ARTICLE 1
GENERAL REGULATIONS

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

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

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

(A) Guide and regulate the orderly growth, development and redevelopment of Loudoun County in accordance with a well-considered plan and with long-term objectives, principles and standards deemed beneficial to the interest and welfare of the people.

(B) Protect the established character and the social and economic well-being of both private and public property.

(C) Promote, in the public interest, the best utilization of land.

(D) Provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers.

(E) Reduce or prevent congestion in the public streets.

(F) Facilitate the creation of a convenient, attractive and harmonious community.

(G) Expedite the provision of adequate police and fire protection, safety from crime, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements.

(H) Protect against destruction of, or encroachment upon, historic areas.

(I) Protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers.

(J) Encourage economic development activities that provide desirable employment and enlarge the tax base.

(K) Promote the public necessity, health, safety, convenience and general welfare by equitably apportioning the cost of providing the additional public facilities necessitated or required by development.

(L) Provide for the preservation of agricultural and forestal land and other lands for the protection of the natural environment.

(M) Protect approach slopes and other safety areas of licensed airports.

(N) Provide for and promote affordable housing for County residents.

1-103 Application of Ordinance.

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

(B) **General Application.** All buildings and structures erected hereafter, all uses of land, water or buildings established hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of, additions to, changes in and relocations of existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, structures, uses or land are located. Existing buildings, structures and uses which comply with the regulations of this Ordinance shall likewise be subject to all regulations of this Ordinance. Existing buildings, structures and uses which do not comply with the regulations of this Ordinance shall be allowed to continue subject to the provisions of Section 1-400 of this Article relating to nonconformities.

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

(D) **Exemptions.** The following uses are exempt from the application of this Ordinance.

(1) Pursuant to Section 56-46.1 of the Code of Virginia, electrical transmission lines of 150 kV or more, approved by the State Corporation Commission, shall be deemed to have satisfied the requirements of this ordinance. In addition, the following utility uses are exempt from the provisions of this article: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar equipment when used for the purpose of distributing service to individual customers, but not including substations, transmission lines, or trunk lines located on or above the surface of the ground, for the distribution to consumers of telephone, cable television or other communications, electricity, gas or water, or for the collection of sewage or surface water.

(2) The height limitations of this Ordinance shall not apply to towers, gables, penthouses, scenery lofts, cupolas, barns, silos, farm buildings, residential chimneys, spires, flag poles, monuments or transmission towers and cables, telecommunications or data transfer antennas or other similar structures and necessary mechanical appurtenances; nor to any smokestack, water tank, radio or television antenna or tower not exceeding in height the distance therefrom to the nearest lot line; provided that this height limitation shall not apply to any of the above enumerated structures now or hereafter located on existing public utility easements.

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

(F) **Existing Special Exceptions and Variances.**

(1) Any special exception lawfully issued prior to June 16, 1993, or any amendment thereof, shall be deemed to be and continue to be valid, provided that the special exception use is established by June 16, 2003. The period of validity in Section 6-1312 of this Ordinance shall not apply to special

exceptions approved prior to June 16, 1993; provided, however, requests for extensions may be submitted in accordance with that section. Any variance previously issued prior to the effective date of this Ordinance, or any amendment thereof, shall be deemed to be and continue to be valid after such effective date. Development in accordance with an approved special exception or variance shall meet the requirements of this Ordinance, provided, that in the event of any inconsistency between an approved special exception or variance plat and the lot requirements of this Ordinance, development in accordance with the lot requirements of the special exception or variance plat shall be permitted.

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

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

(1) **Right to Complete Construction Pursuant to Approved Plans.** Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designated use of any structure in the event that:

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

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

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

(2) **Right to Occupy as Nonconformity.** Upon completion pursuant to Subsection (1) hereof, such structure may be occupied by, and a certificate of occupancy shall be issued for, the use designated on such permit, subject thereafter to the provisions of Section 1 400 relating to nonconformities.

(H) **Pending Applications - Applicability.** Any amendment to this Ordinance shall apply to all applications pending as of the date of

the amendment, except as otherwise provided herein or by State law. The vested rights provisions of subsection 1-103(O) may apply to a particular application. Grandfathering provisions, if any, may be established by the Board of Supervisors in a resolution adopting an amendment.

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

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

(1) If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance.

