DEPARTMENT OF BUILDING AND DEVELOPMENT
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: May 25, 2011

CASE NUMBER/CASE NAME: ZOAM 2011-0001 Rural Recreational Establishment, Outdoor

DECISION DEADLINE: At the Pleasure of the Board

ELECTION DISTRICT: Countywide

PROJECT PLANNERS: Michelle Lohr
Marilee Seigfried

EXECUTIVE SUMMARY

On April 20, 2010, the Board of Supervisors adopted a Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) to change the use "Rural Recreational Establishment, Outdoor" from a permitted use to a minor special exception use in the AR-1, AR-2, JLMA-20 and TR-10 zoning districts.

The proposed amendments would (1) amend the use tables in the AR-1 (Agricultural Rural-1), AR-2 (Agricultural Rural-2), JLMA-20 (Joint Land Management Area-20), and TR-10 (Transitional Residential-10) zoning districts to classify the Rural Recreational Establishment, Outdoor use as a Minor Special Exception use; (2) Establish new Additional Regulations, Section 5-662, to establish regulations regarding minimum parcel size for use, minimum setback, landscaping/buffering/screening, road access, parking, lighting, noise, maximum structure size, and maximum number of attendees; (3) Amend Article 8, *Definitions*, to revise the definition of "Rural Recreational Establishment, Outdoor", and 4) Amend such other Articles, Sections, Subsections, and provisions of the Zoning Ordinance as necessary to implement and maintain consistency with the foregoing amendments. Draft text is included in Attachment 4.

SUGGESTED MOTIONS

1. I move that the Planning Commission forward ZOAM 2011-0001 to the Board of Supervisors with a recommendation of approval of the text amendments included in Attachment 4.

OR

2. I move that the Planning Commission forward ZOAM 2011-0001 to Committee for further discussion.

OR

3. I move an alternate motion.

I. BACKGROUND

Following initiation of a proposed zoning ordinance amendment by Supervisor Burton, at the Board of Supervisors' meeting on September 15, 2009, the Board directed staff (8-1, Delgaudio voting no) to undertake a review of the ordinances associated with the "Rural Recreational Establishment, Outdoor" use type, and return to the Board with a recommendation as to what amendments to the Zoning Ordinance, if any, might provide the County with better mitigation of impacts, protection of the environment, and control over the facility as constructed.

On February 17, 2010, the Board directed staff, (8-1, Delgaudio voting no) to prepare a Resolution of Intent to Amend the Zoning Ordinance regarding the Rural Recreational Establishment, Outdoor use.

On April 20, 2010, the Board of Supervisors voted (9-0) to adopt a Resolution of Intent to Amend the Zoning Ordinance. (Staff Report is included in Attachment 2.) This amendment is included on the Board of Supervisors' strategic plan to follow the Large Retail Establishments Zoning Ordinance Amendment that was adopted April 7, 2011.

Currently the definition of Rural Recreational Establishment, Outdoor includes skating rink (outdoor), lodging, picknicking, boating, fishing, swimming, outdoor games and sports and animal-mounted trail riding.

By requiring Minor Special Exception review, the Board of Supervisors will have the opportunity to review proposals for such establishments on a case by case basis, will hold a public hearing regarding such proposals and will be able to review the effects on surrounding properties, including visual, environmental, and transportation impacts. Individual applicants may request modifications of the Additional Regulations through the Minor Special Exception process pursuant to Section 5-600. Modifications may be granted upon a finding by the Board of Supervisors that such modification would exceed the public purpose of the existing regulations.

II. APPLICABILITY

ZOAM 2011-0001 will apply to the establishment or expansion of Rural Recreational Establishment, Outdoor uses on parcels zoned AR-1, AR-2, JLMA-20, and TR-10 and administered under the Revised 1993 Loudoun County Zoning Ordinance.

ZOAM 2011-0001 will not apply to uses defined elsewhere in the Zoning Ordinance. Further, the amendment will only apply to properties with Rural Recreational Establishment, Outdoor as a principal use and will not apply to uses that have outdoor recreation as an accessory component. In such cases the requirements for the principal use apply.

III. EXISTING REQUIREMENTS FOR RURAL RECREATIONAL ESTABLISHMENT, OUTDOOR

The Revised 1993 Zoning Ordinance currently lists the use Rural Recreational Establishment, Outdoor as a permitted use within the AR-1, AR-2, JLMA-20 and TR-10 zoning districts. No specific standards for Rural Recreational Establishment, Outdoor uses are in the Zoning

Ordinance, thus only the general district regulations and parking and screening requirements apply to such uses. A site plan and zoning permit are required to establish such use.

IV. SUMMARY OF PROPOSED TEXT CHANGES

The following is a brief description of the proposed ZOAM 2011-0001. Attachment 4 includes the specific revisions in the proposed draft text. Proposed amendments are in red and underlined.

A. Revise the use tables to change the Rural Recreational Establishment, Outdoor use from a Permitted use to a Minor Special Exception use.

The proposal is to revise the use tables in AR-1, AR-2, JLMA-20, and TR-10 to require a Minor Special Exception for a Rural Recreational Establishment, Outdoor.

B. Establish Section 5-662, Additional Regulations for Rural Recreational Establishment, Outdoor.

The proposed language establishes additional regulations for Rural Recreational Establishment, Outdoor as follows:

(1) Minimum acreage size of 25 acres.
(2) Setback of 200 feet for structures.
(3) Landscaping/buffering/screening standards of Section 5-653.
(4) Road/access standards of Section 5-654.
(5) Parking requirements.
(6) Exterior lighting standards of Section 5-652(A).
(7) Noise standards of Section 5-652(B).
(8) Maximum number of attendees based on acreage of property.
(9) Maximum size of all structures of 5,000 square feet

C. Amend Article 8, Definition of Rural Recreational Establishment.

The proposal is to amend the definitions of Rural Recreational Establishment, Outdoor to clarify accessory uses.

V. COUNTY AGENCY INPUT

Comprehensive Planning. Community Planning provided comments on the proposed draft text (Attachment 5). The referral states that, in general, the policies of the Comprehensive Plan support the development of outdoor rural recreational businesses that are compatible in scale, use and intensity with the dominant land-use pattern and character of the surrounding area. Planning staff finds no issues with the proposed zoning amendment to change the use type "Rural Recreational Establishment, Outdoor" from a permitted use to a use that is allowed by minor special exception with additional regulations and standards for the use. By adding "Rural Recreational Establishment, Outdoor" as a minor special exception use, evaluation of such proposed uses on a case by case basis would be allowed, as well as the opportunity to impose specific conditions to ensure that the proposed use would be of a scale and character that is appropriate and compatible with the surrounding area. Planning staff supports the proposed zoning ordinance amendment.

VI. ADVISORY COMMITTEE INPUT

The Rural Economic Development Council (REDC) discussed ZOAM 2011-0001 at its meeting on May 3, 2011 and has provided a statement regarding the draft ordinance. (Attachment 6). The REDC determined that they are "collectively supportive of the intent of the ordinance to promote and protect rural businesses, but are concerned about the unintended consequences of the new regulation on currently undefined rural establishments."

VII. ISSUES

A. *Applicability.* ZOAM 2011-0001 will apply to the establishment or expansion of Rural Recreational Establishment, Outdoor uses on parcels zoned AR-1, AR-2, JLMA-20, and TR-10 and administered under the Revised 1993 Loudoun County Zoning Ordinance. The amendment will not apply to uses defined elsewhere in the Zoning Ordinance.

B. *Establishment of Minor Special Exception Requirement.* Changing the "Rural Recreational Establishment, Outdoor" use from a permitted use to a minor special exception use will allow for a public hearing and review by the Board of Supervisors on a case by case basis. If deemed necessary, the Board has the option to refer individual applications to the Planning Commission for their review and recommendation.

C. *Expense and Review Time of Minor Special Exception Application.* The expense and added plan approval time associated with the requirement for a Minor Special Exception application may be of concern to the rural business community. Staff notes that the Minor Special Exception process is a more abbreviated process than the full Special Exception process.

D. *Additional Regulations and Conditions of Approval.* Through the Minor Special Exception process, in accordance with Section 5-662, the Board may grant modifications to the Additional Regulations of Section 5-662. Further, the Board may establish conditions to be tailored to the impacts of the proposed use.

VIII. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1211(D) of the Zoning Ordinance states "...for an amendment to the text of this Ordinance, the Planning Commission shall consider the following matters...":

Standard: *Whether the proposed text amendment is consistent with the Comprehensive Plan.*

Analysis: The Revised General Plan provides the basis for evaluating land development proposals, is the foundation for amendments to the Zoning Ordinance, and ensures that the County's goals are implemented through the regulatory process. In accordance with the referral from Community Planning (Attachment 5) outdoor recreation uses are generally supported by the Revised General Plan. Staff has no issues with the requirement for a minor special exception with additional regulations for a Rural Recreational Establishment, Outdoor use that will allow for the evaluation of such proposed uses on a case by case basis and provide the opportunity to impose specific conditions that will ensure that the proposed use

will be of a scale and character that is appropriate and compatible with the surrounding area.

