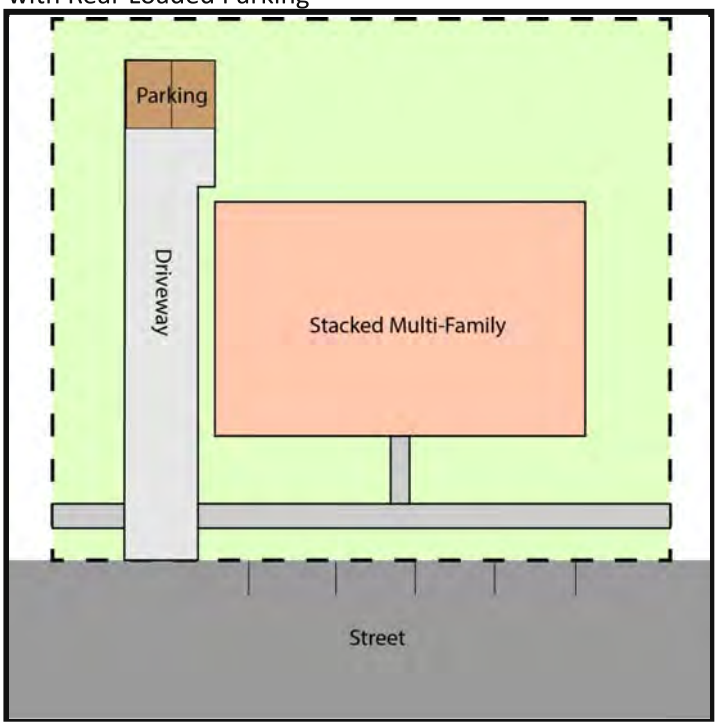


2. *Stacked Multifamily Dwelling.*

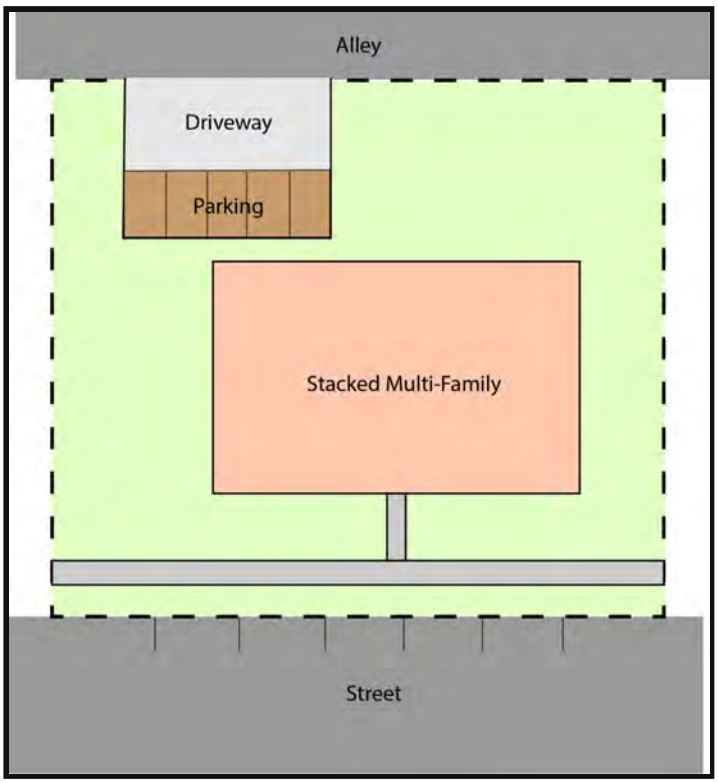
   a. Front Street Access with Front Loaded Parking (including tandem parking)



b. Front Street Access with Rear Loaded Parking



c. Alley Access with Rear Loaded Parking



5.06 Tree Planting, Replacement, and Preservation

Purpose. *The purpose of the Tree Planting, Replacement, and Preservation section is to:*

- *Provide regulations for the planting and replacement of trees destroyed or damaged during the development or redevelopment process, pursuant to § 15.2-961 of the Code of Virginia.*
- *Encourage the preservation of existing trees to meet canopy requirements.*
- *Promote tree planting and preservation to reduce the heat island effect, manage stormwater run-off, and improve and protect water quality, air quality, and wildlife habitat.*
- *Prioritize the planting of native vegetation, specifically along those wildlife corridors that provide connections to other natural, environmental, and heritage resources. and*
- *Ensure that new development, redevelopment, and infill development incorporates existing native vegetation and plantings of native vegetation into the landscape design to the extent feasible.*

A. **General Standards.** The following general standards apply to the Tree Planting, Replacement, and Preservation requirement:

1. All trees to be planted must meet the specifications of AmericanHort.
2. The planting of trees must be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nursery and Landscape Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects, or the road and bridge specifications of the Virginia Department of Transportation.
3. Minimum plant sizes must be provided in accordance with Section 5.07.07.D.
4. All existing and new vegetative material required to meet the tree canopy requirements must meet the standards of the Facilities Standards Manual (FSM).

B. **Canopy Requirements.** Tree canopy requirements apply as follows:

1. A Site Plan, or Construction Plans and Profiles for single-family attached (SFA) units in those districts where applicable, required under Section 7.05, must include the planting and replacement of trees on site to the extent that, at maturity of 20 years, minimum tree canopy must be provided in accordance with Table 5.06-1.

TABLE 5.06-1. CANOPY REQUIREMENTS		
Reference	Development Type	Percentage
1	Sites zoned business, commercial, or industrial in the UT/UM, UE, SE, SM, SC, SI, SME, TCC, TI, TLI, JLMA-LE, JLMA-LME, RC, VC, PD-TC, PD-MUB, PD-CC(SC), and PD-CC(RC) districts Business or commercial sites in the SN and SCN districts	10%
2	Residential sites zoned SCN with densities of 20 or more units per acre	10%
3	Residential sites zoned SCN for multifamily and SFA units with densities of 11 to 19 units per acre	15%
4	Residential sites zoned SCN, SN, and R-3 for multifamily and SFA units with densities of 3 to 10 units per acre	20%
5	Cemetery as defined in Virginia Code § 54.1-2310, regardless of the zoning district in which it is located	10%

C. All plats and plans for single-family detached and/or duplex dwelling units for property that is zoned for densities of less than 10 dwelling units per acre must include a landscape plan that provides for the planting or replacement of trees on the site to the extent that, at maturity of 20 years, minimum tree canopies will be provided as follows:

1. If the site has a tree canopy coverage of 20% or more prior to development, the landscape plan must provide for the preservation, or planting and replacement of trees on site resulting in a tree canopy of at least 20%, calculated at 20 years maturity.
2. If the site has a tree canopy coverage of less than 20% prior to development, the landscape plan must provide for the preservation or planting and replacement of an equivalent percentage of tree canopy coverage as existed prior to development, calculated at 20 years maturity.
3. Every platted lot must have a minimum tree canopy coverage of 2.5%, or 3,000 square feet, whichever is less, calculated at 20 years maturity.
    a. Such trees are counted toward the minimum tree canopy requirements in (a) and (b) above.
    b. Lots for which no permits for new structures will be sought and the residual parcel are exempt from this requirement.

D. To determine tree canopy coverage requirements, the following areas are excluded from calculating the area of a site:

1. Properties reserved or dedicated for future street construction or other public improvements and utilities;
2. Water bodies and unwooded wetlands;
3. Properties reserved or dedicated for school sites, playing fields, and other non-wooded recreation areas; and
4. Portions of a site which contain existing structures that are not the subject of a pending application.

E. Tree cover credit in consideration of the preservation of existing tree cover or for preservation of trees of outstanding age, size, or physical characteristics may be permitted in conformance with FSM process for determining existing cover or trees for preservation and tree cover credit.

F. **Modifications.** Modifications of requirements in this Section to allow for the reasonable development of farmland or other areas devoid of healthy or suitable woody materials, for the preservation of wetlands, or otherwise when the strict application of the requirements would result in unnecessary or otherwise unreasonable hardship to the developer, may be approved by the Zoning Administrator upon application by the owner.

5.07 Landscaping, Buffer Yards, Screening

5.07.01 Purpose, Applicability, and Exceptions

Purpose. *The purpose of the Landscaping, Buffer Yards, Screening, and Landscape Plans section is to:*

- *Foster attractive and harmonious development through the use of landscaping.*
- *Minimize the harmful impacts of noise, dust, and other debris.*
- *Minimize motor vehicle headlight glare and other artificial light intrusion.*

- *Protect property values by reducing visual impacts and land use conflicts.*
- *Provide shade and reduce the heat island effects.*
- *Enhance natural drainage systems and manage stormwater runoff.*
- *Contribute to ecosystem benefits and improve water quality, air quality, and wildlife habitat.*
- *Ensure that new development, redevelopment, and infill development incorporates existing native vegetation, plantings of native vegetation, and removal of invasive species into the landscape design.*
- *Preserve and promote the health, safety, and general welfare of the public.*
- *Establish a minimum setback for certain roads within Loudoun County due to their function, location, and capacity*.

A. **Applicability.** The provisions of this Section apply to all land development requiring a site plan, construction plans and profiles, subdivision, and/or a zoning permit application.

B. **Exceptions.** The following exceptions apply to Section 5.07.01.A.:

1. Road Corridor Buffers required by Section 5.07.02 and Buffer Yards required by Section 5.07.04 are not required as follows:
    a. For zoning permit applications for single-family detached dwellings and residential accessory uses and structures;
    b. At the time of subdivision application in the ARN, ARS, A-3, A-10, JLMA-20, and JLMA-3 Zoning Districts;
    c. At the time of boundary line adjustment, family subdivision, single lot subdivision waiver, low density development waiver, or dedication plat application; and
    d. To any use subject to Section 5.07.03.A.6.
2. Road Corridor Buffers required by Section 5.07.02 will:
    a. Apply along roads adjacent to the boundary of the UT/UM, UE, SM, SC, TCC , PD-MUB, PD-TC, and PD-RV Zoning Districts. All other roads within these Zoning Districts are subject to the street tree requirement in Section 5.07.02.E.
        1. Not apply to roads that abut Agriculture, Horticulture, or Animal Husbandry uses, or to Category B and Category C roadways as provided by the Facilities Standards Manual (FSM).
3. Buffer Yards required by Section 5.07.04 do not apply within the UT/UM, UE, SM, SC, TCC, PD-CC, PD-MUB, and PD-TC Zoning Districts. Buffer Yards within these Zoning Districts must be provided in accordance with the regulations for such Zoning Districts.
4. These exceptions under Sections 5.07.01.B do not apply to the structure and parking setbacks of Section 5.07.02 or the Cemetery, Burial Ground, and Grave Buffer of Section 5.07.05.

C. This Section is intended to complement Section 5.06 of this Ordinance. Trees planted to fulfill the canopy requirements of Section 5.06 also may fulfill the requirements of this Section.

D. All vegetative material required to be planted to meet the requirements of Section 5.07 must meet the specifications included in the FSM.

E. Existing vegetation which is suitable for use in compliance with the requirements of this Section may be used as required planting when supplemented by new vegetation, if needed, so as to provide buffering and screening in accordance with the purpose and intent of this Section.

1. Such existing vegetation must be shown on a Tree Conservation Plan prepared in accordance with the FSM.
2. Invasive species are not suitable for use in compliance with the requirements and must be removed from an area of existing vegetation proposed to meet the requirements of this section. Removal of invasive species from such an area must be maintained for a minimum of 4 years after establishment of the buffer.

F. Where any provision of this Section imposes restrictions or standards different from those of Section 5.06 or any other County ordinance or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards will control, unless the intent is clearly otherwise.

5.07.02 Road Corridor Buffers and Setbacks

A. **General Provisions.** The following general provisions apply to the Road Corridor Buffers and Setbacks:

1. Road Corridor Buffers and Setbacks must be provided in accordance with:
    a. Table 5.07.02-1, Road Corridor Buffer and Setbacks Matrix;
    b. Section 5.01, and extend across the length of the proposed development site; and
    c. *Exception:* When street trees are required per Section 5.06.B.2.d, the street tree requirement applies to roads in or adjacent to a development that are not arterial roads, collector roads, or ramps at grade separated interchanges. The Road Corridor Buffer and Setbacks of Table 5.07.02-1 apply to arterial roads, collector roads, and ramps at grade separated interchanges in the development.
2. The required width of the Road Corridor Buffer may vary by up to 50% from the minimum width required at any point along the required length, provided:
    a. The width is not reduced to less than 10 feet; and
    b. The total area of the length of Road Corridor Buffer with varied width is not reduced below the minimum area that would have been required.
3. Road Corridor Buffers may be set back from the right-of-way line or private road easement line where easements, covenants, or natural features would prevent the required Road Corridor Buffer from abutting the public road or private road, in which case the required Road Corridor Buffer must be provided in addition to such easements, covenants, or natural features.
4. For subdivisions that require open space, Road Corridor Buffers are not permitted to be located on individual residential lots of 20,000 square feet or less.
5. When a Road Corridor Buffer is located on an individual residential lot the Road Corridor Buffer must be located within an easement dedicated to the County of Loudoun.
    a. Street trees required pursuant to Section 5.07.02.E are not permitted on individual residential lots.
6. The Road Corridor Setback applies to certain roads within Loudoun County because their function, location and capacity require that uses be set back a certain minimum distance from them.
    a. *Exemptions.* The following are exempt from the Road Corridor Setbacks in Table 5.07.02-1 :
        1. All agricultural structures along all roads;
        2. All structures along all roads, except arterial roads, located within the Village Conservation Overlay District (Section 4.07) and Joint Land Management Area Districts (Section 2.05);
        3. All structures and parking along all roads, except arterial roads, in the the Urban Districts (Section 2.01 and 2.02); and
        4. Dwellings, and their accessory structures and accessory uses, built before June 16, 1993, pursuant to Section 9.C.4.
7. For lots as they existed on June 16, 1993, the structure setback from a road in Table 5.07.02-1 may be reduced on shallow lots to allow a building area of up to 85 feet in depth, measured forward from any required rear Buffer Yard, yard, or setback, whichever is more restrictive. In addition,
    a. In no case will the modified structure setback from the road be less than the yard or setback required by the underlying zoning district,
    b. Parking setbacks must be coterminous with structure setbacks, and
    c. No lot may be altered or reconfigured to increase the degree of its shallowness.

Table 5.07.02.-1. Road Corridor Buffer and Setbacks Matrix[1]			
Route Number or Road Type[2]	Structure Setback[3]	Parking Setback[3]	Buffer Type

Table 5.07.02.-1. Road Corridor Buffer and Setbacks Matrix[1]			
Route Number or Road Type[2]	Structure Setback[3]	Parking Setback[3]	Buffer Type
Arterial Roads			
Route 7: Fairfax County line west to Broad Run	50 ft.	50 ft.	3
Route 7: Broad Run west to east corporate limit of Leesburg	200 ft.	125 ft.	Gateway
Route 7: Bypass from the west corporate limit of Leesburg west to Clarke County line	200 ft.	100 ft.	3
Route 267	150 ft.	100 ft.	3
Route 50: Fairfax County line east to Northstar Boulevard	100 ft.[4]	100 ft.[4]	Gateway
Route 50: Northstar Boulevard west to Fauquier County line	100 ft. for all districts, except TCC TCC: 50 ft.	75 ft. for all districts, except TCC TCC: 50 ft.	3
Route 15	100 ft.	75 ft.	3
Route 28	100 ft.	75 ft.	3
Route 9	100 ft.	75 ft.	3
Route 606	100 ft.	75 ft.	3
Other Arterial Roads	100 ft. for all districts, except SM, SCN, SC, TCC SM, SCN, SC, SE, TCC: 50 ft.	75 ft. for all districts, except SM, SCN, SC, SE, TCC SM, SCN, SC, SE, TCC: 50 ft.	3
Collector Roads			
Route 287	100 ft.	75 ft.	3
Other Major Collector Roads	75 ft., except SM, SCN, SC, SE, TCC SM, SCN, SC, SE, TCC: 35 ft.	35 ft.	2
Minor Collector Roads	See applicable district regulations	See applicable district regulations	2
Other			
All other roads in Nonresidential Districts	See applicable district regulations	25 ft.[5]	1
All roads in A-3, A-10, ARN, ARS, VAR, Transition, JLMA, Districts	See applicable district regulations	See applicable district regulations	1
All roads in SN, SCN, SM, UT/UM, UE, PD-AAAR, R (including PD-H administered as R) Districts	See applicable district regulations	See applicable district regulations	Street Trees pursuant to 5.07.02.E
Private road serving as an alley[6] or serving commercial loading area	N/A	N/A	N/A

(ft. = foot)

[1] Unless exempt pursuant to Section 5.07.02.A.7.a.

[2] The road type is determined by the Countywide Transportation Plan.

[3] The setback must be provided in accordance with the Structure Setback or Parking Setback or the setback provided in an approved corridor study whichever setback is greater.

[4] May be reduced in accordance with Section 5.07.02.D.4.C.

[5] Unless otherwise specified in applicable district regulations.

[6] As defined in the Zoning Ordinance.

Table 5.07.02.-1. Road Corridor Buffer and Setbacks Matrix[1]			
Route Number or Road Type[2]	Structure Setback[3]	Parking Setback[3]	Buffer Type
Ramps at grade separated interchanges associated with the roads listed above	75 ft.	35 ft.	3
W&OD Trail	25 ft.	See applicable district regulations	2

(ft. = foot)

[1] Unless exempt pursuant to Section 5.07.02.A.7.a.

[2] The road type is determined by the Countywide Transportation Plan.

[3] The setback must be provided in accordance with the Structure Setback or Parking Setback or the setback provided in an approved corridor study whichever setback is greater.

[4] May be reduced in accordance with Section 5.07.02.D.4.C.

[5] Unless otherwise specified in applicable district regulations.

[6] As defined in the Zoning Ordinance.

B. **Road Corridor Buffer Types.** The intent of the Road Corridor Buffer Types referenced in Table 5.07.02.B are described below.

1. Road Corridor Buffer Type 1. This buffer is intended to function as an intermittent visual obstruction.
2. Road Corridor Buffer Type 2. This buffer is intended to function as a semi-opaque screen.
3. Road Corridor Buffer Type 3. This buffer is intended to provide a strong impression of total separation between the road and the parcel.
4. Gateway Corridor Buffer. This buffer is intended to provide a boulevard environment creating a sense of enclosure and transition to mark County gateways.

C. **Road Corridor Buffer Width and Plant Requirements.** Road Corridor Buffer widths and plant units must be provided in accordance with Table 5.07.02-2.

Table 5.07.02-2. Road Corridor Buffer Width and Plant Requirements		
Road Corridor Buffer Type	Width (feet)	Number of Plant Units[1] Per 100 feet of Right-of-Way or Easement[2]
1	10	20
2	15	60
3	20	95
Gateway	100	*

[1] See Table 5.07.07-1 for Plant Unit equivalents.

[2] Vehicle entrances, bridges, and/or pedestrian tunnels may be excluded from length of public road or private road frontage calculation. The buffer length is measured from where the buffer yard intersects the entrance travelway.

*The Gateway Corridor Buffer is subject to the requirements specified in Section 5.07.02.E.

D. **Specific Requirements for Gateway Corridor Buffer.** The Gateway Corridor Buffer must be provided in accordance with Table 5.07.02-3 and as follows:

Table 5.07.02-3. Gateway Corridor Buffer Plant Requirements		
Plant Material	Minimum Size(at time of planting)	Number of Plants per 100 feet of R/W or Easement Line
Large Deciduous Trees	2-inch caliper	4
Small Deciduous Trees	2-inch caliper	2
Evergreen Trees	8-foot height	2
Shrubs	24-inch height	50

.

1. The Route 50 Gateway Corridor Buffer must provide the following Design Elements:

a. Plant Location: The plants required in Table 5.07.02-3 must be installed on the parcel as follows:
    1. The plants must be located within the first 50 feet of the required 100 foot Buffer Yard immediately adjacent to the right-of-way of Route 50.
    2. Each 100 foot segment of frontage must contain the plants required per 100 linear feet.
    3. The plants must be located in front of the linear element required in Section 5.07.02.D.1.b.
    4. The plants and the linear element must be configured to align with the plants and the linear element on adjacent parcels, where feasible, to create a uniformly landscaped frontage along the right-of-way.

b. Linear Element: A linear element must be provided within the Gateway Corridor Buffer for at least 40% of a parcel's frontage adjacent to Route 50 and shall consist of a stone-faced feature. The linear element may also include a fence and/or hedgerow.
    1. The stone-faced feature (i.e. wall, pillar, sign, and the like) must be:
        a. Faced with materials having characteristics similar to native stone.
        b. A minimum of 3 feet in height notwithstanding the Section 5.01 height limitation for fences in front yards, and
        c. Have a minimum length equal to 10% of a parcel's frontage if combined with a fence or hedgerow.
    2. If a fence is provided, it must be:
        a. A maximum height of 4.5 feet notwithstanding the height limitation of Section 5.01 for fences in front yards, as measured from the ground to its highest point, to include posts or other supporting structures.
        b. Constructed of wood or a wood-like polymer in a rail, paddock, or horizontal board design, and
        c. Have a minimum opacity of 50%.
    3. If a hedgerow is provided, it must consist of a minimum of 10 shrubs planted in a continuous row that must:
        a. Be planted at 36 inches on center.
        b. Have a minimum height of 24 inches, and
        c. Not count towards fulfilling the required plants in Table 5.07.02-3.
    4. The linear element is not required to be a continuous element. However, if any portions of the linear elements overlap, then for the length of the overlapping elements only one element can be counted towards satisfying the required length.
    5. Areas of existing vegetation used to meet the Gateway Corridor Buffer plant requirements are excluded for the purposes of calculating the frontage length for determining the required minimum length of the linear element.
    6. The linear element does not have to be located parallel to the road.
    7. The linear element can be used towards fulfilling the Peripheral Parking Lot Landscaping requirements under Section 5.07.06.B.

2. The Route 7 Gateway Corridor Buffer must provide the following Design Elements:
    a. Plant Location: The plants required in Table 5.07.02-3 must be installed on the parcel as follows:
        1. The plants may be located within the full 100-foot width of the required Buffer Yard immediately adjacent to the right of way of Route 7.
        2. The total plants required for each 100-foot segment of frontage must contain the plants required per 100 linear feet, except that plants may be relocated within the Buffer Yard where existing environmental constraints or public utility easements prevent planting within a particular segment.
3. Use of Gateway Corridor Buffer: In addition to the uses specified in Section 5.07.07, the following uses

are permitted in the Gateway Corridor Buffer:

a. Storm water management and best management practice (BMP) facilities. Such facilities may not be located within the first 50 feet adjacent to the right-of-way, unless the facility is designed as follows:
    1. As a water feature in accordance with Section 5.07.02.D.3.b. below;or
    2. A bio-retention facility that includes plantings required in the corridor buffer.
b. A water feature, defined as a permanent aqueous element to include a fountain, stream, waterfall, and/or cascade; a wet pond that includes a fountain, waterfall, and/or cascade; or a bioretention facility and/or wetland. In the case where a water feature is incorporated in the design of the Gateway Corridor Buffer and located within the first 50 feet immediately adjacent to the right-of-way, the following variations are permitted:
    1. The number of shrubs required by Table 5.07.02-3 may be reduced by 50% for the total amount of linear feet of frontage that is occupied by the water feature; and
    2. Notwithstanding Section 5.07.02.D.1.a. and 5.07.02.D.2.a., regarding required plant locations, for the frontage occupied by the water feature, the required large deciduous trees are to be located between the right-of-way and the water feature and the required small deciduous trees, evergreen trees, and shrubs may be located around and behind the water feature.
c. *Reduction*: The required width of the Gateway Corridor Buffer may be reduced to 50 feet subject to the Modification and Waiver provisions of Section 5.07.08.
d. Other Landscaping and Screening: Where the Ordinance requires the screening of parking, service and loading areas, and utility equipment from roads, such screening as may be necessary must be in addition to the Gateway Corridor Buffer plantings and must be provided within the Gateway Corridor Buffer, but outside of the first 50 feet of the required 100-foot width as measured from the right-of-way.

E. **Specific Requirements for Street Trees.** When street trees are required, they must be provided as follows:
1. Planted at a rate of 20 plant units per 100 linear feet along each side of all public roads or private roads. The planting rate applies individually to each side of the road.
    a. Only small deciduous trees and large deciduous trees are permitted to meet the plant unit requirement for street trees.
    b. Trees are not permitted to be planted closer than 3 feet to any curb, sidewalk, or paved area unless planted within an approved manufactured stormwater treatment device.
2. Street trees must be regularly spaced.

5.07.03 Buffer Yards

A. **General Provisions.** Buffer Yards must be provided in accordance with the following:
1. Side and Rear Buffer Yards must be provided on the developing parcel in accordance with Table 5.07.03-1, the Use Buffer Yard Matrix, and in accordance with the provisions of Section 5.07.
2. Side and Rear Buffer Yard Types must be determined based on the proposed use group of the developing parcel and the existing use group of the adjacent parcel, in accordance with Table 5.07.03.
3. In those instances where a proposed use and/or an existing use on a parcel is not identifiable under the use groups in Table 5.07.03-1, the Zoning Administrator, using Table 5.07.03-1 as a guide, will determine the appropriate Buffer Yard Type for the developing parcel.
4. Where a structure is proposed to contain more than one use group under Table 5.07.03-1 the more stringent requirements of Table 5.07.03-1 will apply.
5. Where a developing parcel and/or an adjacent parcel or parcels contain multiple use groups, the Buffer Yard Type required by Table 5.07.03-1 may vary on the developing parcel to correspond to the location of each use group on the adjacent parcel.
    a. When the adjacent parcel is used for a wayside stand or temporary use, the adjacent parcel will be considered vacant when determining the Buffer Yard Type.

6. Specific Uses in Section 3.06 that reference this section for Landscaping, Buffering, and Screening requirements must provide the following between the Specific Use and any existing adjacent parcel 4 acres or less in size or any existing adjacent parcel that contains a dwelling unit within 300 feet of the parcel containing the Specific Use:
    a. A minimum 50-foot setback measured from the property line;
    b. A Road Corridor Buffer Type 2 for front yards;
    c. A 6-foot high fence, wall, or berm providing a minimum opacity of 95%, or equivalent natural topography, and/or a Buffer Yard Type B for side and rear yards.
        1. The required fence, wall, or berm for side or rear yards may be configured to surround the Specific Use.
        2. The Buffer Yard Type B for side or rear yards may be configured to surround the Specific Use provided the intent of the Buffer Yard Type B is met as described in Section 5.07.03.B.
7. Existing vegetation, and trees may be used to meet the requirements of this section in accordance with Section 5.07.01.D.
8. When a required Buffer Yard is a different width than a required yard setback, both the required Buffer Yard width and the required yard setback width must be accommodated.
9. All vegetative material within the Buffer Yard Types A, B, and C must meet the specifications of the Facilities Standards Manual.

Table 5.07.03-1. Use Buffer Yard Matrix[1]

		Adjacent Use												
		Single Family Detached	Single Family Attached	Multi-family	Group Living	Agriculture/ Horticulture/ Animal Husbandry and Passive Uses	Community and Active Recreation Uses[2]	Institutional/ Civic	Office and Conference/ Training Centers	Commercial/ Retail	Flex-Industrial Uses and Utilities	Heavy Industrial and Aviation	Vacant Land in a Residential District or Land Bay Approved for Residential Use	V La D o
Proposed Use	Use Group	1	2	3	4	5	6	7	8	9	10	11	12	
Single- Family Detached	1	N/A	A	A	A	A	A	A	A	A	B	B	N/A	
Single- Family Attached	2	B	N/A	A	A	B	A	A	A	A	B	B	A	
Multifamily	3	B	A	N/A	A	B	A	A	A	A	B	B	B	
Group Living	4	B	A	A	N/A	B	A	A	A	A	B	B	B	
Agriculture/Horticulture/Animal Husbandry and Passive Uses	5	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Community and Active Recreation Uses[2]	6	B	A	A	A	N/A	N/A	A	A	A	B	B	B	
Institutional/Civic	7	B	B	B	A	N/A	B	N/A	A	A	B	B	B	
Office and Conference/Training Centers	8	B	B	B	B	N/A	B	B	N/A	A	A	B	B	
Commercial/Retail	9	B	B	B	B	N/A	B	A	A	N/A	A	B	B	
Light Industrial and Flex-Industrial Uses and Utilities	10	C	C	C	C	N/A	C	C	B	B	N/A	B	C	
Heavy Industrial and Aviation	11	C	C	C	C	N/A	C	C	C	C	C	N/A	C	
Vacant Land[3] in a Residential District or Land Bay Approved for Residential Use	12	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Vacant Land[3] in all Other Districts or Land Bays	13	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

[1]Buffer yards A, B, and C are described in greater detail in Section 5.07.03.B.

[2]Buffer yards are not be required between playgrounds or passive recreational uses when located internal to a residential neighborhood.

[3]Includes land designated as Open Space, but no use is specified.

B. **Buffer Yard Types.** The intent of Buffer Yard Types A, B, and C listed in Table 5.07.03-2 are as follows:

1. Buffer Yard Type A: Aesthetic. This Buffer Yard Type is intended to function as an intermittent visual obstruction, and create the impression of spatial separation without eliminating visual contact between uses.
2. Buffer Yard Type B: Semi-opaque. This Buffer Yard Type is intended to function as a semi-opaque screen between uses.
3. Buffer Yard Type C: Opaque. This Buffer Yard Type is intended to provide the greatest degree of screening feasible and minimize visual contact between uses, creating a strong impression of total separation.

C. **Buffer Yard Widths and Plant Requirements.** Buffer Yard Types A, B, and C must be provided in accordance with Table 5.07.03-2.

Table 5.07.03-2. Buffer Yard Width and Plant Requirements

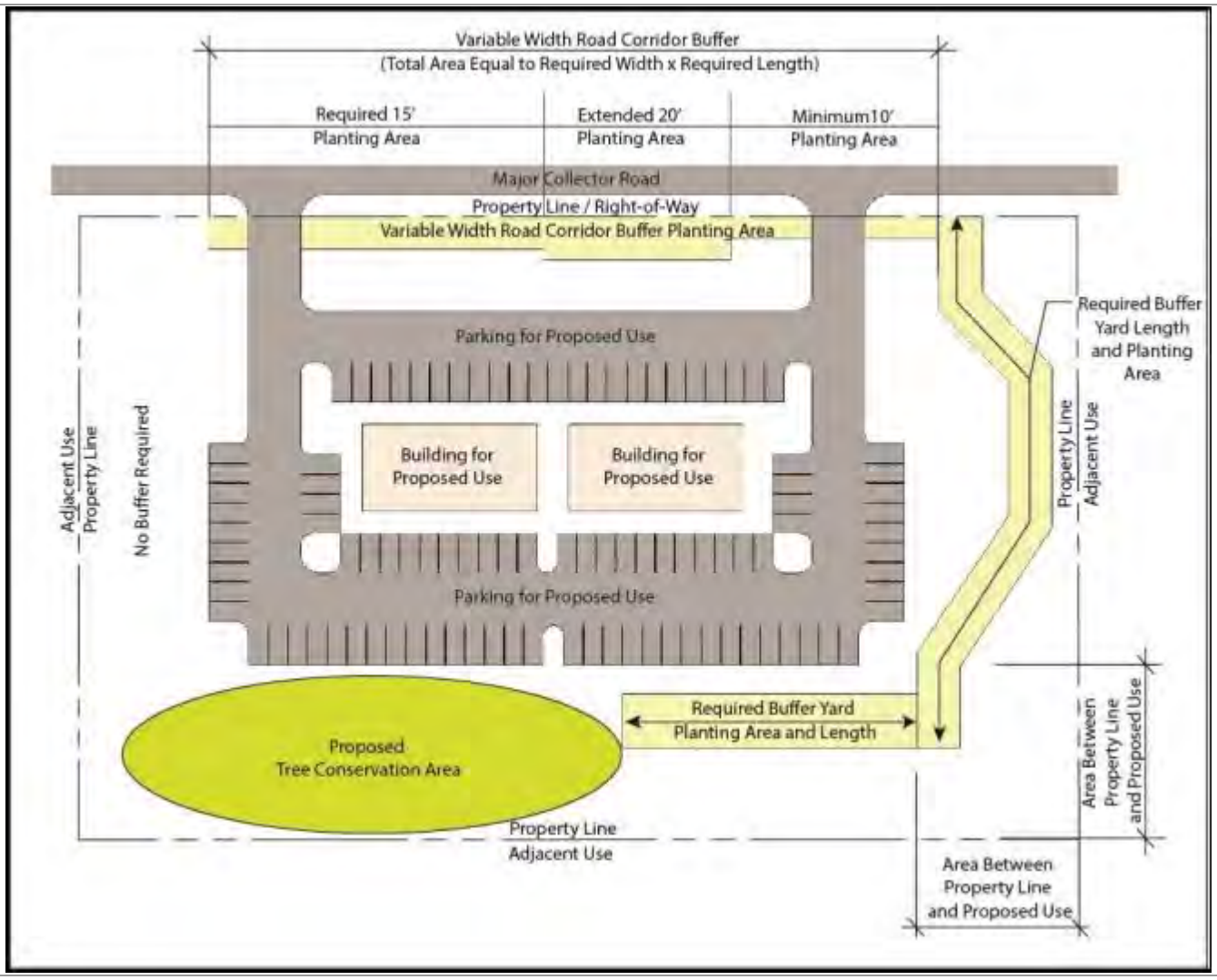
Buffer Yard Type	Width (feet)	Number of Plant Units[1] per 100 Linear feet of Required Buffer Yard
A	10	30
B	20	80
C	25	120*

[1]See Table 5.07.07-1. for Plant Unit equivalents.

*A 6-foot high fence, wall, and/or berm, providing a minimum opacity of 95% is required to run the length of the required Buffer Yard between the proposed use and the required plant units. Required plant units may be planted on a berm.

D. **Buffer Yard Location.** Buffer yards must be located as follows:
1. Required buffer yards must be provided between the lot line and the proposed use, and may be configured to surround the proposed use provided the intent of the required Buffer Yard Type under Section 5.07.03.B is met.
2. The location of required buffer yards may vary between the lot line and the proposed use provided the required plant units are planted within the required width throughout the full length of the buffer yard.

Buffer Yard Location Example



5.07.04 Cemetery, Burial Ground, and Grave Buffer

A. **General Provisions.** The following general provisions apply to all cemeteries, burial grounds, and graves:

1. A Cemetery, Burial Ground, or Grave Buffer must be provided for all existing cemeteries, burial grounds, and graves except for the following:
    a. A cemetery, or an existing cemetery's expansion, legally established after January 7, 2003.
    b. A cemetery, burial ground, or grave for animal remains.
    c. A cemetery, burial ground, or grave accessory to a religious assembly use.
        1. The Cemetery, Burial Ground, or Grave Buffer is required on a lot adjoining the religious assembly use if the location of any of the components in Section 5.07.04.A.2 is on such lot.
    d. A cemetery, burial ground, or grave from which all human remains have been removed in accordance with the Code of Virginia.
2. The Cemetery, Burial Ground, and Grave Buffer comprises 3 components: a perimeter boundary, a protection buffer, and a preservation buffer.
    a. The intent of the perimeter boundary is to demarcate the delineated perimeter of the existing burials.
    b. The intent of the protection buffer is to protect the physical integrity of existing burials and to preserve the natural and cultural features associated with the cultural landscape.
    c. The intent of the preservation buffer is to create separation from adjacent land uses to preserve the historic context of the existing cemetery, burial ground, or grave

B. **Perimeter Boundary.** The following requirements apply to the perimeter boundary of each cemetery, burial

ground, or grave:

1. The delineated perimeter boundary must be physically demarcated with a fence between a minimum of 3 feet and a maximum of 4 feet in height, or other perimeter demarcation as approved by the Zoning Administrator.
2. No land disturbing activity is permitted within the delineated perimeter boundary of the cemetery, burial ground, or grave except for the following:
    a. Construction of the perimeter demarcation.
    b. Clearing of invasive vegetation on the surface, excluding any species that were planted in association with burials.
    c. Land disturbing activity associated with the excavation and filling of grave shafts for new burials.
    d. Removal and reinternment of burials in accordance with the Code of Virginia.

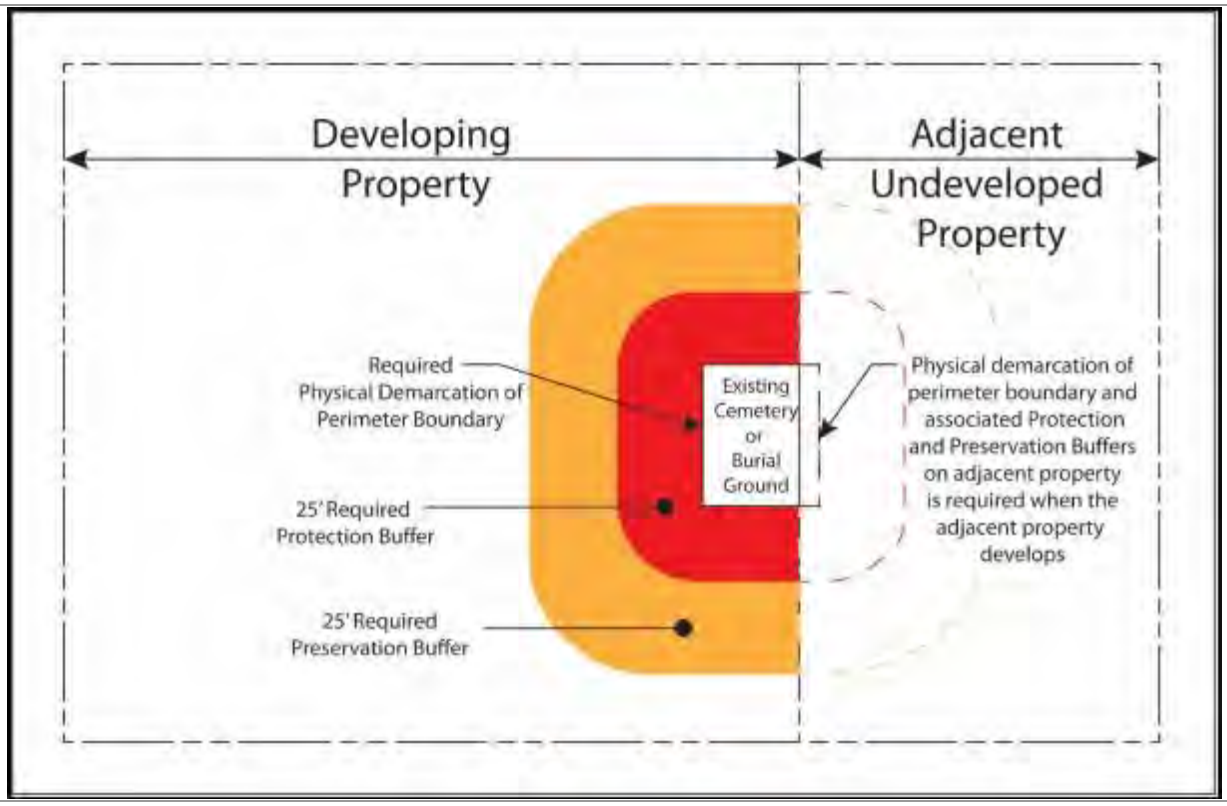
C. **Protection Buffer.** The following requirements apply to the protection buffer of each cemetery, burial ground, or grave:

1. For a cemetery, burial ground, or grave on the developing property, a 25-foot protection buffer must be established outside of and abutting the delineated perimeter boundary.
2. For developing property adjoining an off-site cemetery, burial ground, or grave, the protection buffer must be provided in accordance with Section 5.07.04.E.
3. No land disturbing activity is permitted within the protection buffer except for the following:
    a. Land disturbing activity associated with construction of the perimeter demarcation required by Section 5.07.04.B.
    b. Construction associated with pedestrian access.
    c. Clearing of invasive vegetation on the surface, excluding any species that were planted in association with burials.
4. The protection buffer may be modified only by Minor Special Exception in accordance with the provisions of Section 7.10.02.

D. **Preservation Buffer.** The following requirements apply to the preservation buffer of each cemetery, burial ground, or grave:

1. For a cemetery, burial ground, or grave on the developing property, a 25-foot preservation buffer must be established outside of and abutting the protection buffer required under Section 5.07.04.C.
2. For developing property adjoining an off-site cemetery, burial ground, or grave, the preservation buffer must be provided in accordance with Section 5.07.04.E.
3. Historic context includes physical characteristics such as, without limitation, vegetation, topography, water courses, monuments, enclosures, and other cultural features associated with the cemetery, burial ground, or grave.
4. No land disturbing activity is permitted within the preservation buffer except for the following:
    a. Land disturbing activity associated with construction of the perimeter demarcation required by Section 5.07.04.B.
    b. Construction associated with pedestrian access.
    c. Clearing of invasive vegetation on the surface.
5. The Zoning Administrator may approve a request to waive or modify the preservation buffer in accordance with the requirements of Section 5.07.08 or in conjunction with a Minor Special Exception request pursuant to Section 5.07.04.C.4.

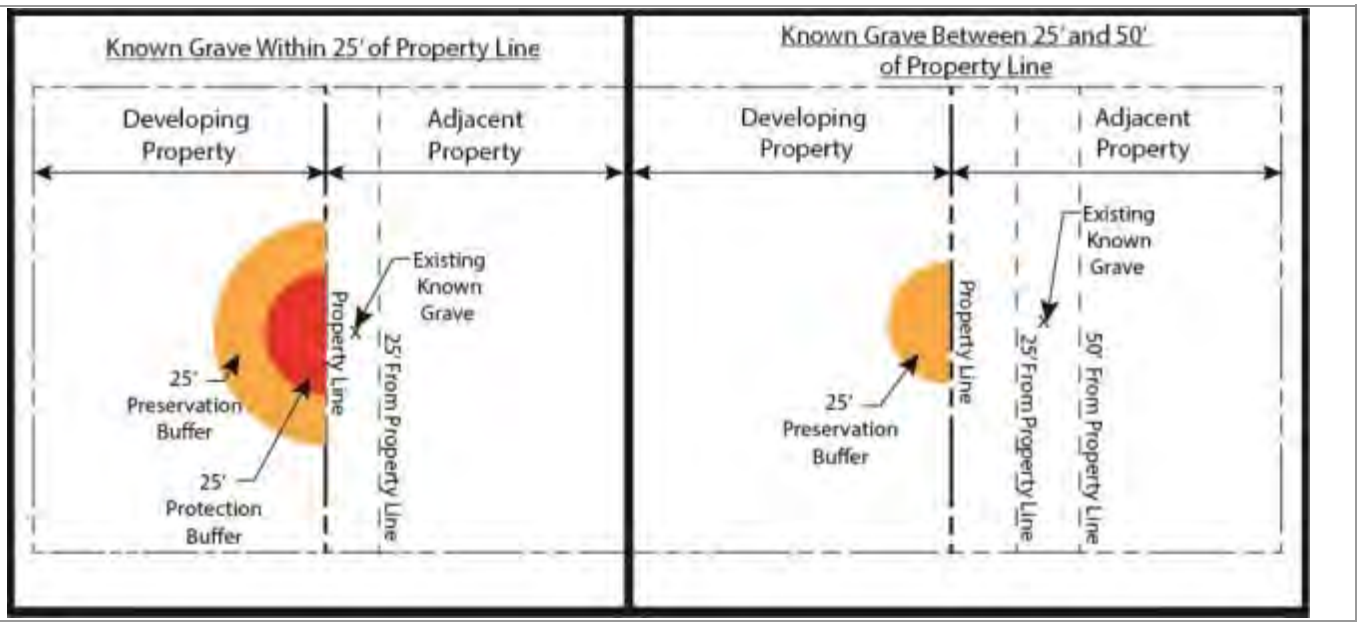
Cemetery, Burial Ground, and Grave Buffer Example



E. **Off-site Cemetery, Burial Ground, or Grave Buffer.** When a developing parcel is located adjacent to a parcel containing an existing cemetery, burial ground, or grave for which the perimeter boundary has not been delineated, the location of the protection buffer and preservation buffer must be determined as follows:

1. If a known grave on the adjacent parcel is located less than 50 feet but no closer than 25 feet from the parcel line, and no evidence of a grave is found on the developing parcel, then the developing parcel must provide a Preservation Buffer measured from the parcel line that is equal in length to the extent of any known graves.
2. If a known grave on the adjacent parcel is located less than 25 feet from the parcel line, and no evidence of a grave is found on the developing parcel, then the developing parcel must provide a Protection Buffer measured from the parcel line that is equal in length to the extent of any known graves, and a Preservation Buffer.
3. If the closest known grave on the adjacent parcel is located 50 feet or greater from the parcel line, and no evidence of a grave is found on the developing parcel, then no Cemetery, Burial Ground, or Grave Buffer is required on the developing parcel.
4. The protection buffer and preservation buffer are not permitted to be located on an individual residential or nonresidential lot.

Off-site Cemetery, Burial Ground, and Grave Buffer Example
Single Grave Scenarios



5.07.06 Parking Area Landscaping and Screening Requirements

A. **Interior Parking Area Landscaping:** Any property, use, or parking area that contains 20 or more parking spaces, except areas used for accessory storage of vehicles, must include interior parking area landscaping provided as landscaped open space, as follows:

1. At least 5% of the gross area of the parking area must be landscaped open space.
    a. The gross area of the parking area:
        1. Includes all parking spaces, vehicular travelways, and designated crosswalks within the parking area.
        2. Does not include pedestrian facilities other than designated crosswalks within the parking area.
    b. Landscaped open space must be:
        1. No less than 130 square feet in size for any individual area:
        2. Located at each end of every row of parking spaces, and equal in length to the adjoining parking space.
            a. Where fewer than 8 parking spaces are proposed in a single row, landscaped open space is required at only 1 end of the row;
        3. Planted with a minimum of 10 plant units per 150 square feet; and
        4. Designed in such a way that no parking space is more than 80 feet from a large deciduous tree.
    c. Plant units in landscaped open space must be provided as follows:
        1. A minimum of 75% of the total plant units required for landscaped open space must consist of large deciduous trees.
        2. A minimum of 15% of the total plant units required for landscaped open space must consist of small deciduous trees.
        3. Perennials are allowed only where taller vegetation would conflict with County and VDOT sight distance standards.
        4. Evergreen trees are not permitted to be used to meet the minimum interior parking area landscaping plant unit requirement.
2. Trees or shrubs are not permitted to be planted closer than 3 feet to any curb or paved area unless planted within an approved manufactured stormwater treatment device.
3. Light poles may be placed within landscape islands.

a. Large or small deciduous trees planted within 20 feet of a light pole are not permitted to be used to meet the minimum interior parking area landscaping plant unit requirement.

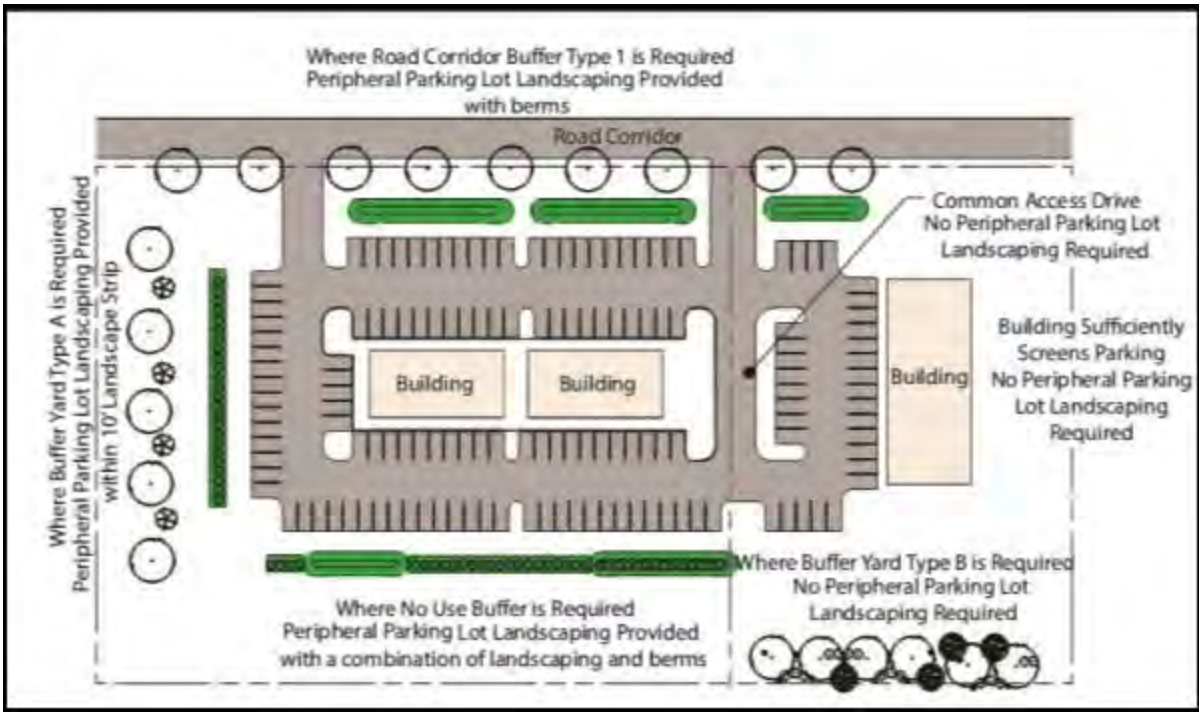
Interior Parking Area Landscaping Example



B. **Peripheral Parking Area Landscaping:** Except where a parking area adjoins a Buffer Yard Type B or C, a Road Corridor Buffer Type 2 or 3, or a Gateway Corridor Buffer, any property, use, or parking area that contains 20 or more parking spaces must include peripheral parking area landscaping as follows:

1. Parking areas and parking area travelways that are not screened by buildings or other structures must be screened with either berms or landscaping, or a combination of both.
2. Such berms and/or landscaping must:
    c. Have a minimum height of 30 inches.
    d. Be located between the parking area and the lot line or right-of-way.
        3. Where the boundary between abutting lots is located within a parking area travelway, no screening is required.
    e. Where a berm is proposed, the grade is not permitted to be steeper than 2:1.
    f. Where landscaping is proposed, it must consist of:
        1. A minimum of 50 plant units per 100 linear feet within a continuous 10-foot-wide landscape strip, and;
        2. A minimum of 75% of the total plant units required must be evergreen shrubs.
3. Trees or shrubs are not permitted to be planted closer than 3 feet to any curb or paved area. unless planted within an approved manufactured stormwater treatment device.

Peripheral Parking Area Landscaping Example



5.07.07 General Landscape Provisions

A. **Landscape Plan.** A landscape plan in accordance with the Facilities Standards Manual (FSM) must be submitted as part of every site plan and construction plans and profiles.

1. All landscaping and screening required by this Section must be depicted on such landscape plan, which must be designed by a licensed landscape architect or other licensed or certified professional in accordance with the FSM.
2. All landscaping and screening depicted on such landscape plan must be installed or bonded in accordance with current County requirements prior to issuance of any Certificate of Occupancy.

B. **Plant Unit Requirements.** The following requirements apply to the plant types used to meet the Plant Unit requirements for each Buffer Yard or Road Corridor Buffer:

1. The number of Plant Units that a plant type is considered to be equivalent to is determined in accordance with Table 5.07.07-1, Plant Unit Equivalents.

Table 5.07.07-1. Plant Unit Equivalents

Plant Type	Plant Units per 1 Plant Type
Large Deciduous Tree	10
Evergreen Tree	6
Small Deciduous Tree	5
Shrub	2
Ornamental Grass	1
Perennial	0.25

2. Plant Units must be provided so they meet the following percentages:
    a. No more than 50% of the required plant units are permitted to be large deciduous trees.
        1. *Exception.* The Road Corridor Buffer Type 1 may be planted with 100% large deciduous trees.
    b. No more than 50% of the required plant units are permitted to be evergreen trees.
        1. A minimum of 10% of the required plant units for a Type C Buffer must be evergreen trees.
    c. No more than 60% of the required plant units are permitted to be small deciduous trees.
    d. No more than 30% of the required plant units are permitted to be shrubs.

1. When shrubs are used, a minimum of 30% must be evergreen.

e. The use of ornamental grasses and/or perennials is encouraged and may constitute a maximum of 25% of the required plant units.

f. To support a pollinator habitat, plant units must be provided as follows:

1. A minimum of 50% must consist of native species as specified in the FSM, and;
2. A minimum of 75% of the small deciduous trees and shrubs provided must produce conspicuous flowers at some point during their growing season.

g. Maximum percentages apply solely in determining the quantity of a given plant type that can be counted towards meeting a Plant Unit requirement, and do not preclude the installation of additional plant material from that plant type.

3. Walls, fences, and/or berms are not counted toward required plant units.

C. **Use of Buffers.** The following uses are permitted in Buffer Yards and Road Corridor Buffers:

1. Passive recreation and pedestrian, bicycle, or equestrian trails provided that Plant Unit requirements are met.
2. Utility easements provided that Plant Unit requirements are met with plant types that are compatible with the utility easement.
3. Driveway entrances and entrances connecting adjacent parking lots or developments traversing the buffer generally perpendicular to the direction the length of the Buffer Yard or Road Corridor Buffer is measured.
4. Signs, pursuant to Chapter 6.
5. Vegetative stormwater management facilities such as bioretention, dry swales, or sheet flow vegetated buffer provided that Plant Unit requirements are met.

D. **Landscape Installation.** The installation of all required plant material must be in accordance with the FSM.

1. At the time of planting, all trees and shrubs must meet the requirements of the American National Standards Institute, American Standard for Nursery Stock, ANSI Z60.1-2014.
2. The minimum sizes required for each plant type are provided in Table 5.07.07-2.

Table 5.05.07-2. Required Minimum Sizes for Plant Types

Plant Type	Minimum Size
Large Deciduous Tree	Minimum caliper of 1 inch
Small Deciduous Tree	Minimum caliper of 1 inch
Evergreen Tree	Minimum of 6 feet in height
Shrub	Minimum height of 18 inches
Ornamental Grass	Minimum 1 gallon container
Perennial	Minimum 1 gallon container

E. **Maintenance.** The owner, or his agent, is responsible for the maintenance, repair and replacement of all plant material required by this Section.

1. All plant material must be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris.
2. Fences and walls must be maintained in good repair.
3. Openings within fences and walls may be required by the Zoning Administrator for accessibility to an area for necessary maintenance.

5.07.08 Waivers and Modifications

A. **Zoning Administrator Road Corridor Buffer and Buffer Yard Waivers and Modifications.** Unless otherwise specified, the Zoning Administrator may approve requests for waivers or modifications to the road corridor buffer and buffer yard requirements of this section as part of the site plan, subdivision, and/or zoning permit

process upon finding that site conditions make a specific requirement either impracticable or ineffective relative to accomplishing the impact mitigation and site design objectives of this Section.

1. **Justification.** Site conditions that may justify the approval of a buffer yard waiver or modification include, but are not limited to, the following:
    a. Topography, soil, vegetation, or other existing environmental features are such that full compliance is impossible or impracticable.
    b. Improved environmental quality would result from implementation of modified requirements.
    c. Space limitations, unusually shaped lots, and/or existing utility easements.
    d. Change of use on a developed site increases the required Buffer Yard to more than what is feasible to provide.
    e. Safety or security conditions make modified requirements necessary.
    f. A modified buffer would be consistent with the applicable Place Type of the General Plan based on the surrounding property's existing development pattern and design characteristics.
    g. The site is developing consistent with the applicable nonresidential Place Type of the General Plan and the adjoining vacant lot or land bay is designated as the same Place Type, or in the same zoning district if located in the Suburban Mixed Use Place Type.
2. **Conditions.** Zoning Administrator approval of any buffer yard waiver or modification may be subject to conditions that ensure the purpose and intent of this Section continue to be met.
3. **Application.** Each request for a buffer yard waiver or modification must include the following components:
    a. **Written Narrative.** The written narrative must include:
        1. The specific requirement of this Section subject to the modification or waiver request and how the Section is proposed to be modified,
        2. A justification for the request based on Section 5.07.08.A.1.
        3. A description of the site conditions that necessitate the modification and waiver request, and
        4. An explanation of how the approval of the waiver or modification will provide equal or enhanced mitigation of impacts between uses and/or site design than what otherwise would have been required by this Section.
        5. The written narrative for a request to modify or waive the cemetery, burial ground, and grave preservation buffer required by Section 5.07.04.D.4., must:
            a. Describe how the modified buffer will achieve the purpose and intent of the required preservation buffer, and
            b. Address how the historic context of the cemetery, burial ground, or grave will be preserved through the proposed alternative mitigation techniques.
    b. **Design Exhibit.** The design exhibit must clearly depict and tabulate the quantity, type, location, and size of all proposed plant units and any other proposed design elements.
        1. Additional site elevations, plan views, perspectives, and/or pictures may be required by the Zoning Administrator.
        2. When the reduction of a Gateway Corridor Buffer width is requested pursuant to Section 5.07.02.D.4., the design elements specified by Section 5.07.02.D.1. or Section 5.07.02.D.2., as applicable, also must be depicted.
        3. When a waiver or modification is requested to modify the cemetery, burial ground, and grave preservation buffer required by Section 5.07.04.D.4., a Cemetery, Burial Ground, and Grave Treatment Plan is also required in accordance with the Facilities Standards Manual (FSM). The Cemetery, Burial Ground, and Grave Treatment Plan must:
            a. Indicate how the modified buffer will achieve the purpose and intent of the required preservation buffer, and
            b. Address how the historic context of the cemetery, burial ground, or grave is being

preserved through alternative mitigation techniques.

B. **Legislative Modifications**

1. **Buffer Yards.** The Board of Supervisors or the Board of Zoning Appeals may modify the buffer yards requirements of Section 5.07.03 as part of an approval action of a special exception, variance, or as part of proffered conditions. The request for such modification of buffer yards requirements is subject to Sections 5.07.08.A.1, and 5.07.08.A.3.
2. **Road Corridor Setback Modifications.** The Board of Supervisors may modify the Road Corridor Parking and/or Structure Setbacks of Table 5.07.02.B as follows:
    a. The Road Corridor Parking and/or Structure Setbacks may be modified by Minor Special Exception approval in accordance with Section 7.10.02 upon a finding that such modification is necessary to maintain consistency with the streetscape established by existing development on adjacent properties within 100 feet of and on the same side of the road as the property subject to the request.
        1. The application for such modification must include the materials that demonstrate the following:
            a. The location of structures used to justify the proposed setback will maintain consistency with the streetscape established by existing development.
            b. The proposed new Road Corridor Parking and/or Building Setback.
    b. If the modification request does not meet the criteria of Section 5.07.08.B.2.a, then the Applicant may request to modify the road corridor setbacks as part of a Planned Development District pursuant to Section 2.06.