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

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

(L) **Proffered Conditions.** The text of this Zoning Ordinance shall apply to any parcel covered by a previous grant of zoning with

proffered conditions pursuant to Section 15.2-2303 of Va. Code Ann. except where the imposition of the requirements of this Ordinance would be in conflict with a specific proffered condition, in which case, the proffered condition would supersede the requirements of this Ordinance.

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

(N) **Route 28 Taxing District.** As required by state law and the legislation establishing the Route 28 Transportation Improvement District, (i) the Loudoun County Zoning Ordinance, promulgated in 1972, as it existed on (x) the date such District was established or, (y) in regards to any particular parcel, the most recent change in zoning of such parcel, whichever occurred latest in time, shall remain in full force and effect with respect to all commercially and industrially zoned properties situated in such District that are subject to the 1972 Loudoun County Zoning Ordinance and (ii) as to any commercially and industrially zoned parcels in the District that are subject to the 1993 Loudoun County Zoning Ordinance as of January 7, 2003 such ordinance as it existed on (x) June 16, 1993 or (y) in regards to any particular parcel, the most recent

change in zoning of such parcel, whichever occurred later in time shall remain in full force and effect with respect to such parcels.

(1) Any for commercially or industrially zoned property administered under the 1972 Loudoun County Zoning Ordinance shall continue to have all applications for Zoning Ordinance Modifications, Proffer Amendments, Concept Plan Amendments, Preliminary Subdivisions, and Record Subdivisions processed in accord with the approved rezoning and the Loudoun County Zoning Ordinance in effect immediately prior to June 16, 1993. For any commercially or industrially zoned property administered under the 1993 Loudoun County Zoning Ordinance, all applications for zoning ordinance modifications, proffer amendments, concept plan amendments and special exceptions shall be processed in accordance with the provisions of Article VI in effect at the time any such application is submitted and considered.

(2) Notwithstanding this provision, the owner(s) of all the property within a proffered commercial or industrial zoning district within the Route 28 Tax District, or the owner(s) of any other commercially or industrially zoned property within the Route 28 Tax District, may elect to waive the protection of this section by filing a written notice of such election, accompanied by an affidavit indicating that all owners have signed the notice, with the Zoning Administrator by January 7, 2004. Such election shall be permanent, and shall not relieve the owner(s) of any obligations under previously accepted proffers. If presently subject to the 1972 Loudoun County Zoning Ordinance, such election shall require the property to be developed pursuant to the conditions of the approved rezoning for such development, if applicable, and under the provisions of this Ordinance for the new zoning district as indicated below:

Zoning District 1972 Ordinance	**Zoning District 1993 Ordinance**
PD-IP	PD-IP
PD-OP	PD-OP
PD-RDP	PD-RDP
PD-GI	PD-GI
I-1	MR-HI
C-1	PD-CC (CC)
PD-CH	PD-CC (RC)

PD-SC PD-CC (RC)

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

(O) **Vested Rights Not Impaired.**

A landowner's rights shall be deemed vested in a land use and shall not be affected by an amendment to this Ordinance when the landowner (i) obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project,; (ii) relies in good faith on the significant affirmative governmental act; and (iii) incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

For purposes of this section, the following are deemed to be significant affirmative governmental acts allowing development of a specific project; (i) the governing body has accepted proffers or proffered conditions which specify use related to a zoning amendment; (ii) the governing body has approved an application for a rezoning for a specific use or density; (iii) the governing body or board of zoning appeals has granted a special exception or use permit with conditions; (iv) the board of zoning appeals has approved a variance; (v) the governing body or its designated agent has approved a preliminary subdivision plat, site plan or plan of development for the landowner's property and the applicant diligently pursues approval of the final plat or plan within a reasonable period of time under the circumstances; or (vi) the governing body or its designated agent has approved a final subdivision plat, site plan or plan of development for the landowner's property.

In conjunction with the request for approval of a site plan, subdivision or building permit, the Zoning Administrator may make findings of facts, and, with concurrence of the County Attorney, conclusions of law regarding determinations of vested rights accruing under Va. Code § 2307.

(P) **Approved Subdivisions and Site Plans.**

Nothing in this Ordinance shall interfere with the terms of validity of any subdivisions or site plans, as provided by State law.

(Q) **Effective Date.**

This ordinance shall become effective upon its adoption. Any amendments to this Ordinance shall be effective upon their adoption.

Section 1-200 Interpretation of Ordinance.