Standard: *Whether the proposed text amendment is consistent with the intent and purpose of this Ordinance.*

Analysis: The intent of this Ordinance is defined under Section 1-102, which states: *"This Ordinance is enacted in order to promote the health, safety and welfare of the residents of Loudoun County and to implement the Loudoun County Comprehensive Plan."* The proposed amendments are designed to promote the health, safety and welfare of the residents of Loudoun County. Section 1-102(B) states that the Ordinance is designed to *"Protect the established character and the social and economic well-being of both private and public property."* Section 1-102(F) states that the Ordinance is designed to *"Facilitate the creation of a convenient, attractive and harmonious community."* The requirement for a Minor Special Exception for Rural Recreational Establishment, Outdoor uses within the County will protect the character of Loudoun County and to help create a convenient, attractive and harmonious community.

IX. RECOMMENDED TEXT

Attachment 4 includes the proposed draft regulations.

X. STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward ZOAM 2011-0001 to the Board of Supervisors with a recommendation of approval.

XI. ATTACHMENTS

Number	Description	Page
1.	Resolution of Intent to Amend the Zoning Ordinance and Copy Teste, April 20, 2010.	A1-A2
2.	April 20, 2010 Board of Supervisors Action Item, Resolution of Intent To Amend the Zoning Ordinance.	A3-A9
3.	September 15, 2009 Board Member Initiative, Board of Supervisors Action Item.	A10-A19
4.	Proposed Zoning Ordinance Amendments, dated May 4, 2011.	A20-A46
5.	Referral, Community Planning, Department of Planning	A47-A49
6.	Recommendation, Rural Economic Development Council (REDC), May 3, 2011.	A50
7.	Letter from Patrick Kaler, Visit Loudoun, May 2, 2011	A51

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RESOLUTION OF INTENT TO AMEND
THE LOUDOUN COUNTY ZONING ORDINANCE
April 20, 2010

WHEREAS, the Board of Supervisors wishes to amend the Loudoun County Zoning Ordinance in furtherance of the purposes of zoning as set out in § 15.2-2283 of the Code of Virginia and to further implement the comprehensive plan;

WHEREAS, the Board of Supervisors wishes to initiate amendments to amend the Use Regulations of the AR-1, AR-2, JLMA-20 and TR-10 zoning districts of the Revised 1993 Loudoun County Zoning Ordinance, to change the Use Type "Rural Recreational Establishment, Outdoor" from being a use that is permitted as a matter of right (permitted use) to a use that is allowed as a minor special exception use in each said district and to amend Section 5-600 to establish new Additional Regulations for the use "Rural Recreational Establishment, Outdoor";

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors states its intention to amend the Revised 1993 Loudoun County Zoning Ordinance to adopt new provisions on the following matters:

1. Amend the Zoning Ordinance such that "Rural Recreational Establishment, Outdoor" would no longer be a permitted use and, instead, would be allowed as a minor special exception, in the AR-1, AR-2, JLMA-20 and TR-10 zoning districts;

2. Amend Section 5-600 to establish Additional Regulations for "Rural Recreational Establishment, Outdoor".

3. Amend the use tables and use lists in the appropriate zoning districts to implement the foregoing;

4. Amend Article 8, Definitions as necessary to implement the proposed changes;

5. Initiate revisions to other sections of the Loudoun County Zoning Ordinance as may be necessary to ensure that these amendments are fully implemented and achieve the full intent of this Resolution; and

BE IT FURTHER RESOLVED that the Board of Supervisors (1) finds that these amendments are in furtherance of the public necessity, convenience, general welfare, and good zoning practice; (2) directs staff to prepare draft amendments for consideration, and (3) directs that the proposed amendments on these matters be brought forward for notice, hearing, Planning Commission recommendation, and Board of Supervisors' action.

ATTACHMENT I

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

At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Wednesday, February 17, 2010 at 9:00 a.m.

IN RE: PROPOSED ZONING ORDINANCE AMENDMENT – RURAL RECREATIONAL ESTABLISHMENT/OUTDOOR USE

Mr. Burton moved that the Board of Supervisors direct staff to draft a Resolution of Intent to Amend the Zoning Ordinance to permit the "Rural Recreational Establishment, Outdoor Use" by minor special exception in the Agricultural Rural-1 (AR-1), Agricultural Rural-2 (AR-2), Joint Land Management Area-20 (JLMA-20), and Transitional Residential-10 (TR-10) zoning districts.

Mr. Burton further moved that the Resolution of Intent to Amend also include minimum performance standards for the "Rural Recreational Establishment, Outdoor Use."

Seconded by Mrs. Kurtz.

Mr. Burton accepted Mrs. Waters' friendly amendment that staff work with the Rural Economic Development Council in developing the performance standards that come forward.

Voting on the Motion, As Amended: Supervisors Buckley, Burk, Burton, Kurtz, McGimsey, Miller, Waters and York – Yes; Supervisor Delgaudio – No.

A COPY TESTE:

Antoinette Delbert

DEPUTY CLERK FOR THE LOUDOUN COUNTY BOARD OF SUPERVISORS

(4-PROPOSED ZONING ORDINANCE AMENDMENT – RURAL RECREATIONAL ESTABLISHMENT/OUTDOOR USE)

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April 20, 2010

BOARD OF SUPERVISORS
ACTION ITEM

SUBJECT: RESOLUTION OF INTENT TO AMEND THE REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE TO CHANGE THE USE TYPE "RURAL RECREATIONAL ESTABLISHMENT, OUTDOOR" TO A MINOR SPECIAL EXCEPTION USE AND TO ESTABLISH ADDITIONAL STANDARDS FOR SUCH USE

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: At the Pleasure of the Board

STAFF CONTACTS: Michelle Lohr, Zoning Administration, Building and Development
Terrance Wharton, Director, Building and Development

RECOMMENDATIONS:

Staff: Staff recommends that the Board of Supervisors adopt a Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance to: 1) Amend the Use Regulations of the AR-1, AR-2, JLMA-20 and TR-10 zoning districts to change the Use Type "Rural Recreational Establishment, Outdoor" from being a use that is permitted as a matter of right (permitted use) to a use that is allowed as a minor special exception in such district and to amend Section 5-600 to establish new Additional Regulations for the use "Rural Recreational Establishment, Outdoor."

I. BACKGROUND

At the Board of Supervisors' meeting on September 15, 2009, the Board directed staff (8-1, Delgaudio voting no) to undertake a review of the ordinances associated with the "Rural Recreational Establishment, Outdoor" use type, and return to the Board with a recommendation as to what amendments to the Zoning Ordinance, if any, might provide the County with better mitigation of impacts, protection of the environment, and control over the facility as constructed.

On February 17, 2010, the Board directed staff, (8-1, Delgaudio voting no) to prepare a Resolution of Intent to Amend the Zoning Ordinance regarding the Rural Recreational Establishment, Outdoor use. Staff has prepared a Resolution of Intent to Amend on which the Board may act that includes proposed amendments to change the Use Type "Rural Recreational Establishment, Outdoor" from being a use that is permitted as a matter of right (permitted use) to a use that is allowed as a minor special exception in the AR-1, AR-2, JLMA-20 and TR-10 zoning districts. Further, the Resolution includes the establishment of additional regulations, i.e. performance standards, to address requirements for minimum acreage, setbacks, landscaping and road access.

Included within the definition of "Rural Recreational Establishment, Outdoor", are skating rink (outdoor), lodging, picnicking, boating, fishing, swimming, outdoor games and sports and animal-mounted trail riding. "Rural Recreational Establishment, Outdoor" is permitted in the AR-1, AR-2, JLMA-20 and TR-10 zoning districts and the use may be established with a site plan and zoning permit. There are no Additional Regulations or performance standards associated with this particular use.

By requiring Minor Special Exception review, the Board of Supervisors will have the opportunity to review proposals for such establishments on a case by case basis to determine the effects on surrounding properties, including visual, environmental, and transportation impacts. Individual

applicants may request modifications of the additional regulations through the minor special exception process pursuant to Section 5-600. Modifications may be granted upon a finding by the Board of Supervisors that such modification would exceed the public purpose of the existing regulations.