5.08 Performance Standards

5.08.01 Purpose, Applicability, Exceptions, and Administration

Purpose: *The purpose of these performance standards is to promote the public health, safety, and welfare. by ensuring land and buildings will be occupied by uses that comply with reasonable standards that protect the community from dangerous, injurious, or noxious activity or conditions such as:*

- *Fire, explosion, radioactivity or other hazardous condition.*
- *Noise or vibration.*
- *Smoke, dust, odor or other form of air pollution.*
- *Electrical or other atmospheric disturbance.*
- *Glare or heat.*
- *Liquid or solid refuse or waste conditions or other dangerous or objectionable elements or conditions in a manner or amount as to adversely affect the surrounding area or be excessively detrimental to mental and physical health and peaceful enjoyment of property.*

A. **Applicability.**

1. All permitted and special exception uses as set forth in 3.02 , whether such uses are permitted as a principle use or an accessory use, must operate in conformance with the performance standards set forth in this Chapter.
2. Any use that is a lawful nonconforming use, and that on the effective date of this Ordinance complies with the applicable performance standards of this Chapter, must continue to so comply. If, at such time, the operations of such lawful nonconforming use violate the standards specified herein, such operations must not be varied or changed in such a way as to increase the degree of such violation.
3. Any application for an expansion of a lawful nonconforming use that exceeds XX% of the existing disturbed land area or a change of use will require the subsequent expansion or change to comply with the requirements herein.

B. **Existing Uses.** All uses must comply with the performance standards set forth in this Ordinance. However, any use that did not comply with these standards when enacted may be permitted to continue so long as the degree of nonconformity is not increased.

C. **Agricultural Operations.** The standards contained in this Chapter do not apply to any lawful agricultural operation.

D. **Administration of Performance Standards**.

1. **Zoning Permit Procedure**. Before the Zoning Administrator issues a zoning permit, the applicant must furnish sufficient information to enable the Zoning Administrator to ensure that all performance standards and site development standards set forth in this ordinance can and will be complied with. At the discretion of the Zoning Administrator, in order to determine whether or not the applicant will meet such standards, the applicant must submit the necessary information, including, but not limited to:
    a. A plot plan signed by the applicant and drawn to scale showing the location of all existing and proposed structures, drives, parking lots, waste disposal areas, bulk storage areas, streets, streams, or other significant features on or within two hundred (200) feet of the proposed site, not including public rights-of way or easements.
    b. A description of the activity to be conducted regarding waste products, external effects or other conditions which are regulated herein; provided however, that the applicant is not required to reveal any trade secrets or sufficient detail with regard to a process which would cause any secret process or manufacturing procedure for a closely guarded proprietary compound or product to become public knowledge and be available to competitors.
    c. The type and location of abatement devices to control, or recording instruments to measure, conformance with required standards, not including devices and instruments which are inherent in the manufacturing process.
    d. Such other data and certification as may reasonably be required, in addition to the informational requirements of Section 7.06, by the Zoning Administrator to reach a determination.
2. All information and evidence submitted in applications to indicate conformity to performance standards must constitute a certification and an agreement on the part of the applicant that the proposed use can and will conform to such standards at all times.

E. **Enforcement of Performance Standards**.

1. **Intent Concerning Determinations Involved in Administration and Enforcement of Performance Standards.** Determinations necessary for administration and enforcement of performance standards set forth in this article range from those which can be made by a reasonable person using normal senses and without the need for any equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this ordinance that:
    a. Where determinations can be made by the Zoning Administrator or other County employees using equipment normally available to the County or obtainable without extraordinary expense, such determinations will be so made before notice of violation is issued.
    b. Where technical complexity or extraordinary expense makes it unreasonable for the County to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures will be available for protecting individuals from arbitrary and capricious administration and enforcement of performance standard regulations and for protecting the general public from unnecessary costs for administration and enforcement.
2. **Simple Determinations.** If the Zoning Administrator finds that determinations of the nature indicated in Section 5.08(E)(1)(a) are adequate to demonstrate violations of performance standards in particular cases and if such violations exist, the Zoning Administrator must take, or cause to be taken, such lawful action as is appropriate to cause correction of such violations. Failure to obey lawful orders concerning correction of such violations is punishable as provided generally for violations herein and in other laws or regulations affecting the case.
3. **Complex Determinations.** If the Zoning Administrator finds that determinations of the nature indicated in Section 5.08(E)(1)(b) are required to make precise measurements regarding potential violations of

performance standards set forth herein and, if after considered judgment, the Zoning Administrator believes there is violation of such performance standards, the following procedures must be followed:

a. **Notice and Answer.** The Zoning Administrator must give notice by registered mail or other means insuring a signed receipt for such notice to the person or persons responsible for the alleged violation. The notice must describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation and must require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator within a time limit set by him, but not to exceed 60 days. The notice must state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the time limit set constitutes cause for the Zoning Administrator to proceed with enforcement, as provided in Section 10.01. The notice must further state that, upon request of those to whom it is directed, technical determinations, as described in this ordinance, will be made and that if violations, as alleged, are found, costs of such determinations will be charged against those responsible for the violation, in addition to such other penalties as may be appropriate. However, if it is determined that no violation exists, the cost of the determination will be paid by the County.

b. **Correction of Violation.** If there is no reply within the time limit set, but the alleged violation is corrected to the satisfaction of the Zoning Administrator, "violation corrected" will be noted on the County's copy of the notice and it must be retained among the County's official records. A copy will be sent to the alleged violator, in addition to taking such other action as may be warranted.

c. **Action - Continuation of Violation.** If there is no reply within the time set (thus establishing admission of violation, as provided in Section 10.01.XX and the alleged violation is not corrected to the satisfaction of the Zoning Administrator within the time limit set, The Zoning Administrator must proceed to take, or cause to be taken, such action as is warranted by continuation of a violation after notice to cease.

d. **Time Extension.** If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Zoning Administrator but requesting additional time, the Zoning Administrator may grant an extension if it is determined to be warranted in the circumstances of the case and if the extension is determined to not cause imminent peril to life, health, or property. If the extension is not granted, the Zoning Administrator will proceed to bring legal action, as provided in Section 10.01 of this Ordinance.

e. **Costs of Determinations - Responsibility.** If a reply is received within the time limit set requesting technical determination, as provided in this Ordinance, and if the alleged violations continue, the Zoning Administrator may call in properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards, the costs of the determinations will be assessed against the properties or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Section 10.01. If no violation is found, the costs of the determinations will be paid by the County without assessment against the properties or persons involved.

5.08.02 Earthborn Vibration

A. **Required Performance Level.** Any use, operation or activity must not cause or create earthborn vibrations in excess of the peak particle velocities prescribed below.

B. **Method of Measurement.**

1. Measurements must be made at or beyond the adjacent lot line, the nearest zoning district boundary that permits any residential use hereafter referred to in this section as residential district boundaries, or the nearest zoning district boundary line as indicated in Table 5.08.02-1. Ground transmitted vibration must be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in 3 mutually perpendicular directions.
2. The maximum particle velocity must be the maximum vector sum of 3 mutually perpendicular

components recorded simultaneously. Particle velocity also may be expressed as 6.28 times the displacement in inches multiplied by the frequency in cycles per second.

3. For the purpose of this section, steady state vibrations are vibrations that are continuous or vibrations in discrete impulses more frequent than 60 per minute. Discrete impulses that do not exceed 60 per minute must be considered impact vibrations.

C. **Heavy Intensity Land Uses**.

1. Heavy intensity land use standards apply to the SI, SME, TI, TME, JLMA-LME district(s).
2. Uses subject to these standards must not cause steady state vibrations to exceed the maximum permitted particle velocities described in Table 5.08.02-1 below. Where more than one set of vibration levels apply, the most restrictive governs. Readings must be made at points of maximum vibration intensity.
3. Maximum Permitted Steady State Vibration Levels:

Table 5.08.02-1.Area of Measurement		
Type of vibration	At residential district boundaries	At other lot lines within district
Continuous	.003	.015
Impulsive (100 per minute or fewer)	.006	.030
Fewer than 8 pulses per 24 hours	.015	.075

D. **Light Intensity Land Uses.**

1. Light intensity land use standards apply to all residential districts, all industrial districts, except the ??? and the SI, SME, TI, TME, JLMA-LME districts, which are subject to Heavy Intensity Land Uses standards in Section 5.08.02.C.
2. Uses subject to these standards must not cause steady state vibrations to exceed the maximum permitted particle velocities described below. Where more than one set of vibration levels apply, the most restrictive governs. Readings must be made at points of maximum vibration intensity.
3. Maximum Permitted Steady State Vibration Levels:

Table 5.08.02-2 Area of Measurement		
Type of vibration	At residential district boundaries	At other lot lines within district
Continuous	.003	.030
Impulsive (100 per minute or fewer)	.006	.060
Fewer than 8 pulses per 24 hours	.005	.15

E. Between the hours of 8 p.m. and 7 a.m., all of the permissible vibration levels indicated above at residential district boundaries must be reduced to one-half the indicated values.

5.08.03 Stone Quarrying, Extraction, and Mining

A. Applicability. In addition to other performance standards set forth under Section 5.08, all stone quarrying extraction and mining uses, whether in an industrial or mineral extraction zoning district such as the SI, SME, TI, TME, JLMA-LME districts or otherwise, must satisfy the following performance standards:

1. No permit for an extraction and mining use will be issued for any tract of land containing less than 50 acres. This requirement, however, does not preclude the approval of a permit to enlarge or extend an existing extraction and mining use onto contiguous parcels.
2. All blasting is limited to the hours of 7 a.m. to 6 p.m. or such lesser time as may be established by special exception.
3. All vehicles used to transport excavated material are required to be loaded in such manner that the material is not unintentionally discharged from the vehicle during transport. Trucks must be cleaned of all material not in the load-bed prior to entering the public streets.

B. Notwithstanding the provisions of Sections 5.08.02 and 5.08.04 of this Chapter, all special exception extraction and mining uses are subject to the following performance standards as they relate to noise and earthborn vibrations:

1. Blasting vibration is limited to peak particle velocity for a corresponding frequency level, as shown in the chart below:
2. Earth vibration produced from sources other than blasting must not exceed a maximum resultant peak particle velocity of 0.03 inches per second.
3. The peak over pressure (noise) from any blast is limited to 129 dB, as measured at 5 or 6 Hz high pass system.
4. Airborne noise produced from extractive operations other than blasting must not exceed the 80 dBA maximum, continuous noise, as measured at the lot line of the extraction and mining use.
5. For noise and vibrations induced by blasting, measurement must be taken at the nearest off-site occupied building, with the distance measured in a straight line from the point of the blast to the building.
6. For noise and vibrations induced by sources other than blasting, measurement must be taken at the nearest property line of a lot not owned by the extraction and mining use.
7. The Board of Supervisors, as a condition of a special exception, may further limit vibration and noise levels where, in the Board's opinion, the existing and proposed surrounding land use or proximity of population in the area warrants additional protection.

C. **Landscaping and Screening Requirements.**

1. All areas within 100 feet of an adjacent public road or a zoning district or land bay allowing or planned to allow residential uses must meet the standards of Section 5.07 and must be landscaped, bermed, screened, and maintained with natural and planted vegetation to buffer and screen such areas.
2. In addition to Section 5.07, existing trees and ground cover along all other boundary lines must be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and other ground cover for the depth of the setback.
3. The type, time of planting, design, and spacing of the planting screen must comply with Section 5.07.
4. The Zoning Administrator must make a determination that existing landscaping has been installed and is maintained according to the approved landscaping plan before a zoning permit extension and/or zoning permit renewal is approved.

Peak particle velocities must be recorded in three mutually perpendicular directions. The maximum peak particle velocity is the largest of any of the three measurements.

INSERT NEW GRAPHIC FOR PARTICLE VELOCITY GRAPH HERE, LABELED AS TABLE 5.08.03-1 PARTICLE VELOCITIES AT FREQUENCY LEVELS

5.08.04 Noise

Purpose. *The purpose of the noise standards is to protect citizens from excessive sound (noise) that is detrimental to the health and peaceful enjoyment of property.*

A. **Applicability.**

1. No use is permitted to be operated in such a manner as to create a sound that exceeds the maximum A-weighted sound levels set forth in Table 5.08.04.-1. Examples of sounds regulated by this Ordinance include, but are not limited to amplified music or voice, or barking dogs at kennels.
2. The maximum A-weighted sound levels of Section 5.08.04.D applies unless a different decibel level applies under Section 5.08.04.F.
3. These standards do not apply to special exception extraction and mining special exception operations uses otherwise regulated herein or between multiple uses located within the same building or on the same lot, unless the receiving property is Mixed-Use residential.

B. **Definitions**. For the purposes of this section only, the definitions in Section 5.08.04.01 apply.

C. **Methods of Measurement.**

1. A-weighted sound levels must be measured with an integrating SLM that meets or exceeds American National Standard Institute S1.43-1997 for Type 1 SLMs. The response of such SLM must be set to FAST, and a time period of 15 seconds must be used. The operator may select another time period between a minimum of 10 seconds and maximum of 1 minute if a 15-second time period cannot adequately capture the A-weighted sound level.
2. Samples must be taken only when the subject sound can be clearly heard and identified by the operator without any extraneous sounds such as passing traffic or bird songs.
3. The operator must take a minimum of 3 samples that demonstrate the repeatability and consistency of the subject sound. When possible, the operator should also take at least 1 sample when the subject sound is not heard for the purpose of comparison.
4. The arithmetic average of all samples that demonstrate the repeatability and consistency of the subject sound must comply with the maximum A-weighted sound levels in Table 5.08.04-1.
5. For residential, rural economy, commercial, civic, institutional, and industrial uses, samples of the subject sound must be taken from the point on the receiving property line that is located the closest to the source of the subject sound. The microphone of the SLM must be aimed toward the source of the subject sound, and a standard microphone height of 5 feet above grade must be used.
6. For all residential uses, samples of the subject sound must be taken on the receiving property at the nearest dwelling unit at an open window, door, or other aperture that faces in the direction of the source of the subject sound. The window, door, or other aperture that is the closest to the source of the subject sound must be used. The microphone of the SLM must use a windscreen, must be located at the center, and must extend approximately 0.5 inches beyond the outer plane of said open window, door, or other aperture, and must be aimed towards the source of the subject sound.

D. **Maximum A-Weighted Sound Levels (decibels).** The maximum A-weighted sound level is provided in Table 5.08.04.-1 and applies any time of day or night.

Table 5.08.04.-1

Receiving Development	Mixed - Use Residential	Residential and Rural Economy Uses	Commercial, Civic, and Institutional Uses	Industrial Uses
Maximum A-Weighted Sound Level (decibels)	60	55	65	70

E. **Maximum A-Weighted Sound Levels Exemptions.** The maximum A-weighted sound levels in Table 5.08.04-1 do not apply to the following:

1. All aircraft sounds.
2. Sounds produced by activities listed in Chapter 654.02(e) of the Codified Ordinances of Loudoun County. However, sounds produced by outdoor public address systems at public schools are subject to Section 5.08.04.F, and sounds produced by commercial indoor firearm ranges are subject to the maximum A-weighted sound levels in Table 5.08.04-1.
3. Sounds created by the operation of power equipment, such as power lawn mowers, chain saws, and similar equipment, and construction, demolition, and/or maintenance activities.
4. Sounds created by generators and accessory equipment operating during an emergency or at the request of a utility and the testing of said generators and associated equipment.
5. Sounds created by air conditioner condensers for single-family attached dwellings and single-family detached dwellings.
6. Sounds created by utilities and public uses, including, but not limited to utility substations, utility transmission lines, sanitary landfills, public sewer, and public water.

F. **Noise Standards for Specific Uses.** The following noise standards apply to specific uses when expressly

referenced by the standards for the specific use under Section 3.06.

1. **Location in Relation to Residential Use.** No loading/unloading activities or other noise-producing activities are permitted within 250 feet of an existing principal dwelling .
2. **Maximum dB(A)**. The maximum allowable dB(A) level of impulsive sound emitted from the specific use, as measured at the property line of any adjacent lot that permits a single family dwelling as a principal use, is 55 dB(A).
3. **Outdoor Music**. Outdoor music is not permitted after 11:00 PM.

A-Weighted Sound Level is the sound pressure level in decibels as measured on a sound level meter (SLM) using the A-weighting network.

Emergency is any occurrence or set of circumstances involving actual or imminent physical trauma, property damage, or loss of electric or phone services that require immediate action.

Mixed-Use Residential: For purposes of Section 5.08.04, is any dwelling unit located in any of the following zoning districts listed in Chapter 2: UT/UM, SM, PD.

Residential is any dwelling unit located in a zoning district listed in Chapter 2, or the PD-H zoning district, and any other dwelling unit that does not meet the definition of mixed-use residential.

Receiving property is the lot or parcel, or for mixed-use residential, the affected dwelling unit, that is the recipient of the subject sound.

Sound is an oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.

5.08.05 Light and Glare

Purpose: *The purpose of the Light and Glare standards is to:*

- *Provide clear and consistent site lighting standards.*
- *Provide lighting standards that reflect the goals of reducing light pollution from the General Plan.*
- *Minimize the adverse effects of light trespass to adjacent properties and the natural environment.*

A. **Applicability.** All lighting and sources of glare that are produced from a manufactured lighting device or that is not produced by the natural environment is subject to the standards in this section except as exempted in 5.08.05.B.

B. Existing light sources that will be affected by the approval of revisions to an approved site plan or a change of use requiring a zoning permit must comply with the lighting standards contained in this section.

C. **Exemptions.** The following are excluded from compliance with the Standards of 5.08.05.C:

1. Exterior lights mounted on single family detached and singled family attached dwelling units and lights mounted on multifamily structures at entry and exit doorways.
2. Light from operating motor vehicles.
3. Road or street lighting located within the public or private road right of way.
4. Lighting for recreational and athletic fields and facilities at publicly owned facilities utilized for athletic competition except public schools, which are subject to the standards provided in 5.08.05 D.
5. Lighting of recreational and athletic fields and facilities at public schools which are subject to the Use Specific Standards for Schools, Public (Elementary, Middle or High) in 3.06.05.18.
6. Temporary holiday decorative lighting.
7. Public monuments or statuary.
8. Temporary lighting for theatrical, television or performance areas and construction sites.
9. Underwater lighting in swimming pools and other water features.
10. Lighting that is only used under emergency conditions.

11. Lighting required by federal, state, county or municipal laws or regulations.
12. Motion sensing lights that turn off after a predetermined interval.

D. **Standards.**

1. Lighting devices must be manufacturer certified to be full cutoff and fully shielded so that the emitted light is not projected above the horizontal plane of the shield or bulb enclosure and the bulb is not visible beyond the property line of the parcel.
2. Lighting fixtures must be aimed downward and inward to direct light towards the interior of the property.
3. The lighting device must not cause illumination in excess of 0.25 foot candles above background light levels measured at any property line of the parcel upon which the device is located. The illumination levels must be documented on a photometric plan.
4. The maximum height of pole-mounted exterior lighting is 25 feet unless a lesser or greater maximum height is specified in a Use Specific Standard in Section 3.06 or by approved Proffer or Special Exception.
5. All exterior lighting must be extinguished between 11:00 pm and 7:00 am unless:
6. The permitted hours of operation, during which lighting is permitted, are specified by a Use Specific Standard in Section 3.06 or;
    a. The permitted hours of operation, during which lighting is permitted, are specified on an approved site plan or;
    b. The permitted hours of operation, during which lighting is permitted are part of an approved Proffer or Special Exception.
    c. Exterior lighting that is determined by the Zoning Administrator to be necessary for security purposes is excluded from this requirement.
7. **Standards for Recreational and Athletic Fields.** Recreational and Athletic Fields and facilities at publicly owned facilities utilized for athletic competition other than at public schools must:
    a. Use cut-off and fully shielded lighting fixtures that are aimed downward and inward toward the athletic field or interior of the property.
    b. Be shielded in directions away from the athletic field to minimize glare and light trespass onto adjacent properties.
    c. Not cause illumination in excess of 10-foot candles above background light levels measured at the lot line of any adjacent lot. The illumination levels must be documented on a photometric plan.
    d. Must be turned off by 11:00 p.m.
8. **Standards for Specific Uses.** The following exterior lighting and glare standards apply to specific uses when expressly referenced by the Use Specific Standards under Section 3.06.
    a. The maximum height of pole mounted exterior lighting must not exceed 25 feet.
    b. Fully shielded lighting fixtures must be used in all areas. The light element (lamp or globe) of a fixture must not extend below the cutoff shield.
    c. All exterior lighting must be extinguished from the end of the permitted hours of operation for the specific use:
        1. If the hours of operation are included on an approved site plan, or
        2. If specified in the Use Specific Standards of Section 3.06, or
        3. If specified by Proffer or Special Exception, or
        4. Between 10:00 p.m. to 6:00 a.m. if no hours of operation are specified.
        5. Exterior lighting that is determined by the Zoning Administrator to be necessary for security purposes is exempted from this requirement.
        6. Signage related to the use must not be illuminated.
9. **Method of Measurement.** Illumination levels must be measured at the specified location with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

10. **Special Exception Review for Lighting that does not Comply with Standards.** Lighting that does not meet the standards of Section 5.08.05.A may be permitted by special exception, pursuant to Section 7.10, upon a finding that the proposed lighting is appropriate.

5.09 Transportation

5.09.01 Road Access and Frontage Standards

Purpose. *The purpose of the Road Access Standards is to:*

- *Provide consistent road access standards that are appropriate for the type and location of development.*
- *Provide consistent road access standards that are appropriate for the Place Type to implement the General Plan.*
- *Ensure that all new development is accessible to and from roads that are safe and serve their intended purpose.*

A. **Applicability.** All new development must comply with the standards regarding access and frontage contained in this section.

B. **Lot Access Requirements.**

1. All structures requiring a building permit and all uses requiring a zoning permit must be located upon a lot that has access onto a Class I or Class II Road, collectively referred to as public roads herein, or a Class III Road or a private access easement, collectively referred to as a private road herein, as specified in the individual zoning district regulations.
2. This requirement does not apply if different access requirements are specifically provided for otherwise in this ordinance, the Land Subdivision and Development Ordinance (LSDO) or the Facilities Standards Manual (FSM).
3. New public or private access points to arterial or major collector roads are limited to locations at existing median breaks, planned median breaks or other locations approved by Loudoun County or VDOT.
4. Roads must be designed and constructed to Virginia Department of Transportation (VDOT) standards for inclusion in the state highway system or to the standards contained in the FSM.

C. **Private Roads.** Roads serving SFA townhouse and MF stacked or attached dwelling units only, or roads within the UT/UM, UE, or SM zoning districts may be private if:

1. The roads are designed and constructed to private road standards set forth in the FSM.
2. All lots served by the private road are subject to a recorded covenant expressly requiring private maintenance of that road in perpetuity.
3. A reserve fund for repairs of the road is established, commencing with the initial record plat.
4. The record plat and protective covenants for the development expressly state that the County and VDOT have no responsibility to maintain, repair, or replace private roads.
5. The protective covenants identify the mechanism and entity that has responsibility to monitor and administer the maintenance and repair of the affected private roads or access easements.
6. Sales brochures or other literature and documents, provided by the seller of lots served by the private roads, include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to those lots, including a statement that the County will have no responsibility to maintain, repair, or replace private roads.
7. If the use of private roads or private access easements is not permitted and requires approval for access to new lots or uses as an exception to this section, that approval must be in conjunction with approval of a rezoning by the Board of Supervisors of a PD District pursuant to Section 2.06.
    a. In those applications, the applicant must demonstrate how permission to use private roads will accomplish the purpose of the district and produce development that is consistent with General Plan place types.

b. The use of private roads approved by the Board of Supervisors as part of a Zoning Ordinance amendment or Special Exception approval must meet the same requirements as if permitted by this ordinance pursuant to the requirements of (C) above and any additional conditions or standards accompanying the approval.

D. **District Vehicular Access Requirements.** Access to roads in the SM, SC, SE, SI, SME, TCC, TLI, TI, TME, JLMA-LE, Districts must be provided as follows:

1. Primary vehicular access must be from collector or minor arterial roads.
2. Primary vehicular access is prohibited on residential local access roads or roads in primarily residential developments or districts.
   a. This prohibition does not apply to collector roads through residential developments or districts.
   b. Roads internal to the district must not be connected with roads outside the district in a manner that would encourage their use by through and construction traffic.

E. **Access Limitation for Route 50.** Direct access to Route 50 in any zoning district is prohibited unless:

1. The property owner demonstrates that the subject property:
   a. Does not have legal access to any public road other than Route 50, and
   b. Does have legal access to the location of a planned Route 50 Parallel Road, as shown on the Countywide Transportation Plan as amended.
2. The access, if permitted, is limited to right-turn-in and right-turn-out entrances to and from Route 50 only as approved by VDOT, and
3. Prior to approval of a site plan for these uses, property owners must execute and record an instrument in a form as reviewed and approved by the County that states:
   a. When alternative access to the site becomes available via a public or private road adjacent to the owner's parcel or via other means, such as an available private access easement that provides access to any public or private road:
      1. The owner and successors are obligated to relinquish all direct access rights and close off all direct access to Route 50 at no cost to the County or VDOT, or
      2. Permit the County or VDOT to close off all direct access without compensation.

F. **Use Specific Road Access Standards.** When a Use Specific Standard is applicable pursuant to Section 3.06 and that Use Specific Standard expressly references road access standards, the following road access standards apply. All FSM provisions regarding variations apply.

TABLE 5.09.01-1: ROAD ACCESS STANDARDS

Maximum Vehicle Trips Per Day (VTD) [1]	Onsite Private Road Construction Standards	Public Road Access	
		Public Paved Road Standards [2]	Public Unpaved Road Standards [2]
1 - 20 VTD	FSM Chapter 4, Table 3, Type C1 Roadway	Permitted	Permitted
21 - 70 VTD	FSM Chapter 4, Table 3, Type C2 Roadway	Permitted	Permitted
71 - 250 VTD	FSM Chapter 4, Table 3, Type C3 Roadway	Permitted	Permitted
251 - 600 VTD	FSM Chapter 4, Table 1, Type A1 Roadway	Permitted	Special Exception Review required (Section 7.10.01)
More than 600 VTD	FSM Chapter 4, Table 1, Type A1 Roadway	Special Exception Review required (Section 7.10.01)	Special Exception Review required (Section 7.10.01)

[1] VTD as determined by traffic study if required or as estimated based on proposed use and most current edition of ITE *Trip Generation Rates* or an approved substitute

[2] Characteristics of the public road that provides access to the development's private road(s).

5.09.02 Road Network

Purpose. *The purpose of the Road Networks standards is to ensure new development creates appropriate vehicular connections that achieve a development pattern consistent with the vision for the Place Types, as well as the transportation policies in the General Plan and Countywide Transportation Plan.*

A. **General Requirements.** In general, the road network in new development must be provided as follows:
   1. So that future road connections to adjacent developable parcels within the same Place Type of the General Plan can be created.
   2. Developments must be designed so road connections avoid natural, environmental, and heritage resources to the extent feasible.
      a. *Exception.* Road connections are not required through unavoidable steep slopes (Section 5.03.02) or in the Floodplain Overlay District (FOD) (Section 4.03). Developments must be designed so road connections can avoid regulated natural resources.

B. **Block Standards.** When the zoning district development pattern requires roads to form blocks, the following regulations apply:
   1. Block length is measured from the edge of right-of-way or access easement for private streets.
   2. Blocks designed to include a mid-block through-alley allowing secondary vehicle access to land uses on the block may be a maximum of 2 times the length of the average block length, half of which will be used in the calculation of average block length.
   3. Minimum and maximum block lengths must be achieved except where deviation is necessary to avoid natural, environmental, or historic resources, or required to comply with regulations concerning steep slopes, MDOD sensitivity areas, or FOD pursuant to Sections 5.03.02, 4.04, and 4.03, respectively.
   4. If a block pattern is not feasible, a more linear road pattern may be used in the following scenarios:
      a. To avoid and protect natural, environmental, or heritage resources that will be incorporated into the open space required for the district;
      b. If the district size or shape cannot accommodate blocks with each side achieving the required minimum and maximum block length; or
      c. If other physical barriers, such as railroad tracks, preclude the creation of blocks.

C. **Other Road Network Requirements.** Within the TLN, TSN, TCN, TCC, JLMA-1, -2, -3, and VR-1, -2, -3 Zoning Districts, the road network must also be provided as follows:
   1. Dead end roads ending in culs-de-sac and “P-loop” roads are only permitted where necessitated to avoid natural, environmental, and heritage resources.
      a. If a private road ends in a dead end, then a cul-de-sac is not permitted.
   2. Provide "T" intersections in locations where views of important civic, public, or open space areas can be highlighted.

5.09.03 Pedestrian and Bicycle Network

Purpose. *The purpose of the Pedestrian and Bicycle Networks Standards are to:*

- *Create a continuous and predominantly straight sidewalk to support two-way pedestrian traffic with enough space for streetscape amenities such as street furnishings, street trees, ground cover plantings areas, street lighting, signage, and utilities.*
- *Ensure multimodal transportation network consistent with the General Plan and the Countywide Transportation (CTP) Plan.*
- *Minimize long pedestrian block lengths and decrease pedestrian travel distances to improve safety and accessibility for circulation and mobility of pedestrians with various physical abilities and mobility needs.*
- *Achieve the CPT Vision Zero policies and compliance with the American with Disabilities Act.*

A. **Pedestrian and Bicycle Network.** A Pedestrian and Bicycle Network is required as follows:

1. In all new development in all zoning districts except Rural Policy Area zoning districts.
2. The Pedestrian and Bicycle Network must be provided as follows:
    a. In conformance with the Facilities Standards Manual (FSM), except where the requirements of this Ordinance are more restrictive.
    b. With widths in accordance with Table 5.09.03-1.
    c. With sidewalks, multimodal sidewalks, or shared use paths on both sides of and aligned with each public road and private road within or forming the perimeter of the zoning district.
        1. When blocks are required or provided, sidewalks must be on all 4 sides of the block. Pedestrian walkways are not required in alleys, except to meet the requirements of Section 5.09.03.B.
    d. To provide connections between residential, commercial, employment, civic, and institutional uses, including public schools, public open space and parks, and parking within or adjacent to the proposed development.
    e. To provide access to public transit stops when transit stops are located in or immediately adjacent to a site.
    f. To establish a network within open space.
    g. To link adjacent or abutting communities by connecting with existing or planned sidewalks, shared use paths, or trails at the property boundaries of the project.
        1. If an existing pedestrian or bicycle facility on an adjacent or abutting community is consistent with the Countywide Transportation Plan, then the facility to be provided must be consistent with the existing facility.
        2. If connections are planned but not constructed, then all sidewalks, shared use paths, and trails must be designed to continue to the project boundary, link with the planned network, and be stubbed.
        3. If connections are not planned, then all development plans must provide for future sidewalk, shared use path, and/or trail connections to adjacent or abutting developable parcels.
    h. When underpasses or tunnels are used for the network, they must be:
        1. Generally straight and without recesses so that the far end of the underpass or tunnel is visible to a pedestrian or bicyclist; and
        2. Illuminated at night and when in excess of 15 feet in length.

TABLE 5.09.03-1. MINIMUM WIDTHS FOR PEDESTRIAN AND BICYCLE FACILITIES

Facility	Width (min.)
Shared Use Path	10 ft.
Sidewalk along Roads Identified in Countywide Transportation Plan	6 ft.
Sidewalk in the UT Inner Core Subarea and UT Outer Core Subarea of the UT/UM Zoning District[1]	12 ft.
Sidewalk in the UM Subarea of the UT/UM Zoning District[1]	9 ft.
Sidewalk in the Mixed Use Center Core of the SM Zoning District[1]	12 ft.
Sidewalk in the UE Inner Core Subarea[1]	8 ft.
Sidewalk in the UE Outer Core Subarea of the UE Zoning District[1]	6 ft.
Sidewalk in the Mixed Use Center Fringe of the SM Zoning District[1]	9 ft.
Sidewalks along Multimodal Through Corridors, Boulevards, and Avenues	8 ft.
Sidewalk along All Other Roads	5 ft.

(ft. = foot)

[1]Sidewalks must have and maintain a minimum unobstructed pathway at least 5 feet wide.

B. **Mid-Block Passageway.** In addition to the Pedestrian and Bicycle Network requirement, mid-block

passageways must be provided as follows:

2. In the UT/UM, UE, SM, and TCC Zoning Districts for any block that is 200 feet or greater in length.
    j. At least 1 mid-block passageway must be provided within the block per 200 feet of block length.
    k. A mid-block passageway could be a component of an alley, linear park, or open space, etc.
3. To provide a connection between 2 of any of the following features:
    a. Roads
    b. Components of the Pedestrian and Bicycle Network
    c. Parks or Open Space
    d. Parking Facilities
    e. Transit Facilities
    f. Other Paths or Trails
    g. *Exception.* A mid-block passageway is not required if a proposed development demonstrates that no connection can be made between 2 features listed above.
4. With a hard surface and minimum 6 foot width.
5. With a physical separation, such as sidewalk, bollards, planters, vegetation, from the vehicular travelway if the mid-block passageway is also accessible to vehicles.
6. With illumination at night.
7. If steps or stairs are part of the mid-block passageway, then wheelchair accessible ramps must also be provides.
8. Publicly accessible at all times.

5.09.04 Visibility at Intersections

Purpose: *The purpose of the Visibility at Intersections Standards is to:*

- *Protect all users of the transportation network from traffic hazards by preventing or removing impediments to visibility.*
- *To protect all users of the transportation network, including pedestrians and cyclists, and*
- *To provide standards for intersection visibility where VDOT does not exercise jurisdiction.*
- *Promote the public health, safety and welfare of the traveling public*

A. **Applicability.**
    1. Public road intersections under the design, construction, or maintenance jurisdiction of VDOT are subject to VDOT standards which take precedence.
    2. The standards contained herein apply where VDOT jurisdiction is not applicable.
    3. Private roads are subject to the visibility standards contained in this section

B. **Standards.** No impediment to visibility is to be placed, allowed to grow, erected, or maintained within the area described below, which is known as the V*isibility Triangle*:
    1. **At Street Intersections.** There will be 2 Visibility Triangles at the intersection, 1 to the left and 1 to the right. The apex of each Visibility Triangle is the point where the street rights-of-way intersect. The sides of each Visibility Triangle are the portions of the street right-of-way lines extending from the apex along each street right-of-way and are each 25 feet in length. The base of the Visibility Triangle runs through the lot and connects the ends of each side. Material impediment to visibility within the Visibility Triangle must not exceed 3 1/2 feet in height. *See the illustration below. (Insert illustration titled Visibility Triangle for Street Intersections here)*
    2. **At Driveway or Alley Intersections With Streets.** There will be 2 Visibility Triangles at the intersection, 1 to the left and 1 to the right. The apex of each Visibility Triangle is the point at the intersection of the street right-of-way line with the edge of the driving surface of the driveway or alley, nearest to the

approaching traffic lane. The side of the Visibility Triangle coterminous with the street right-of-way line is 25 feet in length. The side of the triangle coterminous with said edge of the driveway or alley is 20 feet in length. The base of the Visibility Triangle runs through the lot and connects the ends of each side. Material impediments to visibility must not exceed 2 feet in height. *See the illustration below. (Insert illustration titled Visibility Triangle for Driveway or Alley with Streets here)*

3. **At Pedestrian/Bicycle Network Intersections With Streets.** Where a pedestrian/bicycle network trail or other shared use path provides access to a public street or private street, visibility triangles as described in 1 or 2 above must be established. Material impediments to visibility must not exceed 2 1/2 feet in height above the level of the center of the street.
4. **Exceptions**.
    a. Where terrain features present substantial obstacles to provision and maintenance of Visibility Triangles the Zoning Administrator may permit the provision and maintenance of lesser visibility clearance, and that clearance must be the maximum that is reasonably practicable to provide and maintain.
    b. The provisions of (A), (B) or (C) above do not apply in the Historic Overlay District under Section 4.08 if the Historic District Review Committee (HDRC) finds that a waiver of those provisions is necessary to maintain the integrity of the historic district, and vehicular and pedestrian safety is maintained.

5.10 Adaptive Reuse Standards

Purpose: *The purpose of the Adaptive Reuse Standards is to foster the appropriate and compatible adaptive reuse of obsolete or underutilized historically significant structures to:*

- *Support the historic preservation goals of the Heritage Preservation Plan and the General Plan.*
- *Preserve the historic character, buildings, structures, and sites of the Rural Historic Villages and Legacy Village Cores as identified in the General Plan or village small area plans.*
- *Protect iconic or prominent buildings that exemplify community character to establish or reinforce a community's identity and sense of place by creating opportunities for community gathering places and spaces for cultural activities in these buildings.*
- *Increase and improve the variety and affordability of housing stock in locations consistent with the General Plan and where permitted.*
- *Encourage preservation of historic structures through appropriate renovation.*
- *Ensure the adaptive reuse of a structure is compatible with and does not adversely impact the character of the surrounding landscape and development.*
- *Prolong building lifespans, encourage reuse of existing resources, generate activity, and facilitate market alternatives rather than demolition of existing, structurally sound historic structures, especially if they are vacant or in underutilized areas, especially by allowing use that may not otherwise be allowed.*
- *Maintain compatibility of the adaptively reused building or structure with a surrounding neighborhood, community, Place Type, village, or historic district.*
- *Provide flexibility for adaptive reuse projects without compromising the health, safety, or welfare of users.*

A. **Applicability.** Structures meeting the eligibility requirements of Section 5.09.B are permitted to be adaptively reused in accordance with the standards of this section.

B. **Eligibility.** To be eligible for adaptive reuse, a structure must be:
    1. Identified as historically significant by being:
        a. Designated as a National Historic Landmark;
        b. Listed or eligible for listing in the National Register of Historic Places or a contributing resource in a historic district listed or eligible for listing in the National Register of Historic Places;
        c. Listed or eligible for listing in the Virginia Landmarks Register or a contributing resource in a

historic district listed or eligible for listing in the Virginia Landmarks Register; or

d. Designated as the following types of Historic Overlay Districts (HOD) pursuant to Section 7.09.08:

1. Loudoun County Historic Site;; or
2. Contributing resource in a Loudoun County Historic and Cultural Conservation District.

2. The structure is located in a Village Conservation Overlay District (VCOD) pursuant to Section 4.07, is located in a Rural Historic Village or Legacy Village Core as designated by the General Plan, or is subject to a village small area plan.
3. The structure is greater than 50 years old, and the prior use or uses in the structure are obsolete or economically nonviable.

a. In making a finding that the prior use or uses are obsolete or economically nonviable, the Zoning Administrator must consider the structure's:

1. Past and current vacancy rate;
2. Existing and previous uses;
3. Structural condition;
4. The ability of the structure to be retrofitted for the new use; and
5. Real estate market information.

b. The Zoning Administrator must also determine whether the structure is eligible for listing in the National Register of Historic Places or the Virginia Landmarks Register pursuant to Sections 5.09.B.1.b or c.

1. If the property is eligible for listing in the National Register of Historic Places or the Virginia Landmarks Register, then Section 5.09.C.1. applies.

c. The applicant may be required to submit documentation prepared by qualified professions as follows:

1. To demonstrate a prior use or uses in a structure are obsolete or economically nonviable, documentation must be completed by a market research firm, real estate development firm, or other entity qualified to conduct and research market analysis, demographic trends, competitive analysis, and/or real estate feasibility studies.
2. To demonstrate structural condition and/or ability of the structure to be retrofitted for the new use, documentation must be completed by an architect and/or engineer.
    a. If the structure is eligible for adaptive reuse pursuant to Section 5.09.B.1., the documentation must be provided by a person meeting the Secretary of Interior Standards minimum professional qualifications in historic architecture, architecture, or architectural history.
3. To demonstrate eligibility for listing as a national, state, or local historic resource, documentation must be completed by a person meeting the Secretary of Interior Standards minimum professional qualifications in architectural history, history, or archaeology.

C. **Standards and Requirements.** Adaptive reuse projects must comply with the standards and requirements of this Zoning Ordinance, except as set forth in Sections 5.09.C and D below, and must comply with the following:

1. If the structure meets the applicability requirement of Section 5.09.B.1., then the historic setting associated with the structure must be protected to preserve the context of the resource by:

a. Locating any new parking to the side or rear of the structure;
b. Not constructing any additions on the primary façade or front elevation of the structure;
c. Retaining existing features that contribute to the historic character of the property, such as native or specimen trees, historic plantings or gardens, walkways, walls, or other features, to the extent feasible. Repair of such features is permitted.

2. Any additional parking, lighting, or signage requirements necessitated by the reuse of a historic structure

must be scaled in a manner that is subordinate to the existing structure and must be compatible with and not adversely impact the character of the surrounding landscape and development pattern.

D. **Permitted Uses.** Uses are permitted in accordance with Table 5.09-1 in any structure eligible for adaptive reuse pursuant to section 5.09.B., except that no new uses that emit noxious odors or excessive noise will be permitted, unless the applicant demonstrates that the use will not negatively impact nearby dwellings.

Table 5.09-1. Uses Permitted as Adaptive Reuse

Current Zoning District	Permitted as Adaptive Reuse[1]
Zoning district permitting residential uses, except districts that permit only single-family detached (SFD) dwelling unit types (UT/UM, SN, SCN, SM, TSN, TCN, VC, RC)	100% affordable housing regardless of the dwelling unit type permitted in the district (single-family detached, single-family attached and/or multifamily) provided the dwelling units are developed pursuant to the Section 8.01 ADU Program or Section 8.02 UHNU Program requirements.
Zoning District permitting SFD, single-family attached (SFA), and/or multifamily (MF) stacked dwelling units (UT/UM, SN, SCN, SM, TLN, TSN, TCN, ARN, ARS, VC, VR, RC)	SFD dwelling unit converted to up to 4 dwelling units or 4 live/work dwellings
Any zoning district where the use is currently not permitted	Public, Civic, Institutional Uses, except for the following uses: Hospital; Pet Farm; Recreation, Indoor; Recreation, Outdoor or Major; and Shooting Range
Any zoning district where the use is currently not permitted	Lodging Uses
Any zoning district where the use is currently not permitted	Commercial Uses, except for the following uses: Kennel; Kennel, Indoor; Dry Cleaning Plant; Convenience Store with Gasoline Sales; and all Automotive uses
Underlying zoning district located in an HOD, VCOD, or designated by the General Plan as a Rural Historic Village or Legacy Village Core or subject to a village small area plan and where the use is currently permitted	A use permitted by special exception in the district will be permitted by minor special exception and a use permitted by minor special exception is permitted by right, except for the Public, Civic, Institutional Uses, Lodging Uses, and Commercial Uses identified as not permitted above.

[1]Uses must also comply with the Use Specific Standards in Section 3.06.

E. **Adaptive Reuse Incentives.** In addition to nonconforming lot or structure allowances pursuant to Chapter 9, projects that are eligible for adaptive reuse under 5.09.A are entitled to the incentives set forth in Table 5.09-2. Incentives with a plus mark (+) in the Existing Floor Area column apply to the existing floor area of the structure. Incentives with a plus mark (+) in New Floor Area column apply to the floor area that is added to a structure.

Table 5.09-2. Adaptive Reuse Incentives

Incentive	Existing Floor Area	New Floor Area
Rear Yards. Additions may encroach into a required rear yard by up to 25% or to within 15 feet of the rear property line, whichever is greater. This encroachment is permitted to occur 1 time after the adoption date of this ordinance or upon adaptive reuse of the structure, whichever is first.		+
Density. Single-family detached, single-family attached, and multifamily stacked dwelling units and live/work units are not subject to the maximum dwelling unit per acre density requirements of the zoning district or proffered rezoning.	+	
Floor Area Ratio (FAR). Regardless of whether an adaptive reuse is for residential or nonresidential purposes, floor area may exceed the permitted FAR by up to 33%. Mezzanines are not included in the calculation of floor area for the purpose of determining compliance this with the standard, provided use of a mezzanine does not add a new dwelling unit. FAR only applies when the structure to be adaptively reused was or would have been previously subject to the FAR requirement.	+	+
Open Space. Existing lots that do not conform to the open space requirements of the applicable zoning district are permitted to be adaptively reused without meeting the open space requirement.	+	+
Off-Street Parking. The required number of parking spaces must be the lesser of the number of spaces that existed on the site as of the adoption date of this ordinance, or the minimum number of spaces required by Section 5.06. Once established, the number of spaces must be maintained and not reduced. Adaptive Reuse projects are otherwise exempt from the parking standards of Section 5.06, except that parking reductions pursuant to Section 5.05.08 are encouraged to reduce parking below the minimum requirement.	+	
Loading Space. If no loading spaces exists, then a loading space is not required in conjunction with the development of an Adaptive Reuse project. Where an existing loading space is provided, the requirements of Section 5.05.09 (Loading Standards) apply.	+	

Table 5.09-2. Adaptive Reuse Incentives		
Incentive	Existing Floor Area	New Floor Area
Site Plan Review. The application fee for site plan review of Adaptive Reuse projects of less than 3,000 square feet of gross floor area and located in a VCOD, Rural Historic Village, or Legacy Village will be waived provided that such plans substantially comply with all ordinance requirements when submitted.	+	

5.11 Transition

Purpose. *The purpose of the Transition Standards is to:*

- *Ensure larger scale, more intense, mixed use and nonresidential developments do not adversely affect neighboring lower density, less intense residential development both internal to a zoning district and among adjacent zoning districts.*
- *Promote balanced street walls that appear similar in height and avoid an extreme and disharmonious height reduction or increase at the end of a block.*
- *Ensure new Suburban Neighborhood District developments transition gradually to adjacent lower-density residential uses, particularly where natural or man-made buffers are not available, through building scale and design elements that soften these transitions.*
- *Maintain substantial open space and setbacks along roadways and adjacent development in the Transition Policy Area to shield views of new development, provide extensive buffers around communities, and create visual transition between the Suburban Policy Area and the Rural Policy Area.*

A. **Applicability.** Neighborhood Transition Standards apply to all new development.

B. **General Building and Lot Location.** Buildings and lots within a new development must be located as follows:

1. In general, the following standards apply:
    a. When adjoining existing less intensive uses and smaller buildings, taller buildings must step down in height to transition to the neighboring development so that at the edge of the district, buildings are generally no more than 1 story taller than adjoining development consisting of less-intensive uses.
        1. For the purposes of this section, 1 story equals 15 feet.
    b. If the adjoining property is not developed, then the buildings at the edge of the district must not be more than 1 story taller than the maximum permitted height in the existing district or Place Type identified in the General Plan for the adjoining property, whichever is taller.
    c. Changes in building height or character must begin in the middle of a block.
        1. The middle of the block is determined by the greater of 1) the width of the corner building or 2) 1/3 of the proposed block length as measured from the edge of the block adjacent to the less intensive development.
    d. The use of usable open space, such as parks or plazas, and the protection of natural environmental, or heritage resources is encouraged as a transition method between differing residential densities and deferring uses or zoning districts.
2. For residential uses, the following general standards apply:
    a. Single-family attached townhouse, duplex, triplex, and quadruplex dwelling units and/or lots must be located to minimize their impact on adjacent existing single-family detached dwelling unit developments.
    b. Multifamily dwelling units and/or lots must not be located at the edge of a development when adjacent to existing single-family detached dwelling unit developments.
    c. Multifamily dwelling units and/or lots must be located so that they create a transition between nonresidential uses and lower density residential areas, either within the same development or an adjacent development.

3. For nonresidential uses, the following general standards apply:
    a. Nonresidential buildings and/or lots must be located so that they minimize their impact on adjacent single-family detached dwelling units within or outside of the development.
    b. Nonresidential buildings and/or lots must be located in a manner that does not create excessive noise, odor, light, or vibrations that would negatively effect proximate residential uses or require extensive separation from residential uses within the same zoning district or adjacent zoning districts allowing residential uses.
    c. Nonresidential buildings and/or lots must be located so that the impact of areas for loading, delivery, and waste collection receptacles is reduced on surrounding properties to the maximum extent feasible, with highest priority given to reducing the impact on residential uses.
    d. If transitions to neighboring residential development cannot be made due to existing development patterns or unavoidable natural environmental, or heritage resources, then commercial uses and centers must be designed, oriented, landscaped, and buffered to be compatible with the neighboring residential development.

C. **Urban Policy Area Zoning District Transition Standards.** The following transition standards apply to the UT/UM Zoning District:
1. If the Outer Core Subarea of the UT/UM district is adjacent to an existing or planned lower density residential development, then the minimum building height required by Table 2.01.01-1 in the block or blocks adjacent to this development may be reduced to the minimum heights required in the UM Subarea by Table 2.01.01-1.
2. If the Outer Core Subarea of the UT/UM district is adjacent to an existing or planned lower density residential development, then the minimum FAR required by Table 2.01.01-1 in the block or blocks adjacent to this development may be reduced to 0.7 FAR.
3. The change in building height and FAR must occur in accordance with Section 5.11.B.1.b.
4. Single-family detached dwelling units permitted pursuant to Section 3.06.02.08.A must be located along the periphery of the district when they will serve as a compatible transition between the district and adjacent residential developments.

D. **Suburban Policy Area Zoning Districts Transition Standards.** The following transition standards apply to the SN, SCN, SM, SC, SE, SI, and SME Zoning Districts:
1. Buildings at the edge of a Suburban Policy Area zoning district must decrease in height so they are generally no more than 1 story taller than an adjoining existing or planned development consisting of less-intensive uses with lower permitted heights. Changes in building height must occur in accordance with Section 5.11.B.1.b.
2. Open space that includes extensive landscaping or the protection of environmental, natural, and heritage resources should be used to provide a transition between the SCN zoning district and adjacent lower density residential districts.
3. In the SM zoning district, single-family attached and single-family attached dwelling units permitted pursuant to Section 3.06.02.08.B must be located along the periphery of the district when they will serve as a compatible transition between the district and adjacent residential developments.
4. In the SM zoning district, multifamily stacked dwellings permitted pursuant to Section 3.06.02.09.B located must be located along the periphery of the district when they will serve as a compatible transition between the district and adjacent uses.

E. **Transition Policy Area Zoning Districts Transition Standards.** The following transition standards apply to the TLN, TSN, TCN, TCC, TLI, TI, and TME Zoning Districts:
1. *Perimeter Setback.* A required Perimeter Setback must be provided as follows:
    a. Along public roads forming the boundary of a TLN, TSN, TCN, TCC, TLI, TI, or TME development.
    b. Along subdivision or other development plan boundaries, except where the subdivision or development plan boundary is within the same Place Type as the subdivision or development plan and the adjoining land is vacant or underdeveloped.

c. Existing native vegetation and natural features creating a visual buffer between the subdivision or development plan and the boundary of the development or roads identified in this section must be maintained.

d. Existing native vegetation must be augmented with additional plantings to meet the requirements of Section 5.07.02 and/or to provide visual screening of the subdivision from views from surrounding roads and other developments.

e. No residential and nonresidential buildings or parking within a subdivision or development are permitted to be in the Perimeter Setback.

5. Agricultural structures may be located in the setback. If an agricultural structure is located in the Perimeter Setback it is not permitted to be converted to a non-agricultural use.

f. In addition to the Perimeter Setback requirements for each district, the lots and buildings within a subdivision or development must be sited to reduce visibility of the residential and nonresidential uses from public roads by using existing topography, vegetation, distance, and other factors to minimize impact. Options include:

1. Siting lots and buildings sufficiently below ridgelines or tree lines so the horizon remains visually defined by the ridgeline or tree line rather than by building rooftops; or
2. Placing lots and buildings at the far edge of a field as seen from a public right-of-way or other lot group.

2. In the TCN Zoning District, single-family attached duplex, triplex, and quadruplex dwellings must be located to minimize their impact on single-family detached dwelling unit developments adjacent to the TCN District.

5.12 Owner's Associations

Purpose. *The purpose of Owner's Association Standards is to:*

- *Promote the public health, safety, and welfare.*
- *Define the need for and responsibilities of an owner's association.*
- *Provide consistent standards for the creation, operations, and management of an owner's association.*
- *Ensure that Loudoun County is able to identify and contact a responsible owner's association.*
- *Ensure the continued protection, availability and management of common areas, elements and open space within a development when it is required to be provided and managed by an owner's association.*
- *Ensure an owner's association can effectively administer common open space or common elements in a development.*

A. **Applicability.**

1. For purposes of this section only, the use of the term Owners Association (OA) includes any equivalent entity formed for the same purposes and charged with the same ownership, management, and maintenance responsibilities of common elements or areas in the development.

a. Any requirements and responsibilities attributed to an OA must also apply to any equivalent entity formed for the same purposes and charged with ownership, management or maintenance of common facilities or areas in the development.

2. An OA is required for any new development or subdivision with common elements as described in the zoning district standards or defined in Chapter 11.

a. The requirement for an OA does not apply when the only common element in the development is private roads or easements.

b. The private roads or easements must either be maintained by the OA or pursuant to a private road maintenance agreement.

1. The terms of a private road maintenance agreement must be included on each record plat of subdivision or on any site plan for the development.

2. All common open space must be preserved and protected by the OA for its intended purpose as expressed in the Concept Development Plan.
3. The developer must make a final determination and make known the choice of an Owner's Association to administer common open space or common elements prior to approval of the first record plat or final site plan.
4. If an OA is to be established, the developer must provide documents for the creation of the OA to the County for review and approval, including:
    a. Bylaws;
    b. All documents governing ownership, maintenance, and use restrictions for common areas;
    c. A legal description of common areas; and
    d. A description of restrictions placed upon the use and enjoyment of the land.

B. **Owner's Association Requirements.**

1. An OA must be established when there are common elements provided in a development for the use and enjoyment of the property owners.
2. An OA may also be known or referred to as a Homeowner's Association, Property Owners Association, Common Interest Community Association or other name of its choice.
3. An OA may take any appropriate legal organizational format but must comply in its creation and operations with all applicable sections of the Code of Virginia. (Title 55.1 Property and Conveyances, Subtitle IV Common Interest Communities, Chapter 18 Property Owner's Association Act and Chapter 19 Virginia Condominium Act).
4. An OA must provide Loudoun County any amendments of its Declaration within 90 days of approval.
5. An OA declaration must provide sufficient mechanisms and authority to protect common elements and enforce development requirements.
6. Up to date contact information for the OA must be provided to the County whenever it changes.

C. **Owner's Association Rights and Responsibilities.**

1. If a subdivision or other development contains any of the common areas or improvements listed below, the subdivision or development must have an OA as described in this Section 5.12. The OA must have the rights and responsibility to maintain the following areas or improvements:
    a. Common elements and open space areas within the development that are not part of an individual lot.
    b. Lot(s) owned by the OA.
    c. Private roads, if any, within or serving the development except as provided in Section 5.12.A.2.
    d. Communal water and/or sewage disposal systems, unless the communal water and/or sewage disposal system is maintained by LCSA or a public water or sewer utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia.
2. If a communal water and/or sewage disposal system is to be maintained by a third party, a minimum 2 year maintenance contract is to be submitted for review by the County.
    a. Any storm drainage or stormwater management facilities or areas.
    b. Fire protection pond(s), dry mains, or other improvements.
    c. Fire lane identification located along public or private roads.
    d. Other common facilities or improvements designated in the OA bylaws.
    e. Any other common facility or area not included in the list above that is available to all members of the OA.
3. The OA may have other responsibilities or activities not required or regulated by the Zoning Ordinance if they do not conflict with its required responsibilities or this Zoning Ordinance.

D. **Establishment of the OA.**

1. The OA must be formally established prior to approval of the first record plat or final site plan in the proposed development or as required by approved proffers or conditions.
2. The documents establishing the OA must be reviewed and approved by the County.
3. The OA must conform with the following requirements:
    a. Membership in the owner's association must be mandatory for all property owners, present or future, within the planned development.
    b. The organization must manage, maintain, administer, and operate all open space and improvements and other land not publicly or privately owned and must secure adequate liability insurance on the land and such improvements.
    c. Sales brochures or other literature and documents provided by the seller to buyers of all lots within the development must include information regarding membership requirements and OA responsibilities.
    d. OA documents must provide for adequate initial funding and assessments to fund the maintenance of common property and improvements.

5.13 Variation of Residential Lot Sizes

Purpose. The purpose of varying residential lot sizes is to include a mixture of lot sizes and dimensions to allow for a variety of housing opportunities and avoid monotonous streetscapes.

A. **Variation of Lot Sizes.** Developments in the SN, SCN, TLN, TSN, and JLMA Zoning Districts must provide a variety of lot sizes as follows:
    1. All projects containing 10 or more residential lots must include a mixture of lot sizes and dimensions.
        a. Larger and wider lots are encouraged on corner lots.
        b. Smaller lots are encouraged adjacent to parks and open spaces.
    2. No more than 60% of all single-family detached, and no more than 60% of all single-family attached duplex, triplex, and quadruplex building lots, are permitted to be similar in total lot area.
        a. For purposes of this subsection, "similar" lot areas in the SN, SCN, TSN, TCN, JLMA-LN, is defined as within 500 square feet of each other.
        b. For purposes of this subsection, "similar" lot areas in the TLN-10, TLN-3, TLN-1, JLMA-1, JLMA-2, and JLMA-3 Zoning Districts is defined as within 1,000 square feet of each other.
        c. *Exception.* Up to 70% of the lots within the subject subdivision may be similar if the Zoning Administrator finds that lot sizes and dimensions are sufficiently varied, for different housing types, to allow for a variety of housing opportunities and avoid monotonous streetscapes.
    3. *Dispersion of Lot Sizes.* Similar single-family detached and similar single-family attached duplex, triplex, and quadruplex lot sizes must be distributed throughout a subdivision rather than grouped in one area, unless the Zoning Administrator finds that the intent of this district and of the Zoning Ordinance will be better served by a design that tends to group lots of similar sizes.