1-201 **Provisions are Minimum Requirements.** In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals and general welfare, as set forth in the provisions hereof establishing the intent and purpose of this Ordinance in general and its various sections in particular.

1-202 **Interpretation of Terms.** For the purpose of this Ordinance, certain words and terms are to be interpreted as follows:

(A) Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; words in the singular number include the plural; and words in the plural include the singular, unless the obvious construction of the wording indicates otherwise.

(B) The word "shall" is mandatory.

(C) Unless otherwise specified, all distances shall be measured horizontally and at right angles or radially to the line in relation to which the distance is specified.

(D) Unless otherwise specified, the term "day" shall mean working day.

(E) The word "lot" includes the word plot; the word "used" shall be deemed also to include designed, intended, or arranged to be used; the term "erected" shall be deemed also to include constructed, reconstructed, altered, placed, relocated or removed.

(F) The terms "land use" and "use of land" shall be deemed also to include building use and use of building.

1-203 **Unspecified Uses.** Subject to the Zoning Administrator's interpretive powers as provided for herein, no uses are permitted unless included in a district use list or accessory use list.

1-204 **Adding Unspecified Uses to the District Regulations.** Uses other than those allowed in the applicable district may be added to a district upon adoption of a text amendment approved by the Board of Supervisors.

1-205 **Limitations and Methods for Measurements of Lots, Yards and Related Terms.**

(A) **Lot Access Requirements.** No structure requiring a building permit shall be erected upon any lot which does not have frontage on a Class I, Class II, Class III road, or private access easement as specified in the individual district regulations, except as specifically provided for herein and the Land Subdivision and Development Ordinance (LSDO).

(1) New access points (private or public) to arterial or major collector roads shall be limited to locations at existing median breaks, planned median breaks or other locations approved by Loudoun County or VDOT.

(B) **Regular Lots, Width Measurements.** The width of a regular lot shall be determined by measurement across the rear of the required front yard. The distance between side lot lines at the points where they intersect with a street line shall not be less than eighty percent (80%) of the required width, measured along the street line. However, in cases where lots front on curved or circular (cul-de-sac) streets, the radii of which do not exceed ninety (90) feet, the distances between side lot lines where they intersect with the street line may be reduced to sixty percent (60%) of the required width, measured along the street line. Yards and street lines shall be measured along the arc of the curve for curvilinear yards and street lines. Lot width shall be measured only along continuous frontage facing one street. The minimum width of a lot on a private access easement shall be determined by measurement along the front yard around the private access easement extended into the lot.

(C) **Regular Lots, Determination of Front Yard.**

(1) On regular interior lots, the front shall be construed to be the portion nearest the street.

(2) On regular corner lots, except as provided for in subparagraph (3) below, the front shall be construed to be the shorter boundary fronting on a street. If the lot has equal frontage on two or more streets, the front of the lot shall be determined and shown on the subdivision plat or site plan by the prevailing building pattern, or the prevailing lot pattern if a building pattern has not been established.

(3) In an agricultural zoning district (A-3, A-10, AR-1 and AR-2), the front of the lot shall be determined and shown on the subdivision plat or site plan by the prevailing building

pattern, or prevailing lot pattern if a building pattern has not been established, provided that the shortest boundary fronting on a street in an agricultural zoning district is eighty percent (80%) or more of the required lot width.

(4) On regular through corner lots, the front shall be construed to be the shorter boundary fronting the street, provided that if the shortest boundary fronting on a street is eighty percent (80%) or more of the length of the longest boundary fronting on a street, the applicant may select either frontage if lot width requirements are met.

(5) On regular through lots, unless otherwise determined by the Zoning Administrator due to the prevailing building pattern, the front shall be construed to be the shorter boundary fronting on a street. If the lot has equal frontage on two streets, the front of the lot shall be determined and shown on the preliminary and final subdivision plats and site plans by the prevailing building pattern, or the prevailing lot pattern if a building pattern has not been established.

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

(1) Front yards of at least the depth required in the district shall be provided across the entire frontage of a regular lot.

(2) Other yards adjacent to streets shall be provided across or along the entire portion of the lot adjacent to the street.

(3) Street line for measurement of required yards adjacent to streets. Where the lot line adjacent to a street is straight, required yards shall be measured from such line, extended in the case of rounded corners. On convex or concave lots, front, side and rear yards, as applicable, shall be parallel to or concentric with, the street line. Depth of required yards adjacent to streets shall be measured perpendicular or radially to such straight street lines.