II. ISSUES

A. *Establishment of Minor Special Exception Requirement.* Changing the "Rural Recreational Establishment, Outdoor" from a permitted use to a minor special exception use may be of concern to the rural business community and may be too great for some proposed enterprises. The Minor Special Exception is recommended to abbreviate the process for the rural economy business, while still allowing review by the Board of Supervisors on a case by case basis. If deemed necessary, the Board has the option to refer individual applications to the Planning Commission for their review and recommendation.

B. *Additional Regulations.* It is recommended that additional regulations be considered to establish requirements such as minimum lot size, setback requirements, landscaping and road access standards. Compliance with these additional regulations, i.e., performance standards may allow certain activities that meet such performance standards to proceed by right. Based on the February 17th direction, staff will be working with the REDC to establish these performance standards. Through the minor special exception process, the Board may establish conditions to be tailored to the impacts of the proposed use.

C. *Timing of Zoning Ordinance Amendment Review.* Staff proposes that this zoning ordinance amendment be placed on the strategic plan to follow the "*Large Retail Establishments*" amendment or as directed by the Board of Supervisors.

III. FISCAL IMPACT

As a result of the Zoning Ordinance amendment, some uses currently permitted may subsequently be required to obtain legislative approval. If so, additional staff time will be required to review such applications, which are offset by the collection of application fees.

IV. ALTERNATIVES:

1. The Board of Supervisors can take no action regarding the amendments to the Rural Recreational Establishment, Outdoor use.
2. The Board of Supervisors can adopt the draft Resolution of Intent to Amend the Zoning Ordinance regarding the "Rural Recreational Establishment, Outdoor" use.

V. DRAFT MOTIONS(S):

1) I move that the Board of Supervisors adopt the Resolution of Intent to Amend the Zoning Ordinance in Attachment 1 to change the Use Type "Rural Recreational Establishment, Outdoor" from being a use permitted as a matter of right (permitted use) to a use that is allowed as a minor special exception use in the Agricultural Rural-1 (AR-1), Agricultural Rural-2 (AR-2), Joint Land Management Area-20 (JLMA-20), and Transitional Residential-10 (TR-10) zoning districts and to establish new Additional Regulations for the "Rural Recreational Establishment, Outdoor" use.

or

2) I move that the Board of Supervisors take no action regarding the "Rural Recreational Establishment, Outdoor" use.

or

3) I move an alternate motion.

VI. ATTACHMENTS

1. Draft Resolution of Intent to Amend the Zoning Ordinance dated April 20, 2010. A1
2. February 17, 2010 Copy Teste and Board of Supervisors Action Item Staff Report. A2-A4

RESOLUTION OF INTENT TO AMEND
THE LOUDOUN COUNTY ZONING ORDINANCE
April 20, 2010

WHEREAS, the Board of Supervisors wishes to amend the Loudoun County Zoning Ordinance in furtherance of the purposes of zoning as set out in § 15.2-2283 of the Code of Virginia and to further implement the comprehensive plan;

WHEREAS, the Board of Supervisors wishes to initiate amendments to amend the Use Regulations of the AR-1, AR-2, JLMA-20 and TR-10 zoning districts of the Revised 1993 Loudoun County Zoning Ordinance, to change the Use Type "Rural Recreational Establishment, Outdoor" from being a use that is permitted as a matter of right (permitted use) to a use that is allowed as a minor special exception use in each said district and to amend Section 5-600 to establish new Additional Regulations for the use "Rural Recreational Establishment, Outdoor";

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors states its intention to amend the Revised 1993 Loudoun County Zoning Ordinance to adopt new provisions on the following matters:

1. Amend the Zoning Ordinance such that "Rural Recreational Establishment, Outdoor" would no longer be a permitted use and, instead, would be allowed as a minor special exception, in the AR-1, AR-2, JLMA-20 and TR-10 zoning districts;

2. Amend Section 5-600 to establish Additional Regulations for "Rural Recreational Establishment, Outdoor".

3. Amend the use tables and use lists in the appropriate zoning districts to implement the foregoing;

4. Amend Article 8, Definitions as necessary to implement the proposed changes;

5. Initiate revisions to other sections of the Loudoun County Zoning Ordinance as may be necessary to ensure that these amendments are fully implemented and achieve the full intent of this Resolution; and

BE IT FURTHER RESOLVED that the Board of Supervisors (1) finds that these amendments are in furtherance of the public necessity, convenience, general welfare, and good zoning practice; (2) directs staff to prepare draft amendments for consideration, and (3) directs that the proposed amendments on these matters be brought forward for notice, hearing, Planning Commission recommendation, and Board of Supervisors' action.

A6
(A11)

ATTACHMENT I

Loudoun County, Virginia
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At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Wednesday, February 17, 2010 at 9:00 a.m.

IN RE: PROPOSED ZONING ORDINANCE AMENDMENT – RURAL RECREATIONAL ESTABLISHMENT/OUTDOOR USE

Mr. Burton moved that the Board of Supervisors direct staff to draft a Resolution of Intent to Amend the Zoning Ordinance to permit the "Rural Recreational Establishment, Outdoor Use" by minor special exception in the Agricultural Rural-1 (AR-1), Agricultural Rural-2 (AR-2), Joint Land Management Area-20 (JLMA-20), and Transitional Residential-10 (TR-10) zoning districts.

Mr. Burton further moved that the Resolution of Intent to Amend also include minimum performance standards for the "Rural Recreational Establishment, Outdoor Use."

Seconded by Mrs. Kurtz.

Mr. Burton accepted Mrs. Waters' friendly amendment that staff work with the Rural Economic Development Council in developing the performance standards that come forward.

Voting on the Motion, As Amended: Supervisors Buckley, Burk, Burton, Kurtz, McGimsey, Miller, Waters and York – Yes; Supervisor Delgaudio – No.

A COPY TESTE:

Antoinette Delbert

DEPUTY CLERK FOR THE LOUDOUN COUNTY BOARD OF SUPERVISORS

(4-PROPOSED ZONING ORDINANCE AMENDMENT – RURAL RECREATIONAL ESTABLISHMENT/OUTDOOR USE)

A7
(A2)

ATTACHMENT 2

4

February 17, 2010

BOARD OF SUPERVISORS
ACTION ITEM

SUBJECT: RURAL RECREATIONAL ESTABLISHMENT, OUTDOOR ZONING ORDINANCE AMENDMENT

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: At the Pleasure of the Board

STAFF CONTACT: Michelle Lohr, Zoning Administration, Building and Development

I. BACKGROUND

At the Board of Supervisors' meeting on September 15, 2009, the Board directed staff to undertake a review of the ordinances associated with the "Rural Recreational Establishment, Outdoor" use type, and return to the Board with a recommendation as to what amendments to the Zoning Ordinance, if any, might provide the County with better mitigation of impacts, protection of the environment, and control over the facility as constructed. Concerns have been raised regarding the impacts of "Rural Recreational Establishment, Outdoor" uses, on adjacent properties. Included within the definition of "Rural Recreational Establishment, Outdoor", are skating rink (outdoor), lodging, picnicking, boating, fishing, swimming, outdoor games and sports and animal-mounted trail riding.

"Rural Recreational Establishment, Outdoor" is permitted in the AR-1, AR-2, JLMA-20 and TR-10 zoning districts and the use may be established with a site plan and zoning permit. There are no Additional Regulations or performance standards associated with this particular use.

If the Board desires to consider amendments to the Zoning Ordinance regarding the "Rural Recreational Establishment, Outdoor" use, Staff recommends that a Minor Special Exception be required for "Rural Recreational Establishment, Outdoor" uses and that performance standards be adopted to address requirements for minimum acreage, setbacks, landscaping and road access. By requiring Minor Special Exception review, the Board of Supervisors will have the opportunity to review proposals for such establishments on a case by case basis to determine the effects on surrounding properties, including visual, environmental, and transportation impacts. Individual applicants may request modifications of the performance standards through the minor special exception process pursuant to Section 5-600. Modifications may be granted upon a finding by the Board of Supervisors that such modification would exceed the public purpose of the existing regulations.

II. ISSUES

A. *Establishment of Minor Special Exception Requirement.* The addition of the requirement for a minor special exception application may be of concern to the rural business community and may be too great for some proposed enterprises. The Minor Special Exception is recommended to abbreviate the process for the rural economy business, while still allowing review by the Board of Supervisors on a case by case basis. If deemed necessary, the Board has the option to refer individual applications to the Planning Commission for their review and recommendation.

A8
(A3)

B. *Additional Regulations.* It is recommended that additional regulations be considered to establish requirements such as minimum lot size, setback requirements, landscaping and road access standards. Through the minor special exception process, the Board may establish conditions to be tailored to the impacts of the proposed use.