CHAPTER 6: SIGNS

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6.01 Application of Sign Regulations

***Purpose**: The visual environment has an effect on, and is an important element of, safeguarding life, health, and property, and preserving the natural beauty, historic and cultural attributes, unique character, and attractiveness of communities. Careful control of signs can protect the general welfare, safety of individuals, and property values, support economic vitality and viability, and enhance Loudoun's communities overall. This section, therefore, establishes well-designed signs that contribute in positive ways to Loudoun County's visual environment while expressing local character and helping to develop a distinctive image of the County. This Chapter establishes standards for the physical type, number, physical dimensions, location, design, construction, installation, display, and safety of signs to accomplish the following purposes:*

- *Protect the right to freedom of expression.*
- *Ensure the compatibility of signs with land uses.*
- *Promote orderly, attractive, and effective signs.*
- *Treat similar types of signs consistently.*
- *Minimize competing demands for visual attention to graphic messages or displays by preventing and reducing visual clutter to help people find a location without difficulty or confusion.*
- *Allow for identification of addresses, places of business, and communities to promote public safety and identification by public safety and emergency personnel, residents, employees, consumers, and visitors to the County.*
- *Ensure that signs are accessory components of an overall composition of architectural elements and do not become dominant architectural elements by themselves. Ensure that signs are subordinate to the Structures and land use functions on the site.*
- *Determine placement consistent with traffic safety by reducing traffic hazards caused by distractions to motorists and impairment of sight lines.*
- *Protect property values by facilitating harmony between residential and commercial uses.*
- *Incorporate new technologies for sign design and display where consistent with their context and the County's long-range planning policies.*
- *Complement the character of the General Plan policy areas and zoning districts.*
- *Preserve the residential character of residential neighborhoods.*
- *Reduce administrative burdens.*
- *Avoid the creation of nonconformities.*
- *Facilitate the implementation of the General Plan's policy areas and place types.*
- *Preserve, protect, and promote the public health, safety and general welfare.*

***Findings**: The County finds that the type, dimensions, setbacks, and physical design of signs permitted by this Chapter protect its interests in traffic safety, community character, and design, while allowing for adequate visibility, legibility, and pedestrian or motorist recognition and comprehension. The County finds and determines that the standards set out in this Chapter were developed after a public process in which the design and dimensional standards were tested against industry criteria, past experience in administering sign standards, and community input as to the appropriate characteristics of signs in the County's various neighborhoods and business areas.*

A. **Title**. This Chapter is known and may be cited as the "Loudoun County Sign Regulations" or "Sign Regulations."

B. **Applicability**. This Chapter regulates the type, dimensions, design, and other characteristics of signs throughout the County. This Chapter applies to any sign within the County's zoning jurisdiction (see Section 1.03).

C. **Content Neutral**. This Chapter regulates only the sign Structure and physical parameters and not the sign's content. Despite any other provision of this Chapter, no sign is subject to any limitation based on the content of its message. Any sign authorized in this Chapter may contain any noncommercial copy in lieu of any other copy.

D. **Allocation Standards**. This Chapter allocates signs by number and area to lots and structures. This system provides flexibility for persons and entities who display signs, avoids sign distinctions that depend on a sign's message, and minimizes potential traffic hazards and clutter. Because this Chapter does not regulate sign content, applicants and property owners may allocate signs by message type (for example, onsite advertising, directional, and opinion messages) in any manner within the sign quantity and area limits established in this Chapter.

1. Sections 6.04 through 6.06 establish standards and overall allowances for signs by number and area for 3 major sign categories:
    a. Freestanding signs (Section 6.04)
    b. Attached signs (Section 6.05)
    c. Incidental signs (Section 6.06)
2. Sections 6.04 through 6.06 include tables that establish the standards for individual sign types, including:
    a. Whether the sign type is permitted in the designated zoning districts (see subsection E, below).
    b. Whether a sign permit is required.
    c. The maximum permitted number of signs of the designated category on the property, which may be based on factors such as:
        1. Number per street frontage
        2. Number per occupant (such as a business, institution, or other entity occupying a multitenant building) that has its own ground floor entryway or storefront
        3. Number entry (for example, per single-tenant building or multi-tenant building with a single entry)
        4. The total number of that sign type on a single lot or parcel
    d. Maximum sign dimensions, which may include:
        1. Sign area
        2. Height
        3. Location
        4. Property line setback
        5. Spacing in relation to other signs
    e. Design characteristics, including whether the following design features are allowed or required:
        1. Digital
        2. Illumination, internal
        3. Illumination, external
        4. Illumination, halo lit
        5. Channel letters
        6. Changeable copy
        7. Animation

E. **Categories**. Sections 6.04 through 6.06 regulate sign characteristics by common zoning districts. The County regulates use, setbacks, building dimensions, and site and building design by zoning districts, which implement the policy areas and place types established by the General Plan. The zoning districts have

common characteristics and are collapsed into common categories for purposes of applying this Chapter's sign regulations. These zoning districts are categorized for purposes of this Chapter as follows:

1. **Urban/Mixed Use**: Urban Transit Center (UT), Urban Mixed Use (UM), Suburban Mixed Use (SM), Transition Community Center (TCC), and Planned Development-Rural Village (PD-RV).
2. **Neighborhood**: Suburban Neighborhood (SN), Suburban Compact Neighborhood (SCN), Transition Large Lot Neighborhood (TLN-1), Transition Large Lot Neighborhood (TLN-3), Transition Large Lot Neighborhood (TLN-10), Transition Small Lot Neighborhood (TSN), Transition Compact Neighborhood (TCN), Village Residential (VR), Village Agricultural/Residential (VAR), Joint Land Management Area Neighborhood (JLMA-1), Joint Land Management Area Neighborhood (JLMA-2), Joint Land Management Area Neighborhood (JLMA-3), Joint Land Management Area-Leesburg Residential Neighborhood (JLMA-LN), Joint Land Management Area-20 (JLMA-20), Single-Family Residential (R-1), Single-Family Residential (R-2), Single-Family Residential (R-3), Transitional Residential-2 (TR-2), and Agricultural/Residential-3 (A-3).
3. **Commercial**: Suburban Commercial (SC), Rural Commercial (RC), and Village Commercial (VC).
4. **Employment/Industrial**: Urban Employment (UE), Suburban Employment (SE), Suburban Industrial (SI), Suburban Mineral Extraction (SME), Transition Light Industrial (TLI), Transition Industrial (TI), Transition Mineral Extraction (TME), Joint Land Management Area – Leesburg Employment (JLMA-LE), and Joint Land Management Area – Leesburg Industrial/Mineral Extraction (JLMA-LME).
5. **Rural**: Agricultural Rural North (ARN), Agricultural Rural South (ARS), and Agricultural-10 (A-10).

6.02 General Sign Requirements

A. **Signs Permitted**. Only signs listed in Sections 6.04, 6.05, 6.06, and 6.07 are permitted. Those signs are subject to any regulations specifically set forth for each category and to all other regulations in this Chapter. No other signs are permitted.

B. **Sign Requirements**. Sections 6.04, 6.05, 6.06, and 6.07 regulate the following: 1) total aggregate sign area; 2) maximum number of signs; 3) maximum area of any one sign (with special provisions for ground mounted signs and ground mounted background structures); 4) illumination permitted; 5) minimum setback from road right-of-way; 6) maximum height; 7) sign type permitted; and 8) other additional requirements.

C. **Signs in PD Districts.** Signs in a Planned Development District (PD) are subject to the approved PD Master Plan or any applicable amendments.

D. **Sign Permits and Sign Development Plans**. Signs that are subject to an approved sign permit or sign development plan are subject to the terms of the applicable sign permit or sign development plan.

E. **Safety**. Signs must be properly secured and not impede visibility at intersections pursuant to 5.09.04.

F. **Nonconforming Signs and Removal**. Any sign lawfully in existence at the time of the effective date of this ordinance may be maintained although it does not conform with the provisions of this ordinance, except that any such nonconforming sign, which was required to be removed under the prior ordinance, must be removed. See Chapter 9 for additional requirements and allowances for nonconformities.

6.03 Prohibited Signs

Signs with any of the following characteristics are prohibited:

A. **Signs Not Enumerated**. Any sign not specifically permitted by this Chapter.

B. **Off-Premise Signs.** Other than those on property or structure to which it directs attention. Is located anywhere other than on the property or structure to which it directs attention or to which it is appurtenant, except (a) any sign erected or maintained by or under the supervision of county or other governmental authority or the Virginia Department of Transportation, and (b) any other off-site sign that is specifically provided for in this Chapter.

C. **Neon/Lighted Outlines.** Outlines of any building or sign with exposed neon illumination or other permanent lights, except as specifically permitted with the approval of a Sign Development Plan.

D. **Snipe Signs.** Signs fastened, placed, painted, pasted, or attached in any way to, in, or upon any tree, fence,

public utility pole, rock, curbstone, sidewalk, lamp post, hydrant, bridge, highway marker, publicly owned art within the public right-of-way, or another sign, except as required by law.

E. **Glare.** Illuminated signs that reflect or cast glare, directly or indirectly, on any public roadway or adjacent property.

F. **Attention-Getting Devices.** Balloons, banners, pennants, feather signs, or inflated devices, unless otherwise permitted by this Chapter.

G. **Traffic Hazards**. No sign may be located or illuminated, or mimic traffic control signs, if the Zoning Administrator finds that the location, lighting, or design would cause a traffic hazard.

6.04 Freestanding Signs

A. **Applicability**. This section applies to freestanding signs, which include the following sign types:

1. Ground signs. Pylon signs are subject to the same standards as ground signs.
2. Pole signs.
3. Sidewalk signs.

B. **Ground Signs**.

1. Ground signs must comply with Table 6.04-1 below.
2. Ground signs must include a landscaped base with a minimum depth of 3 feet on all sides (see Figure 1). The applicant must maintain the landscaped base.

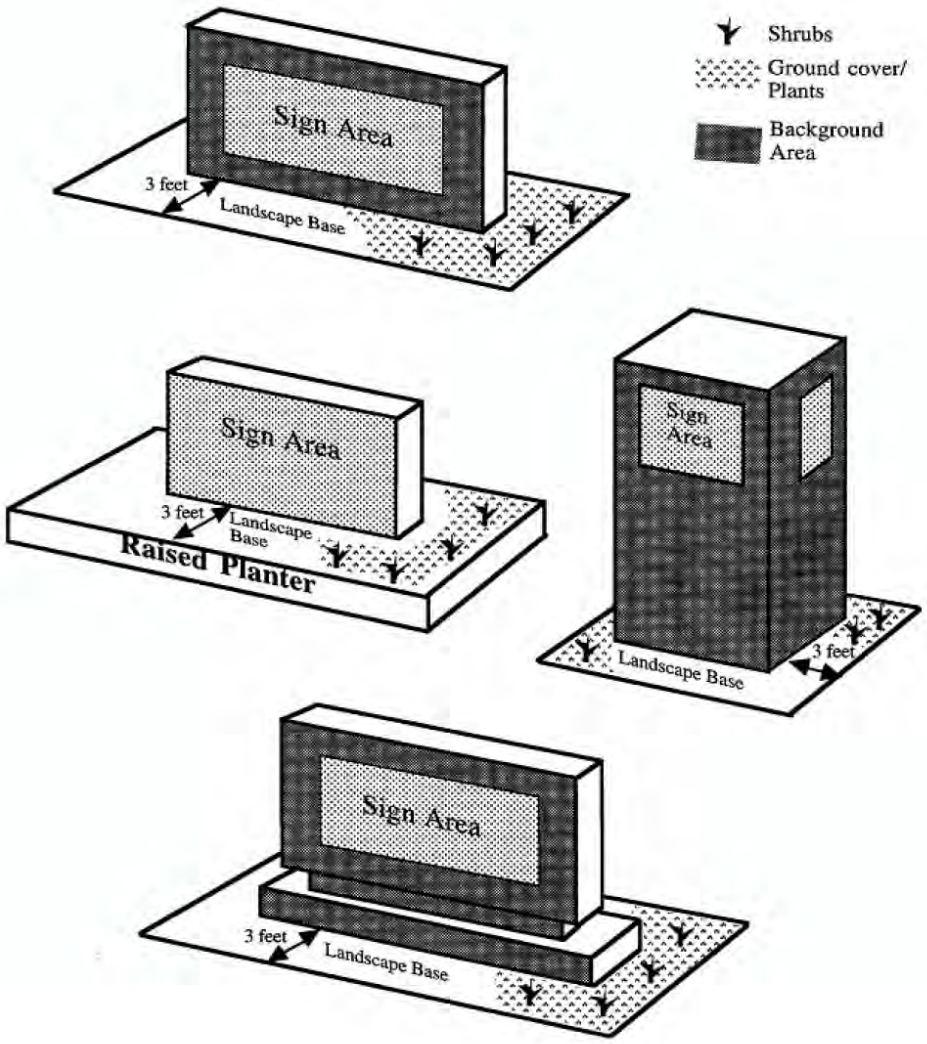
Table 6.04-1 Ground Signs

	Standard/Requirement	Zoning District Categories				
		Rural	Neighborhood	Commercial	Employment/ Industrial	Urban/Mixed Use
1	**Allowed?**	Y	NR	Y	Y	Y
2	**Permit required?**	Y	Y	Y	Y	Y
3	**Number allowed (***all ground and pole signs*)	Lot < 5 acres: 1 Lot > 5 acres: 2	2	4	3	2
Dimensions						
4	**Cumulative area** (*max-all ground and pole signs*)	Lot > 5 acres: 60 sf	20 sf	120 sf	100 sf	120 sf
5	**Individual sign area** (*max*)	Lot < 5 acres: 20 sf Lot > 5 acres: 45 sf	15 sf	45 sf	60 sf	45 sf
6	**Height** (*ft, max*)	4'	8'	15'	8'	'
Location						
7	**ROW Setback** (*ft, min*)					
8	**Spacing from other signs** (*ft, min*)					
Design						
9	**Digital** (*max. percent of sign area or 30 sf, whichever is greater*)	N	N	40%	40%	40%
10	**Backlight**	N	Y	Y	Y	Y
11	**Illumination, External**	Y	Y	Y	Y	Y
12	**Illumination, Halo Lit**	N	N	N	N	Y
13	**Channel Letters**	Y	Y	Y	Y	Y
14	**Animated**	N	N	N	N	N

Key to Table 6.04-1: **Yes** = the sign type or characteristic is permitted; **No** = the sign type or characteristic is not permitted; **R** = the sign type or characteristic is required; **NR** = the sign type is permitted for nonresidential uses only; "—" the standard does not apply; sf =s square feet; ' = feet. For zoning district categories, see Section 6.01.

Figure 6.04-1

Figure 6.04-1



C. **Pole Signs**. Pole signs must comply with Table 6.04-2 below.

Table 6.04-2 Pole Signs

	Standard / Requirement	Zoning District Categories				
		Rural	Neighborhood	Commercial	Employment / Industrial	Urban / Mixed Use
1	**Allowed?**	Y	NR	Y	Y	Y
2	**Permit required?**	Y	Y	Y	Y	Y
3	**Number allowed (***all ground and pole signs*)	Lot < 5 acres: 1 Lot > 5 acres: 2	2	4	3	2
	Dimensions					
4	**Cumulative area** (*max-all ground and pole signs*)	Lot > 5 acres: 60 sf	20 sf	120 sf	100 sf	120 sf
5	**Individual sign area** (*max*)	Lot < 5 acres: 20 sf Lot > 5 acres: 45 sf	10 sf	20 sf	30 sf	20 sf
6	**Height** (*ft, max*)	5'	5'	15'	8'	15'
	Location					
7	**ROW Setback** (*ft, min*)					
8	**Spacing from other signs** (*ft, min*)					
	Design					

Table 6.04-2 Pole Signs						
Standard / Requirement		Zoning District Categories				
		Rural	Neighborhood	Commercial	Employment / Industrial	Urban / Mixed Use
9	**Digital** (*max. percent of sign area or 30 sf, whichever is greater*)	N	N	N	N	
10	**Backlight**	N	Y	Y	Y	Y
11	**Illumination, External**	Y	Y	Y	Y	Y
12	**Illumination, Halo Lit**	N	N	N	N	N
13	**Channel Letters**	Y	Y	Y	Y	Y
14	**Animated**	N	N	N	N	N
Key to Table 6.04-1: **Yes** = the sign type or characteristic is permitted; **No** = the sign type or characteristic is not permitted; **R** = the sign type or characteristic is required; **NR** = the sign type is permitted for non-residential uses only; "—" the standard does not apply; sf =s square feet; ' = feet. For zoning district categories, see Section 6.01.						

D. **Sidewalk Signs.** Sidewalk signs must comply with Table 6.04-3. In addition, sidewalk signs must be located on the sidewalk in front of and within 20 linear feet of a building entrance for the tenant space. The sidewalk sign's placement must leave at least a 4-foot-wide unobstructed space for pedestrians on the sidewalk in front of the tenant space.

Table 6.04-3 Sidewalk Signs						
Standard / Requirement		Zoning District Categories				
		Rural	Neighborhood	Commercial	Employment / Industrial	Urban / Mixed Use
1	**Allowed?**	N	N	Y	Y	Y
2	**Permit required?**	--	--	Y	Y	Y
3	**Number allowed**	--	--	1 per building entry	1 per building entry	1 per building entry
Dimensions						
4	**Cumulative area** (*max-all ground signs*)	--	--	--	--	--
5	**Individual sign area** (*max*)	--	--	6 sf	6 sf	6 sf
6	**Height** (*ft, max*)	--	--	3'	3'	3'
Location						
7	**ROW Setback** (*ft, min*)					
8	**Spacing from other signs** (*ft, min*)					
Design						
7	**Digital** (*max. percent of sign area or 30 sf, whichever is greater*)	--	--	N	N	N
8	**Backlight**	--	--	N	N	N
9	**Illumination, External**	--	--	N	N	N
10	**Illumination, Halo Lit**	--	--	N	N	N
11	**Channel Letters**	--	--	N	N	N
12	**Animated**	--	--	N	N	N
Key to Table 6.04-1: **Yes** = the sign type or characteristic is permitted; **No** = the sign type or characteristic is not permitted; **R** = the sign type or characteristic is required; **NR** = the sign type is permitted for non-residential uses only; "—" the standard does not apply; sf =s square feet; ' = feet. For zoning district categories, see Section 6.01. "Building entry" means a building space that has a ground floor public entrance abutting a sidewalk.						

6.05 Attached Signs

A. **Applicability**. This section applies to attached signs, which include the following sign types:

1. Wall signs.
2. Window signs.

B. **Wall Signs**. Wall signs must comply with Table 6.05-1 below.

Table 6.05-1 Wall Signs							
Standard / Requirement		Zoning District Categories					
		Rural	Neighborhood		Commercial	Employment / Industrial	Urban / Mixed Use
1	**Allowed?**	Y	Y	NR	Y	Y	Y
2	**Permit required?**	Y	N	Y	Y	Y	Y
3	**Number allowed**	*Per lot*: Lot < 5 acres: 1 Lot > 5 acres: 3	2 per building	2 per building	4 per building + 1 per building entry	4 per building	4 + 1 per building entry
Dimensions							
4	**Cumulative area** (*all wall signs, per building*)	Lot > 5 acres: 60 sf	4 sf	20 sf	20% per facade	20% per facade	20% per facade
5	**Individual sign area** (*max*)	Lot < 5 acres: 10 sf Lot > 5 acres: 20 sf	4 sf	10 sf	1% of building facade, up to 200 sf	0.5% of building facade, up to 100 sf	1% of building facade, up to 200 sf
6	**Height** (*ft, max*)	A wall sign must not extend above or beyond the perimeter of the wall or facade to which it is attached.					
Location							
7	**ROW Setback** (*ft, min*)						
8	**Spacing from other signs** (*ft, min*)						
Design							
7	**Digital** (*max. percent of sign area or 30 sf, whichever is greater*)	N	N	N	40%	40%	40%
8	**Backlight**	N	N	Y	Y	Y	Y
9	**Illumination, External**	Y	N	Y	Y	Y	Y
10	**Illumination, Halo Lit**	Y	N	N	Y	Y	Y
11	**Channel Letters**	N	Y	Y	Y	Y	Y
12	**Animated**	N	N	N	N	N	N

Key to Table 6.04-1: **Yes** = the sign type or characteristic is permitted; **No** = the sign type or characteristic is not permitted; **R** = the sign type or characteristic is required; **NR** = the sign type is permitted for non-residential uses only; "—" the standard does not apply; sf =s square feet; ' = feet. For zoning district categories, see Section 5.01. "Building entry" means a building space that has a ground floor public entrance abutting a sidewalk. For purposes of this subsection, "facade" does not include any rooftop structure as defined by the Virginia Uniform Statewide Building Code (such as an enclosed mechanical room).

C. **Window Signs.** Window signs must comply with Table 6.05-2.

Table 6.05-2 Window Signs						
Standard / Requirement		Zoning District Categories				
		Rural	Neighborhood	Commercial	Employment / Industrial	Urban / Mixed Use
1	**Allowed?**	Y	Y	Y	Y	Y
2	**Permit required?**	N	N	Y	Y	Y
3	**Number allowed**	3	3	4 per building facade or tenant space*	4 per building facade or tenant space*	4 per building facade or tenant space*
Dimensions						
4	**Cumulative area** (*max-all ground signs*)	--	--	Lesser of 25% of the total square footage of window area or 10 sf		
5	**Individual sign area** (*max*)	1.5 sf	1.5	--	--	--
6	**Height** (*ft, max*)	--	--	--	--	--
Location						
7	**ROW Setback** (*ft, min*)					
8	**Spacing from other signs** (*ft, min*)					
Design						
7	**Digital** (*max. percent of sign area or 30 sf, whichever is greater*)	N	N	N	N	40%

Table 6.05-2 Window Signs						
Standard / Requirement		Zoning District Categories				
		Rural	Neighborhood	Commercial	Employment / Industrial	Urban / Mixed Use
8	**Backlight**	N	N	Y	N	Y
9	**Illumination, External**	N	N	Y	N	Y
10	**Illumination, Halo Lit**	N	N	Y	N	Y
11	**Channel Letters**	N	N	Y	Y	Y
12	**Animated**	N	N	N	N	N
Key to Table 6.04-1: **Yes** = the sign type or characteristic is permitted; **No** = the sign type or characteristic is not permitted; **R** = the sign type or characteristic is required; **NR** = the sign type is permitted for non-residential uses only; "—" the standard does not apply; sf =s square feet; ' = feet. For zoning district categories, see Section 5.01. "Tenant space" means a building space occupied by a tenant or owner, and that has a ground floor public entrance abutting a sidewalk.						

[1204, Table 5-1204(D)(Sign Requirements Matrix)]

D. **Murals**. Murals must comply with Table 6.05-3. The number and area of murals is counted toward the maximum number and area of wall signs (see subsection A above). This restriction does not apply to the SM, UE, SE, SI, TLI, TI, JLMA-LE and JLMA-LMI districts.

1. *Location.*
    a. Murals are not permitted on the front building wall. The "front building wall" is a building elevation that faces the adjacent street right-of-way and is the primary entrance. Buildings located on a block corner with the primary entrance located diagonally at the building corner to both intersecting streets has two primary front building walls.
    b. Additional Mural Facing Side or Rear Parking Lot. Lots with parking to the side or rear of a building are allowed one mural facing the parking lot, if at least 50 percent of the required parking for the establishment is located to the side or rear of the building and an entrance to the establishment faces the parking lot. The area of the secondary signs placed on the primary wall is calculated using the linear footage of the secondary walls and transferred to the primary building wall.
2. *Text.*
    a. Murals may include words, text, logos, emblems, trademarks or numbers (hereinafter "text") within the depiction that do not exceed the following cumulative area, whichever is less:
        1. 20% of the total size of the depiction, up to the maximum allowable wall sign area, or
        2. 5% of the surface area of the wall to which it is attached or painted.
    b. The Zoning Administrator shall approve additional words, text, logos, emblems, trademarks or numbers upon finding that it is an artistic element that is integral to the mural. In making this determination, the Zoning Administrator shall consider the form, proportion, scale, color, materials, surface treatment, overall mural size, and the size and style of lettering. The Zoning Administrator shall not consider the message that the text conveyed. In making this determination, the Zoning Administrator may refer the sign permit application to the Loudoun Arts Council for its recommendation.
3. *Attachment*. Murals may be applied directly to a wall, or attached to a frame or substrate that is attached to a wall. Murals that extend beyond or project above the vertical or horizontal line of any wall onto which the mural is painted or affixed shall be attached so as to not create a safety hazard to the public.
4. *Sign Permits for Murals*
    a. *Sign Permit Required.* A mural requires a sign permit. If the mural is located in a Historic Overlay District, a Certificate of Appropriateness—Administrative for Minor Actions (CAPA) is also required (see section 7.12).
    b. *Initiation*. In addition to the materials required for a sign permit, a sign permit application for a mural shall include:
        1. Site plan, aerial view, or diagram showing the lot and building dimensions, and indicating the

proposed location of the mural.

2. Scale drawing or color photo of the building showing the proposed size and placement of the mural.
3. Colored drawings of the proposed mural.
4. Commission value of the work.
5. Materials to be used.
6. Life expectancy and maintenance plan.

5. *Standards for Approval*. The Zoning Administrator shall consider whether a sign permit meets the following standards for approval:
   a. The mural's components, including its structure and construction materials:
      1. are securely attached to the building or structure to which it is applied, and
      2. incorporate paint, evolving paint and vinyl printing technologies, or other artistic mediums such as tile or mosaic, and
   b. The mural is not applied to any surface that was unlawfully established.
   c. The mural is not installed in a location that conflicts with the setback requirements of the zoning district in which it is located.
   d. The mural is not above a height that is or would be nonconforming to current building height limitations.
   e. The mural is designed and constructed under the supervision of an artist who has demonstrated murals expertise.

Table 6.05-3 Murals

	Standard / Requirement	Zoning District Categories					
		Rural	Neighborhood		Commercial	Employment / Industrial	Urban / Mixed Use
1	**Allowed?**	Y	Y	NR	Y	Y	Y
2	**Permit required?**	Y	N	Y	Y	Y	Y
3	**Number allowed**	*Per lot*: Lot < 5 acres: 1 Lot > 5 acres: 2	1 per building	1 per building	1 per building	1 per building	1 per building entry
	Dimensions						
4	**Cumulative area**	n/a	n/a	n/a	n/a	n/a	n/a
5	**Individual sign area** (*max*)	Lot < 5 acres: 10 sf Lot > 5 acres: 20 sf	4 sf	10 sf	1% of building facade, up to 200 sf	0.5% of building facade, up to 100 sf	1% of building facade, up to 200 sf
	- SM, UE, SE, SI, TLI, TI, JLMA-LE and JLMA-LMI districts					5% of building facade	5% of building facade
6	**Height** (*ft*, *max*)	A mural must not extend above or beyond the perimeter of the wall or facade to which it is attached.					
	Location						
7	**ROW Setback** (*ft*, *min*)	n/a	n/a	n/a	n/a	n/a	n/a
8	**Spacing from other signs** (*ft*, *min*)	n/a	n/a	n/a	n/a	n/a	n/a
	Design						
7	**Digital**	N	N	N	N	N	N
8	**Backlight**	N	N	Y	Y	Y	Y
9	**Illumination, External**	Y	Y	Y	Y	Y	Y
10	**Illumination, Halo Lit**	Y	N	N	Y	Y	Y
11	**Channel Letters**	N	Y	Y	Y	Y	Y
12	**Animated**	N	N	N	N	N	N

Key to Table 6.04-1: **Yes** = the sign type or characteristic is permitted; **No** = the sign type or characteristic is not permitted; **R** = the sign type or characteristic is required; **NR** = the sign type is permitted for non-residential uses only; "—" the standard does not apply; sf =s square feet; ' = feet. For zoning district categories, see Section 5.01. "Building entry" means a building space that has a ground floor public entrance abutting a sidewalk. For purposes of this subsection, "facade" does not include any rooftop structure as defined by the Virginia Uniform Statewide Building Code (such as an enclosed mechanical room).

6.06 Incidental Signs

A. **Applicability**. This section applies to incidental signs, which include the following sign types:

1. Banners.
2. De Minimis Signs.
3. Temporary signs.
4. Incidental signs, generally.

B. **Banners**. Banners must comply with Table 6.06-1 below.

Table 6.06-1 Banners		
Standard/Requirement		Commercial, Employment/Industrial, and Urban/Mixed Use Zoning District Categories
1	**Allowed?**	Y
2	**Permit required?**	Y
3	**Number allowed**	1 per lamp post
Dimensions		
4	**Cumulative area** (*max-all banner signs on property*)	--
5	**Individual sign area** (*max*)	8 sf
6	**Height** (*ft, max*)	No point of the banner can extend higher than 15' above grade.
Location		
7	**ROW Setback** (*ft, min*)	
8	**Spacing from other signs** (*ft, min*)	
Design		
9	**Backlight**	N
10	**Illumination, External**	N
Key to Table 6.04-1: **Yes** = the sign type or characteristic is permitted; **No** = the sign type or characteristic is not permitted; **R** = the sign type or characteristic is required; **NR** = the sign type is permitted for non-residential uses only; "—" the standard does not apply; sf =s square feet; ' = feet. For zoning district categories, see Section 6.01.		

C. **De Minimis Signs**. De minimis signs must comply with Table 6.06-2 below.

Table 6.06-2 De Minimis Signs		
Standard/Requirement		Any Zoning District Categories
1	**Allowed?**	Y
2	**Permit required?**	N
3	**Number allowed**	--
Dimensions		
4	**Cumulative area** (*max-all de minumis signs on property*)	2 sf
5	**Individual sign area** (*max*)	1 sf
6	**Height** (*ft, max*)	--
Location		
7	**ROW Setback** (*ft, min*)	--
8	**Spacing from other signs** (*ft, min*)	--
Design		
7	**Digital**	Y
8	**Backlight**	Y
9	**Illumination, External**	Y
10	**Illumination, Halo Lit**	Y
11	**Channel Letters**	Y
12	**Animated**	N
Key to Table 6.04-1: **Yes** = the sign type or characteristic is permitted; **No** = the sign type or characteristic is not permitted; **R** = the sign type or characteristic is required; **NR** = the sign type is permitted for non-residential uses only; "—" the standard does not apply; sf =s square feet; ' = feet. For zoning district categories, see Section 6.01.		

D. **Temporary Signs.** Temporary signs must comply with Table 6.06-3 below. Sign permits for temporary signs are limited to 120 days within a 12 month period. The sign permit will include the dates of sign display, which do not have to be consecutive. Signs must be removed prior to permit expiration.

Table 6.06-3 Temporary Signs		
Standard / Requirement		Any Zoning District Categories
1	**Allowed?**	Y
2	**Permit required?**	Y
3	**Number allowed**	--
Dimensions		
4	**Cumulative area** (*max-all temporary signs*)	--
5	**Individual sign area** (*max*)	32 sf
6	**Height** (*ft, max*)	8 ft
Location		
7	**ROW Setback** (*ft, min*)	5 feet
8	**Spacing from other signs** (*ft, min*)	20 feet
Design		
7	**Digital** (*max. percent of sign area or 30 sf, whichever is greater*)	N
8	**Backlight**	N
9	**Illumination, External**	N
10	**Illumination, Halo Lit**	N
11	**Channel Letters**	N
12	**Animated**	N
Key to Table 6.04-1: **Yes** = the sign type or characteristic is permitted; **No** = the sign type or characteristic is not permitted; **R** = the sign type or characteristic is required; **NR** = the sign type is permitted for non-residential uses only; "—" the standard does not apply; sf =s square feet; ' = feet. For zoning district categories, see Section 6.01.		

E. **Incidental Signs, Generally**. Incidental signs must comply with Table 6.06-4 below. This subsection applies to incidental signs generally. The number and area of incidental signs described below is net of any temporary signs on the property. *For example, if a residential lot has 4 temporary signs that are 2 square feet each (8 square feet cumulative), then 2 additional incidental signs are allowed up to ____ square feet cumulative.* Incidental signs may be freestanding or attached, subject to any restrictions established by Table 6.04-4.

Table 6.06-4 Incidental Signs						
Standard / Requirement		Zoning District Categories				
		Rural	Neighborhood	Commercial	Employment/ Industrial	Urban/ Mixed Use
1	**Allowed?**	Y	Y	Y	Y	Y
2	**Permit required?**	N	--	Y	Y	Y
3	**Number allowed**	6 (2 ≤ attached)	--	1 per building entry	1 per building entry	1 per building entry
Dimensions						
4	**Cumulative area** (*max-all freestanding signs*)	32 sf	32 sf	32 sf	32 sf	32 sf
5	**Individual sign area** (*max - attached only*)	2 sf	2 sf	2 sf	2 sf	2 sf
6	**Height** (*ft, max*)	5'	5'	6'	6'	6'
Location						
7	**ROW Setback** (*ft, min*)					
8	**Spacing from other signs** (*ft, min*)					
Design						
7	**Digital** (*max. percent of sign area or 30 sf, whichever is greater*)	N	N	40%	N	40%

Table 6.06-4 Incidental Signs						
Standard / Requirement		Zoning District Categories				
		Rural	Neighborhood	Commercial	Employment/ Industrial	Urban/ Mixed Use
8	**Backlight**	N	N	Y	N	Y
9	**Illumination, External**	N	N	Y	N	Y
10	**Illumination, Halo Lit**	N	N	N	N	N
11	**Channel Letters**	Y	Y	Y	Y	Y
12	**Animated**	N	N	N	N	N
Key to Table 6.04-1: **Yes** = the sign type or characteristic is permitted; **No** = the sign type or characteristic is not permitted; **R** = the sign type or characteristic is required; **NR** = the sign type is permitted for non-residential uses only; "—" the standard does not apply; sf =s square feet; ' = feet. For zoning district categories, see Section 6.01. "Building entry" means a building space that has a ground floor public entrance abutting a sidewalk.						

6.07 Historic Signs

A. **Applicability**. A property owner may apply to designate a sign as an Historic Landmark in the National Register of Historic Places, the Virginia Landmark Register, or the County Heritage Register.

B. **Designation**. Landmark designation for any sign must occur as provided in Section 4.07.

C. **Effect of Designation**. A sign designated as a landmark:

1. Must comply with all applicable requirements of Section 4.07 and any criteria adopted by the designating agency, and
2. May exceed the area or height established by this Chapter, may include any design features otherwise prohibited by this Chapter and consistent with the landmark designation, and is considered a conforming sign.

D. **Alteration or Destruction.** If the sign is altered or destroyed, it loses its historic designation. However, the sign may be rebuilt at the same location and up to the area and height of the original sign, and must replicate the design characteristics of the original sign in terms of color, materials, mounting, and similar features. Subject to the prior approval of the designating agency, alternate comparable materials may be substituted in the reconstruction of the sign if the original materials:

1. Are no longer available, or
2. Are so cost prohibitive their use in reconstruction of the sign is infeasible.

6.08 Illuminated and Digital Signs

A. **Applicability**. This section applies to any illuminated sign. Types of illumination include: digital, backlight, external illumination, and halo lit.

B. **Brightness**.

1. The intensity of the light source for an illuminated sign must not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety, or welfare.
2. Illuminated signs must not operate at brightness levels of more than 0.3 foot-candles above ambient light as measured using a foot candle (Lux) meter, measured at the property line.

C. **Digital Signs**. Digital signs must comply with the following standards:

1. **Where Permitted.** See Sections 6.04, 6.05 and 6.06.
2. **Hold Time.** Each message on the sign must be displayed for at least 4 seconds duration.
3. **Message Transition.** Digital signs must contain static messages changed only through dissolve or fade transitions and must not have movement or the appearance or optical illusion of movement during the static display period of any part of the sign. A static message must not include any flashing or the varying of light intensity, and the message must not scroll. The change of message using dissolve or fade transition must not exceed 1 second of time between each message displayed on the sign.
4. **Light Sensing Device.** Each digital sign must have a light sensing device that will adjust the brightness as ambient light conditions change.

5. **Automatic Shutoff.** A digital sign must:
    a. Have automatic dimmer software or solar sensors to control brightness for nighttime viewing and variations in daytime ambient light.
    b. Include systems and monitoring to either turn the display off, show "full black" on the display, or include a default mechanism that freezes the sign in one position if a malfunction occurs.
    c. Be designed so that a catastrophic power surge will cause the sign to go dark or to deploy the maximum brightness limitations.
    d. Automatically adjust the intensity of its display according to natural ambient light conditions.
6. **Owner Responsibilities.** The sign owner must provide the Zoning Administrator the phone number and email address of the property owner and a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly after a malfunction occurs.
7. **Maintenance.** The sign owner must repair or replace light modules on digital signs within 30 days after they become broken, burned-out, or substantially dimmed.

D. **External Illumination**. All fixtures used for the external illumination of signs must be shielded and must direct lighting only to the sign face and not to any surrounding surface.

6.09 Sign Permits and Administration

A. **Sign Permits.**
1. Applicability. If section 6.04, 6.05, or 6.06 requires a sign permit, the sign must not be erected without obtaining a sign permit from the Zoning Administrator.
2. The Zoning Administrator will not issue a sign permit unless a fee, if required, and as set by the Board of Supervisors, is paid and and the proposed sign conforms to the requirements of this Chapter.

B. **Removal of Signs.**
1. If a sign becomes structurally unsafe or endangers the safety of a Structure or premise or the public, or is erected or maintained in Violation of this ordinance, the Zoning Administrator will order that sign to be made safe or comply with this Chapter, as the case may be, or be removed.
2. The Zoning Administrator will send the order by registered mail, return receipt requested, to the owner of the land on which the sign is located and the violator who is responsible for the sign.
3. Within 5 working days of the receipt or refusal of the order, the owner or violator must correct the sign based on the Zoning Administrator's order.
4. The Zoning Administrator may grant 1 extension, not to exceed 10 working days, based on written justification for the need of an extension.
5. Failure to comply with the order is grounds for the Zoning Administrator to issue a civil summons pursuant to Section 6-504 and to take other appropriate actions to have the sign removed.

C. **Sign Development Plan (SIDP).**
1. **Applicability.** An applicant may request a SIDP for:
    a. Signs that have an unusual design or artistic features that require an alternative to the dimensional or design regulations of this Chapter, or
    b. Revisions to Comprehensive Sign Packages approved as a condition of rezoning.
2. **Process.** Alternative sign regulations for permitted signs may be requested with the submission of a SIDP. Requests for approval of a SIDP or revisions to an approved SIDP (or Comprehensive Sign Packages) must be made in accordance with the procedures for a Special Exception application as set forth in Section 7.09, except that the Issues for Consideration are as set forth in Section 7.10.
3. **Submittal.** An application for a SIDP must include the following materials:
    a. A statement of justification, addressing whether and how each sign proposed by the SIDP would comply with subsection 4 below.
    b. A comparison chart of the proposed sign regulations in relation to the ordinance regulations, using the table format specified under the applicable sign requirements.

c. Each of the various sign types proposed, including the design, materials, colors, and illumination, to be used to achieve a complementary system of signs and graphics.

d. A sign map, depicting the location of each of the various proposed sign types.

e. The boundaries of any zoning districts and property lines on and adjacent to the subject property.

4. **Standards.** A SIDP must demonstrate that the signs subject to the SIDP are in compliance with each of the following standards:

a. The signs

b. The signs void traffic safety hazards by minimizing unnecessary distractions for motorists, bicyclists, and/or pedestrians.

c. The signs are compatible with and subordinate to the Structures and land uses on the same site as the sign(s).

d. The signs address impacts to the night sky.

e. The signs incorporate energy efficient measures, where possible.

f. The signs avoid creating competing demands for visual attention.

5. **Minor Revisions.** An applicant with an approved SIDP may request minor revisions to the approved SIDP (or Comprehensive Sign Packages) as follows:

a. Applicability: A minor revision is limited to:

1. The addition of a sign category not addressed in the approved SIDP, or

2. Revision to a sign category that was addressed in the approved SIDP.

b. Such minor revisions are reviewed for consistency with the approved SIDP.

c. Requests for approval of minor revisions must be made in accordance with the procedures for a Minor Special Exception application as set forth in Section 7.08, except that the Standards are as set forth in subsection 4 above.

6.10 Sign Measurements

A. **Generally**.

1. The area within a continuous perimeter enclosing the limits of a sign.

2. The sign area includes any frame or other material or color that forms an integral part of the display or is used to differentiate the sign from the background against which it is placed, but excluding the structural supports or uprights on which the sign is placed.

B. **Freestanding Signs**.

1. **Area.** The area of a freestanding sign is determined by:

a. A rectangle enclosing the sign face, including background elements but not including any poles supporting the sign, for a pole sign.

b. A rectangle enclosing the area of the sign face and structure for a ground sign.

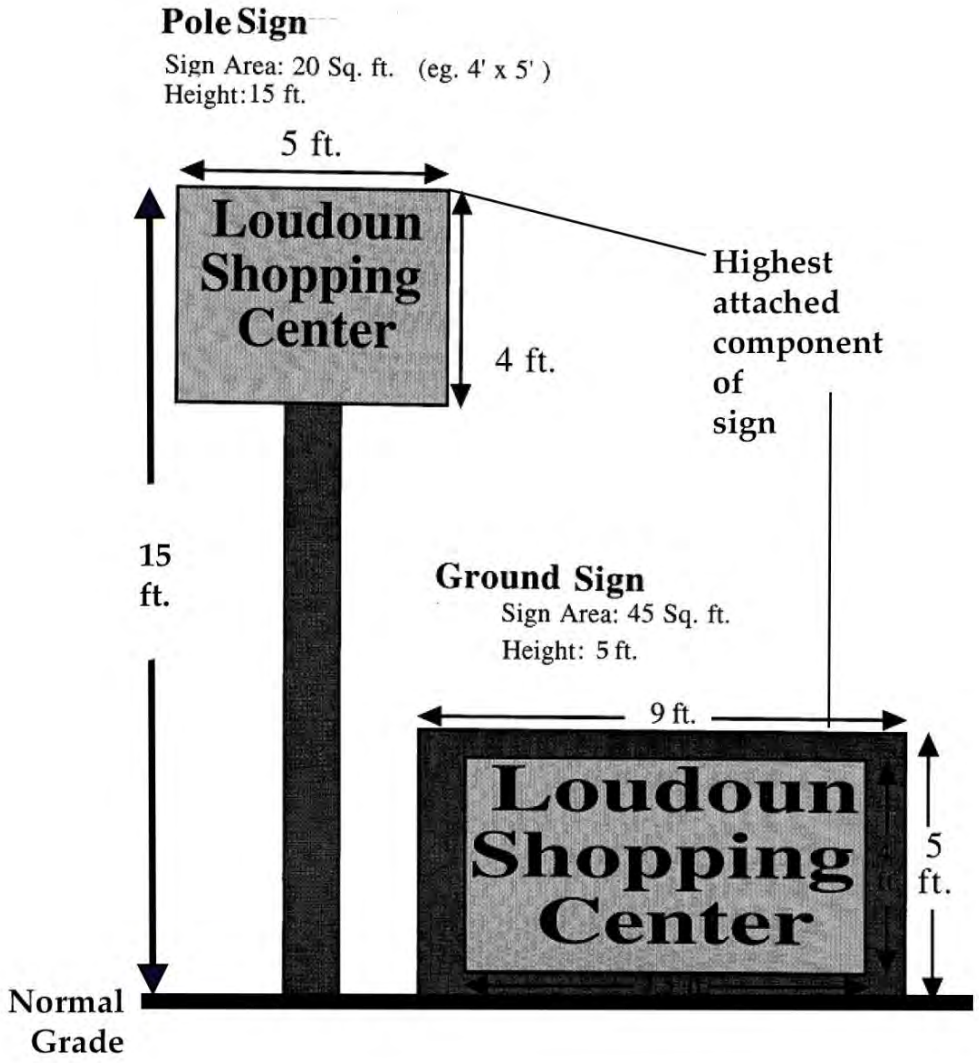
c. The sign area includes both the sign face and the background structure.

d. Where lettering appears back to back (i.e., on opposite sides of a sign), only one display face is counted in the sign area.

2. **Height.** The height of a sign must be computed as the linear measurement from the base of the sign at normal grade to the top of the highest attached component of the sign. If the land is uneven at the base of the sign, the elevation at the halfway point (middle) of the sign at the base shall be used. Normal grade is the lower of (1) the existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating for the purpose of locating the sign.

Figure 6.10-1 Freestanding Sign Measurements

Figure 6.10-1 Freestanding Sign Measurements

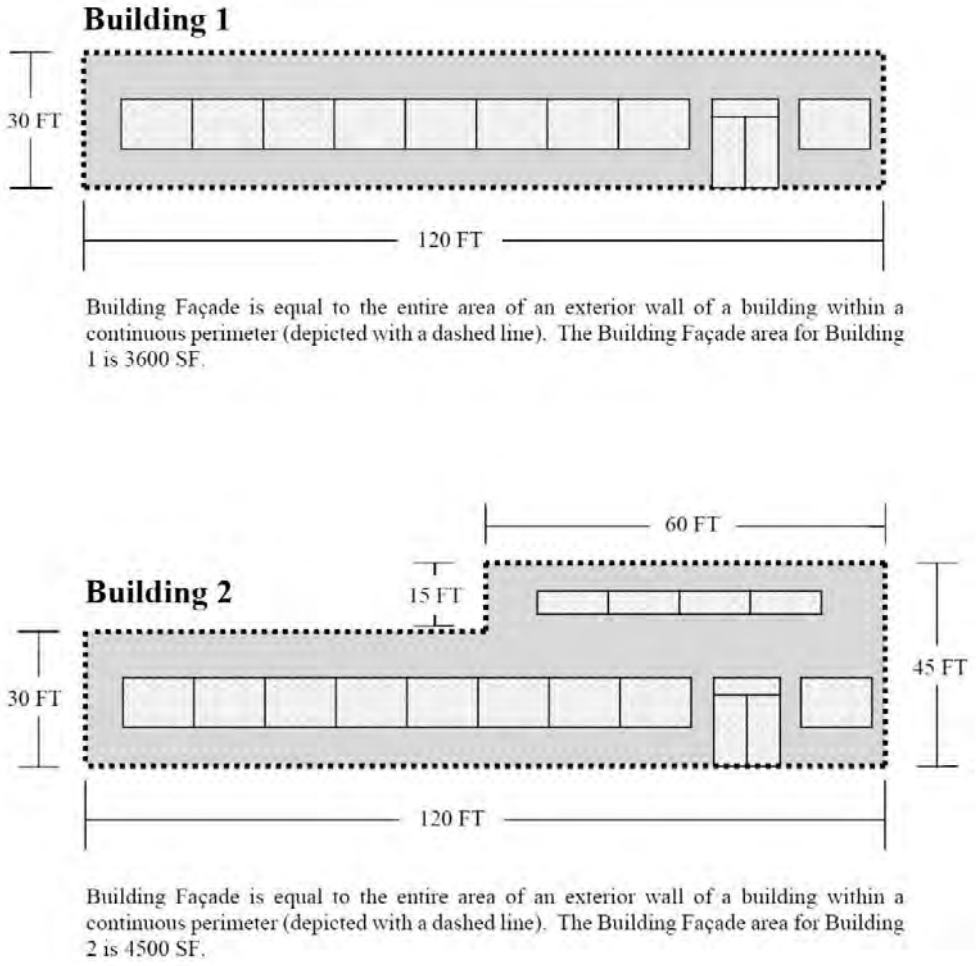


C. **Attached Signs**.

1. The building façade area is equal to the entire area of an exterior wall of a building within a continuous perimeter (depicted with a dashed line).

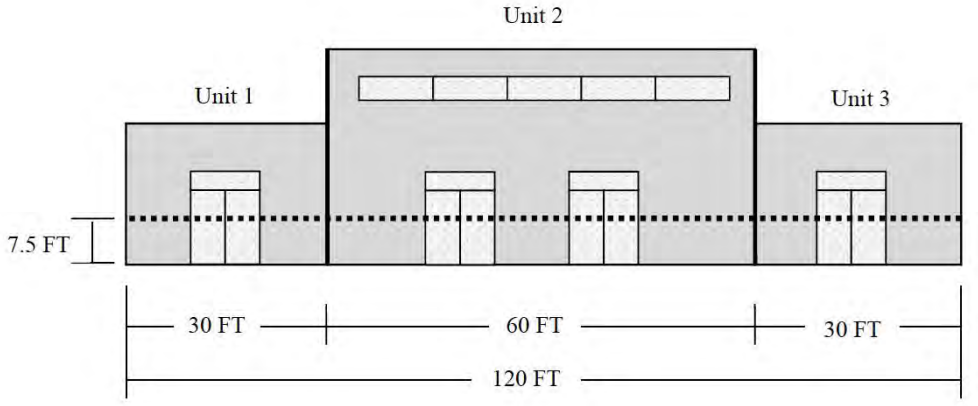
Figure 6.10-2 Building Facade Measurements

Figure 6.10-2 Building Facade Measurements



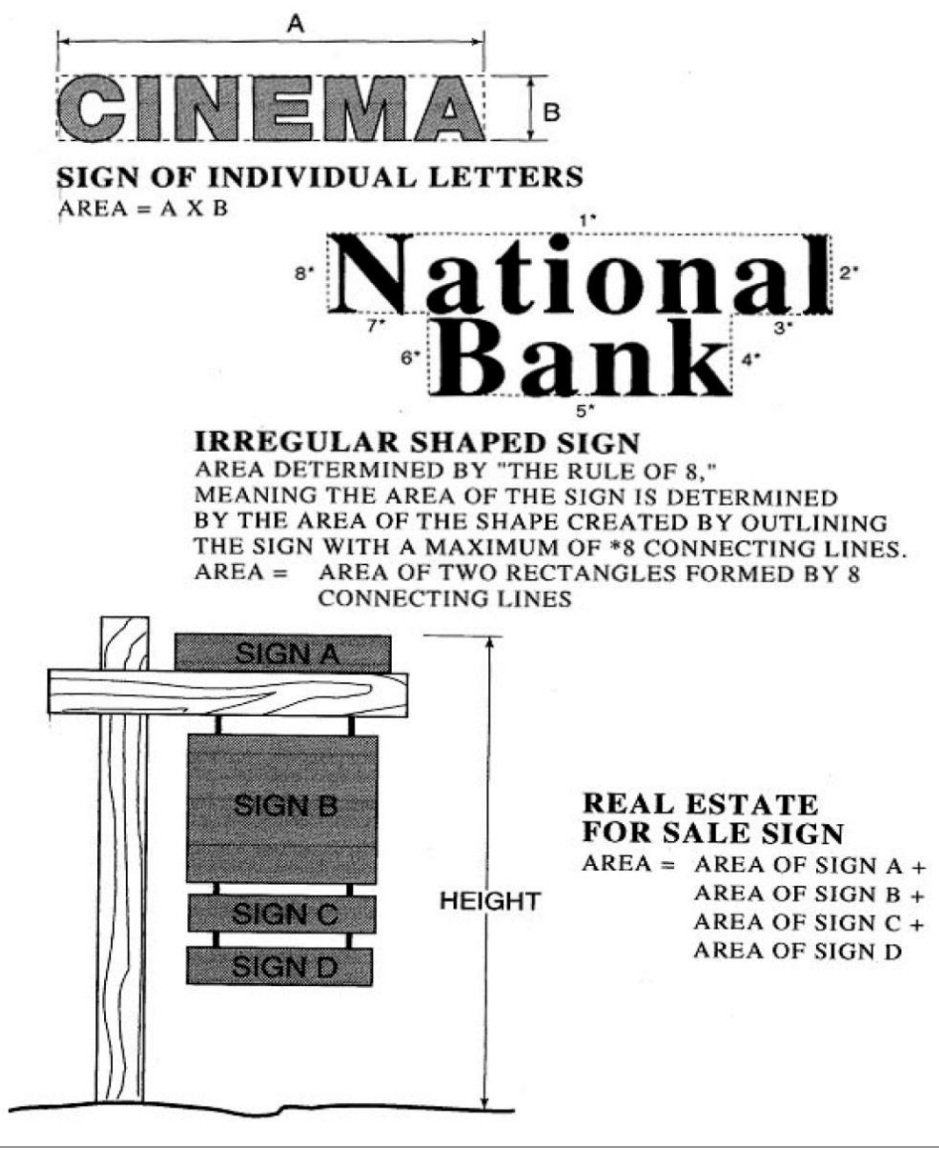
2. Linear Foot (LF) is equal to the length of a wall of a building that physically encloses usable interior space. LF is measured at a height not greater than 10 feet above grade. In this example, the Linear Foot (LF) of Units 1 and 3 is 30 feet, the Linear Foot (LF) of Unit 2 is 60 feet, and all lengths have been measured at 7.5 feet above grade (depicted with a dashed line).

Figure 6.10-3 Linear Foot Measurements



D. **Irregular Shaped Signs**. The area of an irregular shaped sign is determined by the "rule of 8." Meaning the area of the sign is determined by the area of the shape created by outlining the sign with a maximum of 8 connecting lines. The area is the area of two rectangles formed by 8 connecting lines.

Figure 6.10-4 Irregular Shaped Sign Measurements



CHAPTER 7: PROCEDURES

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7.01 General Process Administration

Note: *Staff is actively drafting this section as directed by the Board of Supervisors in the Resolution of Intent to Amend the Zoning Ordinance in Regard to the Legislative Application Review Process. See Board Business Meeting December 4, 2018.*

7.02 Determination

Purpose*. To clarify the meaning of the text of this Zoning Ordinance that may be imprecise either at adoption or as terms and land use and development practices change over time.*

A. **Applicability**. The Zoning Administrator has the authority to interpret and enforce this Zoning Ordinance.
   1. Determinations for enforcement of performance standards must be made in accordance with Section 7.16.E.

B. **Initiation**. The applicant must file an application with the Zoning Administrator and pay all applicable fees.

C. **Review and Decisions**. Upon receipt of a proper application, the Zoning Administrator will issue Determinations of this Zoning Ordinance.
   1. Determinations are binding upon the applicant as to the specific facts presented in the application for Determination after completion of the appeal period.
   2. In administering this Zoning Ordinance and rendering Determinations as to the uses permitted or allowed by special exception in the various zoning districts, the Zoning Administrator has the power and authority to render decisions as to whether a specific proposed use, although not listed as permitted or allowed by special exception, is so substantially similar in substance and effect to a permitted use or a use allowed by special exception, that it is to be allowed as if expressly permitted or allowed by Special Exception or Minor Special Exception.
   3. Such determinations must include notification of appeal procedures and timelines.

D. **Appeals**. See Section 7.14.
   1. Appeals of proffer determinations are to the Board of Supervisors.
   2. All other appeals of determinations are to the BZA.

7.03 Zoning Permit

Purpose*. The purpose of the Zoning Permit is to ensure that development and uses comply with the Zoning Ordinance.*

A. **Applicability.** Zoning Permits are required prior to:
   1. Issuance of building permit or certificate of occupancy.
   2. Construction or occupancy of any building or structure, including:
      a. Residential accessory uses and structures, such as:
         1. Above ground deck, porch, gazebo;
         2. Private garage, carport;
         3. Private greenhouse;
         4. Private swimming pool, pool house;
         5. Storage shed for personal, non-commercial, use;
         6. Studios and workshops without outdoor display for personal use; and

7. Bus shelter/bus stand.

b. Commercial and industrial accessory uses and structures, such as:

1. Emergency power generators;
2. Parking structures;
3. Recycling facilities pursuant to Section 3.06.07.03.C;
4. Storage sheds not exceeding 200 square feet; and
5. Bus shelter/bus stand.

3. Commencement of any use or change in use or non-residential tenancy.
   a. Except for agricultural uses as provided in the definition of Agriculture.
4. Grading or excavation.
   a. Except that a conditional grading permit may be obtained prior to construction plans and profiles or Site Plan approval in accord with the Facilities Standards Manual (FSM).
5. Development, as such term is defined in Section 4.03, located within the Floodplain Overlay District (Major Floodplain).
6. Commencement of a temporary use or special event pursuant to Section 3.05.

B. **Initiation.**

1. Zoning Permit applications must be filed by:
   a. The property owner; or
   b. The owner's authorized agent or representative.
      1. An affidavit from the property owner permitting the agent or representative to sign on their behalf will be required.
2. Fees established by the Board of Supervisors must be paid at the time of application and are non-refundable.
3. Applications must be filed with the Zoning Administrator.
4. As determined by the Zoning Administrator, applications must include:
   a. An approved Site Plan or a plot plan signed by the applicant and drawn to scale showing:
      1. The location of all existing and proposed structures with respect to property lines and public roads;
      2. The location and width of entrances and adjacent right-of-way, adjoining properties, and easements, including conservation easements;
      3. Number, size, and type of dwelling units;
      4. The location, size and dimensions of buildings, and the size and dimensions of areas within existing structures to be used for the business;
      5. Number, size, location, and dimensions of off-street parking lots or spaces;
      6. Number, size, location and lighting of signs, if any;
      7. The location of streams and approximate location of any on-site floodplain as determined from the County map;
      8. Location of wells and septic systems;
      9. Size, dimensions, and location of any accessory structures, outdoor storage yards, and screening buffering; and
      10. Other significant features on or within 200 feet of the proposed site, not including public rights-of ways or easements.
   b. A description of the activity to be conducted regarding waste products, external effects, or other conditions which are regulated herein.
      1. The applicant is not required to reveal any trade secrets or sufficient detail with regard to a process which would cause any secret process or manufacturing procedure for a closely

guarded proprietary compound or product to become public knowledge and be available to competitors.

c. The type and location of abatement devices to control, or recording instruments to measure, conformance with required standards, not including devices and instruments which are inherent in the manufacturing process.

d. Certificate from the Health Official that the proposed location complies with Chapters 1066 and 1040 of the Codified Ordinances of Loudoun County, and applicable state laws regarding sewage disposal and water supply.

e. Where public water or sewer system approved by a health official is involved, a statement from the system permittee that all applicable regulations and requirements have been complied with.

f. A grading permit, if required by State law or County ordinance; to be issued by the Director of Building and Development.

g. A locational clearance for property located in River and Stream Corridor Resources, Steep Slope Areas, Limestone Overlay District, or Mountainside Overlay District.

h. Information necessary to illustrate conformance with the Use Specific Standards of Section 3.06.

i. Such other data and certification as may reasonably be required by the Zoning Administrator to determine compliance with the Zoning Ordinance.

5. Except for a Temporary Fire and/or Rescue Station, all temporary zoning permits must be applied for at least 20 business days in advance of the event or function.

6. Unless the temporary special event is addressed and covered through a previously approved Special Exception Permit or Minor Special Exception under Section 7.10.07, a separate temporary zoning permit must be obtained for each temporary use or special event.

7. 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.

C. **Review and Decision**.

1. The Zoning Administrator reviews and decides all Zoning Permit applications.

2. The Zoning Administrator may impose conditions necessary to comply with the intent of this Ordinance.

3. **Temporary Uses**.

a. 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.