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

district regulations with its inner edge parallel to or concentric with its outer edge.

(F) **Yards on Corner Lots.** Corner lots shall be deemed to have no rear yards, only two (2) front yards which are adjacent to the streets and two (2) side yards, provided that if two (2) different side yards are required in a district, the larger available yard shall be used. Notwithstanding anything to the contrary contained in this Ordinance, setbacks on corner lots shall be sufficiently large to comply with VDOT sight distance requirements or Section 5-300 whichever is greater.

(G) **Side Yards on Regular Lots.** Side yards on regular lots are defined as running from the required front yard line to the required rear yard line. On regular through lots the required side yard shall run from the required front yard line to the second required front yard line. On corner lots the required side yards shall run from the point where side yard lines intersect, to the required front yard lines.

(H) **Irregular Lots, Dimensional Requirements.** An irregular lot shall be considered to meet the dimensional requirements of the district in which located, provided:

(1) Lot area shall meet district requirements for the proposed use. Lot width need not meet district requirements if requirements set forth below are met.

(2) Open space in required yards and elsewhere on the lot shall be not less than as required for the use in the district on a regular rectangular lot of required minimum width and area.

(3) Building area remaining after required yards have been provided shall have dimensions and locations appropriate for all buildings proposed.

(I) **Irregular Lots, Yard Requirements.** In general, all yards shall provide at least the same separation from all lot lines as required for minimum side yards in the district, provided, however, that where district regulations permit building to the lot line of a regular lot under specified circumstances, the same regulations shall apply on an irregular lot, except as provided with relation to accessory buildings and structures in Section 5-200. Additionally, if an irregular lot abuts a street at any point, a distance equal to the

required yard on a regular lot adjacent to a street in the district shall be provided.

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

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

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

(1) The Zoning Administrator determines that:

(a) The error does not exceed ten (10) percent of the applicable minimum yard, setback or buffer, and

(b) The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in location of the building subsequent to the issuance of a Building Permit, if such was required, and

(c) It will not be detrimental to the use and enjoyment of the other property in the immediate vicinity, and

(d) It will not create an unsafe condition with respect to both other property and public streets, and

(e) To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner, and

(f) The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

(2) In approving such a reduction under the provision of this Section, the Zoning Administrator shall allow only a reduction necessary to provide reasonable relief and, as deemed advisable, may prescribe such conditions, to include landscaping and screening measures to assure compliance with the intent of this Ordinance.

(3) Upon the approval of a reduction for a particular building in accordance with the provision of this Section, the same shall be deemed to be a lawful building.

(4) The Zoning Administrator shall have no power to waive or modify the standards necessary for approval as specified in this Section.

(5) If there is an error greater than ten (10) percent of the measurement that is involved, a reduction may be granted by the BZA in accordance with the provisions of Section 6-1600.

1-206 **Calculations of Density.** Calculations of density in individual zoning districts shall be subject to the following:

(A) Calculations of gross and net densities, gross and net residential area, lot area, floor area ratios, and similar measures shall be made in accordance with the formulas provided within the definitions of these terms in Article VIII of this Ordinance.

(B) **Highway Transportation Improvement District.** This section is applicable solely for determining density credit for certain public road dedications within highway transportation improvement districts established in accord with Section 15.2-4600 et seq. of the Code of Virginia.

(1) In those zoning districts, including planned development districts, where density or intensity of land use is controlled by number of dwelling units or floor area ratio, or other similar measure, such computations with respect to a lot from which land has been severed for the purpose of constructing or improving any primary highway interchange or portion thereof, shall be based upon the lot area including the area severed for such purpose when:

(a) The lot lies within or adjacent to an established highway transportation improvement district; and

(b) The area dedicated or conveyed is necessary for the installation or improvement of the primary highway interchange improvement and is in accordance with the adopted comprehensive plan; and

(c) The Board has specifically approved by resolution computation of density or intensity for the lot based upon the lot area existing prior to dedication or conveyance; and

(d) An effective irrevocable dedication in fee simple to public use or conveyance to Loudoun County or to another public instrumentality having the power to construct or maintain the highway use has occurred and evidence of such dedication or conveyance is of record among the land records of the County.

(2) Calculations of allowable floor area shall be based on the floor area ratio as established by the zoning district in effect at the time a site plan is officially accepted for the lot.