III. FISCAL IMPACT

Depending on the result of the Zoning Ordinance amendment, some uses currently permitted may subsequently be required to obtain legislative approval. If so, additional staff time will be required to review such applications, which are offset by the collection of application fees.

IV. ALTERNATIVES:

1. The Board of Supervisors can take no action regarding amendments to the Rural Recreational Establishment, Outdoor use.
2. The Board of Supervisors can direct staff to draft a Resolution of Intent to Amend the Zoning Ordinance regarding the "Rural Recreational Establishment, Outdoor" use.

V. DRAFT MOTIONS(S):

1) I move that the Board of Supervisors direct staff to draft a Resolution of Intent to Amend the Zoning Ordinance to permit the "Rural Recreational Establishment, Outdoor" use by minor special exception in the Agricultural Rural-1 (AR-1), Agricultural Rural-2 (AR-2), Joint Land Management Area-20 (JLMA-20), and Transitional Residential-10 (TR-10) zoning districts.

   I further move that the Resolution of Intent to Amend also include minimum performance standards for the "Rural Recreational Establishment, Outdoor" use.

or

2) I move that the Board of Supervisors take no action regarding the "Rural Recreational Establishment, Outdoor" use.

or

3) I move an alternate motion.

VI. ATTACHMENT

1. September 15, 2009 Board Member Initiative Staff Report: Amend the Loudoun County Zoning Ordinances: Use Regulations for Rural Recreation Establishment, Outdoor

   [*** Not included in 4/20/10 Action Item #12. See website for copy.]

A9
(A4)

Date of Meeting: September 15, 2009

LOUDOUN COUNTY BOARD OF SUPERVISORS
ACTION ITEM
BOARD MEMBER INITIATIVE

#12.

SUBJECT: Amend the Loudoun County Zoning Ordinances: Use Regulations for Rural Recreation Establishment, Outdoor

INITIATED BY: Jim Burton

ELECTION DISTRICT: Blue Ridge, Catoctin, Dulles

STAFF CONTACT: Mary Bathory Vidaver, Staff Aide to Supervisor Burton, x0210

BACKGROUND:

The 1993 Revised Zoning Ordinances establish "Rural Recreation Establishment, Outdoor" as a by-right use with no additional regulations or performance standards in the Rural Policy Area and on parcels zoned TR-10 in the Transition Policy Area. The ordinances define such an establishment as follows:

"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."

There are 10 uses listed in the Recreation and Entertainment category. Eight have additional regulations / performance standards associated with them. Six require a Special Exception or a Minor Special Exception. The following table delineates the requirements:

A10

Use Type	Permitted / SPEX	Additional Regulations
Country Club	S	Section 5-660
Golf Course	S	Section 5-648
Outdoor Amphitheatre	S	Section 5-649
Private Club or Lodge	S	
Camp, day and boarding, with 30 or more campers	M	Section 5-645
Campground	M	Section 5-646
Camp, day and boarding, with 30 or fewer campers	P	Section 5-645
Cross country ski business	P	Section 5-647
Eco-tourism	P	Section 5-647
Rural Recreation Establishment, Outdoor	P	

Source: Loudoun County 1993 Revised Zoning Ordinances

Copies of the definitions associated with the other use types can be found in Attachment 1. A quick reading of those definitions indicates that Rural Recreation Establishment, Outdoors is no less intense a use type than any of the others listed. In fact, as Rural Recreation Establishment, Outdoors incorporates many of the individual uses, an argument could be made that it is potentially more intensive than any of the other uses.

This potential has been brought forward by landowners adjacent to such facilities. Supervisor Burton's office has received complaints regarding the lack of suitable buffering, facility appearance, traffic impact, trespass, environmental destruction, and noise. Unfortunately, as the use type is by-right, the conversation typically occurs after the fact since no public hearings occur during the application review process. And, without additional regulations or performance standards, County staff is limited in the type and breadth of conditions it can set for approval.

Given this situation, it would appear useful to review whether the current ordinances provide sufficient and appropriate mitigation of impact and protection of the rural environment. If not, then the Board would need to determine whether additional regulations / performance standards would suffice or whether a Special Exception process would provide greater flexibility.

DRAFT MOTION:

I move that the Board direct Staff to undertake a review of the ordinances associated with the Rural Recreation Establishment, Outdoors use type and return to the Board with a recommendation as to what amendments to the zoning ordinances, if any, might provide the County with better mitigation of impacts, protection of the environment, and control over the facility as constructed.

ATTACHMENTS: Use Type Definitions

APPENDIX

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.

C

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

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.

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 contain meeting rooms, dining, and banquet/event facilities in a predominately rural area. The number of overnight guest rooms may range from four (4) to forty (40). An owner may live on the premises. A Country Inn may include a full-service restaurant for guests and the general public and meeting facilities. A Country Inn may also include a Banquet/Event Facility as an ancillary use.

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 shop: A retail store no greater than 3,000 square feet in gross floor area (all structures), 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

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 used to express the intensity of a sound wave.

Dwelling Unit: One room, or rooms connected together, constituting a separate unit for a single-family owner occupancy or rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

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 Facility: A commercial facility for the keeping of horses, having more than 20 horses for boarding and three (3) or more active riding instructors.

Erected: Shall be taken to mean constructed, reconstructed, moved or structurally altered.

more buildings. The term "net floor area" shall include outdoor display areas for sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products, but shall exclude areas designed for permanent uses such as toilets, utility closets, malls (enclosed or not), truck tunnels, enclosed parking areas, meters, rooftop mechanical structures, mechanical and equipment rooms, public and fire corridors, stairwells, elevators, escalators, and areas under a sloping ceiling where the headroom in fifty percent (50%) of such area is less than six (6) feet, six (6) inches.

Floor Area Ratio (FAR): A number or percentage, derived by dividing the gross floor area of the buildings on any lot by the lot area. 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 one (1) foot distant from a uniform point source of one (1) candle power.

Forestry: The planting, growing and harvesting of trees, but not including sawmilling or other processing of trees or parts thereof.

Frontage: Lot width, as measured at the front property line. (See Article I for calculations of lot width.)

Funeral Home: An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming, performance of autopsies or other surgical procedures.

G

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 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 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.

residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

c. **Open space, dedicated:** All open space which is to be dedicated or conveyed to the County or an appropriate public agency, board, or body for public use as open space. For the purposes of this definition, twenty-five percent (25%) of all dedicated school sites shall be considered as dedicated open space.

Originating Tract: A lot or parcel of land in the AR-1 or AR-2 Zoning District which is to be the subject of a subdivision through either the "Principal/Subordinate" or "Cluster" subdivision options as identified in the Zoning Ordinance. This designation is for the purpose of establishing a base density of development in order to implement these two subdivision options.

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 twenty-four (24) hours. All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.

Outdoor Storage, Accessory: The holding or storage of merchandise, goods, equipment or materials as an accessory use, wherein the outdoor storage area does not exceed ten percent (10%) of the gross floor area of the primary use. All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.

Outdoor Storage, Construction Materials: The holding or storage of materials utilized in off-site construction, to include machinery, tools or construction equipment and/or supplies including, but not limited to, lumber, prefabricated structural elements, forms, jigs, or other articles utilized in the fabrication of structural elements, structural steel, steel wire rods, concrete beams, or other materials utilized in construction.

Outdoor Storage, Vehicles: The holding or storage of 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.

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.

Private School: Any building, or group of buildings, which meets the State requirements for primary, secondary, or higher education and which does not secure the major part of its funding from any government agency.

Property Line, Front: A line running along the front of a lot, from side lot line to side lot line, separating the lot from any street right-of-way or street easement. (See Article I.)