1. Each reviewing agency or department will submit its comments in writing to the Zoning Administrator within 10 business days from receipt of the Zoning Administrator's request.

b. The Zoning Administrator may impose reasonable conditions necessary to:

1. Assure compliance with the standards of Section 3.05;

2. Ensure that operation and maintenance of the temporary special event mitigate potential adverse impacts on existing uses on adjoining properties and in the surrounding area; and

3. Protect the public health, safety, and general welfare.

c. Conditions may address, but are not limited to:

1. Provisions for adequate parking, storage, and lighting;

2. Provisions for security, traffic safety, fire, and life safety;

3. Limiting hours of operation;

4. Provisions for adequate sewage disposal; and

5. Any other health and safety concerns the Zoning Administrator may deem necessary to comply with the approval criteria.

d. The Zoning Administrator may require the posting of a bond to ensure timely

1. Removal of structures and materials; and
2. Restoration of the area.

D. **Approval Criteria**.

1. No Zoning Permit may be issued where the structure to be constructed or the use contemplated would:
    a. Violate the provisions of this Ordinance or any other applicable County law, ordinance or regulation;
    b. Violate the terms of approval of a rezoning, subdivision, special exception, proffer, variance, or other approval; nor
    c. Afford protection to any owner who is found to be violating this or any other applicable law, ordinance, or regulation.
2. Temporary special events must meet all of the following:
    a. The proposed special event is located, operated, and maintained in a manner consistent with the provisions of Section 3.05.D.
    b. The particular location requested can reasonably accommodate the proposed temporary special event, given the proposed use's nature, size, and duration.
    c. The proposed special event does not create significant adverse impacts on properties or improvements in the surrounding area. These impacts include, but are not limited to:
        1. Traffic;
        2. Environmental;
        3. Visual, glare;
        4. Noise; or
        5. Odors.
    d. The proposed special event does not create an unreasonable risk of:
        1. Significant damage to public or private property, beyond normal wear and tear;
        2. Injury to persons;
        3. Public or private disturbances or nuisances;
        4. Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel; nor
        5. Additional police, fire, trash removal, maintenance, or other public services demands, unless substantially mitigated by the applicant or operator.
    e. The proposed special events does not violate any applicable conditions of approval that apply to the principal use on the site.
    f. The time and location requested for the proposed special event is not already permitted or reserved for other activities.

E. **Limitation after Denial**. There is no limit on subsequent applications after a Zoning Permit has been decided.

F. **Appeals**. The decision of the Zoning Administrator may be appealed to the Board of Zoning Appeals. See Section 7.14.

G. **Scope of Approval**.

1. Issued Zoning Permits become invalid if the authorized work:
    a. Is not commenced within 1 year of the date of issuance; or
    b. Is suspended or abandoned for a continuous period of 1 year.
2. The Zoning Administrator may extend a Zoning Permit for up to an additional 1 year.
    a. The applicant must submit a written request at least 20 business days before expiration.
    b. The applicant must show good cause for the extension.
    c. An extension fee may be required.
3. All information and evidence submitted with the application constitute an agreement on the part of the applicant that the proposed use will conform to such standards at all times.

4. **Temporary Special Events**.
    a. Temporary special events are limited to a maximum duration of 14 calendar days, unless otherwise specifically authorized or extended by the Zoning Administrator.
    b. At the conclusion of the temporary special event, all related structures and materials must be removed and the site restored to its pre-event condition.
    c. Permanent alterations to the site are prohibited unless the Zoning Administrator specifically approves the alteration so that the permit applicant can comply with Section 3.05.D.
    d. Permanent signs are prohibited. All temporary signs must obtain a sign permit. Signs associated with the temporary special event use must be reviewed and approved pursuant to Section 6.09 and are only for the duration of the temporary special event.
    e. The applicant or operator of the special event must comply with any other required permits, such as health department permits, or other federal, state, or county regulations.
    f. 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:
        1. The temporary special event has substantially complied with all conditions of the original approval; and
        2. The extension will not create substantial adverse impacts on adjacent properties.

7.04 Sign Permit

Note: *Regulations are forthcoming, see Section 6.09.A.*

7.05 Site Plan

Purpose*: The purpose of the Site Plan application is to verify the physical aspects of development and use comply with the this and other ordinances.*

A. **Applicability**.
    1. **Required**. Site plan approval is required prior to:
        a. Development of any land;
        b. Establishment or change of a use; or
        c. Change to an approved site plan.
    2. **Exempt**. The following uses do not require a site plan and are exempt from the requirements of this Section:
        a. Agriculture uses identified in Table 3.02.03-3 that do not involve access by the public as a part of such use;
        b. Animal Care Business;
        c. Bed and Breakfast Homestay (with less than 5,000 sq. ft. of disturbance);
        d. Bed and Breakfast Inn (with less than 5,000 sq. ft. of disturbance);
        e. Child Care Home;
        f. Dwelling, Single Family Detached
        g. Farm Market (*not including the use Farm Market (off-site production), which requires a site plan*);
        h. Quarry operations with no structures;
        i. Stable, Private;
        j. Stable, Livery; and
        k. Temporary Fire and/or Rescue Station (see Section 3.05.B.5).

B. **Processing.** Site plan processing regulations are provided in the Land Subdivision and Development Ordinance (LSDO) and the Facilities Standards Manual (FSM).

7.06 Subdivision

***Purpose**: The purpose of Subdivision applications is to ensure that the division of land complies with this and other ordinances.*

A. **Subdivision Approval**. Subdivision approval is required in the circumstances specified in the Land Subdivision and Development Ordinance (LSDO).

B. **Condominium Development**. Pursuant to the Code of Virginia § 55.1-1905, zoning, subdivision, and site plan ordinances and the associated review of plans and plats, apply to any condominium Development, both vertical and horizontal land, in the same manner as such ordinances apply to a physically identical project or Development under a different form of ownership. If a zoning issue or other applicable land use regulation remains unaddressed, County review of a proposed condominium Development will cease until the declarant has addressed such issues.

C. **Conversion Condominium**. Pursuant to the Code of Virginia § 55.1-1905.E, the declarant of a proposed conversion condominium that does not conform to the zoning, land use, and site plan regulations must seek Special Exception approval prior to such property becoming a conversion condominium.

7.07 Variance

***Purpose**. To allow for deviation from the strict application of this Ordinance to avoid unreasonable restrictions upon the utilization of property beyond the intent of the Ordinance.*

A. **Applicability**.

1. **Authorized Variances**. Reasonable deviations from the regulations and restrictions contained in this Ordinance may be requested only in the following instances and in no others:
    a. A Variance from those provisions regulating the shape, size, or area of a lot or parcel of land; or
    b. A Variance from those provisions regulating the size, height, area, bulk, or location of a building or structure when the strict application of the Ordinance would unreasonably restrict the utilization of the property.
2. **Unauthorized Variance**. No Variance can be approved which would:
    a. Rezone property;
    b. Change the use or density of land, buildings, or structures; or
    c. Result in any increase in the base flood elevation of any use or activity within the Floodplain Overlay District (FOD) (Major Floodplain).

B. **Initiation**.

1. Any person owning property, or having a possessory or contract interest in property and the consent of the owner, must file an application for Variance in regard to such property with the Zoning Administrator.
2. The application must contain the following information and such additional information as the BZA may, by rule, require or as may be required by Section 7.01.E:
    a. The particular provisions or requirements of this Zoning Ordinance that prevent the proposed construction on, or use of, the property.
    b. The existing zoning of the property, including any previously approved modifications, conditions, or proffers.
    c. The special conditions, circumstances, or characteristics of the land, building, or structure that prevent the use of the land in compliance with the requirements of this Zoning Ordinance.
    d. The extent to which it would be necessary to vary the requirements of this Zoning Ordinance in order to permit the proposed construction on, or use of, the property.
    e. An explanation of how the requested Variance conforms to each of the approval criteria.
    f. Evidence that the strict application of the terms of the Zoning Ordinance would unreasonably restrict the utilization of the property or that the granting of the Variance would alleviate a

hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of this Zoning Ordinance.

g. A plat of the property that has been prepared by a licensed, certified land surveyor, or other licensed professional operating within the scope of his or her license.
    1. For properties containing one acre or more, the applicant may petition the Zoning Administrator to request that this requirement be reduced to a survey of the portion of the property for which the Variance is sought.
    2. Such plat or survey must clearly depict
        a. The requested variance;
        b. The current Ordinance requirements; and
        c. The section of the Ordinance requesting to be varied.

C. **Review and Decision**.
1. **Staff**.
    a. County staff, as determined by the Zoning Administrator, will review the application and provide written comments to the applicant and BZA.
    b. The Zoning Administrator will provide staff comment, analysis, and recommendation to the BZA for their use at the public hearing.
2. **Planning Commission**. The Zoning Administrator may transmit a copy of the application to the Planning Commission which may send a recommendation to the BZA or appear as a party at the hearing.
3. **Board of Zoning Appeals (BZA)**.
    a. The BZA exercises the jurisdiction and authority to grant a Variance from the literal terms of this Ordinance in accordance with the procedures, standards, and limitations contained in this section.
    b. Within 90 calendar days of receiving a complete application, the BZA will hold a public hearing and decide upon the requested Variance.
    c. After the public hearing, the BZA must approve, deny, or approve with conditions the application for a Variance.
    d. The BZA may impose such conditions and restrictions upon the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
    e. The applicant for a Variance bears the burden of providing evidence to prove by a preponderance of the evidence that the Variance application meets the approval criteria.

D. **Approval Criteria**. Variance approval will be granted if the evidence shows:
1. Strict application of the terms of this Zoning Ordinance would unreasonably restrict the utilization of the property or that the granting of the Variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the effective date of the Zoning Ordinance or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability;
2. The property interest for which the Variance is being requested was acquired in good faith and any hardship was not created by the applicant for the Variance;
3. The granting of such Variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
4. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Zoning Ordinance;
5. The granting of the Variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and

6. The relief or remedy sought by the Variance application is not available through a Special Exception, Minor Special Exception, or Zoning Modification at the time of filing of the Variance application.

E. **Limitations after Denial**. If a Variance is denied by the BZA on the merits, no application requesting the same relief with respect to all or part of the same property will be considered by the BZA within 12 months after the date of such denial.

F. **Appeals**. Appeals of the BZA's final decision are to the Loudoun Circuit Court in accordance with the Code of Virginia.

G. **Scope of Approval**.

1. Notwithstanding any other general or special provision of law, the property characteristic upon which a property owner has been granted a Variance will be treated as conforming for all purposes under state law and this Zoning Ordinance.
2. The structure permitted by the Variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no Variance is required under the Zoning Ordinance.
3. Where the expansion is proposed within an area of the site or part of the structure for which a Variance is required, the approval of an additional Variance will be required.
4. Failure to comply with any such conditions and restrictions constitutes a violation of this Zoning Ordinance.
5. Any Variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability may expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the Variance, subject to the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable.

7.08 Commission Permit

***Purpose**. To verify, whether publicly or privately owned, all public areas, public buildings, public structures, public utility facilities, and public service corporation facilities are consistent with the Comprehensive Plan.*

A. **Applicability**.

1. **Required**. Pursuant to Code of Virginia § 15.2-2232, a Commission Permit is required (unless specifically exempted below) for the following:
    a. Street or connection to an existing street;
    b. Park or other public area;
    c. Public building or public structure;
    d. Public utility facility or public service corporation facility;
    e. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas;
    f. Telecommunications monopoles, towers, or facilities, including privately constructed wireless facilities in VDOT rights-of-way;
    g. Sanitary landfills;
    h. School sites; and
    i. Electric transmission lines of at least 138 kilovolts.
2. **Exempt**. The following features do not require a commission permit and are exempt from the requirements of this section:
    a. The feature is shown on an adopted master plan or part thereof;
    b. The feature is identified within, but not the entire subject of, an approved subdivision, site plan, or concept development plan;
    c. Railroads;
    d. Underground natural gas or electric distribution facilities of a public utility as defined in Code of Virginia § 56-265.1(b);

e. Paving, repair, reconstruction, improvement, drainage or similar work, and normal service extensions of public utilities or public service corporations that do not involve a change in location or extent of a street or public area;

f. Electric transmission lines of 138 or more kilovolts that have received a certificate of convenience and necessity from the State Corporation Commission pursuant to Code of Virginia § 56-265.2; or

g. Proposed telecommunications monopole, tower, or facility constructed by an entity organized pursuant to Code of Virginia Chapter 9.1 of Title 56 (§§ 56-231.15, et seq.) located in a zoning district that allows such telecommunications monopole, tower, or facility as a permitted use.

B. **Initiation**.

1. Applications must be submitted to the Director after completion of Preapplication [*Section 7.01.C*] and Pre-review [*Section 7.01.D*].
    a. Applications for telecommunications facilities are exempt from pre-review [*Section 7.01.D*].
2. Only complete applications will be accepted for review [*Section 7.01.E*].

C. **Review and Decision**.

1. **Staff**.
    a. County staff, as determined by the Director, will review the applications and provide written comments.
    b. The comments will be provided to the applicant.
    c. The Director will provide staff comment, analysis, and recommendation to the Planning Commission and the Board of Supervisors for their use.
2. **Planning Commission**.
    a. The Planning Commission will discuss the proposed commission permit within 60 calendar days of receiving a complete application unless time has been extended by the Board of Supervisors.
        1. Commission permits for telecommunications facilities will be decided within 90 calendar days unless the time has been extended by:
            a. The Board of Supervisors for not more than an additional 60 calendar days; or
            b. The applicant.
    b. The Planning Commission will either approve or deny the Commission Permit.
    c. Commission permits are approved if the Planning fails to act within the specified times.
3. **Board of Supervisors.**
    a. Within 60 calendar days after the Planning Commission has acted or failed to act, the Board of Supervisors will review the decision.
    b. The Board of Supervisors may overrule the action of the Planning Commission by a vote of a majority of its membership.
    c. If the Board of Supervisors fails to overrule the Planning Commission within the specified time, the decision of the Planning Commission is final.

D. **Approval Criteria**. Commission permits will be approved if the general location or approximate location, character, and extent is substantially in accord with the Comprehensive Plan or part thereof.

E. **Limitations after Denial**. There is no limit on subsequent applications after a Commission Permit has been decided.

F. **Appeals**. See Section 7.14.

G. **Scope of Approval**. Commission Permit approval allows for the construction, establishment, or authorization of the specified facility provided all other development approvals required by this Zoning Ordinance are obtained.

7.09 Zoning Amendments

7.09.01 Zoning Ordinance Amendment

Note: *Staff is actively drafting this section as directed by the Board of Supervisors in the Resolution of Intent to Amend the Zoning Ordinance in Regard to the Legislative Application Review Process. See Board Business Meeting December 4, 2018.*

7.09.02 Zoning Map Amendment

Note: *Staff is actively drafting this section as directed by the Board of Supervisors in the Resolution of Intent to Amend the Zoning Ordinance in Regard to the Legislative Application Review Process. See Board Business Meeting December 4, 2018.*

7.09.03 Conditional Zoning (Proffers)

A. **Conditional Zoning**. As part of a Zoning Map Amendment or Zoning Concept Plan Amendment, the County may adopt reasonable conditions governing the use of such property as provided by Code of Virginia § 15.2-2303.

1. When proffered by the landowner in conformance with this section, such conditions become an addition or alteration to the zoning district regulations of this Ordinance.
2. The County will accept only such reasonable conditions as defined by and in accordance with Code of Virginia § 15.2-2297 that may not be deemed unreasonable as defined in Code of Virginia § 15.2-2303.4.

B. **Proffered Conditions**. Proffered conditions in accordance with this section may include written statements, development plans, profiles, elevations, or other demonstrative materials and are subject to the procedures set out in, or established by resolution pursuant to, Section 7.09.01.

1. **Contents and Timing of Proffers**. Proffered conditions must be signed by all persons having an ownership interest in the property and be must notarized and submitted to the Director prior to a public hearing before the Board of Supervisors.
    a. The Board of Supervisors may accept amended proffers after the public hearing has begun if the amended proffers:
        1. Impose a more restrictive standard on the proposal; and
        2. Do not materially affect the overall proposal.
    b. Proffered conditions must contain a statement that the owners voluntarily enter into the conditions contained therein.
2. **Filing and Notice of Accepted Proffers**. When a Zoning Map Amendment or a Zoning Concept Plan Amendment is approved subject to proffered conditions, the Zoning Administrator will:
    a. Annotate the subject property on the Official Zoning Map; and
    b. Maintain an official copy of the approved proffers.
3. **Proffers Govern Development**. Proffered conditions become a part of, and in addition to, the zoning regulations and other County development regulations applicable to the property unless such proffers are subsequently changed by a Zoning Text Amendment, Zoning Map Amendment, or Zoning Concept Plan Amendment which is not part of a comprehensive implementation of a new or substantially revised Zoning Ordinance.
4. **Substantial Conformance Required**. Upon approval of a Zoning Map Amendment or Zoning Concept Plan Amendment with proffers, all other application for development thereafter must be in substantial conformance with all proffered conditions. No development may be approved by any County official in the absence of said substantial conformance.

C. **Enforcement of Proffers**. The Zoning Administrator is vested with all necessary authority on behalf of the Board of Supervisors to administer and enforce proffered conditions. Such authority includes:

1. **Remedy Noncompliance**. To order, in writing, the remedy of any noncompliance with a proffered condition and the ability to bring legal action to ensure compliance including injunction, abatement, or other appropriate action or proceedings, as provided for in Section 7.13.

2. **Guarantee Construction of Improvements**. The Zoning Administrator may require a guarantee, satisfactory to the Board of Supervisors, in an amount sufficient for and conditioned upon the construction, installation, provision, or performance of any public improvements, site improvements, facilities, or obligations required by the proffered conditions.
    a. The Board of Supervisors or its agent may reduce or release this guarantee upon satisfactory evidence that the construction, installation, provision, or performance of such improvements, facilities, or obligations has been completed in whole or substantially in part as determined by the Zoning Administrator.
    b. Said guarantee will be required prior to the approval of the applicable construction profile and plan, site plan or subdivision.
3. **Require Compliance for Permits**.
    a. Any site plan, subdivision, grading permit, zoning permit, building permit, or certificate of occupancy that fails to meet or comply with any proffered condition must be denied.
    b. In addition to the other penalties appropriate for violations of this Ordinance, the Zoning Administrator may deny issuance of any development approval, plan, or permit relating to the land area, which was the subject of the conditional zoning, for failure to meet or comply with any proffered condition.
    c. With each application for a development approval or permit, the applicant must include an affidavit certifying that all applicable proffers have been or will be complied with as agreed upon at the time of rezoning. The applicant bears the burden of verifying that the proposed development complies with any and all proffered conditions.

D. **Appeal of Proffer Decision**. Any person aggrieved by a decision of the Zoning Administrator regarding any proffered condition may appeal such decision to the Board of Supervisors as provided in Section 7.14.

E. **Proffer Amendment**.
1. A Zoning Concept Plan Amendment is required to amend proffered conditions that have been approved and accepted by the Board of Supervisors, except as provided under Section 7.09.04.B.1.
2. Zoning Concept Plan Amendments follow the same process and procedures that apply to the review and approval of Zoning Map Amendments as provided in Section 7.09.01, except that:
    a. The Director may modify the applicable schedule for agency comments (referrals) based on the complexity, scope, or nature of the requested proffer amendment.
3. Notwithstanding subsection E.1, above, the Board of Supervisors may waive the requirements for public hearing before either or both the Planning Commission and Board of Supervisors, when an amendment to such proffered conditions is requested that does not affect conditions of use or density.
    a. Upon granting such waiver request, the requested amendment will be referred to the Planning Commission for review.
    b. Staff and Planning Commission recommendations will be provided to the Board of Supervisors within such period of time as specified by the Board of Supervisors at the time it grants the waiver.
    c. In granting the waiver, the Board of Supervisors will require written notice of such application be provided in the manner and to the persons as set forth in Code of Virginia §§ 15.2-2204 and 15.2-2302 and Section 7.04 of this Ordinance, except as provided in 7.09.03.E.3.d; and may:
        1. Establish a modified schedule for staff and Planning Commission review; and
        2. Approve a reduced fee reflecting the modified schedule.
    d. Notwithstanding noticing requirements of this Ordinance, the Board of Supervisors may waive the written notice requirement of Code of Virginia § 15.2-2302(A) in order to reduce, suspend, or eliminate outstanding cash proffer payments for residential construction calculated on a per-dwelling unit or per-home basis that have been agreed to, but unpaid, by any landowner
4. Notwithstanding any other provision of law, no claim of any right derived from any proffered condition accepted by the Board of Supervisors impairs the right of any landowner subject to such proffered condition to secure amendments to such proffered condition.

7.09.05 Zoning Concept Plan Amendment

Note: *Staff is actively drafting this section as directed by the Board of Supervisors in the Resolution of Intent to Amend the Zoning Ordinance in Regard to the Legislative Application Review Process. See Board Business Meeting December 4, 2018.*

7.09.06 Urban Districts - Additional Requirements

Purpose*. To provide additional requirements for Zoning Map Amendments and Zoning Concept Plan Amendments to urban zoning districts.*

A. **Urban Transit Center/Urban Mixed Use (UT/UM) Zoning District.** Concept Development Plans for applications in the UT/UM Zoning District must be prepared according to Section 10.09.04 and include the following:

1. Delineation of required subareas and the relationship between development in these areas.
2. The type and scale of proposed uses including:
    a. Depiction of general location and arrangement of principal proposed uses;
    b. Tabulation of proposed minimum and maximum floor area ratio and square footage of development;
    c. Tabulation of residential unit type and quantity;
    d. Tabulation of the minimum and maximum height, in feet and stories, of all buildings; and
    e. Tabulation of the minimum area and type of open space areas, i.e., plaza, square, green or park.
3. Site and building designs to include:
    a. Depiction of the integration of the built and open space environment;
    b. Comprehensive pedestrian, bicycle, and vehicle network showing:
        1. Integration and connections between the uses;
        2. Planned or existing transit stops and transit parking; and
        3. Internal and external pedestrian, bicycle, and vehicle networks;
    c. Depiction of pedestrian streetscape design;
    d. Location of off-street parking and loading spaces, including structured parking;
    e. Location of bus stops;
    f. Location and design of focal points within the district;
    g. Architectural sketches, if available, of typical proposed structures, including lighting fixtures and signs; and
    h. Cross sections of proposed buildings to evaluate the streetscape and skyline with relation to adjacent development.
4. A table that provides:
    a. Total floor area, floor area for each use type, and total floor area ratio in each land bay and subarea;
    b. Total number of dwelling units by type;
    c. Total residential units and units per acre by subarea; and
    d. Total area in open space, including recreational open space provided and the amount required.
5. When the development is to be constructed in phases, a development schedule showing the anticipated order of construction of such phases.

C. **Urban Employment (UE) Zoning District**. Concept Development Plans for applications in the UE Zoning District must be prepared according to Section 10.09.04 and include the following:

1. The type and scale of proposed uses including:
    a. Depiction of general location and arrangement of principal proposed uses;

b. Tabulation of total floor area and total area of development;
c. Tabulation of proposed minimum and maximum floor area ratio, floor area for each use type, and total floor area ratio, and area of development for each land bay;
d. Tabulation of the minimum and maximum height, in feet and stories, of all buildings; and
e. Tabulation of the total open space provided and required; and
f. Tabulation of the minimum area and type of open space areas, such as plaza, square, green, or park, for each land bay.

2. Site and building designs to include:
   a. Depiction of the integration of the built and open space environment;
   b. Depiction of a comprehensive pedestrian, bicycle, and vehicle network showing:
      1. Integration and connections between uses;
      2. Planned or existing transit stops and parking; and
      3. Internal and external pedestrian, bicycle, and vehicle networks;
   c. Depiction of the location and width of all streets, pedestrian walkways, and bicycle paths;
   d. Depiction of pedestrian streetscape design;
   e. Location of off-street parking and loading spaces, including structured parking;
   f. Location of bus stops;
   g. Architectural sketches, if available, of typical proposed structures, including lighting fixtures and signs; and
   h. Cross sections of proposed buildings to evaluate the streetscape and skyline with relation to adjacent development.
3. When the development is to be constructed in phases, a development schedule showing the anticipated order of construction of such phases.

7.09.08 Historic Overlay Districts - Additional Requirements

Purpose. *The purpose of establishing Historic Overlay Districts (HOD) is to:*

- *Effect and accomplish the protection, enhancement, perpetuation, and use of improvements and areas of special character or special historic interest or value which represent or reflect elements of the County's cultural, social, economic, political, architectural, and archaeological history;*
- *Foster civic pride and preserve an appreciation for the historic values on which the County and the Nation were founded;*
- *Maintain and improve property values;*
- *Protect and enhance the County's attraction to tourists and visitors;*
- *Provide for the education and general welfare of the people of the County;*
- *Protect against destruction of or encroachment upon historic areas; and*
- *Otherwise accomplish the general purposes of this Zoning Ordinance, the General Plan, and the provisions of Code of Virginia Chapter 22, Title 15.2.*

A. **Authority.**
1. The Board of Supervisors may establish HODs or remove HODs pursuant to Code of Virginia §§ 15.2-2306 and 15.2-2283, and by amendment of the Zoning Ordinance as provided in Section 7.09.02.
2. The term “Historic Overlay District” includes, without limitation, the following:
   a. Historic Site (HS) Districts;
   b. Historic and Cultural Conservation (HCC) Districts;
   c. Historic Roadway (HR) Districts;
   d. Historic Access Corridor (HAC) Districts; and

e. Such other Historic Districts as the Board of Supervisors has the power to establish.

B. **Establishment of New HODs and Additions to Existing HODs.**

1. The establishment of a new HOD, or the addition of a parcel (or parcels) to an existing HOD, is a Zoning Map Amendment subject to Section 7.09.02 and a recommendation by the Historic District Review Committee (HDRC).
2. HODs are established as overlay zoning districts and are in addition to existing zoning designations and the regulations appropriate thereto.

C. **Application.** In addition to the submission requirements of Section 7.01.F, the following information must be submitted with an application for the establishment of a new HOD or an addition to an existing HOD, and must be considered by the Planning Commission, HDRC, and Board of Supervisors.

1. The type of new HOD or existing HOD addition to be designated pursuant to subsections A and D.
2. A written statement demonstrating how the proposed new HOD or proposed addition to an existing HOD meets the Criteria for Establishment for the applicable HOD enumerated in subsection D.
3. Documentation of the particular historical attributes of the area to be located within the proposed new HOD or addition to an existing HOD.
4. An inventory that lists each historic landmark, site, building, or structure located within the proposed new HOD or proposed addition to an existing HOD, which itself has historic merit or is a contributing resource to the overall historic character of said HOD.
5. A graphic representation of the proposed new Historic District or proposed addition to an existing HOD that includes:
    a. The proposed boundaries determined pursuant to subsection E.
    b. The location of all landmarks, sites, buildings, or other structures of particular historic value located within the specified HOD.

D. **Criteria for Establishment of HODs.** Proposed new HODs or additions to existing HODs must meet the criteria for establishment listed below:

1. **Historic Site Districts (HS).** The Board of Supervisors may establish HS districts provided such districts meet the following:
    a. One or more of the purposes set forth in the Purpose of this section;
    b. One or more of the following criteria:
        1. Such district contains a historic landmark, building, or structure listed in the National Register of Historic Places, the Virginia Landmark Register, or the County Heritage Register; or
        2. Such district meets 1 or more of the following criteria:
            a. Is closely associated with 1 or more persons, communities, events, activities, or institutions that have made a significant contribution to local, regional, or national history;
            b. Contains buildings, structures, landscapes, or archaeological resources whose exterior design or features exemplify the distinctive characteristics of an historic type, period, settlement pattern, or method of construction, or that represent the work of an acknowledged master;
            c. Have yielded, or are likely to yield, information important to local, regional, or national history or prehistory; or
            d. Possesses an identifiable character representative of the architectural, archaeological, and cultural heritage of Loudoun County.
2. **Historic and Cultural Conservation Districts (HCC).** The Board of Supervisors may establish HCC districts provided such districts meet the following:
    a. The definition of “historic area” in Code of Virginia § 15.2-2201;
    b. One or more of the purposes set forth in the Purpose of this section; and
    c. One or more of the following criteria:

1. Such district has been deemed eligible for listing or is listed in the National Register of Historic Places or the Virginia Landmarks Register; or
2. Such district meets 1 or more of the following criteria:
    a. Is closely associated with 1 or more persons, communities, events, activities, or institutions that have made a significant contribution to local, regional, or national history;
    b. Contains buildings, structures, or landscapes whose exterior design or features exemplify the distinctive characteristics of one or more historic types, periods, or methods of construction, or that represent the work of an acknowledged master or masters;
    c. Have yielded or are likely to yield information important to local, regional, or national history or prehistory; or
    d. Possesses an identifiable character representative of the architectural, archaeological, and cultural heritage of Loudoun County.

3. **Historic Roadway Districts (HR).** The Board of Supervisors may create HR districts provided such districts meet the following:
    a. The definition of "historic area" in Code of Virginia § 15.2-2201;
    b. One or more of the purposes set forth in the Purpose of this section; and
    c. One or more of the following criteria:
        1. Such district has been deemed eligible for listing or is listed in the National Register of Historic Places or the Virginia Landmarks Register; or
        2. Such district meets 1 or more of the following criteria:
            a. Is closely associated with 1 or more persons, communities, events, activities, or institutions that have made a significant contribution to local, regional, or national history;
            b. Contains buildings, structures, or landscapes whose exterior design or features exemplify the distinctive characteristics of one or more historic types, periods, or methods of construction, or which represent the work of an acknowledged master or masters; or
            c. Have yielded or are likely to yield information important to local, regional, or national history or prehistory; or
            d. Possesses an identifiable character representative of the architectural, archaeological, and cultural heritage of Loudoun County.

4. **Historic Access Corridor Districts (HAC).** The Board of Supervisors may create HAC districts provided such districts meet the following:
    a. Standards of Code of Virginia § 15.2-2306;
    b. One or more of the purposes set forth in the Purpose of this section; and
    c. One or more of the following criteria:
        1. Encompasses parcels of land, or portions thereof, that are located adjacent to an arterial street or highway (as designated pursuant to Code of Virginia Title 33.1) that is closely associated with 1 or more persons, events, activities, or institutions that have made a significant contribution to local, regional, or national history;
        2. Encompasses parcels of land, or portions thereof, contiguous to an arterial street or highway which together possess an identifiable historic character representative of the architectural, archaeological, and cultural heritage of Loudoun County; or
        3. Encompasses parcels of land, or portions thereof, adjacent to an arterial street or highway which is a significant historic route of tourist access of the County or municipality.

E. **Boundaries of Historic Districts.** The following criteria must be used when determining the boundaries of

certain HODs:

1. **Historic Site Districts.** The boundaries of HS Districts must be drawn to include those lands that are adjacent to the landmarks, buildings, or structures for which the HS District was established and that is necessary to achieve the Purpose of this section and the criteria of subsection D.1.
2. **Historic and Cultural Conservation Districts.** The boundaries of HCC Districts must be drawn to include all land therein that is necessary to achieve the Purpose of this section and the criteria of subsection D.2.
3. **Historic Roadway and Historic Access Corridor Districts.** The boundaries of HR and HAC Districts must be drawn to include the roadway or access corridor that is the focus of the district and run roughly parallel to each side the roadway or access corridor for such depth and distance necessary to achieve the Purpose this section and the criteria of subsections D.3 or D.4 respectively.

F. **Removal from Existing HODs.** The removal of a parcel from an existing HOD is a Zoning Map Amendment subject to Section 7.09.01 and a recommendation by the HDRC.

1. The HDRC must make a recommendation to approve the removal only if all of the following criteria are met:
    a. The parcel no longer meets the Purpose of this section or the criteria of subsection D;
    b. No contributing historic landmark, site, building, or structure is located on the parcel;
    c. Removal of the parcel would not have a negative impact on the surrounding streetscape within the HOD because the parcel is surrounded by other non-contributing structures; and
    d. The parcel is located on the edge of the HOD such the removal of the parcel would not cause a void within the HOD.

G. **Appeal**. Any person aggrieved by the final decision of the Board of Supervisors in regard to the establishment of a new HOD or the addition to or removal of a parcel from an existing HOD may appeal such decision to Loudoun Circuit Court in accordance with Code of Virginia § 15.2-2306.

7.09.09 Planned Development - Additional Requirements

***Purpose**. The provisions of this section establish special procedures for approving a Planned Development (PD) Zoning District.*

A. **Authority**. By ordinance duly enacted by the Board of Supervisors, the rezoning of land to the PD Zoning District may be approved subject to the procedures and considerations in this section as they may supplement those of Section 7.09.02.

B. **Application Requirements.** Any request for PD District approval must include the following elements in addition to a Zoning Map Amendment application required by Sections 7.09.02, 7.09.03, and 7.09.04:

1. **PD Master Plan.** A PD Master Plan must include the following required elements. More than 1 required element may be combined onto a single map/plan sheet if each element is legible.
    a. Vicinity Map.
    b. Existing Conditions Map.
    c. General Layout Map delineating all zoning district and overlay zoning district boundaries.
    d. A Concept Development Plan meeting the requirements of Section 7.09.04.
    e. A Detailed Plan that specifies or depicts:
        1. Each element of the development that is subject to a requested modification, including location, modified regulation section reference, new standard, and how the modification will be used in the design of a project;
            a. If a standard of this Ordinance is not listed as being modified, then the standard is considered applicable and must be adhered to. However, subsequent requests for alternative compliance may be submitted;
        2. Maximum and minimum building heights;
        3. Maximum and minimum yard setbacks for all structures and parking areas;

4. Locations of nonresidential and residential land uses.
5. Proposed maximum number of dwelling units by dwelling unit type for each PD subarea or land bay;
6. Proposed maximum square footage of multifamily residential floor area for each PD subarea or land bay; and
7. Proposed maximum square footage of nonresidential floor area for each PD subarea or land bay.

f. Road and Block Plan, including road sections if Road Corridor Setbacks are modified.
g. Number, size, and location of the uses listed in Section 2.06.C.7 if proposed.
h. Pedestrian and Bicycle Network pursuant to Section 5.09.03.
i. Parking Plan.
j. Open Space Plan pursuant to Section 5.04.
k. Tree Conservation Area, if proposed.
l. Location of major utilities and/or stormwater management facilities.
m. Phasing Plan, if more than 1 phase is contemplated.
n. An illustrative 3-dimensional model or digital rendering that shows building elevations, location of streets, and prominent site features. The 3-dimensional model must illustrate the potential massing and scale of the proposed development but will not be regulatory.

2. **Road Corridor Setback Modifications.** When a PD District application includes a request to modify the Road Corridor Setbacks of Table 5.07.02.B, the request to modify the road corridor setbacks must also demonstrate conformance with the following:
   a. No parking between a structure and the road where the modification will apply.
   b. Orientation of buildings to be located in reduced setbacks toward the road where the modification will apply.
   c. Pedestrian-oriented design for the buildings to be located in reduced setbacks that achieves the following standards:
      1. Front of the building oriented toward the road where the modification will apply;
      2. First floor window/glass and building entry in building facades along roads or sidewalks;
      3. High quality and variety of building materials; and
      4. Architectural materials, features, and design are the same on each side of the building and incorporate articulated building facades.
   d. Noise attenuation is or will be provided for noise sensitive uses.
   e. The reduced setback is not less than the yard setback required by the underlying zoning district. If the yard setback is reduced with the PD District, then the Road Corridor Setback is not permitted to be less than the reduced yard setback.
   f. The width and plantings of the required Road Corridor Buffer without modification.
   g. The Pedestrian and Bicycle Network requirements of Section 5.09.03 without modification.
   h. All bicycle and pedestrian facilities can be provided in conformance with the Countywide Transportation Plan and in accordance with VDOT standards without necessitating a VDOT waiver.
   i. The entire road section at full build out as specified in the Countywide Transportation Plan can be accommodated.
   j. Setbacks along arterial roads are not reduced by more than 75% of the required width.

3. **Statement of Justification.** The Statement of Justification must specifically address the following:
   a. How the PD Zoning District conforms with the Urban Policy Area Design Guidelines of the General Plan for Urban Zoning Districts.
   b. How the PD Zoning District conforms with Suburban Policy Area Design Guidelines of the General

Plan for Suburban Zoning Districts.

c. How the PD Zoning District conforms with the corresponding Place Type identified in the General Plan.

d. How the PD Zoning District conforms with other applicable policies of the General Plan, including but not limited to Natural, Environmental, and Heritage Resources; Housing; Economic Development; and Fiscal Management and Public Infrastructure.

e. How the PD Zoning District conforms with the Purpose of the PD District in Section 2.06.

f. How the PD Zoning District is being used to achieve a higher quality of project design than could be accomplished through the strict application of the base Urban or Suburban Zoning District(s).

1. Submission of a project design using the base zoning district standards with no modifications may be required to demonstrate that the proposed PD Zoning District achieves a higher quality design.

g. How the PD Zoning District conforms with the 10 General Place Type Considerations for PD Zoning Districts listed in Appendix A of the General Plan.

C. **Master Plan Amendments.** Any amendment to an approved PD Master Plan approved pursuant to Sections 2.06, 7.09.01, and this section must follow the procedures below.

1. **Administrative Amendments.** In addition to the administrative changes to a Concept Development Plan permitted by Section 7.09.04.B, the Zoning Administrator may administratively approve PD Master Plan amendments that propose any of the following alterations, provided the alteration does not exceed the standards of the base zoning district.

a. Any requirement associated with a permitted change must be shown on an updated PD Master Plan.

b. A relocation of a fence, wall, sign, or utility. Fences or walls required for transition areas or buffer yards may not be removed or relocated to an area that conflicts with the buffering requirement.

c. An exchange of above ground stormwater control facilities of like size.

1. The Zoning Administrator may not administratively approve the relocation of an above ground stormwater facility to a location closer than 50 feet from the boundary of the PD District.

d. An exchange of open space area, provided the exchanged properties are of like acreage, value, and utility and that no Tree Conservation Area, open space easement, or other protected open space area has been recorded with the Loudoun County Land Records for the requested exchanged properties.

e. An adjustment to the location of transit facilities is permitted, provided the adjustment:

1. Is acceptable to the Department of Transportation and Capital Infrastructure (DTCI); and
2. Occurs prior to the recordation of any associated easements necessary for the transit facility.

f. Minor adjustments in location of building, parking, and open space areas. A minor adjustment is defined as a modification in orientation or distance to property line; however, the adjustment must not exceed 100 feet in distance from the approved location and must not be located any closer than 50 feet to the boundary of the PD Zoning District.

1. *Exception.* Where a building or parking area is shown on the approved Master Plan within 50 feet of a property line, the building or parking area adjustment is not permitted to be located any closer to the property line than as shown on the approved Master Plan.

g. A transfer of nonresidential floor area, residential floor area, or residential dwelling units, from one land bay or area to another, not to exceed a 5% maximum for each standard.

1. An increase in residential floor area is not permitted to result in an increase in the number of dwelling units permitted.

2. **Updated PD Master Plan**. Any requirement associated with a permitted change listed in Section 7.09.09.C.1 must be shown on an updated PD Master Plan.

3. **Non-Administrative Amendments.** Any other amendment not listed in Sec. 7.09.09.C.1 is subject to the

rezoning process specified in Section 7.09.01.

4. **Committed Timed Elements Extension.** Where a PD Zoning District approval specifies certain committed timed elements, the applicant may request an extension for up to 1 year, to be granted by the Zoning Administrator provided development within the PD Zoning District or in the vicinity has not created the need for the committed timed elements. This extension is permitted only 1 time for each committed timed element.

7.10 Special Exception Review

7.10.01 Special Exception

Note: *Staff is actively drafting this section as directed by the Board of Supervisors in the Resolution of Intent to Amend the Zoning Ordinance in Regard to the Legislative Application Review Process. See Board Business Meeting December 4, 2018.*

7.10.02 Minor Special Exception

Purpose*. To provide the Board of Supervisors with an opportunity for simplified discretionary review of requests to establish or construct uses or structures that have less potential for a deleterious impact upon the health, safety, and welfare of the public than typical Special Exception uses and structures; and, in the event such uses or structures are approved, the authority to impose conditions necessary to avoid, minimize, or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure.*

A. Minor Special Exception applications are subject to the same requirements for Special Exception applications provided in Section 7.10.01, except that the Planning Commission does not review the proposed use unless:
   1. The application is concurrently processed with other related applications; or
   2. As directed by the Board of Supervisors during pre-review [*Section 7.01.D*].

7.10.03 Sign Development Plan

Note: *Regulations are forthcoming. See Section 6.09.C.*

7.10.04 Special Exception for Errors in Location

Purpose*. To provide for certain minor deviations from strict Zoning Ordinance requirements due to errors in the location of structures.*

A. **Applicability**. As provided in Section 10.03.H.2, the Board of Zoning Appeals (BZA) hears Special Exceptions for Errors in Location.
   1. **Special Exception for Errors in Building Location**. The BZA may hear and approve Special Exceptions for Errors in Building Location in the case of any building existing or partially constructed which does not comply with the following:
      a. Minimum yard requirements,
      b. Setbacks, and
      c. Other requirements of this Ordinance regulating building location.
   2. **Special Exception for Errors in Very Steep Slopes**. The BZA may hear and approve Special Exceptions for Errors in Very Steep Slopes, when:
      a. The encroachment does not exceed 2,000 square feet of land-disturbing activity within the Very Steep Slope Area
      b. The subject structure or use listed in Table 3.04-1 is attached to a principal residential structure, and
      c. No portion of the principal structure is located within the Very Steep Slope Area.

B. **Initiation**.

1. For any property under consideration, the following may file an application:
    a. The owner,
    b. Contract purchaser with the owner's written consent, or
    c. The owner's duly authorized representative.
2. Written consent of those with a legal ownership interest in the property under consideration must be provided with the application.
3. Applications must be filed with the Zoning Administrator after completion of Preapplication [*Section 7.01.C*].
4. Only complete applications pursuant to Section 7.01.E will be reviewed in accordance with this section.

C. **Review and Decision**.

D. **Staff**.

1. At the request of the Zoning Administrator, County staff will review accepted applications for adherence to this Ordinance and compliance with the Comprehensive Plan.
2. The Zoning Administrator will provide staff comment and analysis to the BZA for their use at the public hearing.

E. **Board of Zoning Appeals**.

1. The BZA will hold a public hearing to decide the proposal.
2. The BZA will review the request based on the applicable approval criteria listed below.
3. The BZA will act upon the proposal within 90 days of receiving a complete application.
4. The BZA may allow a reduction only as necessary to provide reasonable relief.
5. The BZA may prescribe conditions to assure compliance with the intent of this Zoning Ordinance.
6. The BZA has no power to waive or modify the standards necessary for approval.

F. **Approval Criteria**.

1. Special Exception for Errors in Building Location. The Special Exception for Errors in Building Location may be approved if the BZA finds that:
    a. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in location of the building subsequent to the issuance of a building permit, if such was required;
    b. Such reduction will not impair the purpose and intent of this Zoning Ordinance;
    c. It will not be detrimental to the use and enjoyment of the other property in the immediate vicinity;
    d. It will not create an unsafe condition with respect to both other property and public streets;
    e. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner; and
    f. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
2. **Special Exception for Errors in Very Steep Slopes**. The Special Exception for Errors in Very Steep Slopes may be approved if the BZA finds that:
    a. Activities associated with the removal of the attached building, structure, or use would result in a net negative environmental impact, as demonstrated by applicable information, reports, or studies requested by the Zoning Administrator, such as, but not limited to:
        1. Geotechnical study;
        2. Geophysical study;
        3. Preliminary soils review;
        4. Site plan;
        5. Grading plan;

6. Structural analysis;
7. U.S. Army Corps of Engineers approved wetland delineation;
8. Tree cover inventory;
9. Phase 1 archeological study;
10. Rare, threatened, and endangered species survey; and
11. Mitigation plan;

b. The noncompliance was done in good faith, through no fault of the property owner, or was the result of a good faith error in location subsequent to the issuance of a building permit;

c. The noncomplying structure was constructed in a manner that will protect life and property from hazards due to slope, unstable and erodible soils, earth movement, and other geologic and hydrologic hazards;

d. The noncomplying structure was constructed in a manner that does not increase the potential for adverse impacts on water quality due to increased erosion, sedimentation, and surface runoff;

e. The noncomplying structure was constructed in a manner that preserves the visual quality of steep slope areas; and

f. The noncomplying structure will not be detrimental to the use and enjoyment of other property in the immediate vicinity.

G. **Limitations after Denial**. After denial of a Special Exception for Errors in Location application, no new application concerning any or all of the same property, which is substantially the same as the one denied, will be accepted for review within 12 months of the date of denial.

H. **Appeals**. Appeals of the BZA's final decision are to the Loudoun Circuit Court in accordance with the Code of Virginia.

I. **Scope of Approval**. Upon the approval of a Special Exception for Errors in Location, the structure or use subject to the application is deemed to comply with this Zoning Ordinance.

7.10.05 Stone Quarrying – Additional Requirements

***Purpose**. To provide additional Special Exception requirements for the establishment or expansion of stone quarrying operations.*

A. **Submittal Requirements**. In addition to the submission requirements of Section 7.01.B, all applications for stone quarrying uses must be accompanied by the following items:

1. Five copies of a plat prepared by an engineer or surveyor licensed by the State, drawn to a scale of 1" = 200'. Such plat shall show:
   a. The boundary of the entire tract by metes and bounds.
   b. Development limits and topography in contour intervals of 5 feet or less, including locations of water courses, of the part of the tract that is proposed to be used for the operations set forth in the application, and of the contiguous area within 500 feet of such proposed limits or such greater distance as may be specified by the Zoning Administrator.
   c. Means of vehicular and emergency access to the proposed use indicating the proposed type of surface treatment.
2. One aerial photograph, at a scale of 1" = 200' and certified as flown not earlier than 6 months prior to the date on which the application is submitted, which includes:
   a. All land included in the application and within 2,000 feet of the area covered by the application; and
   b. All contiguous land which is now, is planned to be, or has been used by the applicant for such use or a related use.
3. A depiction, based on the official zoning records of Loudoun County, of the zoning of all parcels within the same area covered by the aerial photograph required in Section 7.10.05.B.2.

4. A conceptual description of the proposed operation describing the anticipated location, process, equipment, and scale of the proposed operation including all special exception and accessory uses.
5. A transparent overlay, at the same scale and covering the same area as the aerial photograph required in Section 7.10.05.B.2. depicting the location, limits, and approximate square footage of the following items:
    a. Area of any known previous, currently active, and proposed excavation.
    b. Area of active and proposed settling ponds and washing facilities.
    c. Areas of existing and proposed crushing or treatment facilities.
    d. Areas of existing and proposed storage of extracted material.
    e. Areas of existing and proposed production facilities or resource related uses.
    f. Location and type of any existing and proposed erosion control, stormwater management, and BMP facilities.
    g. Location and type of structures, fencing, and security measures or other appropriate safeguards to prevent access by unauthorized persons.
    h. Location and type of buffering of adjacent land uses to be provided pursuant to Section 5.07.
6. A plan for operation demonstrating the feasibility of the operation proposed without hazards or damage to other properties by reason of:
    a. Increased flooding or undesirable rise or reduction in ground water levels;
    b. Erosion caused by increased rate of flow or redirection of flow in flood channels;
    c. Deposits of debris from flood or erosion;
    d. Excessive slopes remaining at cuts or fills; or
    e. Undermining or creation of settlement in adjoining areas.
7. A plan for restoration of the site, prepared by an engineer or surveyor licensed by the State.
    a. The plan for restoration must conceptually demonstrate the method by which the property, in its entirety, will be returned to a state suitable for re-use for purposes permissible in the district.
    b. The plan must include:
        1. Vehicular circulation patterns in and around the site;
        2. Treatment of exposed soils or subsoil in order to make the property suitable for the proposed re-use;
        3. Treatment of slopes to prevent erosion and delineation of floodways and floodplains (if any) to be maintained in open usage.
    c. In such plans for re-use, where conditions are suitable, permanent lakes, water impoundment or recreational facilities may be permitted.
    d. The format and level of detail required by the Virginia Department of Mines and Minerals for a restoration plan is acceptable as an initial submission.
    e. The County shall have the right to request such additional information as it deems necessary.
8. A letter signed by the applicant and by the owner of the property granting the right of entry upon the property to the Zoning Administrator, law enforcement agents, and County inspectors for the purpose of inspecting and bringing law enforcement to the property during the term of any permit which may be issued.
9. A hydrogeological report and a Type II detailed geotechnical report including an assessment of the depth of overburden and the effects of the proposed resource extraction on the water table and local wells.
10. An environmental report describing existing environmental conditions, assessing the environmental impacts of the proposed use on the site and properties within 2,000 feet of the proposed uses, and depicting proposed mitigation measures.

B. **Condition of Approval**. The Board of Supervisors may condition the Special Exception to post a bond with the County. The condition will include:

1. The bond amount set by the Board of Supervisors;
2. Surety to the satisfaction of the Board of Supervisors;
3. Purpose of the bond is full restoration in accordance with the approved restoration plan within 360 days following the expiration of the Special Exception; and
4. Require a written instrument granting to the County or its officers, agents, and employees, a right to enter the property which is the subject of the Special Exception for the purpose to inspect of any required restoration.

7.10.06 Steep Slope Areas – Additional Requirements

***Purpose**. To provide additional requirements for the establishment or expansion of Special Exception uses in Steep Slope Areas.*

Additional Steep Slope Areas Standards for Approval of a Special Exception. In considering applications for a Special Exception, in addition to the issues for consideration under Section 7.10.01, the Board of Supervisors must make findings that all of the following standards have been met:

A. Land disturbance within very steep slope areas with slopes greater than 50% is not permitted unless the use, exclusive of any structure, is dependent on such very steep slope area (the use uniquely requires a site within an area of very steep slopes greater than 50% and is not compatible with a site that lacks very steep slope or moderately steep slope areas).
B. Land disturbance within very steep slope areas with slopes greater than 50% is not permitted for any structure.
C. Clearing of vegetation within very steep slope areas is limited to the minimum necessary to locate the proposed use.
D. Land disturbance within very steep slope areas is limited to the minimum necessary to locate the proposed use, and any disturbed areas that are not covered by paving, stone, or other solid materials must be revegetated.
E. The proposed use and/or structure must be located and designed to limit its susceptibility to slippage or slope failure, and there are no alternative locations where the proposed use and/or structure may be located that would not be subject to slippage or slope failure.
F. The proposed use must not increase the danger to life and property due to increased destabilization of steep slope areas.

7.10.07 Temporary Special Events – Additional Requirements

***Purpose**. To allow the Board of Supervisors to permit temporary special events with a Special Exception or Minor Special Exception application.*

A. **Applicability**. An applicant for a Special Exception use or Minor Special Exception use may include in the application a request for authorization of temporary special events that the applicant expects to regularly occur during the life of the Special Exception use or Minor Special Exception use.
B. **Initiation**. The applicant must be specific about the expected:
    1. Types of special events;
    2. Number of events per calendar year;
    3. Duration of such special events;
    4. Number of attendees per event; and
    5. Pertinent information necessary to show compliance with the standards and criteria set forth in Section 3.05.D (Temporary Special Events).
C. **Review and Decision**. Review of the requested temporary special events will occur concurrently with the review of the Special Exception or Minor Special Exception use.
    1. All requested temporary special events that are submitted as part of a Special Exception or Minor Special

Exception application will be reviewed for compliance with the standards and criteria set forth in both Section 7.10.01 and Section 3.05.D.

D. **Scope of Approval**. Temporary special events approved as part of a Special Exception or Minor Special Exception application are exempt from the procedural requirements for a Zoning Permit stated in Section 7.03, but are subject to all other applicable standards in Section 3.05.D including without limitation:

1. Minimum standards and criteria in Section 3.05.D.6;
2. Limits on the duration of special events; and
3. Maximum number of special events allowed in one calendar year.

7.13 Enforcement

***Purpose**. To ensure compliance with the provisions of this Zoning Ordinance.*

A. **Zoning Administrator**. The Zoning Administrator has the authority and the duty to ensure that all buildings and structures and the use of all land complies with the provisions of this Zoning Ordinance.

B. **General Provisions**.

1. Any building or structure erected contrary to any of the provisions of this Zoning Ordinance and any use of any building or land which is conducted, operated, or maintained contrary to any of the provisions of this Zoning Ordinance or the provisions of any approval granted by the County under this Zoning Ordinance is a violation of this Ordinance and the same is hereby declared to be unlawful.
2. Any person, whether owner, lessee, principal, agent, employee, or otherwise, who violates any of the provisions of this Zoning Ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building, structure, or land in violation of the provisions of this Zoning Ordinance or the provisions of any approval granted by the County under this Zoning Ordinance is subject to the enforcement provisions of this section.
3. In addition to the remedies provided in this section, the Zoning Administrator may initiate injunction, abatement, or any other appropriate action to prevent, enjoin, abate, or remove any violation or attempted violation of this Zoning Ordinance.
    a. At any time after the filing of an injunction or other appropriate proceeding to restrain, correct, or abate a zoning ordinance violation and where the owner of the real property is a party to such proceeding, the Zoning Administrator or governing body may record a memorandum of *lis pendens* [*Code of Virginia §8.01-268*].
    b. Any memorandum of *lis pendens* admitted to record in an action to enforce the zoning ordinance expires after 180 days.
    c. If an enforcement proceeding is initiated against the owner of the real property and such owner subsequently transfers the ownership of the real property to an entity in which the owner holds an ownership interest greater than 50 percent, the pending enforcement proceeding will continue to be enforced against the owner.
4. Whenever a violation occurs, or is alleged to have occurred, any person may file a written complaint with the Zoning Administrator.
    a. Such complaint must fully state the cause and basis of the complaint.
    b. The Zoning Administrator will record such complaint, investigate it, and take action as provided by this Ordinance.
5. The Zoning Administrator may present sworn testimony to a magistrate or court of competent jurisdiction in order to obtain an inspection warrant.
    a. The magistrate or court may grant the Zoning Administrator an inspection warrant to enable the Zoning Administrator to enter the subject dwelling for the purposes of determining whether violations of the Zoning Ordinance exist.
    b. The Zoning Administrator must make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant.

6. Upon becoming aware of any violation, the Zoning Administrator will serve notice of such violation on the person committing, or permitting the same, and the land owner.
    a. The Zoning Administrator will specify a reasonable time for the violation to cease.
    b. If such violation has not ceased within such reasonable time, the Zoning Administrator will institute such action as may be necessary to terminate the violation.
7. The person responsible for the alleged violation may appeal the decision of the Zoning Administrator pursuant to the provisions of Section 7.14.

C. **Criminal Violations**.

1. Any violation of the provisions of this Zoning Ordinance that results in physical harm or injury to any person shall be deemed a criminal misdemeanor and, upon conviction thereof, punishable by fines [*Code of Virginia §15.2-2286*].
    a. Each day during which the violation is found to have existed constitutes a separate misdemeanor offense.
    b. If the violation is uncorrected at the time of conviction, the court will order the violator to abate or remedy the violation in compliance with the Zoning Ordinance, within a time period established by the court.
    c. Failure to remove or abate a zoning violation within the specified time period constitutes a separate misdemeanor offense punishable by fines [*Code of Virginia §15.2-2286*].
2. Owners and tenants of affordable dwelling units pursuant to Chapter 8 who falsely swear or who execute an affidavit or certification required by Chapter 8 knowing the statements contained therein to be false are guilty of a Class II misdemeanor and subject to fines totaling up to $1,000.00.
    a. Such fines levied against owners will become liens upon the real property and will accumulate interest at the judgment rate of interest, as provided in the Codified Ordinances of Loudoun County.
3. The designation of a particular violation of this Zoning Ordinance as a civil violation precludes criminal prosecution or sanctions provided, however, that after civil penalties for violations rising from the same set of operative facts total $5,000.00:
    a. The violation may be prosecuted as a criminal misdemeanor punishable by fines [*Code of Virginia §15.2-2286*];
    b. Each day during which the violation is found to have existed constitutes a separate misdemeanor offense;
    c. If the violation is uncorrected at the time of conviction, the court will order the violator to abate or remedy the violation in compliance with this Zoning Ordinance, within a time period established by the court; and
    d. Failure to remove or abate a zoning violation within the specified time period constitutes a separate misdemeanor offense punishable by fines [*Code of Virginia §15.2-2286*].

D. **Civil Violations**.

1. Any violation of this Zoning Ordinance other than those set forth in Section 7.13.C is deemed a civil violation and, upon an admission of liability or finding of liability, is punishable in accordance with the following schedule of civil penalties:
    a. Owners of affordable dwelling units who fail to submit executed affidavits or certifications, as required by Chapter 8, will be assessed a civil penalty in the amount of $100.00 per day per ADU unit, until such affidavit or certificate is filed, but only after written notice to the ADU owner at the ADU address and a 10-day compliance period is provided.
        1. Such civil penalties levied will become liens upon the real property and will accumulate interest at the judgment rate of interest, as provided in the Codified Ordinances of Loudoun County.
    b. All other violations of this Zoning Ordinance, other than those set forth in Section 7.13.C are subject to a civil penalty in the amount of $200.00 for the first charge and $500.00 for each

additional charge.

1. Each day during which the violation is found to have existed constitutes a separate offense.
2. In no event will specified violations arising from the same operative set of facts be charged more frequently than once in any 10-day period.
3. In no event may a series of specified civil violations rising from the same operative set of facts result in civil penalties which exceed a total of $5,000.00.
4. After such civil penalties total $5,000.00, violations rising from the same operative set of facts may be prosecuted as a criminal misdemeanor under Section 7.13.C.
5. The Zoning Administrator is particularly authorized to initiate civil injunction procedures in cases of repeat or continuing offenses.

2. The Zoning Administrator will issue a summons and/or ticket personally upon such person or posted in a conspicuous location at the site of the violation upon the following:
   a. The Zoning Administrator has issued a notice of violation on any person committing or permitting a violation of Zoning Ordinance provisions of Section 7.13.D.1; and
   b. The violation has not ceased within the reasonable time provided in the notice.
3. No further fines will be levied if the person:
   a. Complies in writing to the notice of violation;
   b. Agrees to cease said violation; and
   c. Maintains such agreement.
4. The summons must include:
   a. At least 72 hours prior to the time and date fixed for trial, the person summoned for a violation:
      1. Appears in person or in writing by mail to the County Treasurer's office;
      2. Enters a waiver of trial;
      3. Admits liability; and
      4. Pays the civil penalty established for the offense charged;
   b. A signature to an admission of liability will have the same force and effect as a judgment of court; and
   c. An admission will not be deemed a criminal conviction for any purpose.
5. If a person charged with a violation does not enter a waiver of trial, admit liability, and pay the civil penalty, the violation will be tried in the General District Court in the same manner and with the same right of appeal as provided by law.
   a. A finding of liability will not be deemed a criminal conviction for any purpose.
6. Whenever the Zoning Administrator has reasonable cause to believe that any person has engaged in, or is engaging in, any violation of the Zoning Ordinance that limits occupancy in a residential dwelling unit, which violation is subject to a civil penalty that may be imposed in accordance with the provisions of Section 7.13.D, and the Zoning Administrator, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, the Zoning Administrator may request that the County Attorney petition the judge of the General District Court for a *subpoena duces tecum* against any such person refusing to produce such data or information.