(3) For the purposes of this section, the terms "lot" and "lot area" may include all adjacent parcels owned in common and which are the subject of an approved unified concept development plan specifying the allocation of density calculated pursuant to this section; the term "interchange" shall mean a grade separated limited access intersection with one or more turning roadways for travel between portions of such intersection, and shall include all related improvements such as access or service roads necessitated by the interchange; and the term "area dedicated" shall include all property in excess of the right-of-way for a normal width typical highway section.

(4) In no case shall conveyances or dedications to a public body made in exchange for monetary compensation be eligible for density computation under this section.

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

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

(1) In those zoning districts, including planned development districts, where density or intensity of land use is controlled by number of dwelling units per acre or floor area ratio, or other similar measure, such computations with respect to a lot from which land has been severed for the purpose of constructing or improving any public use or portion thereof, including roads shown on the adopted Comprehensive Plan, shall be based upon the lot area including the area severed for such purpose when:

(a) The area dedicated or conveyed is necessary for the installation or improvement of the public use, including roads shown on the adopted Comprehensive Plan, and is in accordance with the adopted comprehensive plan; and

(b) The area dedicated or conveyed is suitable in location, size, shape, condition and topography for such needed public use and there are no encumbrances to the title which would interfere with such use; and

(c) The Board has specifically approved, by resolution, the computation of density or intensity for the lot based upon the lot area existing prior to dedication or conveyance; and

(d) An effective irrevocable dedication in fee simple to public use or conveyance to Loudoun County or to another public instrumentality has occurred and evidence of such dedication or conveyance is of record among the land records of Loudoun County.

(2) Calculations of allowable density shall be based on the following:

(a) For development which requires a site plan, allowable density shall be calculated in accord with the zoning district in effect at the time a site plan is officially accepted for the lot; or

(b) For development which does not require a site plan, allowable density shall be calculated in accord with the zoning district regulations in effect at the time a record plat of subdivision is officially accepted for the lot.

(3) For the purposes of this section, the terms "lot" and "lot area" may include all adjacent parcels owned in common and which are the subject of an approved unified concept development plan specifying the allocation of density calculated pursuant to this section.

(4) In no case shall conveyances or dedications made to a public body in exchange for monetary compensation be eligible for density computation under this section.

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

1-207 **Applicability of Floor Area Ratio.** Wherever a Floor Area Ratio requirement is specified in this Ordinance, such requirement shall not apply to residential uses.

1-208 **Applicability of Additional Regulations for Specific Uses in Section 5-600.** All of the uses that are included in Section 5-600, Additional

Regulations for Specific Uses, shall be subject to those additional regulations, regardless of whether the use lists in the zoning districts specifically reference the applicable regulations in Section 5-600, except in the case where the regulations in Section 5-600 specifically limits applicability to particular zoning districts.

1-209 **Calculation of Mixed Use Percentages.** In the PD-MUB Zoning District, in Section 4-1350, which requires a mix of uses expressed as a percentage of the total floor area subject to the rezoning application, such percentages shall be calculated as follows:

(A) For the use categories listed in 4-1355(A), (1),(2),(3) and (4), first calculate the total floor area allowed by multiplying the Floor Area Ratio permitted in the district times the total land area in square footage of the rezoning application. Then multiply the total floor area allowed by the percentage allocated to each land use category to derive the floor area proposed for each category.

(B) For residential land uses, there are two regulatory controls. In addition to the floor area calculated in (A), the maximum number of residential units allowed for the district must be determined by multiplying the total acreage of the proposed district application times the permitted density of 16 dwelling units per acre. The number of units proposed for the district will be limited by both the permitted density and the total number of square feet determined to be allocated for residential uses.

Section 1-300 Zoning Map and District Boundaries.

(A) **Zoning Map.**

(1) The County is hereby divided into the zoning districts listed in Articles II, III & IV of this Ordinance and as shown on the map entitled "Zoning Map, Loudoun County, Virginia", which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance.

(2) The Zoning Map shall be located in the office of the Zoning Administrator and shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the County save for subsequent amendments enacted by the Board of Supervisors and not yet officially recorded on said map.

(3) No changes of any nature shall be made on said Zoning Map or any matter shown thereon except in conformity with the procedures and requirements of this Ordinance. It shall be unlawful for any person to make unauthorized changes on the Zoning Map.

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

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

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following lot lines.