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

Proposed Amendments in Red and Underlined

Section 2-100 AR-1 Agricultural Rural-1

TABLE 2-102: AR-1 AGRICULTURAL RURAL–1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Agricultural processing	P	Section 5-627
	Agri-education	P	Section 5-627
	Animal care business	P	Section 5-627
	Agritainment	P	Section 5-627
	Commercial winery with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Custom operators	P	Section 5-627
	Direct market business for sale of products produced on-site – including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Farm based tourism	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm markets	P	Section 5-603
	Feedlot (for on-going, on-site animal husbandry activities)	P	Section 5-627
	Nursery, commercial	S	Section 5-605

TABLE 2-102: AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Nursery, production	P	Section 5-605
	Pet farms	P	Section 5-627
	Restaurant	P	Section 5-627
	Sawmill	S	Section 5-629
	Stables	P	Section 5-627
	Veterinary services	P	
	Virginia Farm Winery	P	
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627
Agriculture Support and Services Not Directly Associated with On-Site Agricultural Activity	Agricultural research facility	P	Section 5-644
	Animal care businesses	P	Section 5-630
	Central farm distribution hub for agricultural products	P	Section 5-630
	Commercial winery with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Equestrian facility	P	Section 5-630
	Equestrian facility, on lots of less than 50 acres or without frontage on state maintained road	M	Section 5-630
	Farm machinery repair	P	Section 5-630
	Farm machinery sales, rental and service	P	Section 5-615
	Mill feed and farm supply center	P	Section 5-630
	Nursery, commercial	S	Section 5-605

TABLE 2-102: AR-1 AGRICULTURAL RURAL–1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Stable, neighborhood, on lots of 25 acres or more, or frontage on state maintained road	P	Section 5-630
	Stable, neighborhood, on lots of less than 25 acres or without frontage on state maintained road	M	Section 5-630
	Stable, private	P	Section 5-630
Animal Services	Animal hospital	P	Section 5-631
	Kennel	S	Section 5-606
	Kennel, Indoor	M	Section 5-606
RESIDENTIAL USES			
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	May divide property in accordance with Section 2-103 Development Options.
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Portable Dwelling/Trailer Construction	P	
Group Living	Co-housing	P	
	Convent or monastery	P/S	Section 5-656
	Dormitory, seasonal labor	M	Section 5-632
	Rooming house	P	
PUBLIC AND INSTITUTIONAL USES			
Aviation	Airport/landing strip	S	Section 5-633
Day Care Facilities	Child care home	P	Section 5-609(A)

TABLE 2-102: AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Child or adult day care center	S	Section 5-609(B)
Cultural and Government Facilities	Agricultural cultural center	S	Section 5-634
	Fairground	S	Section 5-635
	Structures or uses for local government purposes not otherwise listed in the district	S	
Education	School (elementary, middle, or high)	S	
	Vocational school	S	
Park and Open Space	Arboretum	P	Section 5-636
	Botanical garden or nature study area	P	Section 5-636
	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood, or regional park, passive recreational uses	P	
	Community, neighborhood, or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	P	Section 5-638
	Police station or substation	P	Section 5-638
Religious Assembly	Church, synagogue, temple or mosque, with seating capacity of 300 or less seats in sanctuary or main activity area	P	Section 5-639
	Church, synagogue, temple or mosque, with seating capacity of more than 300 in sanctuary or main activity area, or accessory schools, day care centers with more than ~~30~~ 50 children, recreational facilities	S	Section 5-639

TABLE 2-102: AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**AR-1 DISTRICT**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Utility	General Use Category	P	Recycling drop-off collection center, public: Section 5-607 Utility substation, transmission: Section 5-616(A) Utility substation, distribution: Section 5-616(B)
	Municipal drinking water supply reservoir	P	
	Sewage Treatment Plant	S	Section 5-621
	Sewer Pumping Station	P	Section 5-621
	Water Storage Tank	S	Section 5-621
	Water Treatment Plant	S	Section 5-621
	Water Pumping Station	P	Section 5-621
	Utility transmission lines, overhead (excluding connections of lines from existing overhead public utility transmission lines to individual uses)	S	Unless excepted by Section 1-103(D)
COMMERCIAL USES			
Conference and Training Centers	Conference and training centers	P/M	Section 5-640
	Rural agricultural corporate retreat	P	Section 5-619
	Rural Resort	M	Section 5-601(C)
	Rural Retreat	M	Section 5-601(C)
Food and Beverage	Teahouse; coffeehouse	P	Section 5-641
	Banquet facility	M	Section 5-642
	Restaurant	M	Section 5-643

TABLE 2-102: AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Office	Educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the district	M	Section 5-644
Recreation and Entertainment	Camp, day and boarding, with 30 or fewer campers	P	Section 5-645
	Camp, day and boarding, with more than 30 campers	M	Section 5-645
	Campground	M	Section 5-646
	Country Club	S	Section 5-660
	Cross country ski business	P	Section 5-647
	Eco-tourism	P	Section 5-647
	Golf course	S	Section 5-648
	Outdoor amphitheater	S	Section 5-649
	Private Club or Lodge	S	
	Rural recreational establishment, outdoor	~~P~~ M	Section 5-662
Retail Sales and Service	Antique shop	P	Section 5-650
	Art gallery or art studio	P	Section 5-650
	Auction house	S	Section 5-651
	Craft shop	P	Section 5-650
	Small business	P/M	Section 5-614
Visitor Accommodation	Bed and breakfast	P/M	Section 5-601(A)
	Country inn	P/M	Section 5-601(B)
	Guest farm or ranch leasing up to 20 guest rooms	P	

TABLE 2-102: AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
INDUSTRIAL USES			
Telecommunication Use and/or Structure	Radio and/or television tower	S	Section 5-618
	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunications transmission tower	S	Section 5-618(C)(2)
Waste-Related Uses	Vegetative Waste Management facility	M	(Grant of a special exception does not avoid requirements of Chapter 1080,Codified Ordinances of Loudoun County, or any other applicable law.)
	Yard Waste Composting Facility	S	(Grant of a special exception does not avoid requirements of Chapter 1080,Codified Ordinances of Loudoun County, or any other applicable law.)
	Stockpiling of dirt	S	Section 5-657

Section 2-200 AR-2 Agricultural Rural-2

TABLE 2-202: AR-2 AGRICULTURAL RURAL–2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Agricultural processing	P	Section 5-627
	Agri-education	P	Section 5-627
	Animal care business	P	Section 5-627
	Agritainment	P	Section 5-627
	Commercial winery with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Custom operators	P	Section 5-627
	Direct market business for sale of products produced on-site - including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Farm based tourism	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm markets	P	Section 5-603
	Feedlot (for on-going, on-site animal husbandry activities)	P	Section 5-627
	Nursery, commercial	S	Section 5-605

TABLE 2-202: AR-2 AGRICULTURAL RURAL–2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Nursery, production	P	Section 5-605
	Pet farms	P	Section 5-627
	Restaurant	P	Section 5-627
	Sawmill	S	Section 5-629
	Stables	P	Section 5-627
	Veterinary services	P	
	Virginia Farm Winery	P	
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627
Agriculture Support and Services Not Directly Associated with On-Site Agricultural Activity	Agricultural research facility	P	Section 5-644
	Animal care businesses	P	Section 5-630
	Central farm distribution hub for agricultural products	P	Section 5-630
	Commercial winery, with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Equestrian facility	P	Section 5-630
	Equestrian facility, on lots of less than 50 acres or without frontage on state maintained road	M	Section 5-630
	Farm machinery repair	P	Section 5-630
	Farm machinery sales, rental and service	P	Section 5-615
	Mill feed and farm supply center	P	Section 5-630
	Nursery, commercial	S	Section 5-605

TABLE 2-202: AR-2 AGRICULTURAL RURAL–2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Stable, neighborhood, on lots of 25 acres or more, or frontage on state maintained road	P	Section 5-630
	Stable, neighborhood, on lots of less than 25 acres or without frontage on state maintained road	M	Section 5-630
	Stable, private	P	Section 5-630
Animal Services	Animal hospital	P	Section 5-631
	Kennel	S	Section 5-606
	Kennel, Indoor	M	Section 5-606
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	May subdivide property in accordance with Section 2-203 Development Options.
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Portable Dwelling/Trailer Construction	P	
Group Living	Co-housing	P	
	Convent or monastery	P/S	Section 5-656
	Dormitory, seasonal labor	M	Section 5-632
	Rooming house	P	
PUBLIC AND INSTITUTIONAL USES			
Aviation	Airport/landing strip	S	Section 5-633
Day Care	Child care home	P	Section 5-609(A)

TABLE 2-202: AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Facilities	Child or adult day care center	S	Section 5-609(B)
Cultural and Government Facilities	Agricultural cultural center	S	Section 5-634
	Fairground	S	Section 5-635
	Structures or uses for local government purposes not otherwise listed	S	
Education	School (elementary, middle, or high)	S	
	Vocational school	S	
Park and Open Space	Arboretum	P	Section 5-636
	Botanical garden or nature study area	P	Section 5-636
	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood, or regional park, passive recreational uses	P	
	Community, neighborhood, or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	P	Section 5-638
	Police station or substation	P	Section 5-638
Religious Assembly	Church, synagogue, temple or mosque, with seating capacity of 300 or less seats in sanctuary or main activity area	P	Section 5-639