E. **Enforcement of Performance Standards**.

8. **Intent Concerning Determinations Involved in Administration and Enforcement of Performance Standards**. Determinations necessary for administration and enforcement of performance standards set forth in Section 5.08 range from those which can be made by a reasonable person using normal senses and without the need for any equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this ordinance that:
   d. Where determinations can be made by the Zoning Administrator or other County employee using equipment normally available to the County or obtainable without extraordinary expense, such

determinations will be so made before notice of violation is issued.

e. Where technical complexity or extraordinary expense makes it unreasonable for the County to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures will be available for protecting individuals from arbitrary and capricious administration and enforcement of performance standard regulations and for protecting the general public from unnecessary costs for administration and enforcement.

9. **Simple Determinations**. If the Zoning Administrator finds that determinations of the nature indicated in Section 7.13.E.1.a are adequate to demonstrate violations of performance standards in particular cases and if such violations exist, the Zoning Administrator will take, or cause to be taken, such lawful action as is appropriate to cause correction of such violations. Failure to obey lawful orders concerning correction of such violations shall be is punishable as provided generally for violations herein and in other laws or regulations affecting the case.

10. **Complex Determinations**. If the Zoning Administrator finds that determinations of the nature indicated in Section 7.13.E.1.b are required to make precise measurements regarding potential violations of performance standards set forth herein and that there is a violation of such performance standards, the following procedures will be followed:

    a. **Notice and Answer**. The Zoning Administrator will give notice by registered mail or other means insuring a signed receipt for such notice to the person or persons responsible for the alleged violation. The notice shall will:

        1. Describe the particulars of the alleged violation;
        2. Provide reasons why the Zoning Administrator believes there is a violation;
        3. Require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator within a specified time limit, not to exceed 60 days;
        4. Declare that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the specified time limit constitutes an admission of violation and cause for the Zoning Administrator to proceed with enforcement, as provided in Section 7.13.D.;
        5. State that, upon request of those to whom it is directed, technical determinations, as described in this ordinance, will be made and that if violations, as alleged, are found, costs of such determinations will be charged against those responsible for the violation, in addition to such other penalties as may be appropriate.; and
        6. Note that if it is determined that no violation exists, the cost of the determination will be paid by the County.

    b. **Correction of Violation**.

        1. Once the alleged violation is corrected to the satisfaction of the Zoning Administrator, the Zoning Administrator will:
            a. Note "violation corrected" on a copy of the notice;
            b. Retain the annotated notice among the official records;
            c. Send an updated copy to the alleged violator; and
            d. Take such other action as may be warranted.
        2. Provided the alleged violation is corrected to the satisfaction of the Zoning Administrator, a written response is not required.

    c. **Action—Continuation of Violation**. The Zoning Administrator will proceed to take, or cause to be taken, such action as is warranted by continuation of a violation after notice to cease if:

        1. The alleged violator does not reply within the specified time limit (an admission of violation as provided in Section 7.13.E.3.a.4); and
        2. The alleged violation is not corrected to the satisfaction of the Zoning Administrator.

    d. **Time Extension**. The Zoning Administrator may grant an extension if:

        1. A request for additional time is received within the specified time limit;

2. The responsible party agrees to correct the alleged violation; and
3. The Zoning Administrator deems the extension will not cause imminent peril to life, health, or property.

11. **Costs of Determinations—Responsibility**. If a reply is received within the time limit set requesting technical determination, as provided in this Ordinance, and if the alleged violations continue, the Zoning Administrator will call in properly qualified experts to make the determinations.
    a. If expert findings indicate violation of the performance standards, the costs of the determinations will be assessed against the properties or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Section 7.13.
    b. If no violation is found, the costs of the determinations shall will be paid by the County without assessment against the properties or persons involved.

7.14 Appeals

***Purpose**. To review whether an order, requirement, decision, or determination was performed correctly when there is a disagreement with the result.*

A. **Applicability**.
    1. Appeals are decided based on the actions provided in Table 7.14-1.
    2. Comments and opinions that do not result in an order, requirement, decision, or determination are not appealable.
    3. The Code of Virginia may also limit who, when, and how appeals can be filed.

Table 7.14-1. Appeals

Action of	Appealed to
Zoning Administrator	
Administration and enforcement of proffers	Board of Supervisors
Administration and enforcement of Historic Overlay Districts	Historic District Review Committee (HDRC)
All other actions[1,2]	Board of Zoning Adjustment (BZA)
Planning Commission	Board of Supervisors
Board of Zoning Appeals (BZA)	Loudoun Circuit Court
Historic District Review Committee (HDRC)	Board of Supervisors
Board of Supervisors	Loudoun District Court

Notes:
1. Appeals may be taken by any person aggrieved or by any officer, department, board, or agency of the County affected by any decision of the Zoning Administrator or from any order, requirement, decision, or determination made by any other administrative officer in the administration or enforcement of this Ordinance.
2. Where a building permit has been issued and the construction of the building for which such permit was issued is subsequently sought to be prevented, restrained, corrected, or abated as a violation of the Zoning Ordinance, by suit filed within 15 days after the start of construction by a person who had no actual notice of the issuance of the permit, the court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the Zoning Administrator to the BZA.

B. **Initiation**. Complete Appeals must be filed within 30 days from the date of the decision.
    1. **Exceptions**. Appeals must be taken within 10 days after:
        a. Issuance of a Notice of Violation for any violation of this Ordinance involving temporary or seasonal commercial uses, parking or commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations; or
        b. Commission Permit decision by the Planning Commission.
    2. Appeals must be filed with the Zoning Administrator.
    3. Appeals must include the following materials within the 30-day filing time frame before the Appeal is considered filed.
        a. Two copies of a completed application form signed by the appellant or appellant's representative,

accompanied by the following information:

1. A copy of the order, requirement, decision, determination, or notice of violation that is the subject of the appeal;
2. The date upon which the decision being appealed was made;
3. The grounds for the appeal;
4. Specification as to how the appellant is an aggrieved person;
    a. The owner of property affected by the determination;
    b. An adjacent owner affected by the determination; or
    c. Other, be specific;
5. Any additional supportive data, such as:
    a. Plats;
    b. Plans;
    c. Drawings;
    d. Charts; or
    e. Other related material desired to be included in the record; and
6. An application fee in the amount set forth by the Board of Supervisors.

C. **Review and Decision**. Appeals are decided by the body specified in Table 7.14-1.

1. **Zoning Administrator**.
    a. The Zoning Administrator must transmit all the papers constituting the record of the action appealed to the appellant body specified in Table 7.14-1.
        1. For appeals to the Board of Supervisors, the Zoning Administrator must forward the materials to the Clerk of the Board.
    b. The Zoning Administrator must serve a copy of the decision on the appellant and upon each other person who was a party of record at the hearing.
2. **Board of Zoning Appeals (BZA)**. For Appeals to the BZA:
    a. Within 90 days of receiving a complete Appeal, the BZA must
        1. Hold a public hearing in accordance with Section 7.01.G;
        2. Decide the appeal; and
        3. File its findings of fact and conclusions with respect to the Appeal with the Zoning Administrator.
    b. The BZA may reverse or affirm, wholly or partly, or may modify the decision appealed.
    c. The concurring vote of a majority of BZA members is necessary for the BZA to decide.
        1. If no decision is made, the Appeal is denied.
    d. If the BZA's attempt to reach a decision results in a tie vote:
        1. The matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.
        2. No further advertisement is required.
    e. In this capacity the BZA exercises appellate jurisdiction as a quasi-judicial body, and its task is to determine what the Ordinance means and how the Ordinance applies to a particular fact situation. The BZA must accept that:
        1. The determination of the Zoning Administrator must be presumed to be correct; and
        2. The appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence.
3. **Historic District Review Committee (HDRC)**. For Appeals to the HDRC:
    a. In considering an appeal of a decision of the Zoning Administrator, the HDRC must review the

decision as if the decision had come before it in the first instance.

b. The HDRC may consider any information or opinions relevant to the application, including, without limitation, those provided by the Zoning Administrator.

c. The HDRC must hold a public hearing in accordance with Section 7.01.G.

d. After the public hearing the HDRC may reverse or affirm, wholly or partly, or may modify the decision appealed.

e. The concurring vote of a majority of BZA members is necessary for the HDRC to decide.

1. If no decision is made, the Appeal is denied.

4. **Board of Supervisors**. For Appeals to the Board of Supervisors:

a. Within 90 days after the Appeal has been filed, the Board must:

1. Hold a public hearing in accordance with Section 7.01.G; and
2. Decide the Appeal.
3. **Exception**. Commission Permit appeals must be decided within 60 days and do not require a public hearing.

b. The Board of Supervisors may reverse or affirm, wholly or partly, or may modify the decision appealed.

c. The concurring vote of a majority of BZA members is necessary for the Board of Supervisors to decide.

1. If no decision is made, the Appeal is denied.

5. **Loudoun Circuit Court**. Appeals of the decisions of the Board of Supervisors or the BZA are as provided in the Code of Virginia.

D. **Approval Criteria**. The appellant bodies must consider the Zoning Ordinance requirements used in the original order, requirement, decision, or determination.

E. **Further Appeals**. Further appeal may be sought pursuant to this section.

F. **Stay of Action**.

1. A notice of appeal properly filed as herein provided stays all proceedings in furtherance of the action appealed from.
2. The appellant is prohibited from taking any action for which approval is sought pending the outcome of the appeal to the Board.
3. **Exceptions**.

a. Where the Zoning Administrator certifies to the BZA that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. However, the BZA may issue a restraining order for good cause shown and on notice to the Zoning Administrator.

b. The decision of the Board to deny the right to raze of demolish a historic landmark, building, or structure is not stayed by filing a petition of appeal with the Loudoun Circuit Court.

CHAPTER 8: ATTAINABLE HOUSING

Contents:

8.01 Affordable Dwelling Unit Program

8.02 Unmet Housing Needs Unit Program

8.01 Affordable Dwelling Unit Program

Purpose. *The purpose of the Affordable Dwelling Unit (ADU) Program is to:*

- *Administer and regulate an Affordable Dwelling Unit (ADU) Program enabled pursuant to § 15.2-2304 of the Code of Virginia.*

- *Assist in the provision of housing to persons of moderate income.*
- *Promote the development of a full range of housing choices.*
- *Require the construction and continued existence of moderately priced dwelling units.*
- *Provide for optional increases in density to reduce land costs for the construction of moderately priced dwelling units.*
- *Encourage the provision of affordable housing meeting the needs of households with incomes between 30% and 70% of the area median income (AMI) in areas currently served by or planned for mass transit and proximate to major employment centers.*
- *Implement the Housing Policies of the General Plan.*

A. **Applicability.** The requirements of the ADU Program apply as follows:

1. To any site, or portion thereof, at one location that is:
    a. Served by public water and sewer; and
    b. The subject of a development application for rezoning, special exception, site plan, subdivision, or preliminary subdivision that yields, as submitted by the applicant, 24 or more dwelling units.
    c. For the purposes of these ADU Program requirements, an application meeting criterion 8.01.A.1.a. and 8.01.A.1.b. above is a “development application” or a “development.”
2. "Site, or portion thereof, at one location" includes all adjacent undeveloped land of the property owner and/or applicant, under common ownership and/or control of the owner and/or applicant, including, but not limited to land owned and/or controlled by separate partnerships, land trusts, trusts, or corporations and other such forms of business entities in which the owner and/or applicant is an owner of 1% or more of the stock, partnership, membership, or is the trustee or beneficiary.
    a. "Owner and/or applicant" includes members of the owner's and/or applicant's immediate family.
    b. "Immediate family members" include the owner's and/or applicant's spouse, children, parents, and siblings.
    c. *Exception.* Adjacent parcels of undeveloped land owned by immediate family members are exempt from the provisions of this section when the separate ownership has existed for a period of 5 or more years.
    d. The acquisition of a fee interest by a lending institution, such as pension fund, bank, savings and loan, insurance company, or similar entity due to foreclosure or project participation is considered as ownership in determining applicability.
    e. The acquisition of an equity interest by a lending institution, such as a pension fund, bank, savings and loan, insurance company, or similar entity solely by virtue of its agreement to provide financing does not constitute ownership in determining applicability.
3. An owner and/or applicant will not be exempt from the requirements of this Ordinance by submitting phased development applications for a site, or portion thereof, at one location for rezoning, special exception, site plan, subdivision, or preliminary subdivision for less than 24 dwelling units at any one time.
    a. *Exception.* An owner and/or applicant may apply for a rezoning, special exception, site plan, subdivision, or preliminary subdivision of a site, or portion thereof, at one location for less than 24 dwelling units if the owner and/or applicant agrees, in writing, that any following development application for the site, or portion thereof, at one location must meet the requirements of the ADU Program when the total number of dwelling units in the development application and/or site, or portion thereof, at one location meets or exceeds 24 dwelling units.
    b. The agreement referenced in Section 8.01.A.3.a must be:
        1. Included on the approved CDP, rezoning plat, special exception, site plan, subdivision or preliminary subdivision plat for the development; and
        2. Recorded among the Loudoun County Land Records and must be indexed in the names of all owners of the site, or portion thereof, at one location.

4. *Exemptions.* The requirements of the ADU Program do not apply to the following:
    a. Any multistory structure of which a minimum of 4 stories are composed entirely of multifamily dwellings and/or facilities (excluding parking) restricted for the exclusive use and enjoyment of the residents of such multifamily dwellings, and has an elevator(s) that serves 2 or more dwelling units in the structure. ***Note:*** *The County directed staff to commence a study to determine the feasibility of deleting the ADU Program exemption for multifamily (MF) dwelling structures and develop new regulations for MF dwelling structures under the ADU Program as a priority of the Zoning Ordinance Rewrite. Findings of that study could result in changes to this exemption. See June 2, 2020 Board Business Item - TLUC Report: ZOAM-2017-0001 Housing Affordability ZOAM.*
5. At the applicant's discretion, the provisions of the ADU Program may be applied to developments that are exempt from these provisions as stated in Section 8.01.A.4. If an applicant proposes to provide ADUs in a development that is otherwise exempt, the County will:
    a. Waive any application fee associated with a CDP amendment proposing to revise the CDP only to provide ADUs; and
    b. Provide review of CDP amendment applications not to exceed 180 days if the following criteria are met:
        1. The CDP amendment only includes committing to the provision of ADUs and/or an increase in the number of dwelling units proposed based on the optional density increase permitted pursuant to Section 8.01.D.8.
        2. The CDP amendment does not include revisions to the approved site design, such as but not limited to the relocation of roads, buildings, building envelopes, or site entrances to accommodate the requirements of or optional density increase allowed by the ADU Program.
    c. The calculation of the review period includes only that time the CDP amendment is under County review and will not include time that may be necessary for revisions by the applicant.
6. An applicant may provide affordable housing units (AHU) in lieu of the ADUs required by this Ordinance in accordance with Section 8.01.K.

B. **Administration, Enforcement, and Regulation.** The administration, enforcement, and regulation of the ADU Program is as follows:
1. The Zoning Administrator administers and enforces the provisions of the ADU Program.
2. In addition to the provisions of this Ordinance, all ADUs must comply with Chapter 1450 of the Codified Ordinance of Loudoun County (Codified Ordinances).
    a. The administration and regulation, establishment of unit prices, price controls, eligibility requirements, and the structure and operation of the Affordable Dwelling Unit Advisory Board (ADUAB) are governed by the Codified Ordinances.

C. **ADU Income Requirements.** The ADUs must be provided based on the Area Median Incomes (AMI) and type of tenancy in Table 8.01-1.

TABLE 8.01-1. ADU PROGRAM INCOME REQUIREMENTS

Area Median Income (AMI) Tier[1]	Type of Tenancy
30% up to 50%	For Rent
30% up to 70%	For Purchase

[1]The current AMI must be used to determine income requirements for the ADUs.

D. **ADU Requirements and Optional Increases in Density.** The ADU requirements and optional increases in density apply as follows:
1. To active rezoning applications that have not complied with Section 7.09.01.I as of the adoption date of this Ordinance.
2. To rezoning, special exception, site plan, subdivision, and preliminary subdivision applications officially accepted by the County after the adoption date of this Ordinance.

3. When the development applications in Section 8.01.A.1 above request approval of single-family detached dwelling units (SFD), single-family attached dwelling units (SFA), and/or multifamily (MF) stacked dwelling units, a minimum of 15% of the total number of dwelling units approved for the development application must be ADUs.
4. When the development applications in Section 8.01.A.1 above request approval of MF attached dwelling units, a minimum of 10% of the total number of dwelling units approved for the development application must be ADUs.
5. When 15% of the total number of SFD, SFA, and/or MF stacked dwelling units and/or 10% of the MF attached dwelling units approved for the development application are provided as ADUs, the development is permitted an optional 20% maximum density increase as provided in Table 8.01-2.
6. *Voluntary Provision of ADUs for an Exempt Site or Application.* In the case where ADUs are provided pursuant to Section 8.01.A.5 above, the following provisions apply:
    a. The ADU to density increase ratio required by Sections 8.01.D.3 and 4 does not apply. The density increase ratio is as follows:
        1. The density of a development application subject to voluntary provision of ADUs which is otherwise exempt may be increased between 10% to 20%.
        2. Of any units approved pursuant to the 10% to 20% density increase, not less than a percentage equal to the density increase percentage must be ADUs.
    b. The applicant is not permitted to request cash in lieu of SFD ADUs pursuant to Section 8.01.J.
7. If the optional density increase exceeds the maximum residential density set forth in the General Plan, then the maximum residential density set forth in the General Plan applicable to the development application and/or development will be increased up to 20% pursuant to Table 8.01-2 for the purposes of calculating the potential density that may be approved by the Board of Supervisors.

Table 8.01-2. Maximum Optional Density Increase by Zoning District

Zoning District	Permitted Density[1]	Maximum Permitted Density[1] 20% Density Increase with 15% SFD, SFA, and/or MF Stacked ADUs	Maximum Permitted Density[1] 20% Density Increase with 10% MF Attached ADUs
UT/UM	UT: No Maximum UM: 1.5 FAR	UT: No Maximum UM: 1.8 FAR	UT: No Maximum UM: 1.8 FAR
SN-4	4	4.8	N/A
SN-6	6	7.2	N/A
SCN-8	8	9.6	N/A
SCN-16	16	19.2	19.2
SCN-24	24	28.8	28.8
SM	1.0 FAR	1.2 FAR	1.2 FAR
TLN-1	1	1.2	N/A
TSN	4	4.8	N/A
TCN	5	6	N/A
VR-1	1	1.2	N/A
VR-2	2	2.4	N/A
VR-3	3	3.6	N/A
VR-4	4	4.8	N/A
JLMA-1	1	1.2	N/A
JLMA-LN	4	4.8	N/A

[1]Density is in dwelling units per acre unless otherwise noted.

E. **Standards for ADU Calculations.** Each development application subject to the ADU Program must calculate required ADUs and optional density increase, as well as demonstrate the calculations, as follows:
1. Determine the maximum number of dwelling units proposed, including any dwelling units allowed by the optional density increase in Section 8.01.D.5.

2. Calculate the ADUs required pursuant to Section 8.01.D.3 and/or 8.01.D.4, whichever is applicable, using the total number of dwelling units proposed.
    a. When the calculation of required ADUs results in a requirement of a fractional ADU, any fraction is interpreted as 1 whole ADU.
    b. The required number of ADUs may be modified pursuant to the provisions of Section 8.01.J.
3. Demonstrate the optional density increase, total number of dwelling units proposed, and total number of ADUs required on each rezoning, special exception, site plan, subdivision, and/or preliminary subdivision application.

Sample ADU Calculation for 22.5-Acre Parcel in the SN District.	
Permitted Density:	*4 Dwelling Units (DU) per Acre*
Dwelling Units (DU) Permitted:	*22.5 x 4 = 90 SFD, SFA, and/or MF Stacked DUs*
ADUs Required:	*15% of Total DUs*
No Optional 20% Density Increase:	*90 x 15% = 14 ADUs Required (Rounded Up from 13.5)*
Optional 20% Density Increase:	*90 + (90 x 20%) = 108 Total DUs*
Permitted Density:	*108/22.5 = 4.8 DUs per Acre*
Total ADUs Required:	*108 x 15% = 17 ADUs Required (Rounded Up from 16.2)*

F. **Calculating Required ADUs by Unit Type.** Each development application subject to the ADU Program must provide required ADUs by dwelling unit type, as well as demonstrate the calculations, as follows:
1. When a development application includes a mix of dwelling unit types, the required ADUs must be provided proportionately to the types of market rate dwelling units proposed in the development application or project.
2. When a development application for a MF stacked building or a MF attached building includes a mix of dwelling unit sizes, the required ADUs must be provided proportionately to the sizes of market rate dwelling units proposed in the development application or project. The dwelling unit size will be determined by bedroom count.
    a. "Dwelling unit type" as used in this section also includes "dwelling unit size."
3. ADUs are not permitted to be provided in a dwelling unit type that is not also provided as a market rate unit in the development application or project.
    a. *Exception.* If AHUs are substituted for ADUs pursuant to Section 8.01.K, then this requirement does not apply. However, the proposed AHU dwelling unit type must be permitted in the district in which it will be located.
4. When the calculation of ADUs by dwelling unit type results in a requirement of a fractional ADU, any fraction up to and including ½ will be disregarded, and fraction over ½ will be interpreted as 1 whole ADU.
    a. If the total of the ADUs by dwelling unit type is less than the total number of required ADUs, then the applicant must increase the number of ADUs by dwelling unit type to equal the total number of required ADUs.
        1. The applicant may elect which dwelling unit type will be increased to provide the remaining required ADUs.
    b. If the total of the ADUs by dwelling unit type exceeds the total number of required ADUs, then the

applicant may decrease the number of ADUs by dwelling unit type to equal the total number of required ADUs

1. The applicant may elect which dwelling unit type will be decreased to achieve the required ADUs.

5. Demonstrate the required ADUs by dwelling unit type on each rezoning, special exception, site plan, subdivision, and/or preliminary subdivision application.

Sample Calculation of ADUs Provided Proportionately to Dwelling Unit Types Proposed: SFD, SFA, and MF Stacked Dwelling Units.	
Total Dwelling Units Proposed:	*110*
Total ADUs Required:	*17 (Rounded up from 16.5)*
Dwelling Units by Unit Type:	*10 SFD, 65 SFA, 35 MF Stacked*
Dwelling Unit Type Percent of Total:	*9% SFD, 59% SFA, 32% MF Stacked*
ADUs Required by Type:	*17 x 9% = 2 SFD (Rounded up from 1.53)*
	17 x 59% = 10 SFA (Rounded down from 10.03)
	17 x 32% = 5 MF Stacked (Rounded down from 5.44)
Total ADUs:	*17 ADUs*

Sample Calculation of ADUs Provided Proportionately to Unit Sizes Proposed: MF Attached Dwelling Units.	
Total Dwelling Units Proposed:	*300*
Total ADUs Required:	*30*
Dwelling Units by Unit Size:	*30 Studio, 110 1-Bedroom (BR), 120 2-BR, 40 3-BR*
Dwelling Unit Size Percent of Total:	*10% Studio, 37% 1- BR, 40% 2-BR, 13% 3-BR*
ADUs Required by Unit Size:	*30 x 10% = 3 Studio*
	30 x 37% = 11 1-BR (Rounded down from 11.1)
	30 x 40% = 12 2-BR
	30 x 13% = 4 3-BR (Rounded up from 3.9)
Total ADUs:	*30 ADUs*

G. **Designation of ADUs on Site Plans or Plats.** ADUs must be designated on site plans or subdivision plats as follows:

1. Approved site plans and/or record subdivision plats must identify the specific number and/or percentage of for-sale dwelling units and for-rent dwelling units that are to be regulated as ADUs pursuant to the ADU Program.
    a. All site plans and subdivision plats for a development containing for-sale ADUs must identify the specific dwelling units that will be provided as ADUs.
    b. All site plans and subdivision plats for a development containing for-rent ADUs must include a

tabulation that demonstrates the percentage of dwelling units and the number of each dwelling unit type that will be maintained as ADUs.

H. **ADU Compatibility and Interspersion.** Approved site plans and subdivision plats must demonstrate that the ADUs are compatible with and interspersed among market rate dwelling units by meeting the following requirements:

1. To be considered compatible, ADUs must be similar in width, depth, height, and exterior architectural treatment to market rate dwelling units in the development.
    a. To be considered similar in width, the ADUs must meet at least 1 of the following criteria:
        1. SFD, SFA, or MF stacked ADUs may be identical in width to market rate dwelling units.
        2. If a project includes identically-sized market rate dwelling units equaling at least 25% of the number of ADUs in the same section, then SFD, SFA, and MF stacked ADUs may have widths as follows:
            a. The minimum width of the SFA or MF stacked ADUs must be no less than 70% of the average width of SFA or MF stacked market-rate dwelling units in the same section.
            b. The minimum width of the SFD ADUs must be no less than 75% of the average width of SFD market-rate dwelling units in the same section.
    b. To be considered similar in depth, the ADUs must meet at least 1 of the following criteria:
        1. SFD, SFA, or MF stacked ADUs may be identical in depth to market rate dwelling units.
        2. SFA and MF stacked ADUs may vary in depth along the entire rear façade by up to 15% if the rear of other market rate dwelling units in the SFA or MF stacked building are staggered.
        3. SFD ADUs may have a minimum depth of 75% of the average depth of SFD market-rate dwelling units immediately on either side of the ADU.
    c. To be considered similar in height, the ADUs must meet at least 1 of the following criteria:
        1. SFD, SFA, or MF stacked ADUs may be identical in height to market rate dwelling units.
        2. SFA, or MF stacked ADUs may have a height that is at least 90% the height of market rate dwelling units when heights of SFA and MF stacked market rate dwelling units in the same building are staggered vertically.
        3. SFD ADUs do not have a minimum height, but must have the same number of stories as SFD market rate dwelling units.
    d. In general, smaller ADUs may be provided if the same number of market rate dwelling units are provided that are the same size as the smaller ADUs.
    e. To be considered similar in exterior architectural treatment, ADUs must meet the following criteria:
        1. ADUs must have front façade construction materials that are identical to those used in adjacent market rate dwelling units.
        2. ADUs may have front façade construction materials that are identical to any market rate facades when at least 25% of market rate dwelling units have the same façade materials.
        3. ADUs must have varying roof pitches and orientation, gables, dormers, decorative elements, window arrangements, trims, materials, varying setbacks, etc. when market rates dwelling units use the same design elements, or where there is no readily identifiable pattern associated with ADUs.
        4. ADUs must have exterior features, such as decks or fences, if they are standard on market rate dwelling units.
        5. Exterior doors for ADUs must be provided on the same level(s) as provided in market rate dwelling units.
        6. Rear and side construction materials for ADUs must be compatible with market rate dwelling unit rear and side construction materials.
        7. Garages must be provided in all ADUs that are adjacent to market rate dwelling units that

have a garage. Garages in ADUs must be of the same size as the adjacent market rate dwelling unit.

2. To be considered interspersed among market rate dwelling units in the development, the ADUs must meet 1 or more of the following criteria:
    a. Not be abutting in SFA or MF stacked building.
        1. *Exception:* When 2 SFA dwelling units are designed to appear as 1 larger SFA market rate unit in the same SFA building.
    b. Be provided in SFA and MF stacked buildings so that there is no more than 1 ADU per building or 38% of the total number of dwelling units in that building, whichever is greater.
    c. ADUs may be located directly across a road or travelway from each other or may back directly to each other across rear yards or common areas as long as the ADUs meet the requirements in Section 8.01.H.1.
    d. Deviations of the interspersion requirement may be permitted on a case-by-case basis when the development is reviewed as a whole, and where creative design is determined to meet the intent of the ADU Program by the Zoning Administrator.
3. Bedrooms in MF stacked and MF attached ADUs are the same dimensions and number of bedrooms in equivalent market rate dwelling units in the development.

Note: *Graphics will be added to future draft versions of the Zoning Ordinance:*

Provide graphic example of *2 ADU townhouses in a row are designed to look like 1 larger townhouse in a row of SFA units (Section 8.01.H.3.a.1).*

Provide graphic example of creative design: *Condominiums provided in a building designed to appear as one SFD unit. This would only be permitted where both an SFD and some sort of MF or SFA unit type is allowed in the district.*

I. **Timing of Construction/Availability of ADUs.** In a development that contains SFD, SFA, or MF dwelling units, the timing of construction and availability of ADUs must be as follows:
    1. Occupancy permits for 50% of the ADUs must be issued prior to issuance of more than 50% of the market rate dwelling units occupancy permits for the development.
    2. Occupancy permits for 75% of the ADUs must be issued prior to issuance of more than 75% of the market rate dwelling units occupancy permits for the development.
    3. Occupancy permits for 100% of the ADUs must be issued prior to issuance of more than 90% of the market rate dwelling units occupancy permits for the development.
    4. The following information must be submitted with each occupancy permit application for a market rate dwelling unit within the development:
        a. The total number of dwelling units, market rate dwelling units, and ADUs proposed for the development.
        b. The number of occupancy permits issued for market rate dwelling units within the development.
        c. The number of occupancy permits issued for ADUs within the development.
        d. The lot number or unit number of each ADU for which an occupancy permit has been issued.

J. **Modifications.** Modifications to the ADU Program requirements are permitted as follows:
    1. Notwithstanding modifications permitted in Section 2.06, only modifications to the requirements of Sections 8.01.D.3 and 4 and 8.01.I.1 through 3 of the ADU Program are allowed.
    2. Requests for modifications as applied to a specific development application or project must be submitted in conjunction with the specific development application for Zoning Map Amendment, Special Exception, Site Plan, or Preliminary Subdivision.

3. The ADUAB will review requests for modifications and make its recommendation to the Planning Commission within 60 days of receipt of a complete application.
4. The Board of Supervisors must consider, upon recommendation of the Planning Commission, whether the proposed alternative will achieve the objective of providing a full range of housing choices in Loudoun County, as well as the criteria in Section 8.01.J.6.c.9 or 8.01.J.6.
5. The time limits set forth in § 15.2-2259 and § 15.2-2260 of the Virginia Code will be suspended during the pendency of an application filed pursuant to Section 8.01.J.
6. If a modification to Section 8.01.D.3 or 4 is requested, then:
    a. The ratio of ADUs proposed to the optional density increase approved must be no less than 15% to 20% for SFD, SFA, and MF stacked dwelling unit development applications, and 10% to 20% for MF attached dwelling unit development applications; and
    b. The total ADUs proposed must be no less than 5% of the total number of dwelling units within the development application.

> ***Sample Calculation Showing the Ratio of Proposed ADUs to the Optional Density Increase is No Less than 15% : 20%.***
>
> *Total Dwelling Units: 100*
>
> *ADUs Proposed = 5%*
>
> *15%/20% = 5%/x, x = 6.67%*
>
> *100 x 6.67% = 106.67 dwelling units at 15%:20% increase*
>
> *106.67 x 5% = 5.3 ADUs at 15%:20% ADU requirement*
>
> *Total ADUs Required: 6 (round up from 5.3)*
>
> *Maximum Dwelling Units Permitted: 106 (round down from 106.67)*

    c. Notwithstanding Sections 8.01.J.6.a and b. above, any request for rezoning, special exception, site plan, subdivision, or preliminary subdivision that contains only SFD dwelling units, a modification may be requested to provide developable land within the development or cash in lieu of the ADUs. If an applicant requests a modification to make such cash payment or land dedication, the following criteria applies:
        1. Cash provided in lieu of SFD ADUs pursuant to Section 8.01.D.3 must be a per unit cash contribution of 100% of the construction cost of a prototypical SFD ADU.
        2. The minimum value of land dedicated in lieu of SFD ADUs pursuant to Section 8.01.J.6.c must be based on the value of per unit cash contribution of 100% of the construction cost of a prototypical SFD ADU.
        3. The construction cost of a prototypical SFD ADU must be the vertical cost of an ADU.
            a. The minimum number of bedrooms of the prototypical SFD ADU used to determine the vertical cost must be equal to the number of bedrooms provided within the predominant market rate SFD dwelling unit in the development as determined by the Zoning Administrator.
        4. Notwithstanding Section 8.01.J.6.c.2, documentation demonstrating that the required number of ADUs can be built on the land dedicated in lieu must be provided with the request to dedicate land in lieu of providing ADUs.
        5. The request to dedicate land or provide cash in lieu of ADUs must be made at the time of approval of rezoning, special exception, subdivision, preliminary subdivision, whichever is required first.
        6. The request to modify Section 8.01.D.3 may include a modification that would allow the

applicant to provide any combination of ADUs, land, or cash to Loudoun County of equivalent value in lieu of providing the required number of ADUs.

7. All cash provided or land dedicated in lieu of SFD ADUs made pursuant to Sections 8.01.I.6.c must be:
    a. Of a value calculated in current dollars, adjusted by the CPI, at the time the actual contribution is officially transferred to the County.
    b. Paid or dedicated prior to the issuance of the first zoning permit for the development unless another time is approved by the Board of Supervisors at the time the modification is approved.
    c. Deposited in the Loudoun County Housing Trust Fund for cash in lieu and dedicated to the County Economic Development Authority for land until such time as a County land bank is established.
8. The applicant must provide a justification that addresses Section 8.01.J.9.
9. The ADUAB, Planning Commission, and Board of Supervisors must consider the following criteria in reviewing a request for modification to Section 8.01.D.3 or 4:
    a. Public facilities and services already developed for the overall development capacity to accommodate the maximum density increase permitted for provision of ADUs.
    b. Existing unique or unusual site constraints, including but not limited to potential adverse impacts on environmental resources and features on the subject parcel and adjacent parcels, and soil conditions that make development financially burdensome.
    c. Unusual costs associated with development of the subject property.
    d. Overriding public needs, health issues, public safety issues, or public welfare issues that are better served by not providing the maximum number of ADUs otherwise required.
    e. In the case of a request for a concept development plan amendment, consideration must also be given to whether the amendment would result in a reduction in the previously approved zoning map amendment's impact on public facilities and whether the existing proffer commitments for the previously approved zoning map amendment exceed current adopted capital facility guidelines established in the General Plan.

7. If a modification to Section 8.01.J.1 through 3 is requested:
    a. The development application must demonstrate the modified timing of construction and availability of ADUs compared to market rate dwelling units.
    b. The applicant must provide a justification that addresses the criteria listed under Section 8.01.J.7.c..
    c. The ADUAB, Planning Commission, and Board of Supervisors must consider the following criteria in reviewing a request for modification to Section 8.01.J:
        1. The modified timing of construction and availability of ADUs compared to market rate dwelling units.
        2. Existing unique or unusual site constraints, including but not limited to the availability of utilities or infrastructure that require a modified development schedule.
        3. Unusual costs associated with development of the subject property due to the development schedule required by Section 8.01.J.

K. **Affordable Housing Unit (AHU) Programs.** The Applicant may provide AHUs in place of ADUs in accordance with the following requirements:

1. A development that provides the same number or more AHUs as the number of ADUs required under Section 8.01.D.3 and 4 above will satisfy the ADU Program requirements.
2. A development that provides AHUs to satisfy the ADU Program requirements is permitted an optional density increase in accordance with Sections 8.01.D.5.
3. A development that provides a fewer number of AHUs than the number of ADUs required under Section

8.01.D.3 and 4 above must provide additional ADUs necessary to augment the shortage and achieve the total required ADUs.

4. The rents and sales prices for AHUs provided must be in accordance with the rules and regulations governing the AHU funding programs and AHUs must be marketed in accordance with the AHU funding program rules and regulations.
5. The following requirements apply to any development that provides AHUs pursuant to this Section:
    a. The applicant must provide written verification to the Zoning Administrator from the applicable affordable housing program of the approval of funding to provide AHUs. Until such written verification is provided by the applicant, only ADUs are permitted to be provided to meet the requirements of the ADU Program.
    b. Approved site plans and/or record subdivision plats must:
        1. Identify the specific number and location of buildings that are to contain AHUs.
        2. Include a tabulation demonstrating the number of AHUs and ADUs provided satisfies the number of ADUs required by Sections 8.01.D.3 and 4.
    c. In a development that contains SFD, SFA, or MF dwelling units, the timing of construction and availability of AHUs must be as follows:
        1. Occupancy permits for 50% of the AHUs must be issued prior to issuance of more than 50% of the market rate dwelling units occupancy permits for the development.
        2. Occupancy permits for 75% of the AHUs must be issued prior to issuance of more than 75% of the market rate dwelling units occupancy permits for the development.
        3. Occupancy permits for 100% of the AHUs must be issued prior to issuance of more than 90% of the market rate dwelling units occupancy permits for the development.
        4. The following information must be submitted with each occupancy permit application for a market rate dwelling unit within the development:
            a. The total number of dwelling units, market rate dwelling units, and AHUs proposed for the development.
            b. The number of occupancy permits issued for market rate dwelling units within the development.
            c. The number of occupancy permits issued for AHUs within the development.
            d. The lot number or unit number of each AHU for which an occupancy permit has been issued.
    d. Buildings containing AHUs must utilize exterior building materials similar to or higher quality than and be of an architectural style compatible with the market rate dwelling units within the development in which they are located.
        1. Written documentation and/or plans demonstrating that the AHUs are in conformance with this requirement must be provided to the Zoning Administrator prior to approval of the first site plan, construction plans and profiles, and/or subdivision plat for the AHUs.

L. **Violations and Penalties.** In addition to enforcement under Section 10.01 et seq., the following apply whenever any person, whether owner, lessee, principal, agent, employee, or otherwise, violates any provision of the ADU Program, or permits any such violation, or fails to comply with any of the requirements hereof:

1. Tenants of ADUs who fail to submit executed affidavits or certifications, as required by the ADU Program, are subject to lease termination and eviction procedures, as provided in the Codified Ordinances.
2. Tenants of ADUs who falsely swear or who execute an affidavit or certification required by the ADU Program knowing the statements contained therein to be false are subject to lease termination and eviction procedures, as provided in the Codified Ordinances.
3. Owners of individual ADUs who falsely swear that they continue to occupy their respective ADU as their primary domicile will be subject to injunction or other suit, action, or proceeding to require such owner

to either sell the ADU to someone who meets the eligibility requirements established pursuant to the ADU Program or to occupy such ADU as a domicile.

8.02 Unmet Housing Needs Unit Program

Purpose. *The purpose of the Unmet Housing Needs Unit (UHNU) Program is to:*

- *Complement the Affordable Dwelling Unit (ADU) Program by addressing housing affordable to families with incomes not addressed by the ADU Program to include 0% to 30% of area median income (AMI), which is the area of greatest need, and 70% to 100% of AMI.*
- *Implement the Housing Policies of the General Plan.*
- *Establish regulations for UHNUs provided:*
  - *As an incentive for an adjusted floor area ratio (FAR) in the Urban Mixed Use (UM) Subarea of the Urban Transit Center/Urban Mixed Use (UT/UM) District and Suburban Mixed Use (SM) District.*
  - *To meet the Suburban Compact Neighborhood (SCN) Alternative Location Criteria.*
  - *When a building is adaptively reused.*

A. **Applicability.** The requirements of the UHNU Program apply as follows:

1. This section applies to UHNUs provided as part of a development application for rezoning, special exception, site plan, subdivision, or preliminary subdivision, as submitted by the applicant:
   a. To achieve an adjusted FAR in the UM Subarea of the UT/UM District pursuant to Section 2.01.01.E.
   b. To achieve an adjusted FAR in the SM District pursuant to and Section 2.02.03.F.
   c. To meet the Alternative Location Criteria for locating the SCN District in the Suburban Neighborhood or Suburban Mixed Use Place Types of the General Plan pursuant to Section 2.02.02.K.1.
   d. As a permitted adaptive reuse of a building or structure pursuant to Section 5.10.C.
2. An applicant may provide affordable housing units (AHU) in lieu of the UHNUs required by this Ordinance in accordance with Section 8.01.J.

B. **Administration, Enforcement, and Regulation.** The administration, enforcement, and regulation of the UHNU Program is as follows:

1. The Zoning Administrator administers and enforces the provisions of the UHNU Program.
2. In addition to the provisions of this Ordinance, all UHNUs must comply with Chapter 1450 of the Codified Ordinance of Loudoun County (Codified Ordinances) with the exception of income requirements and covenant periods.
   a. The administration and regulation, establishment of unit prices, price controls, eligibility requirements, and the structure and operation of the Affordable Dwelling Unit Advisory Board (ADUAB) are governed by the Codified Ordinances.

C. **UHNU Program Income Requirements.** The UHNUs must be provided based on the AMI and type of tenancy in Table 8.02-2.

TABLE 8.02-2. UHNU PROGRAM INCOME REQUIREMENTS[1]

Area Median Income (AMI) Tier	Type of Tenancy
0% up to 30%	For Rent
Above 70% up to 100%	For Purchase

[1]The current AMI must be used to determine income requirements for UHNUs.

D. **Standards for UHNU Calculations.** Each development application subject to the UHNU Program must calculate required UHNUs, as well as demonstrate the calculations, as follows:

1. To achieve an Adjusted FAR, calculate the UHNUs required by multiplying the applicable UHNU percentage requirement in Section 2.02.01.E, Table 2.02.01-2 or 2.02.03.F, Table 2.02.03-2 by the total number of dwelling units proposed.
2. To meet the Alternative Locational Criteria in Section 2.02.02.L.1:
    a. Calculate the UHNUs required pursuant to the percentage required in Section 2.02.02.L.1, using the total number of dwelling units proposed.
    b. Determine the maximum number of dwelling units proposed, including any dwelling units permitted by the optional density increase for providing ADUs pursuant to Section 8.01.
3. When the calculation of required UHNUs results in a requirement of a fractional UHNU, any fraction is interpreted as 1 whole UHNU.
4. Demonstrate the total number of dwelling units proposed and total number of UHNUs required on each rezoning, special exception, site plan, subdivision, and/or preliminary subdivision application.

E. **Designation of UHNUs on Site Plans or Plats.** UHNUs must be designated on site plans or subdivision plats as follows:
1. Approved site plans and/or subdivision plats must identify the specific number and/or percentage of for-sale dwelling units and for-rent dwelling units that are to be regulated as UHNUs pursuant to the UHNU Program.
    a. All site plans and subdivision plats for a development containing for-rent UHNUs must include a tabulation that demonstrates the percentage of dwelling units and the number of each dwelling unit type that will be maintained as UHNUs.
    b. All site plans and subdivision plats for a development containing for-sale UHNUs must identify the specific dwelling units that will be provided as UHNUs.

F. **UHNU Compatibility and Interspersion.** Approved site plans and subdivision plats must demonstrate that the UHNUs are compatible with and interspersed among market rate dwelling units by meeting the following requirements:
1. To be considered compatible, UHNUs must be similar in width, depth, height, and exterior architectural treatment to market rate dwelling units in the development:
    a. To be considered similar in width, the UHNUs must meet at least 1 of the following criteria:
        1. SFD, SFA, or MF stacked UHNUs may be identical in width to market rate dwelling units.
        2. If a project included identically-sized market rate dwelling units equaling at least 25% of the number of UHNUs in the same section, then SFD, SFA, or MF stacked UHNUs may have widths as follows:
            a. The minimum width of SFA or MF stacked UHNUs must be no less than 70% of the average width of SFA or MF stacked market-rate dwelling units in the same section.
            b. The minimum width of SFD UHNUs must be no less than 75% of the average width of SFD market-rate dwelling units in the same section.
    b. To be considered similar in depth, the UHNUs must meet at least 1 of the following criteria:
        1. SFD, SFA, or MF stacked UHNUs may be identical in depth to market rate dwelling units.
        2. SFA and MF stacked UHNUs may vary in depth along the entire rear façade by up to 15% if the rear of other market rate dwelling units in the SFA or MF stacked building are staggered.
        3. SFD UHNUs may have a minimum depth of 75% of the average depth of SFD market-rate dwelling units immediately on either side of the UHNU.
    c. To be considered similar in height, the UHNUs must meet at least 1 of the following criteria:
        1. SFD, SFA, or MF stacked UHNUs may be identical in height to market rate dwelling units.
        2. SFA, or MF stacked UHNUs may have a height that is at least 90% the height of market rate dwelling units when heights of SFA and MF stacked market rate dwelling units in the same building are staggered vertically.
        3. SFD UHNUs do not have a minimum height, but must have the same number of stories as SFD

market rate dwelling units.

d. In general, smaller UHNUs may be provided if the same number of market rate dwelling units are provided that are the same size as the smaller UHNUs.

e. To be considered similar in exterior architectural treatment, UHNUs must meet the following criteria:

1. UHNUs must have front façade construction materials that are identical to those used in adjacent market rate dwelling units.
2. UHNUs must have front façade construction materials that are identical to any market rate facades when at least 25% of market rate dwelling units have the same façade materials.
3. UHNUs must have varying roof pitches and orientation, gables, dormers, decorative elements, window arrangements, trims, materials, varying setbacks, etc. when market rates dwelling units use the same design elements, or where there is no readily identifiable pattern associated with UHNUs.
4. UHNUs must have exterior features, such as decks or fences, if they are standard on market rate dwelling units.
5. Exterior doors for UHNUs must be provided on the same level(s) as provided in market rate dwelling units.
6. Rear and side construction materials for UHNUs must be compatible with market rate dwelling unit rear and side construction materials.
7. Garages must be provided in all UHNUs that are adjacent to market rate dwelling units that have a garage. Garages in UHNUs must be of the same size as the adjacent market rate dwelling unit.

2. To be considered interspersed among market rate dwelling units in the development, the UHNUs must meet 1 or more of the following criteria:

a. Not be abutting in SFA or MF stacked building.

1. *Exception:* When 2 SFA dwelling units are designed to appear as 1 larger SFA market rate unit in the same SFA building.

b. Be provided in SFA and MF stacked buildings so that there is no more than 1 UHNU per building or 38% of the total number of dwelling units in that building, whichever is greater.

c. UHNUs may be located directly across a road or travelway from each other or may back directly to each other across rear yards or common areas as long as the UHNUs meet the requirements in Section 8.01.H.1.

3. Bedrooms in MF stacked and MF attached UHNUs are the same dimensions and number of bedrooms in equivalent market rate dwelling units in the development.

G. **Timing of Construction/Availability of UHNUs.** In a development that contains SFD, SFA, or MF dwelling units, the timing of construction and availability of UHNUs must be as follows:

1. Occupancy permits for 50% of the UHNUs must be issued prior to issuance of more than 50% of the market rate dwelling units occupancy permits for the development.
2. Occupancy permits for 75% of the UHNUs must be issued prior to issuance of more than 75% of the market rate dwelling units occupancy permits for the development.
3. Occupancy permits for 100% of the UHNUs must be issued prior to issuance of more than 90% of the market rate dwelling units occupancy permits for the development.
4. The following information must be submitted with each occupancy permit application for a market rate dwelling unit within the development:

a. The total number of dwelling units, market rate dwelling units, and UHNUs proposed for the development.

b. The number of occupancy permits issued for market rate dwelling units within the development.

c. The number of occupancy permits issued for UHNUs within the development.

d. The lot number or unit number of each UHNU for which an occupancy permit has been issued.

H. **UHNU Covenants.** All UHNUs must be controlled by covenant that is recorded among the land records of Loudoun County, Virginia, runs with the land, in a form approved by the County and in favor of the County or its designee, and controls the sales or rental price for the following periods of time:

1. Rents for rental UHNUs must be controlled for a period of at least 30 years from the date of the issuance of the occupancy permit for each rental UHNU.
2. Sales prices for UHNUs for purchase must be controlled for an initial period of at least 20 years and an extended control period pursuant to the control period for for-sale units included in Section 1450 of the Codified Ordinances.

I. **UHNU Adjustments.** At the time of rezoning, the Board of Supervisors may adjust the following:

1. The percentage of UHNUs required by Sections 2.01.0.E, 2.02.03.F, or 2.02.02.K.1 when a higher proportion of UHNUs in the lowest AMI tier are provided; and/or
2. The AMI tiers in Table 8.02-1 when a minimum of 10% more UHNUs than required by the applicable building code and/or the applicable AHU financing program to be accessible are provided as accessible units.

CHAPTER 9: NONCONFORMITIES

9 Nonconformities.

Purpose. *The purpose of this chapter is to:*

- *Regulate and limit the Development and continued existence of uses, Structures, and lots established prior to the effective date of this Zoning Ordinance that do not conform to the requirements of this Zoning Ordinance.*
- *Allow the continuance of nonconformities but curtail substantial investment in the improvement or expansion of nonconformities.*
- *Bring about the eventual improvement of nonconformities to a conforming status or their elimination to preserve the integrity of this Zoning Ordinance and the desired character of the County.*
- *Permit the application of this section to certain historic resources as identified in this section and permit limited expansion of those Structures.*
- *Require special exception approval by the Board of Supervisors for a conversion condominium that does not conform to the zoning, land use, or site plan regulations.*

A. **Applicability.**

1. Any nonconforming use, Structure, or lot that legally established as of the effective date of this Zoning Ordinance and that remains or has become nonconforming as a result of the adoption of this Ordinance or any subsequent reclassification of zoning districts or other amendment to this Ordinance, may be continued or maintained only in accordance with the terms of this chapter.
2. The limitations of this chapter do not apply to Structures or lots whose nonconforming features are the subject of a variance that has been granted by the Board of Zoning Appeals or a modification or condition that was approved by the Board of Supervisors.

B. **Nonconforming Uses.**

1. **Expansion of Nonconforming Use.** Except when the Zoning Administrator has granted modifications of minimum yard or setback standards for buildings or Structures in a Historic District, a nonconforming use must not be expanded or extended beyond the floor area or portion of the lot area that it occupied on the effective date of this Ordinance.
    a. Notwithstanding 1 above, a legally established, nonconforming residential use on land which, on or after the effective date of this Zoning Ordinance, was rezoned to a nonresidential zoning district must not be considered to have been expanded or extended within the meaning of this subsection if the addition to an existing Structure associated with such legally established nonconforming

residential use is less than 50% of the existing square footage on the effective date of this Zoning Ordinance and the yard requirements of the zoning district that applied to the construction of such legally established nonconforming residential use prior to the effective date of this Zoning Ordinance are maintained.

2. **Discontinuation of Nonconforming Use.** If a nonconforming use is discontinued or abandoned for a continuous period of more than 2 years, including any period of discontinuation or abandonment before the effective date of this Zoning Ordinance, then that use must not be renewed or reestablished. Any subsequent use of the lot or Structure must be in conformance with this Zoning Ordinance.
3. **Change of Nonconforming Use**.
    a. If no structural alterations are made, a nonconforming use may, by special exception pursuant to the procedures under Section 7.10, be changed to another nonconforming use provided that the Board of Supervisors, upon Planning Commission recommendation, either by general rule or by making findings in the specific case, finds that the proposed use is equally appropriate or more appropriate to the zoning district than the existing nonconforming use. As part of the approval of such special exception the Board of Supervisors may impose appropriate conditions in accordance with this Ordinance.
    b. When any nonconforming use is superseded by a permitted use, the use must thereafter conform to the regulations for the district, and no nonconforming use may thereafter be resumed.
4. **Nonconforming Conversion Condominium.** Pursuant to Code of Virginia 55.1-1905.E, the declarant of a proposed conversion condominium that does not conform to zoning, land use, and site plan regulations must obtain special exception approval pursuant to the procedures under Section 7.09 prior to such property becoming a conversion condominium. The Board of Supervisors must grant approval of such request if the applicant demonstrates to the reasonable satisfaction of the Board of Supervisors that the nonconformities are not likely to be adversely affected by the proposed conversion.

C. **Nonconforming Structures.**

1. **Repair or Reconstruction of a Nonconforming Structure**. Repairs, restoration, and maintenance, including structural repairs, may be made to a nonconforming Structure. Except as provided for under Section 4.02 - Floodplain Overlay District, if a nonconforming Structure is damaged or destroyed by a casualty or event beyond the owner's reasonable control, the owner may repair or replace such Structure provided the degree of nonconformity is not increased.
    a. A replacement Structure must occupy the same footprint of the damaged or destroyed nonconforming Structure unless it is proposed in a location that complies with the current yard and setback requirements.
    b. Regardless of location, a replacement of the nonconforming Structure can not include increased floor area either through an expanded footprint or additional height or stories.
2. **Alteration or Enlargement of a Nonconforming Structure**. A nonconforming Structure must not be enlarged, increased, nor extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance unless such improvements do not increase the degree of nonconformity.
    a. Improvements that do not enlarge, increase or extend the Structure to occupy a greater area of land are permitted.
    b. Notwithstanding the foregoing, a legally established nonconforming dwelling must not be considered to have been enlarged, increased or extended within the meaning of this subsection if the addition to such dwelling is less than 50% of its existing square footage on the effective date of this Ordinance, and the previous yard requirements of the zoning district that applied to the construction of such dwelling are maintained.
3. **Moving a Nonconforming Structure.** A nonconforming Structure must not be moved in whole or in part to any other location on or off the Parcel of its original location unless every portion of such Structure and the use thereof is made to conform with all requirements of this Ordinance and other applicable County Ordinances.

4. **Pre-existing Structures in Subsequently Created Setback Areas**. Dwellings, and their accessory Structures and accessory uses, built before June 16, 1993 may increase their footprint existing on that date up to 50% and are exempt from the setbacks of Section 5.07.02-1 but must maintain the setback created by the front of the dwelling even if the setback so created is less than what is required by this Ordinance.
5. **Historic Structures.**
    a. **Eligibility**. To be considered historic for purposes of nonconformity a structure must be:
        1. Designated as a National Historic Landmark: or
        2. Listed or eligible for listing in the National Register of Historic Places or a contributing resource in a historic district listed or eligible for listing in the National Register of Historic Places; or
        3. Listed or eligible for listing in the Virginia Landmarks Register or a contributing resource in a historic district listed or eligible for listing in the Virginia Landmarks Register; or
        4. Designated as the following types of Historic Overlay Districts (HOD) pursuant to Section 7.09.08:
            a. Loudoun County Historic Site; or
            b. Contributing resource in a Loudoun County Historic and Cultural Conservation District.
    b. **Use of Nonconforming Historic Structures.** Nonconforming historic structures may be used in accordance with 9.01 (B) and as follows:
        1. Historic structures are exempt from minimum lot area and road or yard setback requirements; and
        2. Any expansion or enlargement of a historic structure must not:
            a. Exceed 15% of the total floor area or lot coverage permitted in the zoning district, and
            b. Increase the degree of nonconforming setbacks along roads or in front yards.

D. **Nonconforming Lots.**

1. **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 1.03(H) Pending Applications, and such lot met the requirements of the Zoning Ordinance in effect at the time of recordation, or complies with Section 1.03(H), then such lot may be used for any use permitted in the Zoning District in which it is located even though it does not meet the lot requirements of the district, provided all the other regulations of this Ordinance can be satisfied.
    a. Notwithstanding anything to the contrary contained herein, hamlet lots must be governed by the Rural Hamlet Option as contained in Section 5.14.
2. **Establishment of Nonconforming Lots 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:
    a. A lot not meeting lot area requirements of the zoning district is created by the subdivision of a previously existing lot that is split zoned along the existing zoning district line, and the lot meets all other ordinance requirements; or
    b. A lot is created for use by LCSA, VDOT, municipal utilities, public utilities as defined in Section 56-232 of the Code of Virginia , or public service corporations as defined in Section 56-1 of the Code of Virginia and meets the requirements of Section 3.06.07.03 Public Utilities; or
    c. An "outlot" is designated on a subdivision plat as open space. No habitable Structures may be built upon an "outlot".
3. **Boundary Line Adjustments**. Notwithstanding the provisions of 9.01(E)(2) above, boundary line adjustments between nonconforming lots or between a conforming and a nonconforming lot must be permitted as follows:
    a. When 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.

b. When the Zoning Administrator finds that a boundary line adjustment does not increase nonconformity and where the boundary line adjustment satisfies any 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.
3. It allows any existing nonconforming lot to meet the 20 acre minimum lot size in the ARN zoning district or the 40 acre minimum lot size in the ARS zoning district. In the ARN and ARS zoning districts, no lot may be decreased to less than 80,000 square feet,
4. It allows for boundary line agreements to correct survey inconsistencies.

4. **Highway Realignment or Condemnation**.

a. 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, must be considered a nonconforming lot of record subject to the provisions set forth in 9.01(D)(1) above.

b. 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 Zoning Ordinance due to the reduction in lot area to less than that required in the zoning district must be considered a nonconforming use or structure as that term is used in this Zoning Ordinance.

c. Any lot, which by reason of realignment of a Federal or State highway or by reason of condemnation proceedings has had its existing buffers or required yard setbacks or other setbacks reduced that met the requirements of the Zoning Ordinance at the time of their establishment must be considered as nonconforming with regard to the reduced buffers and setbacks.

d. The lost or reduced buffer need not be replaced as long as the use existing at the time of the loss or reduction is maintained.

e. When the use changes to a different use permitted in the zoning district and that use requires a buffer width greater than the previously existing use, the owner has the option to provide new or additional plantings in the existing reduced width if the Zoning Administer determines that the resulting buffer will provide equivalent buffering effect to one that would be required according to zoning district standards, except for the reduced width.

f. In the event that the existing buffer has been reduced by 50% or more the owner has the option to provide a buffer in an alternate location of choice if the Zoning Administrator determines it will achieve the intended buffering effect.

g. When the Zoning Administrator determines that the buffers proposed in accordance with 9.01(E)(b) or (c) do not provide adequate buffering, the owner must seek approval of a minor Special Exception according to the procedures outlined in 7.10.02.

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

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

2. **Application**. To establish a nonconforming use or Structure as a lawfully existing use or Structure, the owner of the property or his or her authorized agent must apply for special exception use approval in accordance with the procedures set forth in Section 7.09.

3. **Board of Supervisors Review.** The Planning Commission must review and recommend, and the Board of Supervisors must review and act upon the application for termination of nonconforming status in accordance with the Special Exception procedures and standards set forth in Section 7.10 of this Zoning Ordinance. In reviewing and acting upon an application:

a. The Planning Commission and Board must consider that retaining nonconforming status means:
    1. A nonconforming structure would not be expanded or enlarged so as to increase the degree of nonconformity and;
    2. Any expansion or enlargement of the use or structure could be limited to no greater than 50% of the floor area or lot area that it occupied on the effective date of this Zoning Ordinance or any amendment to this Ordinance which rendered the use or structure nonconforming.
    3. The Planning Commission and Board must also consider whether the nonconforming use or structure can be improved by imposition of the following or any other requirements determined necessary as Conditions of Approval.
        a. A landscaped buffer could be provided between the nonconforming use or structure and any abutting lot in order to provide the maximum buffering effect for potentially adverse impacts of the use or structure on any abutting properties.
        b. Off-street parking areas located on the lot could be improved by landscaping sufficient to mitigate adverse impacts on any abutting properties.
        c. Nonconforming signs, outdoor lighting, off-street parking areas, and other nonconforming accessory structures located on the lot could be removed or brought into conformity with the applicable requirements of this Zoning Ordinance.
    4. **Effect of Approval**. Upon approval of the application for termination of nonconforming status by the Board of Supervisors, the use or Structure must no longer be treated as nonconforming and must be allowed to continue as a legally established use or Structure unless it is abandoned or discontinued for a continuous period of 1 year. This status as a legally established use applies only to the use or Structure for which the special exception approval is issued and not to any other use or Structure that may be located on the lot.