(3) Boundaries indicated as following County limit lines shall be construed as following such County limits.

(4) Boundaries indicated as following railroad lines shall be construed to be midway in the right-of-way.

(5) Boundaries indicated as following scarlines of bodies of water shall be construed to follow such scarlines. Boundaries indicated as approximately following the center lines of creeks, streams, rivers, canals, or other predominately linear bodies of water shall be construed to follow such center lines.

(6) Boundaries indicated as parallel to or concentric with, or extensions of features indicated in Paragraphs (1) through (5) above shall be so construed. Distances and dimensions not specifically indicated on the Zoning Map shall be determined from the Zoning Map by the Zoning Administrator and as so noted on the map.

(7) Where areas appear to be unclassified on the Zoning Map, and classification cannot be established by the above rules, such areas shall be considered to be classified AR-1 until action is taken to amend the Zoning Map.

(8) Where territory is added to the jurisdictional area, it shall be considered to be classified as AR-1 until action is taken to amend the Zoning Map.

(9) Where natural or man-made features actually existing on the ground are at variance with those shown on the Zoning Map, the Zoning Administrator shall interpret the district boundaries as so noted on the map.

(10) Where uncertainties continue to exist and/or further interpretation is required beyond that presented in the above paragraphs, the question shall be presented to the Zoning Administrator for interpretation and as so noted on the map.

Section 1-400 Nonconformities.

1-401 **Purpose and Scope.** The purpose of this subsection is to regulate and limit the development and continued existence of uses, structures, and lots established prior to the effective date of this Ordinance which do not conform to the requirements of this Ordinance. Many nonconformities may continue, but the provisions of this subsection are designed to curtail substantial investment in nonconformities and to bring about their eventual improvement to a conforming status or elimination in order to preserve the integrity of this Ordinance and the desired character of the County. Any nonconforming use, structure, or lot which lawfully existed as of the effective date of this Ordinance and which remains nonconforming, and any use, structure, or lot which has become nonconforming as a result of the adoption of this Ordinance or any subsequent reclassification of zoning districts or other amendment to this Ordinance, may be continued or maintained only in accordance with the terms of this subsection. The limitations of this subsection shall not apply to structures or lots whose nonconforming features are the subject of a variance that has been granted by the Board of Zoning Appeals or a modification or condition that was approved by the Board of Supervisors.

1-402 **Nonconforming Uses.**

(A) **Expansion of Nonconforming Use.** Except in those cases approved pursuant to Section 6-1805 of this Ordinance, a nonconforming use shall not be expanded or extended beyond the floor area or portion of the lot area that it occupied on the effective date of this Ordinance. Notwithstanding the foregoing, a legal, non-conforming residential use on land which, on or after the effective date of this Ordinance, was classified to a non-residential zone shall not be considered to have been expanded or extended within the meaning of this subsection if the addition to an existing structure is less than 50% of the existing square footage on the effective date of this Ordinance and the yard requirements of the zoning classification which applied to the construction of such residences prior to the effective date of this Ordinance are maintained.

(B) **Discontinuation of Nonconforming Use.** If a nonconforming use is discontinued or abandoned for a continuous period of more than two (2) years, including any period of discontinuation before the effective date of this Ordinance, then that use shall not be renewed or re-established and any subsequent use of the lot or structure shall conform to the regulations of this Ordinance.

(C) **Change of Nonconforming Use.**

(1) If no structural alterations are made, a nonconforming use may by special exception be changed to another nonconforming use provided that the Board of Supervisors, upon Planning Commission recommendation, either by general rule or by making findings in the specific case, finds that the proposed use is equally appropriate or more appropriate to the zoning district than the existing nonconforming use. The Board of Supervisors may impose appropriate conditions in accord with the provisions of this Ordinance.

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

1-403 Nonconforming Structures.

(A) **Repair or Reconstruction of Nonconforming Structure.** Repairs, restoration and maintenance, including structural repairs, may be made to a nonconforming structure. Except as provided for in Section 4-1500, if a nonconforming structure is damaged or destroyed by a casualty or event beyond the owner's reasonable control, the owner may repair or replace such structure provided the degree of non-conformity is not increased.

(B) **Alteration or Enlargement of Nonconforming Structure.** A nonconforming structure shall not be enlarged, increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance unless such improvements do not increase the degree of nonconformity. Notwithstanding the foregoing, a legal, non-conforming residential structure shall not be considered to have been enlarged, increased or extended within the meaning of this subsection if the addition to an existing structure is less than 50% of the existing square footage on the effective date of this Ordinance, and the yard requirements of the zoning classification which applied to the construction of such residences prior to the effective date of this Ordinance are maintained.