TABLE 2-202: AR-2 AGRICULTURAL RURAL–2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Church, synagogue, temple or mosque, with seating capacity of more than 300 in sanctuary or main activity area, or accessory schools, day care centers with more than 50 children, recreational facilities	S	Section 5-639
Utility	General Use Category	P	Recycling drop-off collection center, public: Section 5-607 Utility substation, transmission: Section 5-616(A) Utility substation, distribution: Section 5-616(B)
	Municipal drinking water supply reservoir	P	
	Sewage Treatment Plant	S	Section 5-621
	Sewer Pumping Station	P	Section 5-621
	Water Storage Tank	S	Section 5-621
	Water Treatment Plant	S	Section 5-621
	Water Pumping Station	P	Section 5-621
	Utility transmission lines, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	Unless excepted by Section 1-103(D)
COMMERCIAL USES			
Conference and Training Centers	Conference and training centers	M	Section 5-640
	Rural agricultural corporate retreat	P	Section 5-619
	Rural Resort	M	Section 5-601(C)
	Rural Retreat	M	Section 5-601(C)

TABLE 2-202: AR-2 AGRICULTURAL RURAL–2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Food and Beverage	Teahouse; coffeehouse	P	Section 5-641
	Banquet facility	M	Section 5-642
	Restaurant	M	Section 5-643
Office	Educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the district	M	Section 5-644
Recreation and Entertainment	Camp, day and boarding, with 30 or fewer campers	P	Section 5-645
	Camp, day and boarding, with more than 30 campers	M	Section 5-645
	Campground	M	Section 5-646
	Country Club	S	Section 5-660
	Cross country ski business	P	Section 5-647
	Eco-tourism	P	Section 5-647
	Golf course	S	Section 5-648
	Outdoor amphitheater	S	Section 5-649
	Private Club or Lodge	S	
	Rural recreational establishment, outdoor	~~P~~ M	Section 5-662
Retail Sales and Service	Antique shop	P	Section 5-650
	Art gallery or art studio	P	Section 5-650
	Auction house	S	Section 5-651
	Craft shop	S	Section 5-650
	Small business	P/M	Section 5-614

TABLE 2-202: AR-2 AGRICULTURAL RURAL–2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Visitor Accommodation	Bed and breakfast	P/M	Section 5-601(A)
	Country inn	P/M	Section 5-601(B)
	Guest farm or ranch leasing up to 20 guest rooms	P	
INDUSTRIAL USES			
Telecommunication Use and/or Structure	Radio and/or television tower	S	Section 5-618
	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunications transmission tower	S	Section 5-618(C)(2)
Waste-Related Uses	Vegetative waste management facility	S	(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinances of Loudoun County, or any other applicable law.)
	Yard waste composting facility	S	(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinances of Loudoun County, or any other applicable law.)
	Stockpiling of dirt	S	Section 5-657

Section 2-1300 JLMA-20 (JOINT LAND MANAGEMENT AREA – 20)

TABLE 2-1303 JLMA-20 JOINT LAND MANAGEMENT AREA-20 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	JLMA-20	ADDITIONAL REGULATIONS FOR SPECIFIC USES
RESIDENTIAL USES			
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Caretaker's residence (accessory to single family detached dwelling)	P	
	Dwelling, single-family detached, including manufactured housing	P	Manufactured housing subject to Section 5-620
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Guest house (accessory to single family detached dwelling)	P	Section 5-612
Group Living	Dormitory, seasonal labor	P	Section 5-632
	Tenant dwelling	P	Section 5-602
	Tenant dwelling, seasonal labor	P	Section 5-602(C)
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services directly related to on-going agriculture, horticulture and animal husbandry activity, on-site	Agricultural processing	P	Section 5-627
	Animal care business	P	Section 5-627
	Agritainment	P	Section 5-627
	Commercial winery	S	Section 5-625
	Custom operators	P	Section 5-627

TABLE 2-1303 JLMA-20 JOINT LAND MANAGEMENT AREA-20 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	JLMA-20	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Direct market business for sale of products produced on-site- including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Farm based tourism events	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm markets	P	Section 5-603
	Feedlot (for on-going, on-site animal husbandry activities)	P	Section 5-627
	Nursery, commercial	P	Section 5-605
	Pet farms	P	Section 5-627
	Stable	P	Section 5-627
	Virginia farm winery	P	Section 5-627
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627
	Sawmill	S	Section 5-629
	Equestrian facility with more than 10 special events per year.	S	Section 5-627
Agriculture Support and Services not directly related to on-going agriculture, horticulture and animal husbandry activity, on-site	Agricultural research facility	P	Section 5-644
	Animal care businesses	P	
	Equestrian facility	P	
	Farm machine repair	P	

TABLE 2-1303 JLMA-20 JOINT LAND MANAGEMENT AREA-20 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	JLMA-20	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Stable, neighborhood, on lots of 25 acres or more, or frontage on state maintained road	P	
	Stable, private	P	
	Equestrian facility with more than 10 special events per year.	S	Section 5-630
	Equestrian facility, on lots of less than 50 acres or without frontage on a state maintained road.	S	Section 5-630
	Stable, neighborhood, on lots of less than 25 acres or without frontage on a state maintained road	S	Section 5-630
Animal Services	Animal hospital	S	Section 5-631
	Kennel	S	Section 5-606
	Veterinary service	P	
PUBLIC AND INSTITUTIONAL USES			
Aviation	Airport/landing strip	S	Section 5-633
Cultural and Government Facilities	General Government Use	S	Section 5-631
	Fairground	S	Section 5-635
Education	School (elementary, middle, or high),	S	
	Vocational school	S	
Park and Open Space	Arboretum	P	Section 5-636
	Botanical garden or nature study area	P	Section 5-636
	Cemetery	S	Section 5-637

TABLE 2-1303 JLMA-20 JOINT LAND MANAGEMENT AREA-20 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	JLMA-20	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood or regional park, passive recreational uses	P	
	Community, neighborhood or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	S	Section 5-638
	Police station or substation	S	Section 5-638
Religious Assembly	Church, synagogue, temple, or mosque, with seating capacity of 300 or less in sanctuary or main activity area	P	Section 5-639
	Church, synagogue, temple or mosque, with seating capacity of more than 300 in sanctuary or main activity area, or accessory schools, day care centers with more than 50 children.	S	Section 5-639
Utility	Public utility service center and storage yard	S	Section 5-621
	Recycling drop off collection center, public	P	Section 5-607
	Sewer and water treatment plant	S	Section 5-621
	Utility substation, dedicated	S	Section 5-621
	Utility substation, transmission	S	Section 5-616 and 5-621
	Utility transmission line, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	Unless excepted by Section 1-103 (D)
	Sewage and Water pumping station	P	Section 5-621
	Water storage tank	S	Section 5-621

TABLE 2-1303 JLMA-20 JOINT LAND MANAGEMENT AREA-20 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	JLMA-20	ADDITIONAL REGULATIONS FOR SPECIFIC USES
COMMERCIAL USES			
Retail Sales and Service	Small Business	S	Section 5-614
Conference and Training Centers	Conference and training centers	S	Section 5-640
	Rural agricultural corporate retreat	S	Section 5-619
Food and Beverage	Restaurant	S	
Recreation and Entertainment	Camp, day and boarding, with 30 or fewer campers	P	Section 5-645
	Camp, day and boarding, with more than 30 campers	S	Section 5-645
	Campground	S	Section 5-646
	Cross-country ski business	P	Section 5-647
	Golf course	S	Section 5-648
	Rural recreational establishment, outdoor	~~P~~ M	Section 5-662
INDUSTRIAL USES			
Telecommunication Use and/or Structure	Telecommunications antenna	P	Section 5-618(A)

Section 2-1400 TR-10 (Transitional Residential - 10)

TABLE 2-1402 TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	TR-10	ADDITIONAL REGULATIONS FOR SPECIFIC USES
RESIDENTIAL USES			
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Caretaker's residence (accessory to single family detached dwelling)	P	
	Dwelling, single-family detached, including manufactured housing	P	Manufacturing housing subject to Section 5-620
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Guest house (accessory to single family detached dwelling)	P	Section 5-612
Group Living	Congregate housing facility	S	
	Continuing care facility	S	
	Convent or monastery	S	Section 5-656
	Orphanage or similar institution	S	
	Tenant dwelling (accessory to agriculture, horticulture or animal husbandry uses)	P/S	Section 5-602
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services Directly Related to On-going	Agricultural processing	S	Section 5-627
	Animal care business	P	Section 5-627

TABLE 2-1402 TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	TR-10	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Custom operators	P	Section 5-627
	Direct market business for sale of products produced on-site-including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Equestrian facility, on lots of less than fifty (50) acres, or without frontage on a state maintained road	S	Section 5-627
	Farm co-ops	P	Section 5-627
	Farm based tourism	P	Section 5-628
	Farm markets	P	Section 5-603
	Pet farms	P	Section 5-627
	Nursery, commercial	S	Section 5-605
	Nursery, production	P	Section 5-605
	Nursery, production, without frontage on a state maintained road	S	Section 5-605
	Stables	P	Section 5-627
	Stable, neighborhood on lots less than twenty five (25) acres, or without frontage on a state maintained road	S	Section 5-627
	Virginia farm winery	P	
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627
Agricultural Support and Services Not Directly Associated	Agricultural research facility	S	Section 5-644
	Animal care businesses	P	Section 5-630