CHAPTER 10: OFFICIALS, BOARDS AND COMMISSIONS

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10.01 Zoning Administrator

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10.01 Zoning Administrator

A. **Duties and Powers.** The Zoning Administrator has the responsibility to administer, interpret, and enforce the provisions of this Zoning Ordinance. The terms, purposes, intent, and spirit of this Ordinance guide the Zoning Administrator in all actions pursuant to this Zoning Ordinance. At the request of the Zoning Administrator and pursuant to their respective fields, the Health Officer, Sheriff, and all other officials of the County assist the Zoning Administrator in the enforcement of this Zoning Ordinance. Specifically, the Zoning Administrator's duties and powers include:
    1. Receive and review:
        a. Applications for variances;
        b. Notices of appeal to the BZA;
        c. Applications for certificates of occupancy;
        d. Applications for zoning permits;
        e. Applications for Certificates of Appropriateness; and
        f. All other applications, certifications, or materials required by this Ordinance to be submitted to the Zoning Administrator.
    2. Issue zoning permits where the requirements of this Zoning Ordinance have been met.

3. Interpret the Zoning Ordinance.
4. Issue determinations of this Zoning Ordinance upon proper application and as provided in Section 10.01.B.
5. Conduct inspections of buildings, structures, and uses of land to determine compliance with the provisions of this Zoning Ordinance.
6. Maintain accurate records of proffered conditions as required by Section 7.09.03 of this Zoning Ordinance.
7. Enforce the provisions of this ordinance, the decisions of the BZA and conditions and proffers subject to which approvals of the BZA, Planning Commission, and Board of Supervisors were made.
8. Maintain the inventory of buildings and structures within an Historic Site or Historic and Cultural Conservation district as required by Section 4.08.J.
9. Perform such other duties and functions as may be required by this Ordinance and the Board of Supervisors.
10. Maintain and make available for public inspection and copying the official Zoning Map, the Zoning Ordinance, and the minimum submission requirements adopted by Board of Supervisors resolution.
11. Maintain a compilation of the interpretations and opinions of the Zoning Administrator for public review.
12. In specific cases to make findings of fact and, with the concurrence of the County Attorney, conclusions of law regarding determinations of rights accruing under Code of Virginia § 15.2-2307 or § 15.2-2311(C).

B. **60-Day Limit for Good Faith Reliance**. In no event is a written order, requirement, decision, or determination made by the Zoning Administrator subject to change, alteration, or reversal by any Zoning Administrator after 60 days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the Zoning Administrator unless it is proven that such written order, requirement, decision, or determination was obtained through malfeasance of the Zoning Administrator or through fraud. The 60-day limitation period does not apply in any case where, with the concurrence of the County Attorney, change is required to correct clerical errors.

10.02 Planning Commission

***Purpose**: The Planning Commission advises the Board of Supervisors on matters related to the orderly growth and Development of Loudoun County.*

A. **Created.** The Planning Commission is created pursuant to Code of Virginia § 15.2-2210.

B. **Membership.** The Planning Commission consists of nine members, each appointed by a member of the Board of Supervisors. Eight of the members represent a Loudoun County election district, and one member serves at-large.

1. **Qualifications.**
    a. All members must be Loudoun County residents.
    b. At least one-half of the members must be freeholders.
    c. All members must be qualified by knowledge and experience to make recommendations regarding community growth and development.
2. **Terms.** Terms of office are 4 years that run concurrently with those of the Board of Supervisors.
3. **Officers.** The Planning Commission must elect from the appointed members a Chair and a Vice-Chair, whose terms are 1 year.
4. **Vacancies.** Vacancies are filled by appointment by the Board of Supervisors for the unexpired term only.
5. **Compensation.** Members may receive compensation for their services as authorized by the Board of Supervisors.
6. **Removal.** The Board of Supervisors may remove any member for malfeasance in office.

C. **Meetings**.

1. **Regular Meetings.** The Planning Commission must hold regular meetings at a fixed time at least once every two months or as otherwise scheduled by the Planning Commission.
2. **Continued Meetings.** The Planning Commission may, by resolution adopted at a regular meeting, fix the day or days to which any meeting will be continued if the presiding Chair finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting.
    a. Such finding must be communicated to the members and the press as promptly as possible.
    b. All items previously advertised for such meeting will be conducted at the continued meeting.
    c. No further advertisement is required.
3. **Special Meetings**. Special Planning Commission meetings may be called by the Chair or by two members upon written request to the Secretary.
    a. The Secretary will cause to be mailed or delivered to all members, in writing at least 5 days in advance of a special meeting, a written notice setting the time, place, and purpose of the meeting.
    b. Written notice of a special meeting is not required if:
        1. The time of the special meeting was scheduled at a previous regular meeting;
        2. All members are present at the special meeting; or
        3. They file a written waiver of the required notice.
4. **Quorum**.
    a. A majority of the members constitutes a quorum.
    b. No action of the Planning Commission is valid unless authorized by a majority vote of those present and voting.

D. **Powers and Duties.** The Planning Commission has the following powers and duties:
1. Prepare and recommend a Comprehensive Plan for the physical development of Loudoun County.
2. Approve or deny Commission Permit applications.
3. Review and make recommendations on Zoning Ordinance Amendment, Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, and Minor Special Exception applications.
4. Review and recommend amendments to the Land Subdivision and Development Ordinance.
5. Conduct public hearings as required by the Code of Virginia.
6. Adopt rules, bylaws, and procedures, consistent with the ordinances of the County and the general laws of the Commonwealth for the administration of its affairs and exercise the general supervision of the administration of its own affairs.
7. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the Board of Supervisors.
8. If deemed advisable, establish an advisory committees or committees.

E. **Records.** The Planning Commission must keep written records and minutes of all its proceedings, including the names and addresses of all persons giving testimony, the Planning Commission findings of fact, and the vote of each member upon each question, or if absent or failing to vote, such fact.

F. **Reports.** Prepare an annual report to the Board of Supervisors concerning Planning Commission operations and the status of planning within the county. Prepare, publish, and distribute reports, ordinances, and other materials relating to its activities.

10.03 Board of Zoning Appeals

***Purpose**: The Board of Zoning Appeals (BZA) hears and decides Appeals of the Zoning Administrator's orders, requirements, decisions, or determinations as provided in this Ordinance, and Variance, and Special Exception for Errors in Location applications.*

A. **Created**. The BZA is created pursuant to Code of Virginia § 15.2-2308.

B. **Membership**. The BZA consists of 7 members appointed by the Loudoun Circuit Court. To assist with the

membership appointment process, the County Administrator or his designee will accept applications, screen candidates, and forward applications to the Chief Judge of the Loudoun Circuit Court for consideration.

1. **Qualifications.**
    a. All BZA members must be Loudoun County residents.
    b. Members must hold no other public office in Loudoun County, except:
        1. One member may be a Planning Commission member;
        2. Any member may be appointed to serve as an officer of election; and
        3. Any elected official of an incorporated town.
2. **Officers.**
    a. **Chair**. The BZA must elect, from its own membership, a Chair to serve a 1-year term. Successive terms are permitted.
    b. **Secretary**. The County may designate a staff member to serve as Secretary to the BZA. The Secretary prepares minutes of meetings, keeps all records, and conducts official correspondence. The BZA may employ a court stenographer to record BZA proceedings.
3. **Terms.** Term of office is 5 years, with the term of 1 member expiring each year.
    a. The Secretary of the BZA must notify the Loudoun Circuit Court at least 30 days in advance of the expiration of any term of office.
    b. The Secretary of the BZA must notify the Loudoun Circuit Court promptly of any vacancy. Appointments to fill such vacancies are only for the unexpired portion of the term.
    c. A member whose term expires continues to serve until a successor is appointed.
    d. Members may be reappointed to successive terms.
4. **Removal.** Any member of the BZA may be removed for malfeasance, misfeasance, or nonfeasance in office, or for other just cause, by the court that appointed the member, after a hearing held after at least 15 days notice to the member sought to be removed.

C. **Meetings and Hearings.**

1. Meetings or hearings of the BZA are held at the call of the Chair, or acting Chair, or at the request of any 2 members, provided that notice thereof has been mailed or delivered to each member of the BZA at least 7 days before the time set or a waiver or notice is obtained from each member.
2. All BZA hearings are open to the public.
3. In all BZA hearings, the BZA must offer an equal amount of time on the case to the applicant, appellant or other person aggrieved, and staff.
4. Any BZA member is disqualified to act upon a matter before the BZA with respect to their own property.
5. Only members of the BZA may vote on matters before the BZA.
6. For the conduct of a hearing, the taking of any action, or the transaction of any official business, a quorum is necessary. No less than a majority of all members of the BZA constitutes a quorum.
7. Except for Appeals pursuant to Section 7.14, no action of the BZA is valid unless authorized by a majority vote of those present and voting. On Appeals pursuant to Section 7.14 the concurring vote of a majority of the membership of the BZA is necessary to reverse any order, requirement, decision or determination appealed from.
8. If the BZA's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.
9. **Witnesses and Speakers.**
    a. All witnesses and speakers presenting facts and evidence before the BZA, including the Zoning Administrator when a party, must give oath or affirmation regarding the truth of their statements.
    b. The presiding Chair may administer oaths, for the benefit of the BZA, and compel the attendance of witnesses.

c. Every person before the rostrum must abide by the order and direction of the presiding Chair. Discourteous, disorderly, or contemptuous conduct will be regarded as a breach of the privileges extended by the BZA and will be dealt with as the presiding Chair deems proper.

10. ***Ex Parte* Communications.**
    a. The non-legal County staff may have *ex parte* communication with a BZA member prior to a hearing but may not discuss the facts or law relative to a particular case.
    b. The applicant, landowner or his agent, or attorney may have *ex parte* communications with a BZA member prior to a hearing but may not discuss the facts or law relative to a particular case.
    c. If any *ex parte* discussion of facts or law in fact occurs, the party engaging in such communication must inform the other party as soon as practicable and advise the other party of the substance of such communication.
    d. For purposes of this section, regardless of whether all parties participate, *ex parte* communications do not include discussions:
        1. As part of a public meeting; or
        2. Prior to a public meeting to which County staff, the applicant, landowner, or his agent or attorney are all invited.
    e. This section does not apply to special exception applications before the BZA as authorized by Section 7.10.04.
11. **Rehearing.**
    a. A request for a rehearing of a BZA decision must:
        1. Be in writing;
        2. Recite the reasons for the rehearing; and
        3. Be delivered to the Zoning Administrator within 15 days after the date of the relevant decision.
    b. A rehearing may then be granted by the Chair or upon the affirmative vote of any 2 members.
    c. If granted, the rehearing stays the finality of the decision until a decision is rendered on rehearing.
12. **Continued Meetings.**
    a. The BZA may, by resolution adopted at a regular meeting, fix the day or days to which any meeting is continued if the presiding Chair finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting.
    b. Such finding must be communicated to the members and the press as promptly as possible.
    c. All hearings and other matters previously advertised for such meeting must be conducted at the continued meeting and, notwithstanding any other provision of this Ordinance, no further advertisement is required.

D. **Powers and Duties.** The BZA has the following powers and duties:

1. Hear and decide appeals from decisions of the Zoning Administrator regarding interpretation of the official Zoning Map where there is uncertainty as to the location of a zoning district boundary.
    a. After notice to the owners of the property affected by any such interpretation, and after a public hearing thereon, the BZA must interpret the map in such a way as to carry out the purpose and intent of this Ordinance for the particular district in question and must be guided by the provisions of Section 11.02.B of this Ordinance.
    b. The BZA does not have the power to rezone property or to change the location of zoning district boundaries established by this Ordinance.
2. Hear and approve applications Special Exception for Errors in Location in accordance with Section 7.10.04.
3. Hear and decide all other matters referred to and upon which it is required to pass by this Ordinance.
4. Make, alter, and rescind rules and forms for its procedures, consistent with the ordinances of the County

and the general laws of the Commonwealth.

5. Prescribe procedures for the conduct of its public hearings.

E. **Records.** The BZA must keep a full public record of its proceedings. Such record must be filed with the Zoning Administrator.

F. **Reports.** The BZA must submit a report of its activities to the Board of Supervisors, at intervals of not greater than 12 months, summarizing all appeals and applications made to it and its decisions thereon since its previous report. At the same time that each such report is filed with the Board, copies thereof must also be filed with the Zoning Administrator, the Planning Commission, the County Attorney, and the Director.

G. **Limitations.** All provisions of this Ordinance relating to the BZA must be strictly construed. The BZA, as a body of limited jurisdiction, must act only in full conformity with all provisions and definitions in this Ordinance and in strict compliance with all limitations contained therein.

H. **Decisions Subject to Judicial Review.** All decisions and findings of the BZA are final decisions and are, in all instances, subject to judicial review in the following manner:

1. Any person or persons jointly or severally aggrieved by any decision of the BZA, or any taxpayer or any officer, department, board, or bureau of the County, may present to the Loudoun Circuit Court a petition specifying the grounds on which aggrieved within 30 days after the filing of the decision in the office of the BZA.
2. Upon the presentation of such petition, the Loudoun Circuit Court must allow a writ of certiorari to review the decision of the BZA and must prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than 10 days and may be extended by the Loudoun Circuit Court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the Loudoun Circuit Court may, on application, on notice to the BZA and on due cause shown, grant a restraining order.
3. The BZA must not be required to return the original papers acted upon by it, but it must be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return must concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and must be verified.
4. If, upon the hearing, the Loudoun Circuit Court determines that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct. Said commissioner must report the evidence, their findings of fact and conclusions of law to the Loudoun Circuit Court. This report must constitute a part of the proceedings upon which a determination of the Loudoun Circuit Court is made. The Loudoun Circuit Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
5. In the case of an appeal from the BZA to the Loudoun Circuit Court of an order, requirement, decision, or determination of the Zoning Administrator in the administration or enforcement of this Ordinance, the BZA's findings and conclusions on questions of fact must be presumed to be correct. The appealing party may rebut that presumption by proving by a preponderance of the evidence, including the record before the BZA, that the BZA erred in its decision.
6. In the case of an appeal by a person of any BZA decision that denied or granted an application for a variance, the BZA decision must be presumed to be correct. The petitioner may rebut that presumption by proving by a preponderance of the evidence, including the record before the BZA, that the BZA erred in its decision.

I. **Costs for Judicial Review**. Costs against the BZA are not allowed, unless the Loudoun Circuit Court finds that the BZA acted in bad faith or with malice in making the decision appealed from. In the event the BZA's decision is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making a return of the record pursuant to the writ of certiorari.

10.04 Historic District Review Committee

***Purpose**: The Historic District Review Committee (HDRC) administers the provisions of this Ordinance relating to Historic Overlay Districts and advise the Board of Supervisors in its efforts to preserve and protect historic places and areas in the County.*

A. **Created.** The HDRC is created pursuant to Code of Virginia Section 15.2-2306.

B. **Membership**. The HDRC is composed of a minimum of 5 and a maximum of 7 voting members who must be residents, at least 3 of whom must be freeholders, of the County with a demonstrated knowledge of and interest in the preservation of historical and architectural landmarks.

1. **Qualifications**. Members are appointed by the Board of Supervisors and should include the following:
    a. An architect with experience dealing with historic Structures;
    b. An architectural historian;
    c. An owner of property listed on either the state or national register of historic landmarks; or
    d. Owners of property within an historic district established pursuant to Section 7.09.08 of this Zoning Ordinance.
2. **Terms**. Members are appointed to serve a term of 3 years or until their successor has been appointed. Terms are staggered such that 2 members are appointed every year.
3. **Vacancies**. An appointment to fill a vacancy is only for the unexpired portion of the term. Members may be reappointed to succeed themselves.
4. **Officers**. A chair, vicechair, and any other officers of the HDRC will be elected by majority vote of the entire membership.
5. **Removal**. The Board of Supervisors may remove any member for malfeasance in office.

C. **Meetings**.

1. **Regular Meetings**. Meetings of the HDRC are held on a regular basis as the work of the HDRC may require. Meetings are held at the time and place designated by the Chair.
2. **Quorum**. A quorum of the members of the HDRC is required for consideration of any matter.
3. **Voting**.
    a. Any action of the HDRC requires the affirmative vote of a majority of the members present and voting.
    b. Members must exempt themselves from voting on any action in which their financial interests or those of their immediate family are directly involved.

D. **Powers and Duties**. The HDRC has the following powers:

1. Hear and decide applications for Certificates of Appropriateness, and Appeals, pursuant to Section 7.12 and Section 7.14;
2. Adopt Historic Overlay District Guidelines for any Historic Overlay District in regard to the design criteria to be employed in assessing applications for Certificates of Appropriateness;
3. Review and make recommendations on all applications for Site Plan, Subdivision, Variance, Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Minor Special Exception, or Zoning Modification in any Historic Overlay District;
4. Review and make recommendations on the establishment of new Historic Overlay Districts, or any addition to, or removal from, any existing Historic Overlay District;
5. Assist and advise the Board of Supervisors, the Planning Commission, and other County departments and agencies in matters involving historically significant sites, buildings, and areas, such as land usage, parking facilities, and signage;
6. Advise the Zoning Administrator in enforcement action for actions performed without HDRC approval;
7. Advise owners of historic landmarks, buildings, or Structures on issues of preservation;
8. Make recommendations concerning the establishment of a system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers;
9. Cooperate with and enlist assistance from local historical societies, the Virginia Department of Historic

Resources, the National Trust for Historic Preservation, and other interested parties, both public and private, in its efforts to preserve, restore, and conserve historic landmarks, buildings, sites, or areas of the County; and

10. Make annual reports to the Board of Supervisors reviewing the activities of the previous year, and upon request, to disseminate these reports to other agencies within the State and nearby states which are responsible for historical preservation activities.

E. **Records and Reports.**

1. The HDRC will keep records of all its proceedings.
2. HDRC records will be made available upon request for public inspection.
3. The HDRC will file, as soon as practicable, copies of its annual reports to the Board of Supervisors with the Zoning Administrator, the Director, the County Attorney, and the Planning Commission.

CHAPTER 11: DEFINITIONS AND RULES OF INTERPRETATION

Contents:

11.01 Interpretation of Zoning Ordinance

11.02 Interpretation of Map and District Boundaries

11.03 Definitions

11.01 Interpretation of Zoning Ordinance

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

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

1. Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; words in the singular number include the plural; and words in the plural include the singular, unless the obvious construction of the wording indicates otherwise.
2. The word "must" is mandatory.
3. Unless otherwise specified, all distances must be measured horizontally and at right angles or radially to the line in relation to which the distance is specified.
4. Unless otherwise specified, the term "day" mean a working day.
5. The word "lot" includes the word plot; the word "used" shall be deemed also to include designed, intended, or arranged to be used; the term "erected" must be deemed also to include constructed, reconstructed, altered, placed, relocated, or removed.
6. The terms "land use" and "use of land" must be deemed also to include building use and use of building.
7. The phrase "such as" means "including, but not limited to."

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

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

11.02 Interpretation of Map and District Boundaries

A. **Zoning Map.**

1. The County is hereby divided into the zoning districts listed in Chapter 2 of this Zoning Ordinance and as shown on the map entitled "Zoning Map, Loudoun County, Virginia", which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this

Ordinance. The represented locations and boundaries derive from the authoritative data source as maintained by the Office of Mapping and Geographic Information.

2. For Zoning Districts, Overlay Districts, and other mapped features subject to this Zoning Ordinance, the official Zoning Map is the County mapping data in digital form as displayed on WebLogis and publicly available County GIS data. The Zoning Map is the final authority as to the current zoning status of land and water areas, buildings, and other structures in the County save for subsequent amendments enacted by the Board of Supervisors and not yet officially recorded on said map.
3. No changes of any nature may be made on said Zoning Map or any matter shown thereon except in conformity with the procedures and requirements of this Zoning Ordinance. It is unlawful for any person to make unauthorized changes on the Zoning Map.

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

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys must be construed to follow center lines of rights-of-way or prescriptive easements. In case of closure of a street or alley, or vacation of an easement, the boundary shall be construed as remaining at its prior location unless ownership of the closure or vacated area is divided other than at the center, in which case the boundary shall be construed as moving to correspond with the ownership, but not beyond any previous right of way or easement line.
2. Boundaries indicated as approximately following platted lot lines are construed as following lot lines.
3. Boundaries indicated as following County limit lines must be construed as following such County limits.
4. Boundaries indicated as following railroad lines must be construed to be midway in the right-of-way.
5. Boundaries indicated as following scarlines of bodies of water are construed to follow such scarlines. Boundaries indicated as approximately following the center lines of creeks, streams, rivers, canals, or other predominately linear bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or concentric with, or extensions of features indicated in Paragraphs (1) through (5) above shall be so construed. Distances and dimensions not specifically indicated on the Zoning Map shall be determined from the Zoning Map by the Zoning Administrator and as so noted on the map.
7. Where areas appear to be unclassified on the Zoning Map, and classification cannot be established by the above rules, such areas shall be considered to be classified AR-1 until action is taken to amend the Zoning Map.
8. Where territory is added to the jurisdictional area, it must be considered to be classified as AR-1 until action is taken to amend the Zoning Map.
9. Where natural or man-made features actually existing on the ground are at variance with those shown on the Zoning Map, the Zoning Administrator shall interpret the district boundaries as so noted on the map.
10. Where uncertainties continue to exist and/or further interpretation is required beyond that presented in the above paragraphs, the question shall be presented to the Zoning Administrator for interpretation and as so noted on the map.

C. **Map Interpretations and Boundary Determination**. The environmental overlay districts and steep slope maps are intended to show the location of environmental resources in the County, including the following:

1. Mountainside Development Overlay District (MDOD) Map, described in Section 4.04;
2. Floodplain Overlay District; described in Section 4.03; and
3. Loudoun County Steep Slopes Map, described in Section 5.03.02.
4. Limestone Overlay District; described in Section 4.05.
5. River and Stream Corridor Resources; described in Section 5.03.01

The Zoning Administrator, in consultation with the Department of Building and Development, is charged with making necessary cartographic interpretations of those maps at the request of the applicant or on his/her own

initiative. The Zoning Administrator is authorized to interpret the exact location of the boundaries if there appears to be a conflict between mapped resource boundary, elevations, and actual physical conditions. The Zoning Administrator may require information from the applicant, including, but not limited to a topographic survey and/or engineering studies in conformance with the provisions of the Facilities Standards Manual.

In the case of the Limestone Overlay District the applicant shall be required to submit a report based upon geologic logs from borings completed to a minimum depth of 45 feet and such borings shall be sufficient in number and lateral spacing to accurately define the geologic characteristics of the area sought for exclusion from the LOD requirements. Borings shall include, at a minimum, at least three borings, with one boring required for each geologic formation, as identified on United States Geologic Survey Maps, and one boring required for each land form. All borings must be properly abandoned with either bentonite or neat cement. Geophysical testing may be used to supplement the boring data. The report shall include a map (1" = 200' minimum scale) showing the area requested for exclusion, locations of test borings and geophysical survey lines (if used), and the extent of the area, if any, where carbonate rocks or calcereous material is found to be absent. The report shall be prepared and sealed by a Virginia Certified Professional Geologist and state that, based on their professional experience of karst geology and their observations of site characteristics and field data, the area proposed for exclusion from the LOD requirements is not underlain by carbonate rocks or calcereous material to the tested depth.

D. **Appeals.** The applicant may appeal interpretations to the Board of Zoning Appeals in accordance with appeals provisions in Chapter 7 of the Zoning Ordinance.

11.03 Definitions

A

Abattoir: A commercial slaughterhouse.

Abutting: Touching, contiguous, or adjoining at the border or immediately across a road.

Access: A means of approach or admission.

Accessory Building: A non-habitable building located on a lot, the use of which is associated with the principal building and which is located upon the same lot as the principal building. The maximum size of an accessory building is based on the size of the lot on which it is located as follows: up to 5 acres: 2,500 sq. ft., more than 5 acres up to 10 acres: 5,000 sq. ft., more than 10 acres up to 20 acres: 7,500 sq. ft., more than 20 acres: 10,000 sq. ft.

Active channel: The area of the stream channel that is subject to frequent flows (approximately once per one and one-half years), and that includes the portion of the channel below where the floodplain flattens.

Active recreational uses: Recreational uses requiring constructed facilities for organized activities, such as playing fields, ball courts, and playgrounds.

Adaptive Reuse: Repurposing of an existing structure to accommodate new uses while preserving the structure. This often involves improving existing structures to allow for modern design and programming them for the new use.

Adjacent: Having a common boundary or edge; abutting; touching. For the purposes of zoning may also be directly across the street from the subject property.

Adult Day Care Center: A licensed facility for four or more aged, infirmed, or disabled adults which is operated during a part of the day only, which provides supplementary care and protection of individuals who reside elsewhere, except a facility or portion of a facility licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Service, and the home or residence of an individual who cares for only persons related to him by blood or marriage.

Adult Entertainment: Adult entertainment is any medium used for presenting material or performances distinguished or characterized by an emphasis on matter depicting, describing, or relating to 'Specified Sexual Activities' or 'Specified Anatomical Areas' for observation by patrons therein; or limits the presentation of such materials to persons over 18 years of age. This definition shall not apply to a legitimate theatrical performance where nudity is only incidental to the primary purpose of the performance. For the purposes of this definition, "Specified Sexual Activities' is defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

And, 'Specified Anatomical Areas' is defined as:

1. Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Adverse Impact: An impact that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, unhealthy conditions on a site or degrades or damages environmental or cultural resources on a site proposed for development or on off-site property or facilities.

Affordable Dwelling Unit – A dwelling unit for rent or for sale that is regulated pursuant to Section 8.01 and Chapter 1450 of the Codified Ordinances.

Affordable Housing Unit – A dwelling unit for rent or for sale developed pursuant to one of the following programs:

A. Virginia Housing (VH) Low Income Housing Tax Credit (LIHTC) program;
B. U.S. Department of Housing and Urban Development (HUD) 221(d)(4) program that meets the Definition of Affordable Housing included in the HUD Multifamily Accelerated Processing (MAP) Guide, Revision March 19, 2021, as amended, from the Office of the Assistant Secretary for Housing – FHA Commissioner ("HUD 221(d)(4) Affordable");
C. HUD Section 202 Supportive Housing for the Elderly Program;
D. HUD 811 Supportive Housing for Persons with Disabilities Program,
E. United States Department of Agriculture (USDA) Section 515 Multifamily Housing Direct Loan program;
F. USDA Section 538 Multifamily Guaranteed Rural Rental Housing program; and
G. Virginia Department of Housing and Community Development (DHCD) programs administering National Housing Trust Fund monies, State Housing Trust Fund monies, or federal HOME funds.

Agricultural cultural center: A facility established for the purpose of educating the public about agricultural activities, and/or the heritage and culture of agricultural activities.

Agricultural Processing: The processing, preparation, and/or manufacturing of agricultural products, including but not limited to changes to the physical state or form of the agricultural product, as an accessory use to an agricultural use. A minimum of 51% of the agricultural products used for the processing, preparation, and/or manufacturing shall be derived from the agricultural use.

Agricultural research facility: A facility for the investigation, testing, and demonstration of agricultural products and processes, including biotechnical agriculture, veterinary, soil, plant and animal sciences.

Agricultural Structure: A structure used primarily for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities,

including the raising of livestock.

Agriculture: Uses characterized by general active and on-going agricultural activities, including agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), forestry, fisheries, honey production, silviculture (including the harvesting of timber), and similar uses. Agriculture does not include a grocery store or the retail or wholesale sale of products remotely related to the production of agricultural products. Agriculture does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when such preparations do not result in an active and on-going agricultural activity within 30 days. Accessory uses may include offices, storage areas and repair facilities related to agriculture uses.

Agriculture, Bona Fide: Agricultural, horticultural, or animal husbandry uses as defined in this Zoning Ordinance that are located on a parcel that is subject to a farm plan approved by the Loudoun County Soil and Water Conservation District or that is classified by the Office of the County Assessor under the land use tax assessment program as Agriculture.

Agriculture Support and Services Directly Associated with On-going Agricultural Activity, On-Site: A Use Category that includes uses that provide support and services to agricultural, horticultural and animal husbandry activities, which are limited to and that operate in conjunction with and on the site of on-going agricultural, horticultural or animal husbandry uses. These uses include: agricultural processing; agri-education; animal care businesses; commercial wineries; custom operators (haymaking, brush hogging, crop storage, hauling, fencing, barn construction); direct market businesses for the sale of products produced on-site, including but not limited to PYO (pick-your-own); equestrian event facilities; horse trails or networks; farm co-ops; farm based tourism events; farm markets; farm machinery repair; feedlot (for on-going, on-site, animal husbandry activities); nurseries, commercial; pet farms; products combining recreation with consumption of agricultural products; portable sawmills; small business uses; stables; stables, private; wayside stands; wetlands mitigation banks; and similar uses.

Agriculture Support and Services Not Directly Associated with On-Site Agricultural Activity: A Use Category that includes uses and activities that provide support and services to agricultural, horticultural and animal husbandry activities, either on the site of the agricultural, horticultural or animal husbandry activity, or off-site. These uses include: agricultural research facility; animal care businesses; central farm distribution hub for agricultural products; equestrian event facilities; horse trails or networks; farm machinery repair; farm machinery sales, rental and service; feed and farm supply centers; nurseries, commercial; stables, livery; stable, private; and similar uses.

Agriculture Supportive Business Agricultural Supportive Business: Uses that provide either direct or indirect services to agricultural, silvicultural, horticultural, equine, and/or animal husbandry activities. These uses include farm machinery sales, rental, and repair services; veterinary services; blacksmithing; agricultural product storage and processing; feed and seed supply; and similar uses.

Agritainment: Events and activities such as corn mazes, hay rides and petting zoos, that allow for recreation, entertainment and tourism in conjunction with agriculture support and services directly associated with on-going agricultural activity on-site.

Air conditioner condenser: An outdoor appliance or device, including the outdoor component of a heat pump system, that is designed to increase or decrease the thermal temperature of air for building spaces, typically to improve thermal comfort. An air conditioner condenser generally comprises a compressor, cooling fins and tubes, coolant tubes, and a fan, and its performance is dependent on air-flow. The appliance may or may not be a component of a heat pump system.

Airport/landing strip: Any area designed and used for the takeoff and landing of small private aircraft, having no more than one air strip.

Airport: (Including Air Park, Flight Strip, Airfield and Heliport): A place where aircraft may take off or land, discharge or receive cargoes and/or passengers, be repaired, take on fuel, and be stored.

Alley: A right-of-way which provides secondary and/or service access for vehicles to the side or rear of abutting properties whose principal frontage is on another street.

All-terrain vehicle (ATV): A small motor vehicle with three or four wheels designed for recreational use on various types of terrain.

Amend or Amendment: Any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of a district; or any repeal or abolition of any map, part thereof, or addition thereto.

Amusement or Theme Park: A facility, indoor or outdoor, designed for entertainment purposes which may include structures or buildings, motorized or non-motorized rides, games, booths for the conduct of sporting events or games, and constructed land features such as lakes, hills, or trails. Office, retail and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

Animal care business: An enterprise that provides care and services for livestock or other farm animals, such as, but not limited to, animal grooming, dental, blacksmithing, and massage, but which is not a kennel or an animal hospital.

Animal Hospital: A place for the medical care of animals. The boarding of animals at an animal hospital is limited to that incidental to the hospital use.

Animal Husbandry: Uses characterized by the active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of bison, cattle (beef and dairy), pigs, mules, ducks, emus, horses and very small equine, goats, llama, alpaca, poultry, pigeons, sheep, and similar animal husbandry uses. The conduct of the foregoing activities with respect to animals meeting the definition of “Pet” or non–domesticated (wild) animals shall not be considered Animal husbandry.

Animal Services: A Use Category that includes uses related to the provision of services and treatment to animals, including veterinary services, animal hospitals, kennels, and the boarding of animals related to the provision of these services.

Animated: See Sign, Animated.

Antique shop: An establishment that sells items such as furniture, household wares and decorations, and related articles, which have value and significance because of factors such as age, rarity, historical significance, design, and sentiment.

Application, Active: Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception application, Preliminary or Record Subdivision application, or Site Plan application, which has been officially accepted by the County and which is not an inactive application or has not been withdrawn or has not received a final decision.

Application, Inactive: Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception or Minor Special Exception application, Site Plan application, or Preliminary or Record Subdivision application officially accepted by the County for processing but which has had processing suspended either by request of the applicant or by having no contact or activity occur in regard to the application by the applicant and has been placed on inactive status pursuant to Section 6-405 of this Ordinance or deemed inactive pursuant to the Land Subdivision and Development Ordinance.

Application, Reactivated: Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception application, Minor Special Exception, Preliminary or Record Subdivision application, or Site Plan application which was classified as inactive and which the applicant subsequently notifies the County in writing of their desire to have the application brought to final decision.

Arboretum: A place where trees, shrubs, or other woody plants are grown, exhibited or labeled for scientific, educational, or passive recreational purposes, not including the harvest of plants or their produce.

Arborist or Urban Forester: A person trained in arborculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees.

Archery: A structure designed for the use of crossbows, slingbows, arrowguns, bows and arrows, or pneumatic guns as defined by Code of Virginia. [Note: Code of Virginia § 15.2-915.4 defines pneumatic gun as "any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure" including "a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact."]

Area Median Income (AMI). The annually estimated area median income developed by the United States Census Bureau for the Washington-Arlington-Alexandria, DC-VA-MD HUD Metro Fair Market Rent (FMR) Area (DC-VA-MD FMR Area) as determined by the the Office of Management and Budget (OMB) and used by the Department of Housing and Urban Development (HUD), Virginia Housing and other State agencies, and local governments to determine eligibility for assisted housing programs for an area. Loudoun County is part of the DC-VA-MD FMR Area. The Attainable Housing programs referenced in Chapter 8 use the most current AMI for the DC-VA-MD FMR Area. Also known as Area Median Family Income (AMFI)

Art gallery: A room or series of rooms where works of art are exhibited for display or sale.

Art studio: The workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.

Auction house: A place where the property of others, such as objects of art, furniture, and other goods (except livestock), are offered by a broker or auctioneer for sale to persons who bid on the items in competition with each other at scheduled sales periods or events.

Automobile Car Sharing Agency: A motor vehicle sales and accessory service lot use that provides vehicles shared by its members as a means to supplement mass transit facilities.

Automobile Service Station/Automotive Service Station: Buildings and premises where gasoline and/or oil, grease, batteries, tires and automobile accessories are dispensed at retail as a principal use and where, in addition, the following services may be rendered and sales made, and no other.

a. Sale and servicing of spark plugs, batteries, and distributor parts.
b. Tire sales, servicing and repair, but not recapping or regrooving.
c. Replacement or adjustment of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like.
d. Radiator cleaning and flushing, provision of water, anti-freeze and the like.
e. Washing and polishing, and sale of automotive washing and polishing materials.
f. Greasing and lubrication.
g. Providing and repairing fuel pumps, oil pumps and lines.
h. Servicing and repair of carburetors.
i. Emergency wiring repairs.
j. Adjusting and repairing brakes.
k. Minor motor adjustments not involving removal of the head or crankcase or racing the motor.
l. Provision of convenience goods for gasoline supply station customers.
m. Provision of road maps and other information material to customers; provision of restroom facilities.
n. Performing State vehicle inspections.
o. Car wash.

Uses permissible at an automobile service station do not include major mechanical and body work, straightening of frames of body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, or any activity involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automobile service stations.

Automobile Sales Lots: A lot arranged, designed, or used for the storage and display for sale and/or lease of any motor vehicle or any type of trailer, provided the trailer is unoccupied, and where no repair work is done except minor and incidental repair of automobiles or trailers displayed and sold on the premises.

Aviary: A place used for keeping birds for the purposes of commercial breeding or propagation or for display to the public, but not including facilities within and incidental to the operation of a retail pet store.

Aviation: Uses characterized by facilities for the operation and maintenance of aircraft, including airports, hangars, runways and landing strips, flight schools, and fueling facilities.

Backlight: See Sign, Backlight.

Banquet/Event Facility: A use in which the principal function is hosting private parties at which food and beverages are served to groups of people, and which has facilities for the refrigeration and preparation of food, or which provides facilities for food through a caterer. Banquet/Event facilities, held indoors or outdoors, may also be an ancillary component of other uses such as, but not limited to: Restaurants, Hotels, Rural Resorts, Conference Centers, and similar uses. Adult entertainment shall not be permitted at a Banquet/Event Facility.

Base Flood: The flood having a 1 percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Base Flood Elevation: The water surface elevations of the base flood. The water surface elevation of the base flood is calculated based on the datum specified on Loudoun County's Flood Insurance Rate Map.

Basement: That portion of a building below the first floor joists, at least half of whose clear ceiling height is above the mean level of the adjacent ground.

Bed and Breakfast Homestay: A private, owner-occupied dwelling in which overnight accommodations are provided to the public and which may include a room for meetings and private parties as an accessory use. The frequency and volume of paying guests is intended to be incidental to the primary use of the property as a private residence. Accessory structures may be used for guest lodging.

Bed and Breakfast Inn: A business operated in one or more structures which are used for providing overnight accommodations to the public and which may include rooms for meetings and private parties as an accessory use.

Bedrock: Rock formation that underlies a surface covering such as soil or extends through the soil as a rock outcrop.

Berm: A landscaped earthen mound intended to screen, buffer, mitigate noise, and generally enhance views of parking areas, storage areas or required yards particularly from public streets or adjacent land uses.

Best Management Practices: Methods and practices that are the most effective and practical means of preventing or reducing the amount of pollution generated by non-point sources (NPS) to a level compatible with established water quality goals. Best management practices may be applied in no-build buffers to protect streams and to control the design and operation of stormwater management facilities, lakes and ponds, silviculture, farming, restoration efforts, and development in and around stream corridors and water supply sources as further defined in the Facilities Standards Manual (FSM).

Biotechnical agriculture: Agriculture that uses biotechnical methods to modify living cells or organisms to produce substances or perform processes.

Block: That property abutting one side of a street and lying between the two nearest intersecting streets or the nearest intersecting or intercepting street and railroad right-of-way, unsubdivided acreage, river or live stream between any of the foregoing and any other barrier to the continuity of development. A block may contain an alley.

Board of Supervisors or Board: The Board of Supervisors of Loudoun County, Virginia.

Botanical garden: A garden having documented collections of living plants for the purposes of scientific research, conservation, display or education.

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

Buffering or Screening: Any device or natural growth, or a combination thereof, which shall serve as a barrier to vision, light, or noise between adjoining properties, wherever required by this ordinance and further defined herein and the Facilities Standards Manual (FSM). Whenever used for screening or buffering purposes, "natural growth" shall be taken to mean coniferous or deciduous trees, bushes and shrubbery.

Buildable Area: The area of the lot remaining after required yards have been provided.

Building: A structure having one or more stories and roof, designed primarily for the shelter, support, or closure of persons, animals, or property of any kind.

Building, Civic: A structure used for community purposes, such as churches, community/recreation centers, service organizations and libraries, located on a civic-use lot.

Building Coverage: All areas under roof or projections from buildings on a lot.

Building Footprint: The area on the ground surface covered by the building.

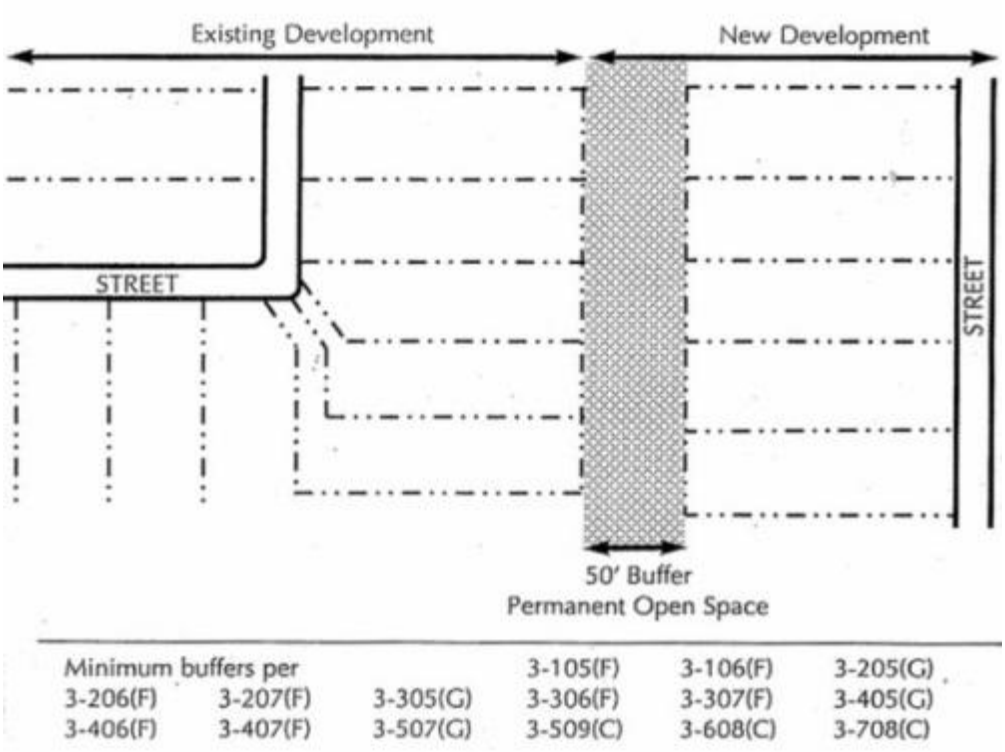
Building Height: The vertical distance to the highest point of the roof for flat roofs; and to the average height between eaves and the highest point of the roof in the case of pitched roofs, measured from the curb level, if the building is not more than 10 feet distant from the front lot line, or from the average finished grade at the front of the building in all other cases.

Building Inspector: An appointed official of Loudoun County who is responsible for certifying building inspections.

Building, Principal: A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.

Bus or Bus services: As used within the context of the PD-TRC zoning district, "bus" or "bus services" shall mean Bus Rapid Transit or an express bus serving the Dulles Greenway/Toll Road corridor and shall not mean a local bus service. As used within the context of the PD-MUB zoning district, "bus" or "bus services" shall mean Bus Rapid Transit, express bus, circulator bus, commuter bus, feeder bus, or shuttle.

Business Service Establishment: Establishments primarily engaged in rendering services on a fee or contract basis to the business, commercial, industrial, or institutional community, such as advertising and mailing; business maintenance; employment service; management and consulting services; travel agent; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; quick print shop; and personal supply services.



Business Vehicle: A vehicle associated with a business. Business vehicles shall not exceed a rated capacity of one and one half (1.5) tons, and shall not have more than two axles.

Camp, Boarding: As for Camp, Day, except that uses and structures for the lodging of guests shall be permitted in locations appropriate for extensive outdoor recreation.

Camp, Day: A lot, tract or parcel of land operated as either a commercial or non-commercial enterprise in which seasonal facilities are provided for all or any of the following: camping, picnicking, boating, fishing, swimming, outdoor games and sports, and activities incidental and relating to the foregoing, but not including miniature golf grounds, golf driving ranges, mechanical amusement device, or permanent structures for housing guests.

Campground: An outdoor facility designed for overnight accommodation of human beings in tents, rustic cabins and shelters for recreation, education, naturalist, or vacation purposes. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

Capital Improvements Program (CIP): The Loudoun County plan for expenditures for physical facilities of government, such as costs for acquisition of land or interests in land; construction of buildings or other structures, including additions or major alterations; construction of highways or utility lines; fixed equipment; landscaping; and similar expenditures.

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

Carport: Any space outside a building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor vehicles. A carport may have a side enclosure that is more than eighteen inches in height, exclusive of required supports and the side of the building to which the carport is contiguous.

Car Wash: A structure, or portion thereof, containing facilities for the commercial washing of motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical devices.

Cellar: That portion of a building below the first floor joists, at least half of whose clear ceiling height is below the mean level of the adjacent ground. Such a portion of a building shall not be used for habitation.

Cemetery: A place used or intended to be used for the interment of human remains or pet animal remains and dedicated or designated for that purpose, including columbariums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Central farm distribution hub for agricultural products: A place where farmers can deliver agricultural products for pick-up by consumers or wholesalers, but not including a central place operated by a farm co-op where farmers can deliver products for pick-up by consumers (see "Farm Co-op"). Central farm product distribution hub does not include such uses as trucking operation, stockyard, auction house, slaughterhouse, or cannery or other processing facility.

Channel Scarline: The sloping margin of, or the ground bordering, a stream and serving to confine the water to the natural channel during the normal course of flow. It is best marked where a distinct channel has been eroded to the valley floor or where there is a cessation of land vegetation.

Child Care Center: A licensed establishment other than a child care home, which offers care, protection and supervision of children for compensation during any 24 hour period, and then only for part of any 24 hour day. A child care center may include nursery schools, kindergartens or other facilities for which the purpose is primarily educational, recreational, or medical treatments.

Child Care Home: A licensed establishment located in a single-family detached, duplex or townhouse dwelling which offers care, protection and supervision for compensation to more than 4 non-resident children at a time during any24 hour period, and then only for part of any 24 hour day. For the purpose of this definition, "non-resident children" means children that are not the child care providers' own children and children not residing in the home. Pursuant to the Code of Virginia, an establishment that offers care, protection and supervision for compensation to 4 or less non-resident children is regulated the same as a dwelling unit.

Church, synagogue, temple or mosque: A structure or group of structures that is intended for regular gatherings of people to attend, participate in, or conduct religious services and other related activities and associated accessory uses. Associated accessory uses may include religious instruction classrooms, church offices, counseling programs, private school, youth programs, parking, child and adult day care facilities, summer camps, recreational facilities, caretaker's quarters, food bank, thrift shop, sale of religious items, and cemeteries.

Civic, Social, or Fraternal Association Meeting Place: An establishment of a private non-profit organization, including fraternal organizations, which provide social, physical, recreational, educational, agricultural or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any members of such organization or any other individuals; provided, however, that regular employees may be paid reasonable compensation for services rendered.

Civic Uses: Such as government offices, public meeting halls, libraries, art galleries or museums, post office, and churches, and like uses which generate pedestrian activity and act as visual focal points.

Closed Depression: In a limestone area, a distinctive bowl-shaped depression of varied sizes in the land surface. It is characterized by internal drainage, and an unbroken ground surface.

Cluster Development (AR Districts Only): A type of development design that allows for the subdivision of a tract of land with a more compact residential design plus one or more large lots suitable for rural economy uses or common open space. Land not included within lots or required for public or private streets shall be maintained as common open space. Communal water and/or sewer systems are permitted under this development type within the common open space.

Cluster Development (CR and Suburban Zoning Districts Only): An arrangement of structures on adjoining lots in groupings allowing closer spacing than would be generally permitted under ordinance requirements, where at least 20% of the lots have less than the required minimum lot area which is compensated by maintenance of equivalent open space, either elsewhere on the lot or in the form of common open space. All land not included within lots or required for public or private streets shall be maintained as common open space. Common open space shall be designed to constitute a continuous and cohesive unit of land which may be used for active or passive recreation by residents and shall be reasonably accessible to all permitted uses and all residential units within the development.

Code: The Code of Loudoun County, Virginia.

Coffeehouse or teahouse: An establishment that primarily prepares, sells and serves coffee, tea and other beverages, and that may sell baked goods and light meals such as soups and sandwiches, but does not serve full meals, and that has a seating area that serves as an informal conversation or lounging place.

Co-housing: An intentional community of residential units, attached or detached, that are planned and organized to promote interaction among residents and may include a common or centralized structure with kitchen, dining, laundry facilities. Design features typically consider walkability, parking along the exterior or the community, and centralized areas for congregation. The community may be operated as a co-housing organization. Co-housing does not include short term residential rentals.

Co-housing Organization: A legal development entity, during development and construction of a co-housing project, that transforms into a legal residential association upon completion of the development and subsequent occupation of the dwelling units. Membership of the association is open only to owners of dwelling units in the development.

College, University: An institute of higher education authorized by the State to award baccalaureate or higher degrees, which may include on-site student, faculty, and/or employee housing facilities. For junior college or other educational institutions refer to definition of "Educational Institution".

Commercial: the term collectively defining workplace, office, retail, and restaurant uses.

Commercial Repair Garage: Any building, premises and land in which, or upon which, a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

Commercial Strip Development: A linear, commercial development pattern along a road characterized that includes three or more of the following characteristics: predominance of single-story buildings, either standalone or connected; parking between the building and the road; limited reliance on shared access points; broad

road frontage; a lack of connection to an existing settlement, (e.g., village centers or neighborhoods) except by road; lack of coordination with surrounding land uses; and lack of connection to a pedestrian and bicycle network/limited access for pedestrians.

Commonly Owned Open Space: Open space that is owned and managed by a condominium or homeowner association restricted for the use and enjoyment of association members.

Community center: A place, structure, area, or other facility used for and providing fraternal, cultural, social, educational or recreational programs or activities, or swimming pools, tennis courts and similar facilities of a homeowners association, open to the public or a designated part of the public, and which may be publicly or privately owned.

Commuter Parking Lot: An off-street, ground level area, usually surfaced and improved, for the parking, on a daily basis, of commuter vehicles. Often established in conjunction with mass transit arrangements and car-pooling programs.

Composting: The manipulation of the natural aerobic process of decomposition of organic materials to increase the rate of decomposition, which produces compost.

Comprehensive Plan: The official document, commonly referred to as the General Plan and Countywide Transportation Plan, or elements thereof, adopted by the Board of Supervisors, intended to guide the physical development of the County or a portion thereof. Such plan, including maps, plats, charts, policy statements and/or descriptive material, shall be that adopted in accordance with Section 15.2 2226 of the Code of Virginia.

Concept Development Plan (CDP): Part of a rezoning application (ZMAP) or of a zoning concept plan amendment application (ZCPA). The concept development plan may consist of both a visual and a written representation depicting the layout and/or design of the development, and all associated proffers. When the concept development plan is approved through the legislative process, the plan then becomes binding on the developer and his successors in interests.

Conference and Training Centers: Facilities used for business or professional conferences, seminars, and training programs, which may include accommodations for sleeping, eating and recreation.

Congregate Housing Facility: A structure other than a single-family dwelling where more than four (4) unrelated persons reside under supervision for special care, treatment, training or similar purposes, on a temporary or permanent basis.

Conservancy Lot: A lot, excluding the hamlet/cluster lots, open space and/or hamlet green/square, which will remain as large parcel(s), the bulk of which is in permanent open space easement and a portion of which may be designated a building area.

Contiguous: Touching, abutting, or adjoining at the border or immediately across a road.

Continuing Care Facility: This type of facility may consist of three 3 types of care, or any one or two types:

a. Congregate Living Facility: a facility which provides independent living which may be affiliated with, or located near health care facilities.
b. Adult Assisted Living: a facility for people who cannot live independently and who need assistance with daily chores and housekeeping.
c. Nursing Home: a facility for individuals who require specialized nursing care on a regular basis but who do not need to be hospitalized.

Contractor Service Establishment: Establishment for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, ventilation, establishment for the planting and maintenance of gardens, grounds and yards, such as landscape contractors and lawn maintenance services, and construction and demolition services. Retail sales to the general public are not permitted except as an accessory use.

Contributing: Helping, assisting, or adding to the historical integrity, historic architectural qualities, or archaeological qualities of the subject Historic Overlay District and/or the said Historic Overlay District's historic associations. The Zoning Administrator, or the Zoning Administrator's designee, establishes what is considered contributing to an HOD.

See also Non-contributing.

Convenience Food Store: A commercial establishment designed and intended to serve daily or frequent trade needs of the surrounding population, characterized by the retail sale of food and other household products, the rapid turnover of customers and a high traffic/trip generation.

Convent: A structure used for the purpose of housing persons on a permanent basis who are not members of a family as defined in this Zoning Ordinance and who constitute a religious community typically consisting of nuns, priests, monks, or other similar religious personnel. For the purpose of this definition the terms convent and monastery are interchangeable and shall have the same meaning. Assembly for worship services may be conducted in conjunction with the convent use but only for the residents of the convent. A convent is a permitted accessory use where incidental to a religious assembly use (church, synagogue, temple, mosque).

Convention or exhibition facility: An enclosed or semi-enclosed building, tent, or structure designed to accommodate large gatherings of human beings, either with or without display collections of animals, machines, or objects. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

Conversion Condominium: A condominium containing structures that before the recording of the declaration were wholly or partially occupied by persons other than those who have contracted for the purchase of condominium units and those who occupy with the consent of such purchasers.

Convertible Land: A portion of the common elements within which additional units or limited common elements may be created in accordance with the provisions of this chapter.

Corporate training center: A facility used for business or professional conferences, seminars, and training programs, primarily by incorporated organizations, which may include accommodations for sleeping, eating and recreation by participants.

Country Club: A land area and structures containing a club house, dining and/or banquet facilities, conference rooms, spa, fitness facilities, or recreational facilities, available to members and their guests for a membership fee. A Country Club shall include an equestrian facility and/or a golf course and may include swimming pools, tennis courts, squash courts, stables and riding facilities.

Country Inn: A business operated in one or more structures which offers overnight accommodations and may include rooms for meetings and private parties in a predominately rural area. A Country Inn may include a full-service restaurant for overnight guests, the general public, meetings, and private parties.

Countryside Village Core: A compact, pedestrian-scaled area of predominantly non-residential uses which provides the main organizing feature of the Planned Development-Countryside Village (PD-CV) district. It consists primarily of civic and institutional uses, and may include commercial office, retail, service, as well as some above-street level residential uses. It is generally surrounded by the Countryside Village Neighborhood.

Countryside Village Neighborhood: Land within the Planned Development-Countryside Village (PDCV) district designated primarily for residential uses consisting of a mix of single-family detached, single-family attached and multi-family units. It generally surrounds the Countryside Village Core and is generally surrounded by the Countryside Village Conservancy.

Countryside Village Conservancy Area: Land within the Planned Development-Countryside Village (PDCV) district designated primarily as open land which provides a visual and physical distinction between the development and surrounding countryside, and significant buffering of neighboring properties while allowing for limited residential use. It generally surrounds the Countryside Village Neighborhood.

Countryside Village Satellite Conservancy Area: Land within the Planned Development-Countryside Village (PDCV) district which does not adjoin other portions of the district and which is placed in an open space easement. It's area shall be included in calculating the total development potential of the proposed Countryside Village.

Countryside Village greens, parks and squares: Public open spaces at least 10,000 square feet in size, located within the Countryside Village which primarily contain well defined, generally permeable green space with landscaped areas, pedestrian ways and passive recreational areas or any combination thereof.

Countryside Village Plaza: An open, generally impervious, public space at least 3,000 square feet in size, which may contain landscaped areas and street furniture.

County: Loudoun County, Virginia.

Court: An open, unoccupied space, other than a yard with a building or group of buildings, which is bounded on two or more sides by such building or buildings, and every part of which is clear and unobstructed from its lowest point to the sky, except for landscaping, if any.

Craft Beverage Manufacturing: A small-scale brewery manufacturing no more than 15,000 barrels of beer per calendar year licensed in accordance with Section 4.1-208 of the Code of Virginia, as amended, or a small-scale distillery manufacturing no more than 36,000 gallons of distilled spirts, licensed in accordance with Section 4.1-206 of the Code of Virginia, as amended. Accessory uses shall include tasting rooms at which the consumption of beer or distilled spirts manufactured on-site occurs, accessory food sales occur, and beer and/or distilled spirits manufactured on-site are sold.

Craft shop: A retail store which displays and offers for sale handcrafted items by local artisans.

Crematorium: A building with a furnace for cremating dead bodies, either animal or human.

Cross-country ski business: A facility which offers to members of the public cross-country ski recreation opportunities, including the rental of non-motorized ski equipment, changing facilities, and access to maintained trails or trail shelters.

Cross Section: Shape and dimensions of a channel and valley of the floodplain perpendicular to the line of flow.

Cultural and Government Facilities: Public or nonprofit facilities displaying or preserving objects of interest or providing facilities for one or more of the arts or sciences or provision of government services. Accessory uses may include parking and storage areas.

Cultural Center: Establishments such as museums, art galleries, botanical and zoological gardens of an historic, educational or cultural interest which are not operated commercially.

Custom Operator: An enterprise in which a contractor or other operator agrees to perform all or some machine operations, providing equipment and labor, for production and related activities on agricultural sites in exchange for a payment or a payment along with a percentage of profits. Field operations performed by a custom operator may include field preparation, planting, cultivating, harvesting, tilling, haymaking, bush hogging, crop storage, hauling, fencing, and barn construction.

D

Data center: A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. Such facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at a data center.

Day Care Facilities: Facilities for the care, protection, and supervision of children or adults on a regular basis away from their primary residence for less than 24 hours a day. Accessory uses may include offices, recreation areas, and parking.

Decibel: A unit for measuring the volume of sound using the A-weighting network on a sound level meter. Decibel may be expressed as dB, dB(A), dBA, dba, or db(A).

Declarant: Any person, or group of persons acting in concert, that (1) offers to dispose of its interest in a condominium unit not previously disposed of, including an institutional lender that may not have succeeded to or

accepted any special declarant rights pursuant to Code of Virginia Section 55.1-1947; (2) reserves or succeeds to any special declarant right; or (3) applies for registration of the condominium. However, for the purposes of clauses (1) and (3), it does not include an institutional lender that acquires title by foreclosure or deed in lieu of foreclosure unless such lender offers to dispose of its interest in a condominium unit not previously disposed of to anyone not in the business of selling real estate for his own account, except as otherwise provided in Section 55.1-1947. It does not include an individual who acquires title to a condominium unit at a foreclosure sale.

Decommission, Solar Facility: The removal and proper disposal of solar energy equipment, facilities, or devices on real property. It shall include the reasonable restoration of the real property upon which such solar equipment, facilities, or devices are located, including (i) soil stabilization and (ii) revegetation of the ground cover of the real property disturbed by the installation of such equipment, facilities, or devices.

Density: For purposes of this Zoning Ordinance, the amount of development allowed on a lot or parcel, expressed in residential districts as the number of dwelling units per acre and in commercial districts as the gross floor area of buildings per acre.

Density, Gross Residential: The number of units divided by the total area of the tract.

Density, Net Residential: The total number of residential units in a PD-H zoning district divided by the net land area of land devoted to uses other than commercial and employment uses in such district.