(C) **Moving of Nonconforming Structure.** A nonconforming structure shall not be moved in whole or in part to any other location unless every portion of such structure and the use thereof

is made to conform with all requirements of this Ordinance and other applicable County Ordinances.

(D) **Pre-existing Structures in Subsequently Created Setback areas.** Residences, accessory structures, and accessory uses built before June 16, 1993 may increase their footprint existing on that date up to 50% and are exempt from the setbacks of Section 5-900 but must maintain the setback created by the front of the residence even if the setback so created is less than what is required by this Ordinance.

1-404 Nonconforming Lots.

(A) **Use of Nonconforming Lots.** If a lot was recorded prior to the effective date of this Zoning Ordinance, or is hereafter created in conformity with Section 1-103(H), and such lot met the requirements of the Zoning Ordinance in effect at the time of recordation, or complies with Section 1-103(H), then such lot may be used for any use permitted in the Zoning District in which it is located even though it does not meet the lot requirements of the district, provided all the other regulations of this Ordinance can be satisfied. Notwithstanding anything to the contrary contained herein, hamlet lots shall be governed by the Rural Hamlet Option as contained in Section 5-702.

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

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

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

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

(C) **Boundary Line Adjustments.** Notwithstanding the provisions of paragraph (B) above, boundary line adjustments shall be permitted between nonconforming lots, or between a conforming and a nonconforming lot, provided the Zoning Administrator finds that the degree of nonconformity for any lot resulting from such boundary line adjustment is not increased due to such adjustment. In addition, the Zoning Administrator shall find that a boundary line adjustment does not increase nonconformity and is permitted where the boundary line adjustment satisfies one of the following conditions: (1) it makes it possible to rectify a septic system or well failure by providing space for a replacement septic system or well that meets all applicable standards; (2) it incorporates acreage into a lot that is subject to a permanent conservation easement, with the new acreage added to the protected easement area; (3) it allows any existing nonconforming lot to meet the twenty acre minimum lot size in the AR-1 zoning district or the forty acre minimum lot size in the AR-2 zoning district; (4) it allows for boundary line agreements to correct survey inconsistencies; or (5) in the AR-1 and AR-2 zoning districts, no lot shall be decreased to less than 80,000 square feet.

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

1-405 Procedure for Removal of Nonconforming Status.

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

(B) **Application.** To establish a nonconforming use or structure as a lawfully existing use or structure, the owner of the property or his

or her authorized agent shall apply for special exception use approval in accordance with the procedures set forth in Section 6 1300.

(C) **Review by Board of Supervisors.** The Planning Commission shall review and recommend and the Board of Supervisors shall review and act upon the application for termination of nonconforming status in accordance with the procedures and standards set forth in Section 6 1300 of this Ordinance. In reviewing and acting upon an application, the Planning Commission and Board shall also consider whether the nonconforming use or structure can be improved as follows:

(1) A landscaped buffer could be provided between the nonconforming use or structure and any abutting lot in order to provide the maximum buffering effect for potentially adverse impacts of the use or structure on any abutting properties.

(2) Off-street parking areas located on the lot could be improved by landscaping sufficient to mitigate adverse impacts on any abutting properties.

(3) Nonconforming signs, outdoor lighting, off-street parking areas, and other nonconforming accessory structures located on the lot could be removed or brought into conformity with the applicable requirements of this Ordinance.

(4) A nonconforming structure would not be expanded or enlarged so as to increase the degree of nonconformity.

(5) Any expansion or enlargement of the use or structure could be limited to no greater than fifty percent (50%) of the floor area or lot area that it occupied on the effective date of this Ordinance or any amendment to this Ordinance which rendered the use or structure nonconforming.

(D) **Effect of Approval.** Upon approval of the application for termination of nonconforming status by the Board, the use or structure shall no longer be treated as nonconforming and shall be allowed to continue as a lawfully existing use or structure unless it is abandoned or discontinued for a continuous period of one (1) year. This status as a lawfully existing use shall apply only to the

use or structure for which the special exception approval is issued and not to any other use or structure that may be located on the lot.