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TABLE 2-1402 TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	TR-10	ADDITIONAL REGULATIONS FOR SPECIFIC USES
with On-Site Agricultural Activity	Central farm distribution hub	S	Section 5-630
	Equestrian facility	P	Section 5-630
	Nursery, commercial	S	Section 5-605
	Stable, neighborhood, on lots of 25 acres or more, or frontage on state maintained road	P	Section 5-630
	Stable, private	P	Section 5-630
Animal Services	Animal hospital	S	Section 5-631
	Kennel	P	Section 5-606
	Kennel, Indoor	P	Section 5-606
	Veterinary service	P	
PUBLIC AND INSTITUTIONAL USES			
Aviation	Airport/landing strip	S	Section 5-633
Day Care Facilities	Child care home	P	Section 5-609(A)
	Child or adult day care center	S	Section 5-609(B)
Cultural and Governmental Facilities	Community center, HOA facilities only	P	
	Structures or uses for local government purposes not otherwise listed in the district	S	
Education	Colleges or universities (including dorms)	S	
	School (elementary or middle), for fifteen (15) pupils or less	P	Section 5-655
	School (elementary, middle, or high), for more than 15 pupils	S	
Park and Open Space	Arboretum	P	Section 5-636

TABLE 2-1402 TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	TR-10	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Botanical garden or nature study area	P	Section 5-636
	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood or regional park, passive recreational uses	P	
	Community, neighborhood or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	S	Section 5-638
	Police station or substation	S	Section 5-638
Religious Assembly	Church, synagogue, temple or mosque with seating capacity of 300 or less seats in sanctuary or main activity area	P	Section 5-639
	Church, synagogue, temple or mosque with seating capacity of more than 300 in sanctuary or main activity area, or with accessory schools, day care centers with more than 50 children, recreational facilities	S	Section 5-639
Utility	Communal sewer system	P	Section 5-621
	Communal water supply system	P	Section 5-621
	Public utility service center and storage yard	S	Section 5-621
	Public utility service center, without outdoor storage	P	Section 5-621
	Recycling drop off collection center, public	P	Section 5-607
	Recycling drop off collection center, private	S	Section 5-607
	Sewage and water treatment plant	S	Section 5-621

TABLE 2-1402 TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	TR-10	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Utility substation, dedicated	S	Section 5-621
	Utility substation, distribution	S	Section 5-616 and 5-621
	Utility substation, transmission	S	Section 5-616 and 5-621
	Utility transmission line, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	Unless exempted by Section 1-103(D)
	Utility transmission line, underground	P	
	Water storage tank	S	Section 5-621
	Sewer and water pumping station	P	Section 5-621
COMMERCIAL USES			
Conference and Training Centers	Conference and training centers	S	Section 5-640
	Rural agricultural corporate retreat	S	Section 5-619
	Rural Resort	S	Section 5-601(D)
	Rural Retreat	S	Section 5-601(D)
Recreation and Entertainment	Camp, day and boarding, with 30 or fewer campers	P	Section 5-645
	Camp, day and boarding, with more than 30 campers	S	Section 5-645
	Campground	S	Section 5-646
	Eco-tourism	P	Section 5-647
	Golf course	S	Section 5-648
	Private club or lodge	S	
	Recreation establishment, outdoor	S	

TABLE 2-1402 TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	TR-10	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Rural recreational establishment, outdoor	~~P~~ M	Section 5-662
Retail Sales and Service	Antique shop	S	Section 5-650
	Art gallery or art studio	S	Section 5-650
	Craft shop	S	Section 5-650
	Farm machinery sales and service	S	Section 5-615
	Mill, feed and farm supply center	S	
	Small business	P/S	Section 5-614
	Studio space – artist, craftsperson, writer, etc.	P	Section 5-650
Visitor Accommodation	Bed and breakfast homestay	P/S	Section 5-601(A)
	Bed and breakfast inn	S	Section 5-601(B)
	Country inn	S	Section 5-601(C)
INDUSTRIAL USES			
Telecommunication Facilities	Radio and/or television tower	S	Section 5-618
	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunication tower	S	Section 5-618(C)(2)
Waste-Related Uses	Vegetative waste management facility	S	(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinanaces of Loudoun County, or any other applicable law.)
	Yard waste composting facility	S	
	Stockpiling of dirt	S	Section 5-657

Section 5-600 Additional Regulations for Specific Uses. The following additional regulations apply to specific uses as set forth below. These are intended to serve as the minimum standards for these uses, and are not intended to be in substitution for other provisions of this ordinance that may apply, or for additional conditions that may be imposed in connection with special exception or rezoning approvals. Unless otherwise specified, the following additional regulations may be modified by Minor Special Exception in accordance with the provisions of Section 6-1300. Modifications may be approved by the Board of Supervisors upon a finding that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, preserve the County's historic or archeological heritage, or otherwise exceed the public purpose of the existing regulation. No modification shall be granted to any of the underlying zoning district regulations.

5-662 Rural Recreational Establishment. Outdoor. Any Rural Recreational Establishment, Outdoor use in the AR-1, AR-2, JLMA-20, and TR-10 districts shall be permitted only by minor special exception pursuant to Section 6-1300 and is subject to the additional provisions below.

(A) **Size of Use.** The minimum lot area for a Rural Recreation Establishment, Outdoor use shall be 25 acres.

(B) **Location on Site/Dimensional Standards.** Structures associated with the Rural Recreational Establishment, Outdoor use shall be set back a minimum of 200 feet from all lot lines.

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

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

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

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

(D) **Road/Access Standards.**

(1) **General Access Standards.** A Rural Recreational Establishment use shall comply with the Road Access Standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than two points of access to a public road for the Rural Recreational Establishment use. This requirement shall not preclude an additional access for emergency vehicles only.

(E) **Parking.**

(1) Parking and loading shall be provided in accordance with Section 5-1102.

(2) Parking shall be set back a minimum of 100 feet from all property lines.

(3) Surface. All parking areas servicing the Rural Recreational Establishment use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(F) **Exterior Lighting Standards.** Outdoor lighting shall be designed to minimize impacts on adjacent properties and shall comply with the standards of Section 5-1504 and Section 5-652.

(G) **Noise Standards.** A Rural Recreational Establishment, Outdoor shall be designed to minimize noise from impacting on adjacent properties and shall comply with the standards of Section 5-1507 and Section 5-652.

(H) **Maximum Number of Attendees.** The maximum number of attendees and parking spaces is based on the acreage of the property, as follows:

Use	Scope of Use	Lot Area (Minimum)
Level I – Small Scale	No more than 400 visitors on any one day; no more than 200 vehicles allowed on site at any one time	25 acres, up to 50 acres
Level II – Medium Scale	No more than 600 visitors on any one day; no more than 300 vehicles allowed on site at any one time.	In excess of 50 acres, up to 100 acres
Level III – Large Scale	Four additional visitors and two additional vehicles allowed per acre in excess of 100 acres.	In excess of 100 acres

(I) **Size of Use.**

(1) **Structure.** The size of all structures used in the Rural Recreational Establishment, Outdoor use shall not exceed 5,000 square feet.

ARTICLE 8, DEFINITIONS:

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~~ Accessory uses include a refreshment stand, offices, party room, bathroom facilities, equipment sales and rental, maintenance facilities and the like ~~as an accessory use~~. Nothing in this definition shall be construed to mean a track for motorized vehicles of any type, however defined.