Density, Net Residential Parcel: The maximum number of residential dwelling units per acre allowed on any lot, parcel, or tract of land in a PD-H zoning district.

Developable land: Any vacant land areas capable of being developed with buildings and infrastructure.

Development Permit: Written approval issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization. Examples include, but are not limited to, building, zoning, occupancy and grading permits.

Diabase Rock: A fine-to medium-grained dark-colored igneous rock that is a good source for crushed stone for road and building construction.

Digital: See Sign, Digital.

Direct Market Business: A commercial enterprise in which agricultural products produced on a site are marketed and sold directly to consumers without an intermediate wholesaler or distributor, other than a farm co-op organization. Direct market business may include enterprises such as PYO (pick-your-own) operations, and operations in which delivery of products is made directly to consumers, such as “farm share” arrangements under which periodic delivery of farm products is made for a subscription fee.

Director: An appointed County official who serves as the Director of the Department of Planning and Zoning for Loudoun County, Virginia, or his or her designee.

Distribution Facility: The intake of goods and merchandise, individually or in bulk, the short-term holding or storage of such goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor. The term "Distribution Facility" shall also include a transshipment facility for the temporary holding, storage and shipment of goods or vehicles.

Dog Park: A park that provides a variety of recreational amenities for dogs and persons that may include benches, parking, restrooms, and water fountains. If dogs are to be unleashed, the area must be fenced.

Donation Drop-off Box: An unattended portable container, receptacle, or similar device or structure that is located outside of a building and intended or used for the holding of charitable or for-profit donated items by the general public which may include, but not limited to clothing, shoes, furniture, books, or other salvageable personal property with the collection of donated items made at a later date or time. This term shall not include recycling drop-off centers or mobile containers that require licensing for transport on authorized roadways.

Dormitory, seasonal labor: A structure located on the same property as an active agricultural, horticultural or animal husbandry operation, used for the purpose of housing persons on a seasonal basis who are not members of a

family as defined in this Ordinance and who derive all or part of their income during their occupancy from labor performed on the active agricultural, horticultural or animal husbandry operation.

Downstream Bedload Movement: Downstream movement of silt, sand, coarse-grained gravels and cobbles in a river or stream.

Driveway: A space or area specifically designated and reserved on a lot for the movement of vehicles within a lot or from a lot to a street.

Dustless Surface: A surface with a minimum of either two applications of bituminous surface treatment, concrete, bituminous concrete, or equivalent paving material approved by the County and to be maintained in good condition at all times.

Dwelling: A building that contains 1 or 2 dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes. [*Source: 2015 International Building Code*]

Dwelling, Accessory: A dwelling or apartment within or detached from the principal dwelling of not more than the lesser of (i) 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure or (ii) 2,500 square feet of gross floor area, the use of which is associated with and subordinate to the principal dwelling and which is located upon the same lot as the principal dwelling.

Dwelling, Ancillary: A dwelling, the use of which is associated with and subordinate to the principal dwelling and which is located on the same lot as the principal dwelling.

Dwelling, Duplex: One of 2 buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot with minimum dimensions required by district regulations.

Dwelling, Live/Work: A single building or space within a single building (e.g. studio, loft or one bedroom) used jointly for commercial/office and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

Dwelling, Multifamily: One of a group of dwelling units in an attached multifamily or stacked multifamily residential structure. For purposes of this Zoning Ordinance, multifamily dwelling includes any unit that does not meet the definition of single-family attached or single-family detached.

Dwelling, Attached Multifamily: One of a group of dwelling units contained within a building, where each dwelling unit in the building is separated from other dwelling units within the building by a vertical wall and a ceiling/floor, with each dwelling unit generally consisting of a single floor or level, and each such unit being accessed by one or more common entrances leading directly from the outdoors at ground level, except that a ground floor dwelling unit may have its own ground floor external entrance. The dwelling unit may be separately transferable and capable of being individually owned, such as a condominium, or offered for rent. Each such dwelling unit within the multi-family building may be referred to as a "Multifamily dwelling unit" or "attached multifamily dwelling unit", and such dwelling units may include various floor plans, such as studio/efficiency units, and floor plans with one or more bedrooms. Attached Multi-family dwelling units are commonly referred to as garden style, mid-rise, and high-rise condominiums/apartments.

Dwelling, Stacked Multifamily: A single-family attached dwelling type containing a vertical and horizontal grouping of dwelling units, where at least one dwelling unit within the grouping contains 2 or more stories and is situated over or under another dwelling unit. Each unit has its own ground floor external entrance or shares its entrance with only an adjacent unit. Stacked Multifamily dwelling units are commonly referred to as stacked townhomes, one over twos, and two over twos.

Dwelling, Portable: A modular unit built on a chassis, having wheels or designed to be transported on wheels, with body width exceeding eight (8) feet or body length exceeding 32 feet and designed to be used as a dwelling when attached to a permanent foundation and when connected to the required utilities.

Dwelling, Quadruplex: One of 4 buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot, with minimum dimensions required by district regulations.

Dwelling, Single-Family Attached: A duplex, triplex, quadruplex, or townhouse dwelling unit.

Dwelling, Single-Family Detached: A residential dwelling unit, other than a portable dwelling, designed for and occupied by one family only and not structurally connected or attached to any other dwelling.

Dwelling, Temporary: A portable dwelling, but not necessarily attached to a permanent foundation.

Dwelling, Townhouse: One of a group of 3 or more attached single-family dwelling units, each of which may be located on a single, undivided lot or all of which may be located on the same lot. Each townhouse dwelling unit is attached to at least 1 other townhouse dwelling unit by a wall that serves as a generally vertical boundary for both units, with each such unit extending from ground to roof, with no dwelling unit directly above another dwelling unit. Each townhouse dwelling unit consists of multiple floors or levels, with each unit having its own ground floor external entrance or sharing its entrance with only an adjacent unit.

Dwelling, Triplex: One of 3 buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot, with minimum dimensions required by district regulations.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. [*Source: 2015 International Building Code*.] A dwelling is occupied by one family. A "unit" means 1 room, or rooms connected together, constituting a separate unit for a owner occupancy, rental or lease, and physically separated from any other rooms or connected rooms in the same structure.

E

Easement: A grant of interest in real property by the owner to, or for the use by, an abutting landowner, the public, or another person or entity, including both easements appurtenant and easements in gross.

Ecological Integrity: Maintenance of the structure and functional attributes characteristic of a particular locale, or ecosystem, including normal variability.

Ecosystem: A complex network of organic communities and their interaction with their environment.

Eco-tourism: Tourism activities and facilities which focus on visitation and observation of or education about natural history, indigenous ecosystems, native plant or animal species, natural scenery, or other features of the natural environment. Eco-tourism may include cultural activities related to such activities or work projects that tend to conserve or safeguard the integrity of a natural feature, habitat or ecosystem. Facilities for eco-tourism may include recreational outfitters. Eco-tourism tends to result in a minimal or positive impact on the features observed or visited or tends to produce economic benefits from conservation.

Education: Facilities for the education of students, including public and private schools at the primary, elementary, middle, or high school level, vocational and technical schools. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

Educational Institution: Any college, university, secondary or higher educational facility beyond high school without an on-campus housing facility which meets applicable State requirements to award degrees and primarily teaches usable skills that prepare students for employment in a profession or trade.

Educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the district: A facility for the investigation, testing, or demonstration of, or for training or educating persons in, products and processes related to agriculture, horticulture, or animal husbandry, including biotechnical agriculture, veterinary, soil, plant and animal sciences.

Electric Generating Plant and Transmission Facility: A plant for the production of electricity, including appurtenant yards, equipment and facilities for the storage of fuels, water, transmission lines, exhaust stacks, and/or utility substation.

Enfront: To face or to be opposite across a street.

Equestrian Event Facility: A commercial facility for equine activities and events including teaching equestrian skills, participating in equestrian competitions, exhibitions, or other displays of equestrian skill. Accessory uses may include

offices, storage areas, caretaker's quarters, and caring for, breeding, boarding, riding, or training horses associated with the Equestrian Event Facility use.

Erected: Constructed, reconstructed, moved or structurally altered.

Establishment: A business, institution, place or entity that operates or hosts a use, including any business, trade or occupation. This includes all buildings, structures, land, facilities, or equipment engaged in operating the use.

F

Facade: The exterior wall of a building exposed to public view or a wall viewed by persons not within the building.

Facilities Standards Manual (FSM): The Facilities Standards Manual of Loudoun County.

Facility: A building, structure, place, amenity, or piece of equipment that is provided or reserved for a particular use or purpose.

Fairground: A parcel or tract of land used as the site of any fair, exposition or public display.

Family: A group of people living together consisting of:

a. One or more persons related by blood or marriage together with any number of natural, foster, step or adopted children, domestic servants, nurses and therapists and no more than two roomers or boarders; or
b. No more than 4 unrelated persons;
c. Any group identified in Section 15.2-2291 of the Code of Virginia.

Farm based tourism: Tourism events which focus on visitation of farms, including organized farm tours and participatory farm vacations.

Farm co-op: A facility used by an organization of farm producers for co-operative technical and marketing assistance, which may include a central market place where farmers can deliver products for pick-up by consumers but not a wholesale distribution center.

Farm machinery repair: A commercial enterprise for the repair of equipment normally or routinely used on farms and gardens, and related parts, tools and accessories, but not of non-farm equipment or materials.

Farm machinery sales, rental and service: An establishment for the sale, rental, and/or service of equipment normally or routinely used on farms and gardens, and related parts, tools and accessories, but not of non-farm equipment or materials.

Farm Market: A principal use which includes the sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products.

Farm Market (off-site production): A principal use which includes the retail sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A Farm Market (off-site production) may or may not be located on the site of ongoing agricultural, horticultural or aquacultural activity. This use may include the sale of products from one or more vendors.

Fee Simple Ownership: The complete ownership interest in real property; the ownership of the entire "bundle" of rights attached to real property.

Feed and Farm Supply Center: A commercial enterprise engaged in the provision of animal feed, bedding and accessories, and farm and garden supplies (such as seed, fencing, hardware, pesticides, and fertilizer) to agricultural, horticultural, and/or animal husbandry operations, but not an enterprise where more than 10% of the floor area or display or storage area utilized for the enterprise is devoted to heavy equipment and machinery; a "feed-and-seed" store

Feedlot: An enclosure (including a lot, yard, building, or corral) in which animals fed for slaughter are confined, that is used for more than 30 days in one-year period, with or without an area for the raising of crops, forage or other vegetation and upon which animals fed for slaughter are allowed to graze or feed. A "feedlot" does not include any area where animals are held for slaughter by a processor for a period of 30 days or less.

Final Development Plan: A required submission following the approval of a Concept Development Plan and rezoning application for a PD-CV district, and for a PD-TRC district prepared and approved in accordance with the provisions of Section 4-1103 (C), which further details the planned development of the subject lot(s). This Plan may be approved by the Planning Commission simultaneously with its review of the Concept Development Plan but must be approved prior to the approval of a site plan.

Fire and/or rescue station: Facilities for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles and equipment and housing and feeding of emergency personnel.

Fiscal: Of or relating to public revenues, public expenditures and public debt; public financial matters.

Flood Insurance Rate Map (FIRM): An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated areas in the floodplain subject to inundation of the base flood and the risk premium zones based on the technical data in the Flood Insurance Study.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles and the water surface elevation of the base flood.

Floodplain: Any land area susceptible to being inundated by water from the base flood and having a drainage area greater than 100 acres. For purposes of regulation under this Zoning Ordinance, a distinction is made between floodplains in watersheds of greater than 640 acres (Major Floodplain, corresponds to Zones AE and A as shown on the FIRM, as may be subsequently revised or amended by FEMA, considered to be the Special Flood Hazard Area by FEMA) and those in watersheds of 640 acres or less (Minor Floodplain).

Floodplain, 100-year: Any land area susceptible to being inundated by water from the base flood and having a drainage area greater than 100 acres.

Floodplain Alteration: A development action which will change the cross section of the floodplain and will increase either: 1) the erosive velocity or 2) the height of floodwaters either on-site or off-site. Alterations include, but are not limited to, land disturbing activities such as clearing, grading, excavating, transportation, and filling of land.

Floodplain, Major: The floodplain created by flooding from a stream that drains greater than 640 acres.

Floodplain, Minor: The floodplain created by flooding from a stream that drains less than 640 acres but greater than 100 acres.

Floor Area, Gross: The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term "floor area" shall include basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior balconies and mezzanines. The term gross floor area shall not include cellars or outside balconies which do not exceed a projection of six (6) feet beyond the exterior walls of the building. Parking structures below or above grade and rooftop mechanical structures are excluded from gross floor area.

Floor Area, Net: The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls and from the centerline of walls separating 2 or more buildings. The term "net floor area" shall include outdoor display areas for sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products, but shall exclude areas designed for permanent uses such as toilets, utility closets, malls (enclosed or not), truck tunnels, enclosed parking areas, meters, rooftop mechanical structures, mechanical and equipment rooms, public and fire corridors, stairwells, elevators, escalators, and areas under a sloping ceiling where the headroom in 50% of such area is less than 6 feet, 6 inches.

Floor Area Ratio (FAR): A number or percentage, derived by dividing the gross floor area of the buildings on any lot by the lot area. The floor area ratio multiplied by the lot area produces the maximum amount of floor area that may be constructed on such lot.

Food and Beverage: Facilities for serving prepared food or beverages for consumption on the premises, other than in a private residence or as an accessory to a principal use.

Food Store: A retail establishment primarily selling food, as well as other convenience and household goods.

Foot Candles: A unit of illumination; technically, the illumination at all points 1 foot distant from a uniform point source of 1 candle power.

Forestry: The planting, growing and harvesting of trees, but not including sawmilling or other processing of trees or parts thereof.

Frontage: Lot width, as represented by the horizontal distance between the side lot lines when measured along an abutting street or improved right-of-way.

Funeral Home: A structure used primarily for human funeral services, which may or may not include facilities on the premises for embalming, performance of autopsies or other surgical procedures. May also be referenced as a mortuary.

G

Garden: A plot of cultivated ground adjacent to a dwelling, devoted in whole or in part to the growing of herbs, fruits, flowers or vegetables for consumption by the household residing in the dwelling.

General Business Service: See Business Service establishment.

Geotechnical Report: A study of bedrock and soils used to help determine potential safe development that is prepared according to standards in the Facilities Standards Manual (FSM).

Golf Course: A tract of land laid out with at least 9 holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.

Golf Driving Ranges: A limited area on which golf players do not walk, but onto which they drive golf balls from central driving tees. A golf driving range may contain outdoor lighting. A golf driving range may have, as an accessory use, a putting or chipping green, miniature golf course, baseball batting cages, a refreshment stand, and/or equipment rental of items pertaining to golf and baseball.

Greenway: A network of natural corridors that connect areas of open space. It follows natural land or water features, like ridges or rivers, canals, or human landscape features like abandoned railroad, historic sites etc.

Groundwater: Any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water, whatever may be the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

Group Living: Uses characterized by the residential occupancy of a structure by a group of persons that does not meet the definition of Household Living. Tenancy is arranged on a weekly or longer basis, and the size of the group may be larger than a single family. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment at the place of residence, and caregivers may or may not also reside at the site. Accessory uses commonly associated with Group Living are recreational facilities and vehicle parking for occupants and staff.

Guest Farm or Ranch: A farm which offers transient accommodations associated with an active agricultural use to paying guests along with meals and participatory recreational and/or work experience working on the farm.

Guest House: A dwelling or lodging unit for temporary non-paying guests in an accessory building. [*See Use-Specific Standards in Section 3.06.02.01.*]

Habitat: The place or environment where animals or plants naturally or normally live and grow.

Halo Lit: Illumination created by concealing the light source behind three-dimensional opaque letters, numbers, or other characters of a sign, resulting in the nighttime perception of a halo around the silhouette of each character. This is also referred to as "reverse channel" or "reverse lit" illumination. A halo lit sign is not considered an internally illuminated sign.

Headwaters: The source of a stream or river.

Hazardous Substance: Any material that poses a threat to human health and/or the environment. Typical hazardous substances are toxic, corrosive, ignitable, explosive, or chemically reactive. Such substances shall include any substance designated by the United States Environmental Protection Agency to be reported if a designated quantity of the substance is spilled in the waters of the United States or is otherwise released into the environment.

Health and Fitness Center: An establishment, including saunas and steambaths, offering or providing facilities for, and instruction in, general health, physical fitness and controlled exercises such as, but not limited to, weight lifting, calisthenics and aerobic/slimnastic dancing. Such use may provide massages, provided the health club occupies an area greater than 5,000 square feet and not more than five percent (5%) of the gross floor area is used for massages.

Health Care: Facilities principally engaged in providing services for health maintenance and treatment of mental or physical conditions. Accessory uses may include offices, meeting areas, on-site eating facilities for employees, laboratories, parking, and maintenance facilities.

Health Official: The Director of the Loudoun County Department of Health, or his designated deputy; Health Officer.

Heavy Equipment: Bulldozers, dump trucks and similar pieces of large equipment and their accessories. The term includes any vehicle associated with a business not included in the definition of business vehicle. A trailer used for transporting heavy equipment is considered accessory to the equipment.

Heavy Equipment and Specialty Vehicle Sales and Accessory Service: Buildings and premises for the sale, rental and servicing of trucks, buses, boats, recreational vehicles, taxicabs, ambulances, mobile homes, trailers, and farm and construction machinery or equipment. This category shall not be deemed to include automobile sales and accessory service establishment.

Heliport: An area, either at ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters and which may include auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Helistop: An area designed to accommodate touch-down and lift-off of helicopters for the purpose of picking up and discharging passengers or cargo. Such area has no operation facilities other than 1 tie-down space and such additional facilities as are required by law, ordinance, or regulation.

Historic Setting: The exterior portion of a historic property that contributes to the historic significance or character of the property. Examples include walls, walkways, trees, relationship of a structure to the road, gardens, etc.

Home Occupation: A business, profession, occupation or trade conducted for gain or support within a residential building or its accessory buildings which use is incidental and secondary to the use of the buildings for dwelling purposes and which does not change the residential character of such buildings. (See Section 5-400 for Home Occupation standards).

Homeowners Association: A nonprofit organization operating under recorded land agreements through which: (a) each lot and/or homeowner in a clustered or planned development is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property. This includes a property owner's association as defined in section § 55.1-1800, Code of Virginia.

Home Service Establishment: Establishment primarily engaged in rendering services whose principal function is to enhance, beautify, maintain or restore residences such as, but not limited to decorators, exterminators, plumbing,

electrical, appliance service, carpet and tile, lawn maintenance, and roofing. All storage for these establishments shall be enclosed.

Horse trails or networks: Paths or trails maintained for the purpose of horseback or other animal-mounted recreational riding, but not including racetracks.

Horticulture: The active and on-going cultivation and production of orchard, garden, or nursery crops on a small or large scale, including the production of Christmas trees, field grown crops, specialty crops, flowers, fruit, grapes, market gardening, nursery stock, nuts, ornamental plants, sod, vegetables, and similar horticultural uses; and the cultivation of such produce by means of biotechnical or genetic engineering techniques. Horticulture does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when such preparations do not result in an active and on-going horticultural activity within 30 days.

Hospital: Any licensed and Commonwealth of Virginia accredited health care institution with an organized medical and professional staff and with inpatient beds available around-the-clock whose primary function is to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services, particularly emergency care.

Hotel/Motel: Any single building or group of dwelling units, combined or separated, containing 20 or more guest rooms used for the purpose of housing transient guests, each unit of which is provided with its own toilet, washroom and off-street parking facility, and which may include features such as conference rooms, a restaurant or snack bar, or swimming pool or exercise room that would attract clientele other than transient guests.

Hours of Operation: The time period during which an activity or enterprise is active, including any times during which the activity is open to customers or other members of the public, employees are present and working, deliveries are made, or equipment (other than utilities or ordinary indoor appliances) is being actively operated on the site.

Household Living: Uses characterized by the residential occupancy of a dwelling unit by a household, whether owned by the occupant or otherwise where tenancy is arranged on a month-to-month or longer basis. Accessory uses may include recreational activities, caring for pets, gardens, personal storage structures, hobbies, and parking of occupants' vehicles.

Hydrogeological Report: A study of groundwater, its location and prevalence that is prepared according to standards in the Facilities Standards Manual (FSM).

I

Impervious Surface: Any material such as paved parking areas, sidewalks, or trail surfaces, which prevents absorption of storm water in or through such surface but shall not include permeable or "pervious" paving materials.

Impulsive Sound: Sound of a short duration, usually less than 1 second, with an abrupt onset and rapid decline. Examples of sources of impulsive sound include, but are not limited to, punch press, discharge of firearm, and explosive blasting.

Industrial, Scientific or Technical Exposition: A place, structure, area or other facility used for temporary or permanent display or exhibit of industrial or scientific equipment, machinery, tools, or other merchandise. Such activities could include trade shows, conventions, merchandise marts, or industrial or scientific fairs or displays. Activities categorized as wholesale trade establishments shall not be deemed to be industrial, scientific or technical expositions.

Industrial Use: Nonresidential and noncommercial employment uses such as, but not limited to, mining, milling and manufacturing.

Infrastructure: The basic installations and facilities on which new development depends. The public infrastructure includes roads and water and sewer lines.

Inner Core Subarea: A Planned Development Transit Related Center district subarea that includes the total gross land area located generally within a 1/4 mile from the outer edge of the planned rail station platform, as shown on

the approved Concept Development Plan. The highest land-use intensities will be located close to the planned transit stop. The primary focal point of the development will be located in this subarea. Retail, office, service, commercial and high density residential uses are located in this subarea, with a vertical mix of uses, public gathering places, and a predominance of pedestrian oriented uses.

Inoperable Vehicle: A motorcycle or motor vehicle, trailer, or attachment thereto which is required by the Commonwealth of Virginia to display current license plates and/or meet safety standards, as evidenced by display of an approved inspection sticker, which motorcycle, vehicle, trailer, or attachment therefore does not display said license plates and/or approved inspection sticker.

Institutional Use: Public or private health, recreational or educational uses such as parks, schools, libraries, hospitals and camps.

Interactive Science & Technology Center: A facility, indoors, outdoors, or both, providing access for members of the public to interactive exhibits that promote an understanding of science, nature, engineering, architecture, technology, or any mixture of these subjects. Access may be granted on a scheduled or unscheduled basis, or both, for a fee or for free. Such facilities may, as a subordinate use, include related retail sales, may host or allow events, and may offer scheduled classes in the same subject matter as is permitted for exhibits.

J-K

Junk Yard: Any land or building used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles or machinery not in running condition, or parts thereof.

Karst/Sensitive Environmental Feature Setback: An area established from the edge of a karst/sensitive environmental feature, in which land disturbance is restricted.

Karst Features or Karst/Sensitive Environmental Features: Karst landforms including but not limited to caves, sinkholes, rock outcrops, perennial sinking streams, significant fissures/cracks, vadose shafts, or other karst anomaly associated with calcerous geologic formations.

Karst Terrain: A type of terrain characterized by closed depressions and/or sinkholes, caves, rock pinnacles, and underground drainage, and which results from solution of limestone and dolomite bedrock.

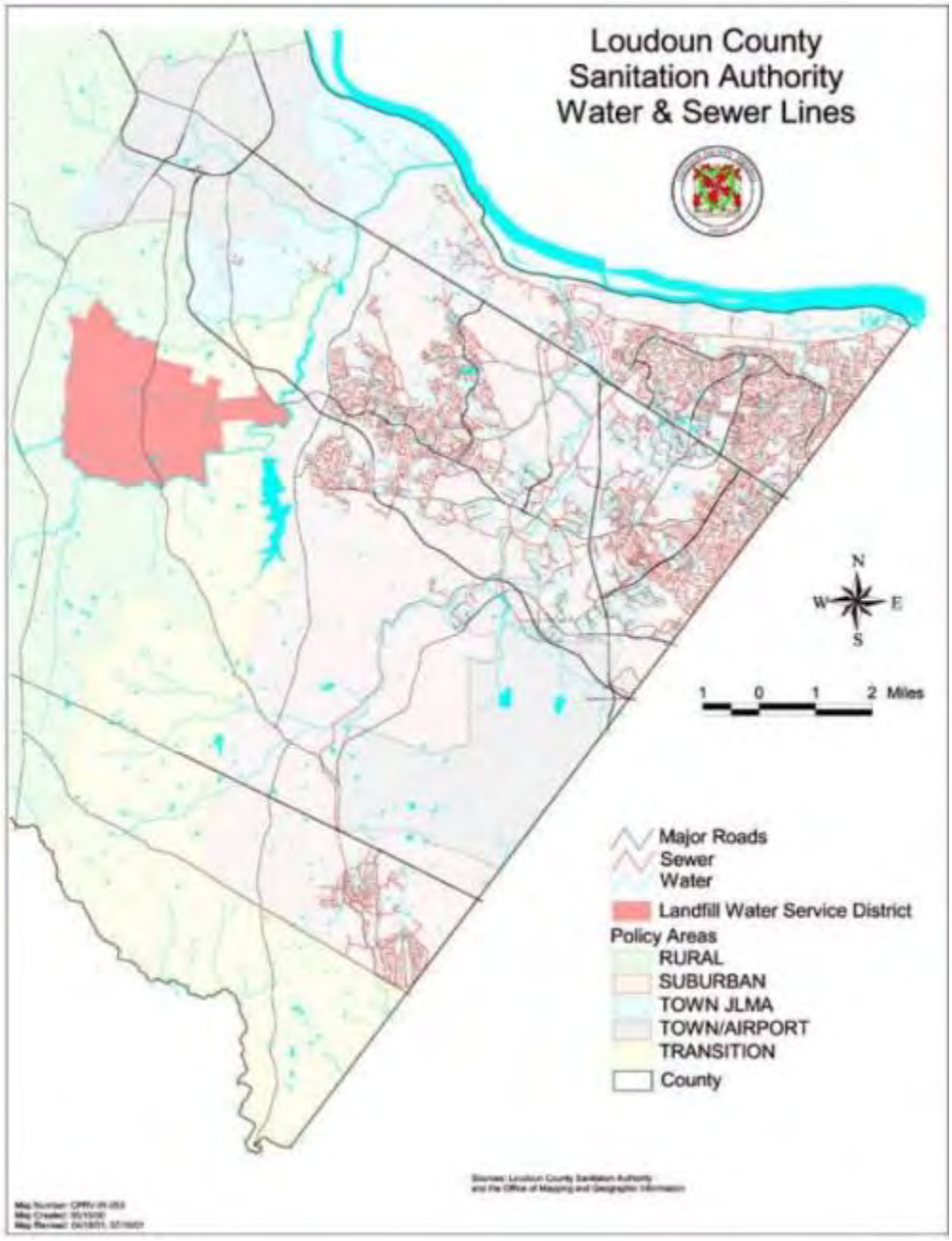
Kennel: See Section 5-606.

Kennel, Indoor: Any kennel that is within a completely enclosed commercial facility with no outdoor activity.

L

Land-Disturbing Activity: Any grading, scraping, excavating, trenching, filling of land, dumping of fill materials (including but not limited to dumping of soil, concrete, and construction debris), bulk outdoor storage, clearing of trees or vegetation, and any construction in preparation for development, reconstruction, or significant alteration of a structure.

Landfill Water Service District: A specific area designated for water service by central water supply system, the boundaries of which are determined by the County of Loudoun as shown on the Loudoun County Sanitation Authority Water and Sewer Lines map, incorporated into this definition by reference, and found on the following page.



Landfill, Sanitary: A publicly owned and controlled, engineered land burial facility for the collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid waste. Associated uses may include a debris landfill, a transfer station, Materials Recovery Facility (MRF), vegetative waste management facility, and/or an incinerator. It shall mean a facility so located, designed and operated that it does not impose a present or potential hazard to human health or the environment, including pollution of air, land, surface water or ground water.

Landscape Architect: An individual who is recognized by the State and who is registered with the state department of professional and occupational registration as a "landscape architect".

Land Subdivision and Development Ordinance (LSDO): The Land Subdivision and Development Ordinance of Loudoun County, adopted by the Board of Supervisors to establish subdivision and site development plan standards and procedures for the unincorporated areas of Loudoun County.

Legacy Zoning District: Existing zoning districts that do not align with Place Types of the 2019 General Plan that are retained to continue implementing the zoning district prior to adoption of this Zoning Ordinance and avoid using more than one Zoning Ordinance. These districts exist as the result of a proffered rezoning and do not translate to the 2019 General Plan Place Types, such as PD-AAAR or PD-TC, or are districts that are anticipated to rezone to a denser

district such as R-1, R-2, or R-3. Legacy Zoning Districts are not allowed to expand beyond their current footprints or be modified. Legacy Zoning Districts are located in Appendix A.

Limestone: Geologic formation that is highly water-soluble and is characterized by numerous underground caves and surface sinkholes; it is a natural groundwater aquifer and good water supply source. Limestone consists of a conglomerate of various small rocks cemented together with a carbonate matrix and containing calcareous geologic formations. In appearance, it is very similar to concrete.

Livestock: Animals, especially farm animals, raised for use, profit or enjoyment including horses and very small equine, bison, cattle, pigs, mules, sheep, goats, alpacas, llamas, emus, and other similar domesticated animals. Livestock does not include animals meeting the definition of "Pet".

Live/Work Dwelling: A single building or space within a single building (e.g. studio, loft or 1 bedroom) used jointly for commercial/office and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

LOD: Limestone Conglomerate Overlay District, as defined in Section 4-1900 of the Zoning Ordinance.

Lodging Unit: Rooms or connected group of rooms forming a single habitable unit used or intended to be used for living and sleeping only on a transient basis. Lodging units do not contain independent kitchen facilities. However, rooms available for occupancy on a rental or lease basis for less than 1 week are considered lodging units even if they contain independent kitchen facilities.

Lot: A parcel of subdivided land occupied, or to be occupied, by one or more buildings and accessory buildings, and open space, and other requirements of the provisions of this Ordinance. "Lot" shall include the words "plot" and "parcel". The term "lot" does not include land identified on a legally recorded subdivision plat filed among the land records of Loudoun County as an "outlot" as referenced in Chapter 9.01.D.2.c.

Lot Area: The total horizontal area included within the rear, side and front lot lines or street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking areas and other accessory uses. "Lot area" does not include portions under water, except where the total area of a body of water is within the lot or where the width included as part of the area of the lot does not exceed 30 feet.

Lot, Civic Use: Land area within a Rural Village Center or Countryside Village development, so designated on the Village Concept Development Plan, upon which structures may be erected for community use, enjoyment and benefit.

Lot, Concave: A lot that has one side curving inward from the street on which the lot fronts.

Lot, Convex: A lot that has one side curving outward toward the street on which the lot fronts.

Lot, Corner: A lot abutting on 2 or more streets at their intersection, where the interior angle of the intersection does not exceed 135 degrees.

Lot Coverage: The percentage of a lot area occupied by the ground area of principal and accessory buildings or structures, excluding uncovered decks, on such a lot. Multifamily and nonresidential parking structures below or above grade and stand-alone mechanical structures are excluded from lot coverage.

Lot, Depth of: The average horizontal distance between the front lot line and the rear lot line, measured along a straight line. If no rear lot line exists, the depth shall be measured between the front lot line and the rear setback line.

Lot, Interior: Any lot other than a corner lot, but including a through lot.

Lot, Irregular: A lot, usually but not always with sole access from a Class III road or private access easement, which is so located, shaped or oriented to adjacent lots that application of general measurement methods or dimensional yard requirements of the district in which located serve no significant public purpose, and/or with location of yards by type (front, side and rear) not logically determined by nor related to yard patterns on nearby regular lots. Yard requirements for regular lots shall be followed where possible.

Lot Line: Where applicable, a lot line coincides with a street line. Where a lot line is curved, all dimensions related to said lot line is based on the arc.

Lot, Outlot: A parcel of land identified on a legally recorded subdivision plat, subject to a permanent open space easement or dedicated to a homeowner's association, which does not meet lot area and lot width requirements.

Lot, Record: The land designated as a separate and distinct parcel recorded among the land records of Loudoun County.

Lot, Regular: A lot with direct access to a Class I, Class II, or Class III road, so located, shaped and oriented to adjacent lots as to be reasonably adapted to application of general measurements indicated in Article I, and with location of yards by type (front, side, rear and special) logically determined by, and related to, adjacent street or streets and adjacent yard patterns. A regular through lot has frontage on two Class I, Class II, or Class III roads.

Lot, Through: An interior lot fronting on 2 parallel, or approximately parallel, streets or private access easements.

Lot Width: See Frontage.

M

Major Recreational Equipment: Recreational vehicles (RVs), travel trailers, pickup campers, motorized dwellings, tent trailers, boats and boat trailers, houseboats, and the like, and cases or boxes used for transporting that recreational equipment, whether occupied by that equipment or not.

Management Buffer: An area designed to protect a stream or river and its associated floodplain from adverse upland development impacts. The “50-foot management buffer” is included within the Protected River and Stream Corridor, as shown on the RSCOD Map.

Maneuvering Space: An area directly related to required parking areas and designed to permit easy vehicular movement. "Maneuvering space" shall not be considered as part of any required "parking space" or "loading space".

Manufactured Housing: A structure constructed and subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A manufactured home does not include units built prior to June 15, 1976.

Manufacturing and Production: Facilities for the processing, fabrication, packaging, or assembly of goods, including small-scale production and production by hand. Accessory uses may include offices, in some instances eating facilities for employees, outdoor storage associated with the use, repair facilities, and caretaker’s quarters.

Market Area: The area from which an enterprise draws its customers on a regular and anticipated basis. Influencing the size of the area are variables such as, but not limited to, type of product being marketed, surrounding land uses and neighboring road network.

Market Rate Dwelling Unit: A dwelling unit in which the sale or rental price is not controlled by the Affordable Dwelling Unit (ADU) Program or the Unmet Housing Needs Units (UHNU) Program.

Market Study: A study that measures the supply and demand for a particular product within a defined area.

Material Recovery Facility (MRF): A solid waste management facility which collects mixed solid wastes and manually or mechanically separates recyclable materials to be marketed and disposes of all non-recyclable wastes to a permitted facility, or a solid waste management facility for the collection, recovery and processing of materials, such as metals, paper or glass, from solid waste for the production of a fuel from solid waste, including a solid waste transfer station.

Mausoleum: A building or vault containing niches or other designated places intended to be a final resting place for human or pet animal remains as an alternative to land burial.

Maximum Extent Feasible: No feasible and prudent alternative exists, as determined by County staff, and all possible efforts to comply with the regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but must not be the overriding factor in determining "maximum extent feasible."

MDOD: Mountainside Development Overlay District, as defined in Section 4-1600 of the Zoning Ordinance.

Medical Care Facility, Outpatient Only: Any institution, place, building, or agency, whether or not licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two or more non-related mentally or physically sick or injured persons: or for the care of two or more non-related persons requiring or receiving medical, surgical or nursing attention or service as acute, chronic, convalescent, aged, or physically disabled, including but not limited to intermediate care facility, mental retardation facility, outpatient surgery centers, chiropractic, birthing, diagnostic imaging, radiation therapy, dialysis, medical/physical rehabilitation and trauma units, and other related institutions and facilities offering treatment on an outpatient basis, whether operated for profit or nonprofit and whether privately owned or operated by a local government unit (this term shall not include a physician's or medical office).

Metes and Bounds: A method of describing the boundaries of land by courses and distances.

Minimum Stream Buffer: A 100-foot area on both sides of a stream, measured from each stream bank, designed to be a natural riparian forest and filtration area that will ensure the maintenance of water quality and the ecological integrity of the protected corridor.

Mini-Warehouse: A building consisting of individual, small, self-contained units that are leased or owned for the indoor storage of business and household goods or contractors' supplies.

Minor Utilities: Above- and below-ground electrical transmission lines, except for overhead electrical transmission lines and distribution feeder lines that collect and transmit over 110 KV of power; above- and below-ground natural gas lines; flood control or drainage facilities; transportation or communications utilities, and similar facilities of public agencies or public utilities; utilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, poles, or cables; switch boxes; transformer boxes; cap banks; and underground water and sewer lines. Such "minor utility" facilities generally do not have employees on site, and the services may be publicly or privately provided. "Minor utility" does not include uses more specifically defined in this Ordinance, including but not limited to "telecommunication use and/or structures."

Mitigation Measures: Methods used to alleviate or lessen the adverse impacts of development.

Mobile Vending: The sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise of food prepared within a self-contained vehicle, trailer or cart. Mobile vending does not include catering vehicles or ice cream trucks in continuous operation within the public right-of-way.

Mobile Vendor: Any individual that operates or assists in the operation of a self-contained vehicle, trailer or cart which provides the sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise of prepared food.

Model home: A building having the physical characteristics of a residential dwelling which exists for the purpose of display or advertising in connection with the sale of units in a residential development. The ultimate intended use for such a model is as a dwelling.

Moderately Steep Slope Area: Naturally occurring land areas with slopes from 15% to 25%. The Steep Slope Standards do not apply to slopes created by permitted land disturbing activities, such as, but not limited to, building and parking pad sites; berms; temporary construction stock-piles; and road-side ditches.

Motorcycle: A motor vehicle designed to travel on not more than three wheels in contact with the ground. The operator must hold a valid driver's license with a Class M designation or a motorcycle driver's license.

Motor Vehicle Sales and Accessory Service: Any use of land whereon the principal occupation is the sale, rental and accessory service of vehicles in operating condition such as automobiles, motorcycles, All Terrain Vehicles (ATV), and trucks stored on site. For the purpose of this Ordinance, vehicle sale, rental and ancillary service establishments

shall not be deemed to include heavy equipment and specialized vehicle sale, rental and service establishments; however, specialized vehicles may be sold, rented and serviced as an accessory use.

Motor Vehicle Sales Limited to Racecars: Any business establishment intended for the sale of racecars.

Motor Vehicle Service and Repair, Heavy: Buildings and premises wherein major mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting, welding or other similar work is performed on vehicles. Light vehicle service establishments may be permitted as an ancillary use: however, motor vehicle service establishments shall not be deemed to include heavy equipment and specialized vehicle sale, rental and service establishments. Motor vehicle service and repair shall be conducted within a building and shall not include on-site storage of inoperable vehicles. All areas containing vehicles under repair shall be screened.

Motor Vehicle Service and Repair, Light: Buildings and premises wherein the primary use is the sale, servicing, repair and/or installation of motor vehicle accessories, such as the following: Spark plugs, batteries, distributors and distributor parts, tires, brakes, brake fluid, mufflers, tail pipes, water hoses, fan belts, light bulbs, fuses, floor mats, windshield wipers, wiper blades, grease retainers, wheel bearings, and mirrors. Light vehicle service establishments may also include greasing, lubrication and radiator flushing, minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines, electrical systems, and minor motor adjustments not involving removal of the head or crankcase or racing the motor, except that 10% of the floor area may be used for heavy motor vehicle service and repair as defined in Motor Vehicle Service and Repair, Heavy. Uses permissible at a vehicle light service establishment shall not include major mechanical and body work, the repair of transmissions or differentials, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. Motor vehicle service and repair shall be conducted within a building and shall not include on-site storage of inoperable vehicles. All areas containing vehicles under repair shall be screened.

Motor Vehicle Storage and Impoundment Yard: An area designed for the temporary storage of wrecked and/or inoperable and/or abandoned motor vehicles, but not to include the dismantling, wrecking or sale of said vehicles or parts thereof.

Municipal drinking water supply reservoir: A dam and impoundment area created, owned and operated by a municipality to store water as part of a public water utility, including necessary or customary appurtenant facilities such as access roads and transmission pipes. Water storage tanks and water treatment plants are separate uses not included as part of a water supply reservoir.

Mural: One-of-a-kind visual depictions and/or works of art or licensed reproductions of original works of art including, but not limited to, mosaic, painting, or graphic art techniques that are applied, painted, implanted, or placed directly onto the exterior of any structure. This definition is not intended to discourage the use of new paint and printing technologies.

N

National Historic Landmark: A district or structure listed on the National Register of Historic Places and considered to be of unusual importance to American history, architecture, archaeology, and/or culture.

National Register of Historic Places: A register of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology and/or culture that is maintained by the Federal Secretary of the Interior.

Naturally Occurring: Areas of land, landforms, slopes, and features existing in nature and not made or caused by human manipulation.

Nature study area: A natural place set aside for the observation or study of flora or fauna, where structures and changes to the landscape are limited to facilities that enable study or observation, such as benches, trails, markers or observation platforms.

Neon: A source of light supplied by a glass tube that is filled with neon gas, argon, mercury or other inert gas that produces ultraviolet light, and bent to form letters, symbols, or other shapes. Neon includes all tubular light sources

that employ a charged gas to illuminate a tube that glows, similar gas-activated tubular light systems that emit colors, and other tubular light sources (including fiber optics) that are used to form letters and shapes.

Natural, Environmental, and Heritage Resources. All natural, environmental, and heritage resources as identified under Chapter 3 of the Loudoun County General Plan, as well as those protected by overlay districts and development standards of this Zoning Ordinance.

Nonconforming Use: Any use lawfully being made of any land, building or structure, other than a sign, on the effective date of this Zoning Ordinance, or any amendment to it rendering such use nonconforming which does not comply with all of the regulations of this ordinance, or any amendment hereto, governing use for the zoning district in which such land, building or structure is located.

Non-contributing: Not helping, no assisting, or adding to the historical integrity, historic architectural qualities, or archaeological qualities of the subject Historic Overlay District and/or the said Historic Overlay District's historic associations. The Zoning Administrator, or the Zoning Administrator's designee, establishes what is considered non-contributing to an HOD.

See also Contributing.

Non-Habitable: Space in a structure that is not used for living, sleeping, eating, or cooking, such as, but not limited to, garages, toilet compartments, closets, utility spaces or similar areas. Commercial and industrial structures do not have habitable space.

Non-Point Source Pollution (NPS): Pollutants carried in stormwater runoff, including but not limited to sediments, nutrients, animal waste, pesticides, salt and toxins, that cannot be traced to a specific point source and whose point of entry into a stream cannot be determined.

Non-Profit Organization: An incorporated organization or group whose charter prohibits profit-making endeavors and which enjoys tax exemption privileges.

Nonresidential. A property, building, structure, or use that is not categorized under or used in association with any use identified in the Residential heading of the use tables in Chapter 3 of this zoning ordinance.

Non-Vehicular Open Space: See Open and Useable Space.

Nursery, Commercial: An agricultural/commercial enterprise where plants and accessory products are sold on a retail basis.

Nursery, Production: An agricultural enterprise where plants are grown for resale on a retail or wholesale basis for only those plant materials grown on-site.

Nursing Home: A place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illnesses, diseases, deformities or injuries not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital.

O

Office: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as, but not limited to: accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesman, sales representatives or manufacturers' representatives; or the conduct of a business by professionals, such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products; or the sale and/or delivery of any materials, goods or products which are physically located on the premises. An office shall not be deemed to include a veterinary service or animal hospital.

Office, Administrative: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration, or analysis.

Office, Business or Sales: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by salesmen, sales representatives, or manufacturers' representatives.

Office, Medical: Any room, studio, clinic, suite or building wherein individuals licensed in the State practice medicine, osteopathy, dentistry, chiropractic, podiatry, physical therapy, psychiatry, clinical psychology, or other health-related professions on an out-patient basis. A medical office shall not be deemed to include a hospital, veterinary service or animal hospital.

Office, Professional: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by professionals such as, but not limited to, engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners, and landscape architects.

Officially Accepted: The date that all required submissions have been made and the Director has signed the application. This date shall be deemed that date upon which a plan or other application has been officially submitted.

Off-Site: Describing a location or an area of land which is proximate to a parcel of land defined as "on-site". Off-site means not on site; that is, outside the lot or parcel that is the subject of a given land use application.

Off-Street Parking Facility, Free-standing: A lot, or portion thereof, other than an automobile sales lot, held out or used for the storage or parking of 6 or more motor vehicles for consideration, where service or repair facilities are not permitted. Such parking lot is not considered an accessory use and used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

Oil and gas storage. A tank farm or outdoor facility to store oil and gas. Includes a bulk plant (petroleum).

On-Site: "On-site" describes a location on all, or a portion, of a parcel of land that is the subject of an application for approval by the Board of Supervisors, Planning Commission, or Board of Zoning Appeals, and that parcel of land is in single ownership or under unified control. In general, "on-site" means within a lot or parcel.

Open and Usable Space: Areas of trees, shrubs, grass, pathways and other natural and man-made amenities not within individual building lots, set aside for the use and enjoyment of residents, visitors and other persons, unoccupied by buildings or facilities unless related to recreational activities, and accessible to and adequate for the persons and functions it is designed to serve.

Open Space: Areas of trees, shrubs, lawns, grass, pathways and other natural and man-made amenities not within individual building lots, (except in rural village and Countryside Village developments), set aside for the use and enjoyment of residents, visitors and other persons, unoccupied by buildings or facilities unless related to recreational activities and in the TR and JLMA districts HOA facilities, and accessible to and adequate for persons and functions it is designed to serve. Lot coverage in the open space shall be limited to 0.01 of the lot. Generally, open space is intended to provide light and air and is designed for either scenic or recreational purposes. For the purpose of this Ordinance, open space shall include and be qualified as active recreation space, common open space, and dedicated open space.

a. Open space, active recreation: That open space that is designed for recreational purposes, to include, but not to, be limited to such uses as ballfields, multi-purpose courts, swimming pools, tennis courts, golf courses, play lots and playgrounds, camping, picnicking, boating, fishing, equestrian activities, walking and biking trails, and activities incidental and related to the foregoing. (In the TR and JLMA districts, these recreational facilities may include HOA facilities.) Recreational facilities may be open to the public for a fee, provided the intent of the open space requirements is maintained. Examples of acceptable for-fee facilities include golf courses and sports pavilions where such facilities are utilized and enjoyed by the development but that must secure outside users for economic viability.
b. Open space, common: Land within, or related to, a development not individually owned or dedicated for public use which is designed or intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate. In only the Planned Development Housing (PD-H) Zoning District, uses of common open space may also include a dog park provided that the following conditions are met: 1) the dog park is non-commercial in nature; and 2) the homeowners' association (HOA) for such PD-H Zoning District owns and

operates the dog park and owns the common open space upon which the dog park is located. Such dog park may be open to the public for a fee, provided the intent of the open space requirements is maintained.

c. Open space, dedicated: All open space which is to be dedicated or conveyed to the County or an appropriate public agency, board, or body for public use as open space. For the purposes of this definition, twenty-five percent (25%) of all dedicated school sites shall be considered as dedicated open space.

Optional Overlay: See paragraph 2 of the definition of "Overlay District," below.

Originating Tract: A lot or parcel of land in the ARN or ARS Zoning District which is to be the subject of a subdivision through either the "Principal/Subordinate" or "Cluster" subdivision options as identified in the Zoning Ordinance. This designation is for the purpose of establishing a base density of development in order to implement these two subdivision options.

Ornamental Grass: Grasses that are grown for their aesthetic value and are generally low maintenance plants resilient to harsh conditions, but does not include turf grasses.

Outdoor Amphitheater: A place, not enclosed in a building, having a stage and seating for performances, concerts, and the like, with the seating for spectators arranged largely within a natural or artificial grade in the land such as a hillside or depression.

Outdoor Sales, Accessory: An unenclosed area where the primary purpose of the area is for the retail sale of merchandise. Such sales and or display area shall be accessory and subordinate to a permitted principal use.

Outdoor Storage: The holding or storage, in an unroofed area, of any goods, junk, materials, merchandise, or vehicles in the same place for more than hours. All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.

Outdoor Storage/Storage Yard, Accessory: The holding or storage of merchandise, goods, vehicles, equipment or materials as an accessory use to the permitted business. All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.

Outdoor Storage, Construction Materials: The holding or storage of materials utilized in off-site construction, to include machinery, tools or construction equipment and/or supplies including, but not limited to, lumber, prefabricated structural elements, forms, jigs, or other articles utilized in the fabrication of structural elements, structural steel, steel wire rods, concrete beams, or other materials utilized in construction.

Outdoor Storage, Vehicles: The holding or storage of new or used automobiles, trucks, buses, snowmobiles, motorcycles, all-terrain vehicles, boats, light aircraft, mobile homes, trailers, farm machinery, major recreational equipment, or construction machinery or equipment. The storage of inoperable equipment shall be deemed to be a motor vehicle storage and impoundment yard.

Outer Core Subarea: A Planned Development Transit Related Center district subarea that includes the total gross land area located outside the Inner Core subarea, but generally within one-half (1/2) mile from the outer edge of the planned rail station platform, as shown on the approved Concept Development Plan. Densities are high, yet increase in distance from the transit stop. Major retail, office, service commercial and high density residential uses are located in this subarea, with a vertical mix of uses and a predominance of pedestrian-oriented uses.

Overlay District: A zoning district superimposed on another. There are two types of overlay districts:

1. **Standard Overlay**. This is an overlay district that is superimposed on a base (or "underlaying") district, and where the regulations of both districts apply to the use the use and development of the property. In other words, the land subject to the overlay district may be used as permitted in the underlying district only if, and to the extent that, the use is also permitted in the overlay district. Unless otherwise provided, overlay districts are standard overlay districts unless otherwise provided in the regulations applicable to that district. Standard overlay districts are established in Chapter 4 of this ordinance.
2. **Optional Overlay**. An "optional overlay" is where the property owner may elect to proceed under the regulations of the overlay district rather than the other district, and the other district no longer governs the use or development of the property after this election is made (see ARTICLE 4, Division D).

Parcel: A contiguous lot or tract of land that is owned and recorded as property of the same person or controlled by a single entity.

Park and Open Space: Uses of land that are characterized primarily by natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, or community gardens in which persons not owning or residing on the property grow plants or flowers for personal consumption. Structural improvements are generally limited to those structures that facilitate the use of the land as park and open space. Accessory uses may include playgrounds, maintenance facilities, swimming pools, restrooms and dressing rooms, concessions, caretaker's quarters, and parking.

Park, Countryside Village Community: A park that provides recreational facilities for the community and is at least 3 acres minimum.

Park, Countryside Village Neighborhood: A neighborhood park at least 40,000 square feet minimum in size.

Park, Neighborhood: A park that provides a variety of small-scale, localized recreational facilities, such as playgrounds and tot lots or volleyball, basketball and tennis courts, and designed to be within walking distance of the primary users.

Parking Area: The area on a lot or site used for the parking of motor vehicles that meets the minimum standards of this Ordinance and the Facilities Standards Manual (FSM) and that is an accessory use to the principal use or structure on the lot or site.

Parking Lot: A lot on which the parking of motor vehicles is the principal use.

Parking Lot/Valet Service: A lot or structure on/in which the parking of motor vehicles for a fee on a daily, weekly, or monthly basis is the principal use and accessory services, such as washing and polishing, are provided.

Parking, Off-Site: Any space that is off-site and specifically allotted to the parking of motor vehicles. Such space shall not be in a public right-of-way.

Parking Space, Off-Site: A space suitable for parking one automobile and including adequate driveways, if necessary, to connect such space with a public right-of-way. Space within a building or upon a roof, allocated for parking shall be included and considered a part of the required spaces.

Passive recreational uses: Recreational uses (such as hiking, nature observation, and picnicking) not requiring constructed facilities, but making use of areas which are largely left in their natural state except for basic facilities as bathrooms, benches, picnic tables, and trails.

Pedestrian and Bicycle Network: A pedestrian and bicycle network may also be referred to or include sidewalks, shared use paths, pedestrian walkways, on-street bicycle facilities, and/or Non-motorized User Circulation Systems (NUCS) pursuant to the Facilities Standards Manual (FSM).

Pedestrian-oriented uses: Uses located at street level that are visible and accessible from the street.

Pedestrian Walkway: A right-of-way developed for use by pedestrians, including sidewalks, walking trails, and plazas.

Pedestrian Way: A right-of-way developed for use by pedestrians, including sidewalks, bicycle paths and jogging trails.

Perennial: Ornamental herbaceous plants that persist for many growing seasons.

Performing Arts Center: A facility for the viewing of performing arts with a seating capacity of 8,000 persons or greater.

Performance Standards: A set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

Personal Service Establishment: Establishments primarily engaged in providing services, including the care of a person or his or her apparel, such as, but not limited to, cleaning and garment services, which are deemed to be establishments for the mechanical cleaning of garments, articles or goods of fabric for retail customers, containing no more than 3,000 square feet of gross floor area, linen supply, diaper service, coin operated laundries, carpet and upholstery cleaning, photographic studios, beauty shops, barber shops, shoe repair, steam baths, reducing salons and health clubs, travel agent, clothing rental, locker rental, porter service, optician, and tailor.

Pet: An animal kept for pleasure rather than utility, not included within the animals listed in the definition of Animal Husbandry, such as dogs; cats; birds; non-poisonous spiders; chameleons and similar lizards; non-poisonous snakes; pot-belly pigs; hamsters; ferrets; gerbils; guinea pigs; pet mice and pet rats; turtles; fish; domesticated rabbits; miniature horses; and other similar domesticated animals. The keeping of such animals is permitted as an accessory use to a dwelling unit.

Pet Farm: A facility in which livestock, farm animals and other animals are kept for public exhibition, viewing and contact, regardless of compensation, and which may include related accessory uses and activities such as gift shops not exceeding 600 square feet in area, picnic areas and recreational activities. For the purpose of this Ordinance, a pet farm shall not include retail pet stores and kennels, horse races, and such activities as State and County fairs, livestock shows, rodeos, field trials, and horsing events.

Photovoltaic (PV): Materials and devices that absorb sunlight and convert it directly into electricity.

Planned Development: An area of a minimum contiguous size, as specified by this Ordinance, developed according to plan as a single entity and containing one or more structures with appurtenant common areas. (See Section 6-1502 for the Purpose of Planned Development districts.)

Planning Commission or Commission: The Planning Commission of Loudoun County, Virginia.

Playground: An area of land where recreational equipment for children is installed out of doors.

Play Space: An off-street space available and usable for play by children; a "tot-lot", a playground.

Plaza: An open space which may be improved and landscaped; usually surrounded by streets and buildings.

Police station or substation: Any building or part of a building which is designated by a chief of police or sheriff to be used as a police or sheriff's station or substation and at which duly authorized officers perform law enforcement functions.

Porch: The term "porch" shall include any porch, veranda, gallery, terrace, portico, deck, patio, or similar projection from a main wall of a building, covered by a roof, other than a carport, as defined in this Article. An "unenclosed porch" is a porch with no side enclosure (other than the side of the building to which the porch is attached) that is more than 18 inches in height, exclusive of screens.

Portable dwelling/trailer during construction of primary residence: A structure that is installed temporarily for use as a dwelling while a residence is being constructed. The portable dwelling/trailer must be removed within 1 month of the completion of construction on the primary residence.

Postal Services: Retail sales or business services establishment to facilitate the transmittal and receipt of letter, bulk, and package mail.

Principal Lot: One of the types of lots permitted within the Principal/Subordinate Subdivision Development Option. Permitted density is assigned to the Principal Lot for purposes of tracking the number of lots which can be subdivided within the development. The Principal Lot may be further subdivided up to the maximum number of lots assigned to the Originating Tract of the subdivision.

Principal/Subordinate Subdivision Option: A division of land in which a maximum lot yield is calculated for an Originating Tract based on the gross acreage of such tract. The Principal/Subordinate Subdivision Option results in the creation of one Principal Lot and one or more Subordinate Lots. Lots are served by individual well and septic systems located on the subject lot.

Printing Plant: A commercial/light industrial use devoted to printing or bookbinding, including related large-scale storage and transshipment.

Printing Service: A retail establishment, which includes a quick print shop or the operation of offset printing and other related equipment, such as, but not limited to, paper cutters, collating machines, multi-colored press equipment, plate burners, binding and photographic developing equipment.

Private Access Easement: A private road built to standards in locations as permitted in the Land Subdivision and Development Ordinance (LSDO).

Private Club or Lodge: A structure or facilities owned or operated by an organization of persons for special purposes, such as the promulgation of sports, arts, literature, politics, but not operated for profit, and excluding churches, synagogues, other houses of worship, and also excluding structures and uses associated with commercial or non-commercial outdoor recreation. Adult entertainment shall not be permitted at a private club or lodge.

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

Property Line, Front: A line running along the front of a lot, from side lot line to side lot line, separating the lot from any street right-of-way or street easement.

Protected Corridor: (also "Protected River and Stream Corridor.") A Protected Corridor is an area of natural or established vegetation along a stream or river that may be sensitive to changes.

Public Hearing: Meetings of the Board of Supervisors, Board of Zoning Appeals and Planning Commission held expressly for the purpose of soliciting comments from the general public in accordance with requirements of the State Code.

Public Safety: Uses for the provision of public safety and emergency response services. Typically, these uses need to be located near the area where services are provided. In some instances, employees are present on site around the clock. Accessory uses may include offices, parking, and areas for maintenance of emergency vehicles.

Public Transit: Any vehicular or rail transportation system owned or regulated by a government agency, used for the mass transport of people.

Public Utilities/Facilities: Public parks, playgrounds, trails, paths and other recreational areas and other public open spaces; scenic and historic sites; schools and other public buildings and structures. Any water or sewer system serving more than two (2) lots, and any building or structure owned by a public utility as defined in Section 56-232 of the Virginia State Code, all building and facilities owned by a public service corporation as defined in Section 56-1 of the Virginia State Code.

Public Utility Service Center and Storage Yard: A facility owned by a public utility company that may include business offices, a dispatching center, and fenced yard for the storage of vehicles and materials related to the maintenance, construction, and repair of a utility transmission line, substation service line and other such facilities. Such service and storage yard may include shop facilities for the servicing and repair of equipment. Similar facilities owned by a public agency or private road company for maintenance of roads and interchanges are included in this definition.

Public Use: Any area, building or structure held, used or controlled exclusively for public purposes or deemed essential for a public purpose, such as housing at affordable prices for the workforce, by any department or branch of the Federal Government, Commonwealth of Virginia, or the Loudoun County government.

Qualified Professional: A professional who is accredited by or registered with a professional group operating within the scope of his/her license that is acceptable to the County.

R

Racecars: Any vehicle manufactured for the sole purpose of competitive motor vehicle racing on a track in accordance with the rules and requirements of any nationally or internationally recognized organization governing the sport of professional motor vehicle racing. "Dual purpose" cars, i.e. those designed and intended for both track and public street use, and all other forms of street legal motor vehicles are specifically excluded from this use.

Radio, Radar and/or Television Tower: A structure for the transmission of broadcasting of radio, TV or radar signals.

Rainwater Harvesting: The collection and storage of rain collected on a site.

Record Plat: A map or a chart of a lot, lots, or subdivision, filed among the land records of Loudoun County.