County of Loudoun

Department of Planning

MEMORANDUM

DATE: May 2, 2011

TO: Marilee Seigfried, Deputy Zoning Administrator
Michelle Lohr, Planning, Zoning Administration

FROM: Pat Giglio, Planner III
Department of Planning, Community Planning

SUBJECT: ZOAM 20011-0001, Amendments to Zoning Ordinance–Rural Recreational Establishment, Outdoor

BACKGROUND

The Board of Supervisors has initiated an amendment to the Revised 1993 Loudoun County Zoning Ordinance to change the use type "Rural Recreational Establishment, Outdoor" from being a use that is permitted by-right to a use that is allowed by minor special exception in the Agricultural Rural-1 (AR-1), Agricultural Rural-2 (AR-2),Joint Land Management Area-20 (JLMA-20) and Transitional Residental-10 (TR-10) zoning districts and to establish additional regulations and standards for the use. "Rural Recreational Establishment Outdoor" is defined as a commercial enterprise in which seasonal facilities related to outdoor recreation are provided, which include camping, skating-ring (outdoor), lodging, picnicking, boating, fishing, swimming, outdoor game and sports and animal mounted trail rides. Accessory uses associated with these uses may include a refreshment stand, office party room, bathroom facilities, equipment sales and rental and maintenance facilities to support the business. The zoning amendment also establishes additional regulations and standards for the use which includes minimum lot sizes with associated maximum numbers for visitor and vehicles, setback requirements for structures, landscaping and buffering requirements, road access standards, and, exterior lighting and noise standards to ensure compatibility with the surrounding area. Planning Department staff has reviewed the proposed zoning amendment and offers the following comments.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

Comprehensive Plan guidance for the proposed zoning amendment is provided in the policies of the Revised General Plan. The proposed zoning amendment will affect properties located within the Rural Policy Area, Joint Land Management Area of Leesburg and the Transition Policy Area as identified by the Plan *(Revised General Plan, Chapter 7, Planned Land Use Map).*

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The designated AR-1 and AR-2 Zoning Districts coincide with the northern tier and southern tier of the Rural Policy Area. The Rural Policy Area is planned for rural economy uses and limited residential development. The policies of the Plan support the establishment of business uses in the Rural Policy Area that preserve the rural character of the landscape, that are compatible with the dominant rural land use pattern, and that promote opportunities for the expansion of the County's rural economic as well as environmental goals (Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policies 2 & 8). The Plan identifies a variety of traditional and non-traditional agricultural enterprises, which include crop and cattle production, equine industry, vineyards and wineries, horticulture and specialty farm products, farm markets and wayside stands, farm supportive businesses, hospitality services (bed and breakfast enterprises, country inns, rural retreats and resorts), **private camps and parks** [emphasis added], rural corporate retreats, etc. which are appropriate in the Rural Policy Area. The Plan also outlines a series of performance criteria that all rural business uses should meet in order to ensure their compatibility with the character of the surrounding rural area (*Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policy 6).* The sustainability of these rural business uses and the rural economy are highly interrelated and dependent on the preservation of the rural land for its agricultural potential, scenic quality and rural character.

The JLMA-20 Zoning District coincides with the area south of the Town of Leesburg east of Leesburg Executive Airport and north of Cochran Mill Road (Route 653) which is designated as the Leesburg Joint Land Management Area (JLMA) by the Revised General Plan. County policies call for the towns to work jointly with the County on land use and development in the JLMA (*Revised General Plan, Chapter 9, Growth Management Policies, Policy 1*). A large percentage of the land zoned JLMA-20 is owned by Loudoun County and is occupied by the 672-acre Governmental Support Site and Phil Bolen Park. Phil Bolen Park is a mastered planned regional park with active and passive recreation uses.

The TR-10 Zoning District coincides with the Lower Sycolin and Middle Goose subareas of the Transition Policy Area, which is roughly bound to the north by Sycolin Creek, the east by Evergreen Mill Road (Route 621) and the west by a portion of Goose Creek and the boundaries of the Suburban Policy Area. The development pattern in the Transition Policy Area is to provide a "visual and spatial transition" between the suburban development in the east and the rural development in the west (*Revised General Plan, Chapter 8, General Policies, Policy 2*). The County will encourage the development of non-residential uses which include, but are not limited to, equestrian centers, golf courses, **active recreation uses** [emphasis added], retail nurseries, kennels, boarding schools and compatible institutional uses, provided they meet specific criteria that address the nature, scale, and intensity of the use, market area, and design characteristics. These non-residential uses will serve to promote a rural character while serving both rural and suburban populations (*Revised General Plan, Chapter 8, Community Design Policies 15 & 16*).

ANALYSIS

The Plan does not specifically identify "Rural Recreational Establishment, Outdoor" as a use in the Rural Policy Area, Joint Land Management Area of Leesburg, and/or the Transition Policy Area but as indicated above, provides guidance on a variety of anticipated active and passive outdoor recreational uses which are similar to those included in the definition for "Rural Recreational Establishment, Outdoor" use proposed in the zoning ordinance amendment. The Plan also outlines a series of performance criteria like those proposed in the zoning ordinance amendment that both passive and active outdoor recreational business uses should meet in order to ensure their compatibility with the dominant land use pattern and character of the surrounding area. Additionally the proposal to require a Minor Special Exception (SPMI) for all "Rural Recreational Establishment, Outdoor" uses provides assurances that each application would be evaluated on an individual basis and that adjacent properties owners as well as the general public will have input through the legislative processes.

RECOMMENDATIONS

In general the policies of the Plan support the development of outdoor rural recreational businesses that are compatible in scale, use and intensity with the dominant land- use pattern and character of the surrounding area. Planning staff finds no issues with the proposed zoning amendment to change the use type "Rural Recreational Establishment, Outdoor" from being a use that is permitted by-right to a use that is allowed by minor special exception with additional regulations and standards for the use. Planning staff also notes that adding "Rural Recreational Establishment, Outdoor" as a minor special exception use would allow for the evaluation of such proposed use on a case-by-case basis and provide the opportunity to impose specific conditions that will ensure that any proposed outdoor rural recreational use will be of a scale and character that is appropriate and compatible with the surrounding area. Staff supports the proposed zoning ordinance amendment to permit "Rural Recreational Establishment, Outdoor" use as a minor special exception use in the Agricultural Rural-1 (AR-1), Agricultural Rural-2 (AR-2),Joint Land Management Area-20 (JLMA-20) and Transitional Residental-10 (TR-10) zoning districts with additional regulations and standards for the use.

cc: Julie Pastor, AICP, Director, Planning
Cynthia Keegan, AICP, Program Manager, Community Planning-via email

LOUDOUN
VIRGINIA USA
Economic Development

May 4, 2011

Michelle M. Lohr, Planner
Zoning Administration
1 Harrison Street, SE
3rd Floor, MSC #60
Leesburg, VA 20175

Dear Ms Lohr:

Thank you for your continued contribution of time and energy to positively impact Loudoun County's rural economic future and quality of life through your participation in the Rural Economic Development Council.

The REDC appreciates the chance to provide feedback on the proposed Amendments to the Zoning Ordinance-Rural Recreation Establishment Outdoor (ZOAM2011-0001). At the May 3, 2011 meeting of the REDC, the Council determined that they are collectively supportive of the intent of the ordinance to promote and protect rural businesses, but are concerned about the unintended consequences of the new regulation on currently undefined rural establishments.

We look forward to working with you on an ongoing basis in order to encourage sustainable growth and continued vitality of the rural economy of Loudoun County.

With warm regards,

Mary Ellen Taylor, Vice Chair
Loudoun County Rural Economic Development Council

Attachment 6

Loudoun County Economic Development Commission
1 Harrison Street, SE, MSC #63, Leesburg, VA, USA 20175
703-777-0426 • biz.loudoun.gov

May 2, 2011

VISIT LOUDOUN

Loudoun Convention & Visitors Association
112-G South Street, SE
Leesburg, Virginia 20175
P. 703.771.2170
F. 703.771.4973
VisitLoudoun.org

Ms. Michelle Lohr, Planning, Zoning Administration
Loudoun County
1 Harrison Street, SE
3rd floor, MSC# 60
Leesburg, VA 20175

Dear Michelle,

Visit Loudoun, in representing the interests of the entire tourism and hospitality industry for Loudoun County, value greatly the opportunities and development that impact both economically and the quality of experience for both residents and visitors alike. That being said, the Visit Loudoun board of directors is concerned about the proposed Amendments to the Zoning Ordinance – Rural Recreation Establishment, Outdoor (ZOAM2011-0001) and the profoundly negative impact on the economic vitality and growth for Loudoun County.

The Visit Loudoun board of directors fully understands the desire to preserve the identified areas of the County, but we feel that these amendments include restrictions and broad definitions that will limit potential business development projects by developers to Loudoun County. We therefore, would like to offer our assistance to facilitate the creation of a task force, with members of the rural tourism business community (bed and breakfasts, farms, historic sites/venues, wineries, sporting fields, etc.). The purpose of the task force would be to address and discuss solutions to the ordinance on a mutually agreeable and beneficial outcome for future rural economic development, thus ensuring that all involved can serve the residents and customers we share and build a stronger partnership and alliance for the overall good of Loudoun County.

Your most serious consideration to our offer is greatly appreciated and we look forward to working with you and the rural business community to reach a mutually beneficial solution.

Best regards,

Patrick J. Kaler
President & CEO
Visit Loudoun

Cc: Tom Flynn, Loudoun County Department of Economic Development
Kellie Boles, Loudoun County Department of Economic Development
Doug Fabbioli, Rural Economic Development Council
Ellen Goldberg, Loudoun County Bed & Breakfast Guild
Steve Mackey, Loudoun Wineries Association

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ATTACHMENT 7