Recreation and Entertainment: Uses that are generally commercial and provide indoor or outdoor entertainment for consumers. Accessory uses include offices, storage of goods, outdoor storage, parking, concessions, caretaker's quarters, and maintenance facilities.

Recreation Establishment, Indoor: An enclosed or semi-enclosed building, tent, or structure designed to accommodate gatherings of human beings for games, athletics, cultural activities, martial arts, archery or firearm shooting, rides, and the like. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances. A commercial recreation area may also include mechanical or electrical amusement devices, and may include accessory uses such as refreshment stands, equipment sales or rentals.

Recreation Establishment, Outdoor: Any establishment operated as a commercial enterprise in which seasonal facilities directly related to outdoor recreation are provided for all or any of the following: camping, skating rink (indoor or outdoor), lodging, picnicking, boating, fishing, swimming, golf driving ranges (as defined herein), outdoor games and sports, and the like, and activities incidental and related to the foregoing. A commercial recreation area may also include miniature golf grounds, mechanical or electrical amusement devices, and may include accessory uses such as refreshment stands, equipment sales or rentals.

Rural Resort: A private establishment consisting of a detached structure or structures located in a rural setting in which lodging units are offered to transients for compensation as the principal use, along with conference and meeting facilities, restaurant and banquet facilities, and recreational amenities.

Recreation Space, Active: Flat, open, well-drained usable space configured in squares or greens. Active recreation space may include facilities such as ballfields, tennis courts, or swimming pools, or tot-lots and other similar type play areas. Active recreation space may also be used for camping, picnicking, boating, fishing, swimming, outdoor games and sports, equestrian activities, and the like, and activities incidental and related to the foregoing, all on a non-commercial basis and to fulfill the active recreation space requirements of zoning districts that require it.

Recreational Vehicle Park: An outdoor facility designed for overnight accommodation of human beings in motorized vehicles, rustic cabins and shelters, or trailers for recreation, education, naturalist, or vacation purposes. Office, retail and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

Recreational Vehicle Unit: A travel trailer, pick-up camper, motorhome, tent trailer, or similar device used for temporary housing.

Recyclable Materials: Any material separated from the waste stream for utilization as a raw material in the manufacture of another product. This includes both source-separated material and mechanically separated material. Recyclable materials include, but are not limited to, newspapers, office paper, glass, metals, plastic and corrugated cardboard.

Recycling Drop-Off Center, Private: A collection site operated by a non-governmental entity, a for-profit company or a non-profit organization, for the acceptance by contribution, offering, redemption, or purchase of recyclable materials from the public. This term shall not include donation drop-off boxes.

Recycling Drop-Off Center, Public: A collection site operated by a governmental entity for the acceptance by contribution, offering, redemption or purchase of recyclable materials from the public. Such centers may not exceed 3,000 square feet in area. This term does not include donation drop-off boxes.

Religious Assembly: Uses providing meeting areas for religious observances and activities. Includes church, synagogue, temple or mosque.

Research and Development Use: Any use related to the invention, discovery, study, experimentation, evaluation, identification, verification, design preparation or production of products, new technologies, techniques, or processes.

Research and development functions would include repair, storage, sale, resale of materials, goods and products relating to the research and development use.

Residential Use: Structures that are built for, and occupied by, private households; any activity of a private household conducted in a private dwelling as identified in the Residential heading of the use tables in Chapter 3 of this Zoning Ordinance .

Resource Recovery: The process of obtaining materials or energy, particularly from solid waste.

Rest Home, Nursing Home, Convalescent Home: An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Restaurant: Any establishment which provides as a principal use the preparation and sale of food, frozen desserts, or beverages in a state ready for consumption within the establishment, and whose design or principal method of operation includes both of the following characteristics:

a. Customers are provided with an individual menu and are served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
b. The food, frozen desserts, or beverages are served on non-disposable plates or containers, and non-disposable eating utensils are provided. Customers are not expected to clear their table or dispose of their trash.

Notwithstanding the above, a cafeteria where food, frozen desserts, or beverages are: (a) generally consumed within the establishment; and (b) served on non-disposable plates or containers and non-disposable eating utensils are provided shall be deemed a restaurant.

A restaurant may provide a carry-out service, provided that such carry-out service is clearly not the principal business of such establishment. However, a snack bar or refreshment stand at a public or non-profit community swimming pool, playground, playfield or park operated solely by and for the agency or group operating the recreational facility, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

Restaurant, Carry-Out Only: Any establishment, without a drive-through facility, which provides as a principal use, the preparation and/or sale of food, frozen desserts, or beverages for carry-out service only with seating capacity up to 1,000 square feet.

Restaurant, Fast-food: Any establishment which provides as a principal use the preparation and sale of food, frozen desserts, or beverages in a ready-to-consume state for consumption either within the restaurant, within a motor vehicle parked on the premises, or off-premises, and whose design or principal method of operation includes one or more of the following characteristics:

a. Food, frozen desserts, or beverages are served in edible containers or in paper, plastic or other disposable containers. Eating utensils, if provided, are disposable.
b. Food, frozen desserts, or beverages are usually served over a general service counter for the customer to carry to a seating facility within the restaurant, to a motor vehicle or off-premises. If consumed on premises, customers generally are expected to clear their own tables and dispose of their trash.
c. Forty-five percent (45%) or more of the gross floor area of the establishment is devoted to food preparation, storage and related activities, which space is not accessible to the general public.
d. Food, frozen desserts, or beverages are served to the occupants of motor vehicles while seated in the car.

A fast food restaurant has two classes; with a drive-through facility or without a drive-through facility.

Retail, Construction Establishment: Buildings or land used for sale of construction materials at retail or for the rendering of construction services including, but not limited to, coal, wood, and lumber yards.

Retail Sales and Service: Uses primarily engaging in the commercial sale, rental, or leasing of new or used products to the general public. Accessory uses include offices, parking, storage of goods, and repair of goods for on-site sale.

Retail Sales Establishment: Buildings or land used for sales of merchandise at retail or for the rendering of personal services including, but not limited to, the following: pharmacy, newsstand, food store, candy shop, milk dispensary,

dry goods and notions store, antique store and gift shop, hardware store, quick print shop, household appliance store, furniture store, florist, music and radio store; but specifically excluding coal, wood and lumber yards.

Rezoning: A change in zoning district designation for a parcel or group of parcels adopted by the Board of Supervisors.

Ridgeline: A ground line located at the highest elevation of a drainage divide for the major watersheds mapped by the County.

Riparian Area: The land area adjacent to a stream, river, lake, or wetland that contains vegetation that due to the presence of water, is distinctly different from the vegetation of adjacent areas. A riparian area will vary in width depending on the particular stream, river, lake, wetland, or other body of water.

Road: Includes the terms "street", "avenue", "way", "court", "drive" and the like. Pedestrian elements such as sidewalks and trails are allowed within road rights-of-way to the extent allowed by the Virginia Department of Transportation or this Zoning Ordinance.

Road, Class I: Roads that were part of the State-maintained highway system at the time of adoption of the 1972 Zoning Zoning Ordinance.

Road, Class II: Roads meeting Virginia Department of Transportation's specifications and acceptable for maintenance by the State, bonded as provided in the Loudoun County Subdivision Ordinance, or roads accepted in the State-maintained highway system after the effective date of the 1972 Zoning Ordinance.

Road, Class III: A non-State maintained road which meets the design standards contained in the Facilities Standards Manual.

Road, Crossing of the Floodplain or Road Crossing: Any public road, private road or driveway traversing a floodplain generally perpendicular to the flow of the drainageway.

Road, Local Access: A publicly owned and maintained street with a limited through function, predominantly providing access to individual lots. Local access roads are an outlet for neighborhoods, or may link neighborhoods, to the collector road network. Local access roads are characterized by low traffic volumes and low speeds.

Road, Local: As described by the DRPT Multimodal System Design Guidelines, roadways providing access through neighborhoods and feature traffic calming applications to enhance the pedestrian-oriented feel of the street. Also known as local street.

Road, Major Arterial: A publicly owned and maintained road, designed to carry substantial amounts of high speed regional traffic, usually requiring at least four lanes for through traffic, and generally planned for restricted or controlled access. Routes 7, 15, and 50 are examples of major arterial roads.

Road, Minor Arterial: A publicly owned and maintained street designed to perform a regional, as well as a local, function connecting communities or other arterials across State or County boundaries. Traffic volumes generally require a minimum of four through lanes, although some existing minor arterials may have only two through lanes. Minor arterials have limited or controlled access, with signals at important intersections and stop signs on side streets. Route 9 is an example of a minor arterial road.

Road, Major Collector: A publicly owned and maintained road generally serving an intra-county and, in some situations, an inter-county function. Major collectors carry traffic from individual developments to arterial roads. New major collectors are planned for controlled access, with turn lanes at all entrances. Major collectors are often four, and sometimes 6 lanes. However, existing rural major collectors may be as few as 2 lanes. Examples of urban major collectors include Route 640 and Ashburn Village Boulevard. Routes 734 and 621 are examples of rural major collectors.

Road, Minor Collector: A publicly owned and maintained road generally serving several different neighborhoods and providing a linkage to the major collector roads. This category of road allows for traffic mobility and individual, or combined, lot access. Minor collectors may be two or four lanes and receive local and private roads.

Road, Private: A privately owned road designed and built to established County Standards for direct access to individual lots, with the owners of said lots or a Homeowner's Association (HOA) responsible for its maintenance.

Road, Village Neighborhood: Roads that primarily provide for traffic circulation within the Village Center and access to individual lots.

Road, Village Through: Roads which provide for primary access to the Village Center from the Significant Rural Transportation Route and Corridor Network listed in Table 1.

Rock Outcrop: Any rock exposed at or above the ground surface which is attached to the underlying bedrock.

Roofline: The lowest portion of a pitched or flat roof visible from a public right-of-way or adjacent property

Rooming House: A lodging place for four or more boarders where rooms are offered on a single room occupancy basis and where sanitary facilities may be shared. A common cooking facility may be provided. Lodging is provided on no less than a month-to-month basis.

Rural Cluster Lot: A type of lot located within an AR-1 or AR-2 District cluster subdivision.

Rural Corporate Retreat: A use, compatible with agriculture, horticulture, animal husbandry, open space and/or historic preservation, which is engaged in the study, testing, design, invention, evaluation, or development of technologies, techniques, processes, or professional and consulting services, and education and training related to such advances and services. Rural Corporate Retreats may be utilized for basic and applied research services and education wherein the inquiry process is conducted in a manner similar to that of institutions of higher learning or management consulting firms. Rural Corporate Retreat facilities may include facilities for associated training programs, seminars, conference, and related activities.

Rural Economy Conservation Lands: One of the two required elements of a residential cluster option development within the AR zoning district located outside of the cluster portion and intended to accommodate rural economy and open space uses as permitted in the underlying zoning district.

Rural Economy Lot: A type of lot located with an AR-1 or AR-2 District cluster subdivision. A minimum of one Rural Economy Lot is required to be located within any AR-1 or AR-2 cluster subdivision. The primary use of such lot is for rural economy uses, with residential uses permitted in association with a rural economy use

Rural Economy Uses: An array of agricultural and equine enterprises, tourist attractions and services, and commercial businesses that are land-based, depend on large tracts of open land, and the area’s rural atmosphere.

Rural recreational establishment, outdoor: Any establishment operated as a commercial enterprise in which seasonal facilities directly related to outdoor recreation are provided for all or any of the following: camping, skating rink (outdoor), lodging, picnicking, boating, fishing, swimming, outdoor games and sports, animal-mounted trail riding, and activities incidental and related to the foregoing. This use may include a refreshment stand as an accessory use. Nothing in this definition shall be construed to mean a track for motorized vehicles of any type, however defined.

Rural Resort/Rural Retreat: A private establishment consisting of a detached structure or structures located in a rural setting in which lodging units are offered to transients for compensation as the principal use, along with conference and meeting facilities, restaurant and banquet facilities, and recreational amenities.

Rural Village Center Subdistrict: The portion of the Rural Village (RV) district designated for pedestrian friendly, mixed-use development, consisting of single-family detached, townhouse, apartment, storefront, workplace and civic uses on the Concept Development Plan.

Rural Village Commercial Area: Land within the Rural Village Center designated primarily for commercial, apartment and civic uses on the Concept Development Plan.

Rural Village Conservancy (VC) Subdistrict: Land within the Rural Village (RV) district surrounding the Village Center subdistrict which is placed in an open space easement in order to offset the increased density in the Village Proper (VP).

Rural Village Residential Area: The land area within the Village Center subdistrict designated primarily for single-family attached and detached and civic uses on the Concept Development Plan.

Rural Village Satellite Conservancy (RVSC) Subdistrict: Land within the Rural Village (RV) district which does not adjoin the Village Conservancy and which is placed in an open space easement in order to offset the increased density in the Village Proper (VP).

Rural Village Workplace Area: The land area within the Village Center designated for employment uses on the Concept Development Plan.

S

Sawmill: A mill for sawing timber or logs into boards or lumber.

Scenic River: Rivers, streams, runs and waterways that are designated according to State code.

School, Public (Elementary, Middle or High): An establishment for the education of students, at the primary, elementary, middle, or high school level, including vocational, and technical schools, owned and/or operated by Loudoun County/Loudoun County School Board, and public charter schools. Accessory uses include, but are not limited to, play areas, cafeterias, auditoriums, parking of school buses, and recreational and athletic facilities/fields (lighted or unlighted).

School, Private (Elementary, Middle or High): An establishment which meets State requirements for providing any kindergarten, primary, and/or secondary educational course, which does not secure the major part of its funding from any governmental agency. Such use shall not include an establishment for the instruction of adults, a day care establishment, a child care center, a child care home, or an in-home school for the purposes of instructing children of the family of the household. Parking of school buses on-site shall be considered an accessory use to a school.

School, vocational: An establishment offering courses of training in a skill or trade.

Screening: Whenever this term is used, it refers to any landscaping, screening, buffering, fencing, or other barrier as required by this Zoning Ordinance. See "Buffering".

Setback: The minimum distance by which any building or structure must be separated from the point of reference (e.g. lot line, right-of-way or building, etc.).

Setback, Perimeter. The boundary of a development contained within a site plan or development plan as required by Section 5.11.B.

Sewage Treatment Plant: A plant for the primary, secondary, tertiary treatment of sewage.

Sewer, Public: A central, communal or municipal wastewater treatment system serving more than two (2) lots owned or operated by a municipality, the Loudoun County Sanitation Authority (LCSA), or a public sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia, for the collection, treatment and disposal of sewage.

Sewer System, Central: The sewage treatment system for Eastern Loudoun County owned and operated by the LCSA that is served by the Blue Plains and/or Broad Run treatment plants, and/or capacity supplied by the Upper Occoquan Sanitary Authority.

Sewer System, Communal or Communal Wastewater System: A sewage treatment system for the collection, treatment and/or disposal of sewage operated and or owned by LCSA, or operated by a public sewer (wastewater) utility as defined by Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia that is designed to serve small scale development, including clusters, where permitted by this Ordinance. Such system may serve only one lot, where a communal system is required by this Ordinance for a specific use.

Sewer System, Municipal: A sewage treatment system that is owned or operated by one or the incorporated towns within Loudoun County.

Sewage Disposal System, Individual: A complete system for the collection, treatment and/or disposal of sewage, located on the lot served.

Shopping Center: Any group of 2 or more commercial uses of a predominately retail nature which:

a. Are designed as a single commercial group, whether or not located on the same lot,
b. Are under common ownership or management,
c. Are connected by party walls, partitions, canopies, or other structural members to form one continuous structure or, if located in separate buildings, are interconnected by walkways and accessways designed to facilitate customer interchange between the uses,
d. Share a common parking area, and
e. Otherwise present the appearance of 1 continuous commercial area.

Shoreline: The top of the streambank, which is defined in engineering terms as the water surface elevation of the 2 year storm event.

Short term, recurring zoning violation: Any violation of this Zoning Ordinance of a type that is typically of a relatively short duration or susceptive of regular recurrence. Violations in this classification are deemed to include, but are not limited to, inoperable vehicles, commercial vehicles parked in residential districts, parking of vehicles on an unpaved surface, exceeding maximum occupancy limitations for residential dwelling units, violations of sign regulations, and violations related to permitted and or non-permitted temporary or seasonal sales.

Shrub: A deciduous or evergreen multi-trunked, woody plant that usually attains a mature height of no more than10 feet. Preferred species are provided in the Facilities Standards Manual.

Sign: Any visual display that comprises letters, words, numerals, figures, logos, trademarks, symbols, emblems, devices, or illustrations, or any combination thereof, which is used to advertise, identify, display, direct, or attract attention to a property, business, product, service, person, object, institution, idea, organization, event, location, or entertainment. A "sign" includes the background structure.

Sign, Animated: Any sign or part of a sign that changes physical position or light intensity by any movement, rotation, strobing, illumination or other means, or that gives the visual impression or illusion of movement, rotation, illumination or rotation. An animated sign may not be a Digital Sign.

Sign, Area of: See Section 6.10.

Sign, Awning and Canopy: A sign that is mounted on, painted on, affixed, or otherwise attached to an awning or canopy.

Sign, Background Structure: The surface on which a sign is mounted, painted, affixed, or otherwise attached.

Sign, Backlight: An illuminated sign, where the source of illumination is located on the back of the sign or on the interior of an enclosed sign.

Sign, Banner: Cloth, paper, vinyl, bunting or the like, intended to be hung either with or without frames.

Sign, Building Façade for Determining Size of: See Section 6.10.

Sign, Building: A sign that is mounted, painted, affixed, or otherwise attached on the wall of a building or structure.

Sign, Danger, Aviation, Railroad, Bridge, Ferry Transportation, Red Cross, and other such sign: Signs as set forth in Section 33.2-1204 (5), (6), (7), (8), (15), and (17) of the Code of Virginia 1950, as amended, and that are government signs.

Sign, De Minimis: Any sign with an area no greater than 1 square foot.

Sign, Digital: any sign that displays digital copy, including any illuminated sign on which the illumination is not kept stationary or constant in intensity and color when the sign is in use, including any light emitting diode (LED) or digital panel, and which varies in color or intensity. In the sign industry, digital signs are also referred to as dynamic signs, changeable electronic variable message signs (CEVMS), electronic message centers (EMCs), etc.

Sign Development Plan: A graphic representation showing a detailed plan of all freestanding and attached signs proposed for a particular structure, lot, or development.

Sign, On-Site: Any sign located on the same site, the same parcel, or the same development as the use wthat owns or controls the sign.

Sign, Electronic Message: A sign on which the visual display is composed of a series of lights, panels, or other mechanisms that may be static, changing, or otherwise give the appearance of change of the display through electronic means.

~~**Sign, Farm:** Sign erected or maintained on any farm by the owner or tenant of such farm and relating solely to farm or horticultural produce, livestock, silviculture, or services sold, produced, manufactured or furnished on such farm.~~

Sign, Feather: A sign made of flexible material in the shape of a feather, quill, sail, blade or teardrop, and mounted on a solid or flexible pole or cord. These are sometimes referred to as "quill signs" or "sail banners."

Sign, Freestanding: Any sign not affixed to a building such as, but not limited to, pole, monument, pylon, sidewalk, and ground signs.

Sign, Government: Sign erected and maintained by or under the direction of County, the Virginia Department of Transportation, other governmental authorities, or court officer in accordance with the law. This includes official notices.

Sign, Ground : A sign supported by uprights or braces placed upon or in the ground and not attached to any building. A ground sign includes any monument sign or pylon sign, but not a pole sign or sidewalk sign.

Sign Height: The height of a sign shall be computed as the linear measurement from the base of the sign at normal grade to the top of the highest attached component of the sign. If the land is uneven at the base of the sign, the elevation at the halfway point (middle) of the sign at the base shall be used. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating for the purpose of locating the sign. See Section 6.10.B.2

Sign, Illuminated: Any sign or any part of a sign that is: (1) illuminated, externally or internally, from an artificial light source located for the specific purpose of such illumination, or (2) created by the projection of illuminations onto a surface (such as a building wall). An illuminated sign includes any digital sign, internally illuminated sign, externally illuminated sign, or halo lit sign.

Sign, Incidental: A sign with copy located on a flag, banner, or rigid panel and mounted on a pole or a wall or similar structure, with or without a structural frame, that is normally incidental to the allowed use of the property, but can contain any message or content. An incidental sign does not include an attention getting device or other prohibited sign. Temporary signs are considered a form of incidental signs. Examples of directional signs, real estate signs, non-commercial opinion signs, menu boards, garage sale signs, holiday decorations, property or tenant identification names or numbers, names of occupants, signs on mailboxes or newspaper tubes, signs posted on private property relating to circulation or private parking, political signs, signs warning the public against trespassing or danger from animals, or signs stating hours of operation, open/closed, accepted forms of payment, business/professional affiliations, etc. This paragraph is provided to clarify the regulations and does not limit the content of incidental signs.

Sign, Linear Foot (LF) for Determining Size of: See Section 6.10.

Sign, Monument: a freestanding sign whose sign face is attached to a base or structural frame with a width and thickness of more than 66 percent the width of the widest part of the sign face.

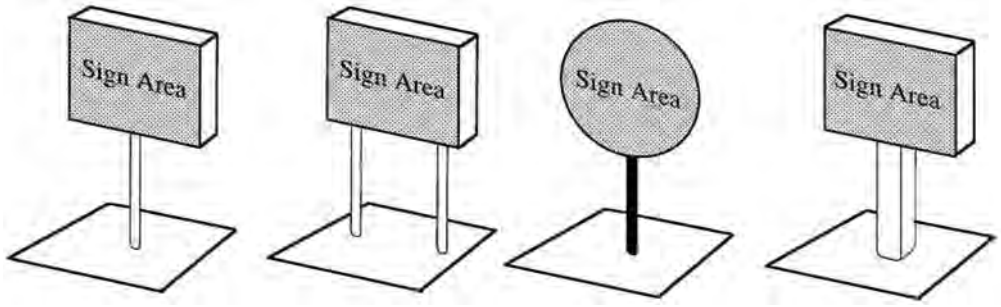
~~**Sign, Non-PD District Project Directional**: Signs giving direction to new homes for sale or lease for non-Planned Development District projects, subject to the boundaries of a rezoning plat approved by the Board of Supervisors, which do not contain the names of specific builders.~~

Sign, Outlined with Neon: Any sign that uses neon, argon, or similar gas to illuminate transparent or translucent tubing or other material to emit light outlining all or a part of that sign.

~~**Sign, PD-H Community Directional**: Signs located within the boundaries of an approved PD-H district, providing direction to subdivisions, sections, or civic features within the PD-H district.~~

Sign, Pole: A freestanding sign that is supported by at least one pole, is not attached to a building, and where the bottom edge of the sign face is located at least 3 feet above the average finished grade at the base of the sign. A "pole sign" does not include a flag mounted on a flagpole, where permitted by this Chapter.

Figure 11-____ Pole Signs



Sign, Pylon: A freestanding sign permanently affixed to the ground by one or more supports that together comprise at least 30 percent and up to 66 percent of the width of the sign structure.

Sign, Sidewalk: A movable sign not secured or attached to the ground or surface upon which it is located. A sidewalk sign may be freestanding, placed on an easel, or constructed in a manner to form an "A" shape.

Sign, Temporary: A sign ~~of~~ sign constructed of cloth, canvas, light fabric, cardboard, wood, wallboard, metal, or other light materials, with or without frames, which is intended to be displayed for a temporary duration or is of a non-recurring nature. [*Note: examples of customary uses for temporary signs include real estate signs, garage sale signs, holiday decorations, and political signs. This paragraph is provided to clarify the regulations and does not limit the content of temporary signs.*]

Sign, Window: A sign posted, painted, placed, or affixed to the inside or outside of a window. For purposes of this definition, a curtain wall or window wall is not considered a window, and is considered a part of the building wall.

Sign Face: The area or display surface used for the graphic message of a sign.

Silviculture: The art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands, typically dependent on Best Management Practices. In Loudoun County it is a component of healthy forest management that is limited to tree and shrub planting; limited tree clearing for firewood, and clearing of dead and diseased trees and invasive species; and tree pruning and trimming. Silviculture does not include commercial planting or clear cutting of a forest.

Sinkhole: A vertical opening or closed depression in the land surface and formed by solution of carbonate bedrock and downward movement of soil into bedrock voids or by collapse of underlying caves.

Sinking Stream: Any stream draining 640 acres or less that disappears underground into a Swallet, Sinkhole, Closed Depression or Cave Opening.

Site Plan: A required submission, prepared and approved in accordance with the provisions of Section 6-700, which is a detailed engineering drawing of the proposed improvements included and required in the development of a given lot. For the purpose of this Ordinance, a site plan is not to be construed as a concept development plan, as required by other provisions of this Ordinance. Reference Chapter 1244 Site Plan Procedures of the Land Subdivision and Development Ordinance (LSDO).

Slope: The vertical elevation of land area divided by the horizontal distance, expressed as a percentage. Slope percentage shall be determined using the County base planimetric and topographic maps or if required, then other topographic maps, elevations, etc., prepared by such persons licensed to perform surveys to determine such information. See also related definitions of "Very Steep Slope Area" and "Moderately Steep Slope Area," in this Article.

Small Business: A business or service which may be conducted in a private residence that is considered temporary for the purpose of starting a new business and operates according to the restrictions and standards established by this Ordinance. For the purposes of this definition the following terms have the meaning herein ascribed to them:

a. Structure. A structure used for a small business.

b. Business vehicles. Automobiles, vans, pick-up trucks, motorcycles, and other similar vehicles requiring Department of Motor Vehicle tags and designed and primarily used to transport people.

c. Employees. Persons, other than members of the household permanently residing on the premises, who are engaged onsite in the operation of the small business on a regular or occasional basis.

d. Heavy equipment. Bulldozers, fork lifts, compactors, paving cutters, backhoes, skid loaders, and any other motorized or similar equipment which is primarily used to perform heavy work activities, and not used to transport passengers, and which do not require or use Department of Motor Vehicle tags; and dump trucks requiring 26,000 pounds gross vehicle weight; and passenger and tour buses, excluding school buses and 16-seat commuter vans; and vans and large pick-up trucks modified for heavy work, all of which are used for off-site income producing purposes.

   Any heavy equipment used principally for agricultural uses onsite may be used offsite for small business uses listed in Section 5-614(D). The term "heavy equipment" includes all vehicles not classified as "business vehicles", as defined above, which are associated with the small business. Additionally, trailers used for transporting heavy equipment are considered accessory to the heavy equipment.

e. Storage yard. An outdoor space accessory to a permissible use and used for the purpose of storing equipment, vehicles, construction materials and similar items necessary to a permissible business.

Soil Mapping Unit: An area of similar kinds of soil materials on the same landform, as defined in the Interpretive Guide to Soils Maps of Loudoun County, as amended.

Solar Energy Equipment, Facilities or Devices: Any property designed and used primarily for the purpose of collecting, generating, or transferring electric energy from sunlight.

Solar facility: A "solar facility" as defined by Code of Virginia Section 15.2-2316.6. This includes any "rooftop solar installation" or "solar energy system" as defined in the Code of Virginia, § 56-576.

[*Note - Code of Virginia Section 15.2-2316.6 provides: "['Solar facility'] means commercial solar photovoltaic (electric energy) generation facilities.]'Solar facility'] does not include any solar project that is (i) described in § 56-594, 56-594.01, 56-594.02, or 56-594.2, or (ii) five megawatts or less.*

Code of Virginia § 56-576 provides: "Rooftop solar installation" means a distributed electric generation facility, storage facility, or generation and storage facility utilizing energy derived from sunlight, with a rated capacity of not less than 50 kilowatts, that is installed on the roof structure of an incumbent electric utility's commercial or industrial class customer, including host sites on commercial buildings, multifamily residential buildings, school or university buildings, and buildings of a church or religious body. "Solar energy system" means a system of components that produces heat or electricity, or both, from sunlight.]

Solar Facility, Commercial: A photovoltaic system mainly built to supply commercial solar power into the national electricity grid. It comprises of a large, decentralized solar panels installation that aims to provide its power to the power grid at the utility level.

Solid Waste: Any garbage, refuse, sludge, and other discarded materials, resulting from household, industrial, commercial, mining, and agricultural operations, or community activities, but not including (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the State Water Control Board, or (iii) source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended.

Solid Waste Container: A container that is specifically designed, constructed, and placed for use as a depository for the storage of solid waste, which includes dumpsters, bulk containers, refuse containers, or other such containers specifically designated as waste receptacles.

Solid Waste Incinerator: A facility or device designed for the treatment of solid waste by combustion.

Solid Waste Management Facility (SWMF): A site used for the planned treating, recycling, storing, processing or disposing of solid waste and includes recycling facilities, vegetative waste management facilities, yard waste composting facilities, materials recovery facilities, landfills, transfer stations and solid waste incinerator facilities. A facility may consist of several treatment, storage or disposal units. Further, "solid waste management facility" or "SWMF" means a facility so located, designed and operated that it does not impose a present or potential hazard to human health or the environment, including the pollution of air, land, surface water or ground water.

Solid Waste Transfer Station: A solid waste collection or storage facility at which solid waste is transferred from collection vehicles to hauling vehicles for transportation to a central solid waste management facility for disposal, incineration, or resource recovery.

Solid Waste Vehicle: Any vehicle or portion thereof used to collect, remove, transport, or dispose of solid waste or recyclable material and includes any container or other appurtenance attached to, or associated with the vehicle, whether such container or appurtenance is affixed temporarily or permanently.

Sound Level Meter: Means an electronic instrument, which includes a microphone, an amplifier and an output meter, which measures noises and sound pressure levels in a specified manner. It may be used with the octave band analyzer that permits measuring the sound pressure level in discrete octave bands.

Special Event: A temporary commercial or festive activity or promotion at a specific location that is open to the public and is planned or reasonably expected to attract large assemblies of persons. Special events include, but are not limited to, carnivals, festivals, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, civil war reenactments, equestrian shows, firework displays and events, or similar events open to the public. A private party held at a Banquet/Event Facility (including Hotel, Conference Center, Restaurant, Rural Resort, or similar facility), Bed and Breakfast Homestay, Bed and Breakfast Inn, or Country Inn shall not be deemed a special event. In addition to events open to the public, a private party which is held at a location other than the foregoing or held on property not occupied by the host, shall be deemed a special event. “Special event” does not include temporary or seasonal retail sales of goods, products, or services, such as temporary sales of Christmas trees, farm produce, fireworks, and other similar seasonal goods.

Special Exception: A use permitted in a zoning district, if listed in the district's regulations, only upon showing that such use in a specified location will comply with all the conditions and standards specified in the Zoning Ordinance and/or imposed by the Board of Supervisors as authorized by the State Code.

Specimen Tree: Any tree that has been individually designated by the local governing body to be notable by virtue of its outstanding size and quality for its particular species.

Sports Stadium, Complex, Arena or Sports Field: A facility, indoor or outdoor, designed for professional or amateur sporting events, exhibitions, shows or convocations. Office, retail and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

Spring: A place where the groundwater flows naturally from a rock or the soil onto the land surface or into a body of surface water.

Stable, Livery: A commercial facility for the boarding of more than ten (10) horses owned by non-owners and/or non-residents of the lot for their private use, and/or for the boarding of any horses for public use. Such facility may include the keeping of horses for the private use of the owners and/or residents of the lot. Accessory uses may include offices, storage areas, caretaker’s quarters, educating and training students in equitation, and caring for, breeding, or training horses associated with the Livery Stable use.

Stable, Private: A facility for the keeping of horses for the private use of the owners and/or residents of the lot, and/or the boarding of ten (10) or fewer horses owned by non-owners or non-residents of the lot for their private use. No more than one (1) employed instructor engaged for the purpose of educating and training students in equitation shall be permitted.

State: The Commonwealth of Virginia.

Stockpiling of dirt: The acceptance, collection, accumulation or aggregation of dirt, fill, or gravel from off-site sources, for a period of more than 12 months.

Stockpiling of dirt, Temporary: The acceptance, collection, accumulation or aggregation of dirt, fill, or gravel from off-site sources, for a period of less than 12 months on a parcel. Such stockpiles are removed or immediately graded out in accordance with an approved grading plan.

Stone Quarrying Industries: Commercial or industrial stone quarries or operations involving removal from a site of natural accumulations of sand, rock, soil or gravel. The meaning of "stone quarrying", includes appurtenant structures such as crushers, screeners, and washers and also includes, as an accessory use, retail sales of stone products, but does not include any other industrial use, such as concrete batching plants or asphalt mixing plants.

Storage Area: An outdoor space accessory to a permitted use, used for the purpose of storing equipment, vehicles, construction materials, and similar items necessary to the permitted use.

Storage, Bulk Gasoline: A fixed installation where these products are stored, either for subsequent transshipment to a smaller fixed installation or for pick-up by truck for transport to the site where the product will be used by the consumer. Materials may be stored in one or more tanks on the site, the size of a tank being constrained by Federal and State regulations pertaining to construction and safety standards. Such facilities shall not include retail sales. Accessory tanks for agriculture, temporary construction or personal use are excluded from this definition.

Stormwater Management Improvements: Surface or subsurface drainage improvements, storm sewers, stormwater management best management practices (BMPs), and other such improvements as required by the Facilities Standards Manual, the Loudoun County Stormwater Management Ordinance, Chapter 1096 of the Codified Ordinances of Loudoun County or the Loudoun County Erosion Control Ordinance and Plan, Chapter 1220 of the Codified Ordinances of Loudoun County.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, the space between such floor and the ceiling next above. A basement shall be counted as a story if it is used for business or dwelling purposes. A mezzanine floor shall be counted as a story if it covers more than one-third of the area of the floor next below it or if the vertical distance between the floor next below it and the floor next above it is twenty feet or more.

Stream Bank: The uppermost limit of the stream's active channel, usually marked by a break in slope.

Stream Restoration: A process designed in accordance with the FSM and approved by the County. An increase in base flood elevation may be permitted provided a CLOMR is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use.

Street, Centerline of: A line established as a centerline of a street by any State, County, or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map or, if there be no official centerline, a line running and lying midway between the street right-of-way lines. Where street lines are indeterminate and a pavement or a traveled way exists, the centerline shall be established by the Commission or, in the absence of a determination by the Commission, shall be assumed to be a line midway between the edges of such pavement or traveled way.

Streetlight: A pole or pedestal mounted luminaire with a metal halide or other full spectrum bulb.

Street Tree: Any large deciduous tree or small deciduous tree ~~which~~that grows in the street right-of-way or on private property abutting the street right-of-way.

From state code: "Street tree" means any tree that has been individually designated by the local governing body and which grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Structural Alteration: Any change, modification, addition or deletion to the bearing walls of an existing structure.

Structure: An assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, gospel and circus tents, platforms, stagings, observation towers, telecommunications towers, radio and TV

broadcasting towers, water tanks, trestles, piers, open sheds, coal bins, shelters, walls, power line towers, pipelines, and railroad tracks.

Structure, Accessory: A building or structure subordinate and incidental to, and located on the same lot with, a principal building, the use of which is customarily found in association with and is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the principal building.

Studio space - artist, craftsperson, writer, etc.: The workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.

Subdivision: The division of a parcel of land into two (2) or more new parcels. The process of subdividing is regulated by the Land Subdivision and Development Ordinance.

Subordinate Lot: One of the types of lots permitted within the Principal/Subordinate Subdivision Development Option. Subordinate Lots may not be further subdivided.

Substantial Conformance

Substantial conformance is determined by the Zoning Administrator and means that conformance which leaves a reasonable margin for adjustment due to final design or engineering data but conforms with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations, and other demonstrative materials proffered by the applicant.

Swallet: A hole in the land through which surface water is delivered to the aquifer (may be considered the opposite of a spring).

T

Tank Farm: A facility for storage of tanks which in total contain more than one (1) million gallons of petrochemical or other hazardous material products.

Telecommunications Use and/or Structure: A use provided by or a structure utilized by a public service utility or commercial public telecommunications service under the jurisdiction of the Virginia State Corporation Commission and/or licensed by the Federal Communications Commission to provide commercial public telecommunications services. A telecommunications structure may include a tower, monopole, antenna hub site, and other antenna support structure or equipment buildings. Telecommunications use and/or structure does not include non-commercial applications, such as amateur radio operations. Telecommunications use and/or structure does not include those uses or structures that are accessory to and solely used by an individual business.

Antenna: Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels and microwave dishes, and omnidirectional antennas, such as whips and satellite dishes, but not including satellite earth stations. For the purposes of the district use lists in this Ordinance, antenna shall include antenna hub site.

Antenna Hub Site: An area containing one or more unmanned equipment structures sited to serve telecommunications antennas. An antenna hub site may be located on the same lot as the antennas being served or located on a lot that does not contain the antennas being served.

Antenna Support Structure: A self-supporting or bracketed ground mounted pole sixty (60) feet or less in height that is accessory to and used to support one or more telecommunications antennas and no more than one related unmanned equipment structure.

Monopole: A single, self-supporting pole-type structure, tapering from base to top and supporting a fixture designed to hold one or more antennas. For the purpose of this Ordinance, a monopole shall not be deemed to be a transmission tower.

Transmission Tower: A lattice-type structure, guyed or self-supporting, used to support antennas. Also called a communication tower or radio tower.

Temporary Mobile and Land Based Telecommunication Testing Facility: Whip antennas, panels antennas, microwave dishes, and receive-only satellite dishes and related equipment for wireless audio-transmission with low wattage not to exceed 500 watts, from a sender to one or more receivers, such as for mobile cellular telephones and mobile radio system facilities.

Temporary Retail: A building or open area in which stands or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

Tenant Dwelling: A dwelling occupied by a person or persons other than the owner of the lot on which it is located. Tenant dwellings may include freestanding dwellings, portable dwellings, or apartments in an accessory farm building.

Testing Station: Land and/or structures for the purpose of testing electromagnetic waves utilized for radios, television, microwave, radar, and other means of communication. This use shall not include testing operations for light, X-ray, radioactive emissions, or any other emissions dangerous to human health.

Theater, Indoor: A building designed and/or used primarily for the commercial exhibition of motion pictures to the general public or used for performance of plays, acts, dramas by actors and/or actresses.

Town Center: A compatible mixture of commercial, cultural, institutional, governmental, and residential uses in compact, pedestrian-oriented centers serving as focal points for substantial residential areas.

Town Green: The primary public open space within a town center which contains a well-defined green space with landscaped areas.

Training Facility: A facility used for business, technical or professional training and/or certification, which may be operated as a principal use or as an accessory use to a permitted or permissible use.

Transit-Designed Supportive Subarea: A Planned Development - Transit Related Center district subarea shall mean the total gross land area located outside the Outer Core subarea, but generally within one mile from the outer edge of the planned rail station platform, as shown on the approved Concept Development Plan. This subarea is meant to provide a transitional and complementary area between the high-density core and the surrounding development pattern. The Transit-Designed Supportive Area should provide a mix of land uses that complement and support the uses of the Inner and Outer Core subareas. This subarea is adjacent to and an extension of development in the Inner and Outer Core subareas and includes design features that complement the Inner and Outer Core subareas such as flexible lot design and pedestrian and bicycle connections. Commercial uses within the TDSA should complement retail, office, and service commercial uses in the Inner and Outer Core subareas.

Transitional Use: Permissible uses, as regulated herein, which by their level and scale of activity, serve as a transition between 2 or more types or densities of land uses.

Transportation System Management Plan: An organized program of strategies and techniques to reduce traffic demand and congestion and thereby improve traffic flow by means other than the construction of new capital intensive transportation facilities.

Travelway: Part of a road for vehicle use.

Tree: A single perennial woody stem attaining a height of 15 feet or more at maturity.

Tree, Deciduous: Trees and shrubs that shed their leaves annually, usually in autumn.

Tree, Evergreen: A non-deciduous tree, often used for the purposes of screening, weather barrier, or accent planting. Preferred species are provided in the Facilities Standards Manual.

Tree, Flowering: Trees that flower.

Tree, Large Deciduous: A deciduous tree, usually single trunked, with a definitely formed crown of foliage and which attains a mature height of at least 30 feet. Preferred species are provided in the Facilities Standards Manual.

Tree, Small Deciduous: A deciduous tree which attains a mature height of no greater than 30 feet. Preferred species are provided in the Facilities Standards Manual.

Tree Canopy or Tree Cover: All areas of coverage by plant material exceeding 5 feet in height, and the extent of planted tree canopy at 20 years maturity.

U

Undisturbed Grade: The grade and elevation of land prior to excavation, filling, or grading.

Unmet Housing Needs Unit. A dwelling unit that is affordable for purchase or rent at one of the Unmet Housing Needs categories listed in Table 11.03.19.01-1, based on the area median income for the Washington Primary Metropolitan Statistical Area (PMSA).

Income Tiers. The income category of Unmet Housing Needs Units, as set in Table 11.03.19.01-1.

TABLE 11.03.19.01-1. UNMET HOUSING NEEDS UNITS INCOME TIERS

Income Tier	% of Total Units	% of Total Units(Rental Only Projects)
0 up to 30%	2	2
Above 30% up to 60%	5	10
Above 60 up to 80%	3 (For Sale Only)	-
Above 80 -100%	2 (For Sale Only)	-

University: See College or Educational Institution.

Urban Deck: A platform for landscaped greens or engineered to accommodate buildings, which spans over major roadways. The intent of an urban deck is to create and enable pedestrian movement across an otherwise, typically impenetrable barrier, and to provide space for activity that can link both sides of the roadway.

Urban Forester: See Arborist.

Urban Growth Area: Any area within the County that is currently served with public water and sewer or that is planned to be served with public water and sewer at some time within the timeframe of the Comprehensive Plan.

Use, Accessory: A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the building or lot.

Use, Auxiliary: A principal use of a building or lot within a district which is customarily incidental and subordinate to the principal uses of the district.

Use, Commercial: Any wholesale, retail, or service business activity established to carry on trade for a profit.

Use, Temporary: A use of land limited in both duration and the number of annual occurrences, excluding uses and events customarily associated with the principal land use (e.g., weddings at a church, sporting events at a stadium).

Use, Principal: The primary use and chief purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is or may be used, occupied, or maintained.

Utility: Facilities for the provision of infrastructure services that support legally established uses and that need to be located in or near the area where the service is provided. Utilities include communal water supply systems, re-cycling drop-off collection centers, public; water treatment and pumping stations; water pumping stations; water storage tanks; communal sewer systems; sewage treatment plant and pumping station; utility substation, transmission; utility substation, distribution; utility transmission lines. Services may be publicly or privately provided. Accessory uses may include control, monitoring, data, or transmission equipment.

Utility Distribution or Transmission Pole: A ground-mounted self-supporting vertical structure made of fabricated metal, treated wood or concrete used to elevate electrical and communication distribution and/or transmission lines

and antennas, whose primary function is the support of wires, conductors and associated apparatus used for the distribution and/or transmission of electrical energy and/or land line communication signals.

Utility Lines in the Floodplain: Storm sewers, sanitary sewers, water lines and similar lines running generally parallel and perpendicular to the flow of the drainageway; and other public utility lines traversing a floodplain generally perpendicular to the flow of the drainageway.

Utility Substation, Dedicated: A facility for the transformation or transmission and/or switching of voltages to distribution voltages which switches circuits and distributes usable/consumable electric power, transmits natural gas, television or telephone signals dedicated to an individual user.

Utility Substation, Distribution: A facility for the transformation or transmission voltages to distribution voltages which switches circuits and distributes usable/consumable electric power, transmits natural gas, television or telephone signals dedicated to an individual user.

Utility Substation, Transmission: A facility primarily serving as part of a regional interconnecting grid system which provides for the transformation, switching and distribution of both transmission voltage and/or distribution voltages, transmits natural gas, television or telephone signals. Such use may include a distribution and/or dedicated substation.

Utility Transmission Line, Overhead: A line suspended on overhead structures and used for the transmission of electric power or other utility service to serve a regional area. Pursuant to Section 56-46.1 of the Code of Virginia, electrical transmission lines of 138 KV or more, approved by the State Corporation Commission, shall be deemed to have satisfied the requirements of this ordinance.

Utility Transmission Line, Underground: A line used for the transmission or conveyance of water, sewage, natural gas, electricity, telephone signals, or other public utility service when located underground and serving a regional area. Pursuant to Section 56-46.1 of the Code of Virginia, electrical transmission lines of 138 KV or more, approved by the State Corporation Commission, shall be deemed to have satisfied the requirements of this Ordinance.

V

Vacant Land: A lot or parcel of land on which no improvements have been constructed.

VDOT: The Virginia Department of Transportation.

VDOT Resident Engineer: The Resident Engineer for Loudoun County of the Virginia Department of Transportation, or his designated deputy.

Vegetative Waste: The decomposable materials generated by yard and lawn care or land clearing activities, and includes, but is not limited to, leaves, grass trimmings, and woody waste such as shrub and tree prunings, bark, limbs, roots, and stumps.

Vegetative Waste Management Facility: A solid waste management facility that manages vegetative waste.

Vehicle Wholesale Auction: A business that sells or offers for sale motor vehicles, at auctions on a wholesale basis, only to licensed new or used vehicle dealers or wholesalers. Accessory uses may include services such as, title processing, clean-up and light service and repair of vehicles for sale for auction, the sale of food to customers, financial services, test drive track, the storage or marshalling of auction vehicles, and the sale of specialty vehicles at auctions on a wholesale basis.

Vehicle Charging Station: A parking area that is served by charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Vertical Cost: The cost of constructing a prototypical single-family detached (SFD) affordable dwelling unit (ADU) as established on a semiannual basis by the Affordable Dwelling Unit Advisory Board (ADUAB). Vertical cost does not include the cost of land for the ADU.

Very Steep Slope Area: Naturally occurring land areas with slopes greater than 25%. The Steep Slope Standards do not apply to slopes created by permitted land disturbing activities, such as, but not limited to, building and parking pad sites; berms; temporary construction stock-piles; and road-side ditches.

Veterinary Service: A service for the care of animals where the animals are not brought to the establishment but are cared for on an off-site basis. The care can be medical or custodial. Accessory uses may include an office and storage areas for equipment and supplies necessary for conducting the veterinary service. Crematory facilities shall not be permitted.

Village Green: The primary public open space located within the Rural Village Residential Area which primarily contains a well-defined, generally permeable green space with landscaped areas, pedestrian ways and passive recreational areas or any combination thereof. The Village Green must be enfronted by a mix of uses, including storefront, civic and residential.

Village Square: An open, generally impervious, public space used for group gatherings, displays, meetings, concerts or other community activities.

Virginia Landmarks Register*:* A listing of historic properties in the Commonwealth of Virginia as maintained by the Virginia Department of Historic Resources.

Visitor Accommodation: Lodging where tenancy may be arranged for periods of less than 30 days. Accessory uses may include parking, laundry, recreational uses, and food services.

W

Warehousing Facility: A building used primarily for the holding or storage of goods and merchandise. For the purpose of this Ordinance a mini-warehousing establishment shall be deemed a separate and distinct use.

Waste-Related Uses: Uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic materials or processing of organic or related waste materials, or the collection or stockpiling of dirt. Waste-related uses do not include uses that receive hazardous wastes from others or that process other than organic material or related waste materials. Accessory uses may include offices and repackaging and transshipment of by-products.

Water Extraction: The use of an on-site well, spring or any other source for the extraction or collection of water for off-site use. Water Extraction does not include Water Well, Municipal, or Rainwater Harvesting.

Water Management Plan: A plan of irrigation indicating a sustainable water usage rate, identifying the water source(s), establishing a schedule of withdrawal, and providing methods for mitigation of undesirable effects.

Water, public: A central communal or municipal water supply system serving more than two (2) lots owned or operated by a municipality or the Loudoun County Sanitation Authority (LCSA) or a public water utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia for the purpose of furnishing potable water.

Water Supply System, Central: The water supply system for Eastern Loudoun County owned and operated by the LCSA for which the source of water is purchased from the City of Fairfax and County of Fairfax water supply system.

Water Supply System, Communal: A water supply system owned or operated by the LCSA or a public water utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia that is designed to serve small-scale development, including clusters, where permitted by this Zoning Ordinance. Such system may serve only 1 lot, where a communal system is required by this Zoning Ordinance for a specific use.

Water Supply System, Municipal: A water supply system that is owned or operated by one of the incorporated towns within Loudoun County.

Water Storage Tank: A tower or other facility for the storage of water for supply to a water system.

Water supply system, individual: A water supply system located on the lot served.

Water Treatment Plant and Pumping Station: A plant for the purification and pumping of potable water.

Water Well, Municipal: A well, used to collect water for a municipal water supply system. A municipal water well may include necessary or customary appurtenant facilities, such as access roads, transmission pipes, generators, and well houses.

Wayside Stand: Any structure or land used for the sale, by the owner or his family or tenant, of agricultural or horticultural produce, livestock or merchandise principally produced on said farm, but may include produce grown on other farms and accessory products, and which is clearly a secondary use of the premises and does not change the character thereof.

Wetland: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as identified by the U.S. Army Corps of Engineers or the State of Virginia. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetland Mitigation is wetland enhancement, restoration, creation and/or preservation project that serves to offset unavoidable impacts to wetlands, wetland buffer areas, and other associated natural habitats. A Wetland Mitigation Bank is a type of Wetland Mitigation.

Wetland Mitigation Bank: A natural resource management technique authorized by Part 404 of the federal Clean Water Act, or other state or federal law, as applicable, using wetland preservation, restoration, creation and/or enhancement to offset or replace wetland functions that are lost due to development. Wetland mitigation banks are typically large areas of wetlands operated by private or public entities, which may sell credits to other entities to compensate for wetland loss or impact at development sites or enter into other similar arrangements.

Wholesale Trade Establishment: Any building wherein the primary occupation is the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale of merchandise to institutional, commercial and industrial consumers. For the purpose of this Ordinance, a warehouse shall not be deemed a wholesale trade establishment.

Winery, commercial: An establishment with facilities for making and bottling wine for sale on site or through wholesale or retail outlets. A commercial winery is a winery that does not meet the definition of a Virginia Farm Winery. Uses at a commercial winery may also include the growing of fresh fruits or agricultural products for the production of wine. Accessory uses shall include wine tasting rooms at which wine tasting occurs, accessory food sales related to wine tasting occurs, and wines produced on-site are sold. Any winery licensee may manufacture and sell cider in accordance with this definition and Section 4.1-213 of the Code of Virginia.

Winery, Virginia Farm: An establishment: (1) located on a farm with a producing vineyard, orchard or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume; or (2) located in the Commonwealth with a producing vineyard, orchard or similar growing area or agreements for purchasing grapes or fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume. As used in this definition, the term owner or lessee shall include a cooperative formed by an association of individuals for the purposes of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term “farm” as used in this definition includes all of the land owned or leased by the individual members of the cooperative, as long as such land is located in the Commonwealth. Accessory uses at a Virginia Farm Winery may include: commercial wineries, and wine tasting rooms at which wine tasting occurs, accessory food sales related to wine tasting occurs, and wines produced on-site are sold. A farm winery license shall be designated either as a Class A or Class B farm winery in accordance with Section 4.1-219 of the Code of Virginia. Any farm winery licensee may manufacture and sell cider in accordance with this definition and Section 4.1-213 of the Code of Virginia.

X-Y-Z

Yard: Area on a lot that must be unoccupied by any structure, except as permitted by this Zoning Ordinance, from the ground to the sky.

Yard, Front: An open space on the same lot as a principal building between the front line of the principal building and the road, street, or private access easement and extending across the full width of the lot.

Yard, Rear: An open space on the same lot as a principal building between the rear line of the principal building and the road, street, or private access easement and extending across the full width of the lot.

Yard, Required: A yard, as defined above, located along the perimeter of a lot, the dimensions of which are set by the District Regulations of this Ordinance.

Yard, Side: An open space on the same lot as a principal building between the side line of the principal building and the road, street, or private access easement and extending from the front yard line to the rear yard line.

Yard Waste: The decomposable waste materials generated by yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard waste does not include roots or stumps that exceed 6 inches in diameter.

Yard Waste Compost: A stabilized organic product produced from yard waste by a controlled aerobic decomposition process in such a manner that the product can be handled, stored or applied to the land so that it does not pose a present or potential hazard to human health or environment.

Yard Waste Composting Facility: A Solid Waste Management Facility which is so located, designed, constructed and operated for the composting of the portion of household waste that consists of grass clippings, leaves, brush, or tree trimmings arising from general household yard maintenance, is composted to a stabilized organic product so that it does not pose a present or potential hazard to human health or the environment.

Zoning Administrator: An appointed County official who serves as the Zoning Administrator, charged with the interpretation, administration and enforcement of this Ordinance for Loudoun County, Virginia, or his/her designee.

Zoning Permit: A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the County Zoning Ordinance, or authorized variance therefrom.

Zoning District: The various classification of agricultural, residential, commercial and industrial zoning categories provided for in this Ordinance and the areas on the zoning map in which such different districts are mapped. As used in this Zoning Ordinance, the term "zoning district" can refer either to the zoning category, i.e. "the A-3 zoning district", or the areas mapped in such uses on the zoning map.

Zoo: A facility, indoor or outdoor, where animals are kept for viewing by the public. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

APPENDIX A: LEGACY ZONING DISTRICTS

Note: Regulations for Legacy Zoning Districts will appear here in future versions of the draft Zoning Ordinance.

APPENDIX B: ACRONYMS

Appendix B. Table B-1	
Term	Acronym
Affordable Dwelling Unit	ADU
Affordable Housing Unit	AHU
Agricultural Rural North	ARN
Agricultural Rural South	ARS
Airport Impact Overlay District	AIOD
American Association of State Highway and Transportation Officials	AASHTO

Appendix B. Table B-1	
Term	Acronym
Americans with Disabilities Act	ADA
Appeal	APPL
Area Median Income	AMI
Average Daily Traffic	ADT
Best Management Practices	BMP
Board of Zoning Appeals	BZA
Boundary Line Adjustment	BLAD
Certificate of Appropriateness	CAPP
Certificate of Appropriateness-Administrative for Minor Actions	CAPA
Commission Permit	CMPT
Compact/Walkable/Urban	CWU
Concept Development Plan	CDP
Conditional Letter of Map Revision	CLOMR
Construction Plans and Profiles	CPAP
Countywide Transportation Plan	CTP
County Historic Site	HS
(Metropolitan Washington) Council of Governments	COG
Dedication/Vacation Plats	DEDI
Easement Plat	ESMT
Facilities Standards Manual Amendment (Document Amendment)	DOAM
Facilities Standards Manual	FSM
Federal Aviation Administration	FAA
Federal Emergency Management Agency	FEMA
Flood Insurance Study	FIS
Flood Insurance Rate Map	FIRM
Floodplain Alteration	FPAL
Floodplain Overlay District	FOD
Floodplain Study	FPST
Floor Area Ratio	FAR
Gross Floor Area	GFA
Historic District Review Committee	HDRC
Historical and Cultural Conservation District	HCC
Historic Overlay District	HOD
Homeowners' Association	HOA
Joint Land Management Area	JLMA
Land Development Application	LDA
Letter of Map Revision	LOMR
Level of Service	LOS
Licensed Professional Engineer	P.E.
Licensed Professional Soil Scientist	LPSS
Limestone Overlay District	LOD
Loudoun County Subdivision and Development Ordinance	LSDO
Loudoun County Fire Protection Code	LCFPC
Loudoun County Fire and Rescue	LCFR
Loudoun County Department of Parks, Recreation, and Community Services	PRCS
Loudoun County Geographic Information System	LOGIS
Low Impact Development	LID
Minor Special Exception	SPMI
Mountainside Development Overlay District	MDOD
Multifamily	MF
National Flood Insurance Program	NFIP
National Register of Historic Places	NRHP
Natural and Environmental Resources	NER
Non-Motorized User Circulation System	NUCS
Parcel Identification Number	PIN

Appendix B. Table B-1	
Term	Acronym
Planned Development	PD
Plat of Correction	POCO
Pre-Application Meeting	PRAP
Pre-Variance Meeting	PVAR
Preliminary Plat of Subdivision	SBPL
Preliminary/Record Subdivision	SBPR
Preliminary Soils Review	PSR
Quarry Notification Overlay District	QNOD
Record Plat	SBRD
Revision to Previously Approved Construction Plans and Profiles	CPAR
Right-of-Way	ROW
River and Stream Corridor Resources	RCSR
Rural Commercial	RC
Sign Development Plan	SIDP
Single Family Attached	SFA
Single Family Detached	SFD
Site Plan	STPL
Site Plan Amendment	SPAM
Special Exception	SPEX
Special Exception for Errors in Location	SPEL
Suburban Compact Neighborhood	SCN
Suburban Employment	SE
Suburban Industrial	SI
Suburban Mineral Extraction	SME
Suburban Mixed Use	SM
Suburban Neighborhood	SN
Transition Community Center	TCC
Transition Compact Neighborhood	TCN
Transition Industrial	TI
Transition Light Industrial	TLI
Transition Large Lot Neighborhood	TLN
Transition Mineral Extraction	TME
Transition Small Lot Neighborhood	TSN
Tree Conservation Area	TCA
Unmet Housing Needs Unit	UHNU
United States Geological Survey	USGS
United States Environmental Protection Agency	EPA
Urban Employment	UE
Urban Mixed Use	UM
Urban Transit Center	UT
Variance	VARI
Vehicle Trips Per Day	VTD
Village Agricultural/Residential	VAR
Village Commercial	VC
Village Conservation Overlay District	VCOD
Village Residential	VR
Virginia Department of Historic Resources	VDHR
Virginia Department of Transportation	VDOT
Virginia Erosion and Sediment Control Handbook	VESCH
Virginia Landmarks Register	VLR
Virginia Stormwater Management Program	VSMP
Waiver of Facilities Standards Manual Requirements	WAIV
Washington and Old Dominion Railroad Regional Park	W&OD
Zoning Concept Plan Amendment	ZCPA
Zoning Correspondence (Determination, Verification, Proffer/Vesting Determination)	ZCOR

Appendix B. Table B-1	
Term	Acronym
Zoning Map Amendment	ZMAP
Zoning Ordinance Amendment	ZOAM
Zoning Ordinance Modification	Z

APPENDIX C: FEES

Note: *The Board of Supervisors is expected to consider a zoning ordinance amendment, ZOAM-2021-0003, Traffic Impact and Warrant Study Fees, in May 2022. If approved, this new Appendix C will include fees related to a County managed traffic program, as detailed in ZOAM-2021-0003 documents. Additionally, this appendix will include existing land development application fees that are administered by the Zoning Ordinance. The existing fees are not changing as part of the Zoning Ordinance Rewrite project. They are being added to the Zoning Ordinance to create the framework for a future comprehensive fee study planned for after the Board adopts the Zoning Ordinance.*