ARTICLE 2
NON-SUBURBAN DISTRICT REGULATIONS

DIVISION A: RURAL DISTRICTS

Section 2-100 AR-1 Agricultural Rural-1

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

(A) Support the use of land for rural economy uses, with residential uses allowed at densities consistent with the general open and rural character of the rural economy uses.

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

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

(D) Promote consistency between residential development and rural economy uses through lower density residential development or clustering of residential development.

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

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

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

(1) **Use Classifications.** The Use Classifications are: agricultural uses; residential uses; public and institutional uses; commercial uses; and industrial uses. The Use Classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., agricultural uses and residential uses). The Use Classifications then organize land uses and

activities into general "Use Categories" and specific "Use Types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.

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

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

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

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

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

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

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

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

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Agricultural processing	P	Section 5-627
	Agri-education	P	Section 5-627
	Animal care business	P	Section 5-627
	Agritainment	P	Section 5-627
	Commercial winery with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625

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**
	Custom operators	P	Section 5-627
	Direct market business for sale of products produced on-site – including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Farm based tourism	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm markets	P	Section 5-603
	Feedlot (for on-going, on-site animal husbandry activities)	P	Section 5-627
	Nursery, commercial	S	Section 5-605
	Nursery, production	P	Section 5-605
	Pet farms	P	Section 5-627
	Restaurant	P	Section 5-627
	Sawmill	S	Section 5-629
	Stables	P	Section 5-627
	Veterinary services	P	
	Virginia Farm Winery	P	
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627

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

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**
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)
	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

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**
	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
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

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**
	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
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

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**
	Golf course	S	Section 5-648
	Outdoor amphitheater	S	Section 5-649
	Private Club or Lodge	S	
	Rural recreational establishment, outdoor	P	
Retail Sales and Service	Antique shop	P	Section 5-650
	Art gallery or art studio	P	Section 5-650
	Auction house	S	Section 5-651
	Craft shop	P	Section 5-650
	Small business	P/M	Section 5-614
Visitor Accommodation	Bed and breakfast	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	M	(Grant of a special exception does not avoid requirements of Chapter 1080,Codified Ordinances of Loudoun County, or any other applicable law.)

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**
	Yard Waste Composting Facility	S	(Grant of a special exception does not avoid requirements of Chapter 1080,Codified Ordinances of Loudoun County, or any other applicable law.)
	Stockpiling of dirt	S	Section 5-657

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

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

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

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

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

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

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

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

(d) **Maximum Lot Coverage.** 11% maximum.

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

(4) **Creation of Lots.**

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

(b) **Public Road Frontage.** No such lot shall be created fronting on a public road unless the publicly dedicated width of the road along the entire frontage of the newly created lot, measured from the centerline of the road to the property line of the lot, satisfies the criteria of the Virginia Department of Transportation (VDOT).

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

(5) **Lot Access.**

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

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

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

(B) **Principal/Subordinate Subdivision Option:** The Principal/Subordinate Subdivision Option is a subdivision of land in which a maximum lot yield is calculated for an Originating Tract based on the gross acreage of such tract. The maximum lot yield shall be as set forth in Subsection 2-103(B)(1)(b) below. The Principal/Subordinate Subdivision Option results in the creation of

one Principal Lot, and one or more Subordinate Lots. The number of Subordinate Lots created is subtracted from the maximum lot yield and the resulting number establishes the remaining number of lots, which is assigned to the Principal Lot. The creation of subsequent Subordinate Lots from the Principal Lot is permitted, with the number of lots assigned to the Principal Lot reduced by one for each Subordinate Lot created. Once the number of lots assigned to the Principal Lot is reduced to one, no more Subordinate Lots can be created. The Principal/Subordinate Subdivision Option typically allows the landowner to achieve a greater lot yield than the base density of the Base Density Division Option, while providing for the establishment of rural economy uses as a primary use with single-family detached residential development as a secondary use.

(1) **General Requirements.**

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

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

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

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

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

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

the number of lots assigned to the Principal Lot by one (1) for each lot.

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

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

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

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

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

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

(3) **Permitted Uses.**

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

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

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

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

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

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

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

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

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

(6) **Utility Requirements.**

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

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

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

(8) **Lot Access.**

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

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

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

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

(1) **General Requirements.**

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

(b) **Lot Yield.** The maximum lot yield shall be 1 lot per 5 acres.

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

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

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

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

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

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

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

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

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

(i) Variation of Lot Sizes: In all new residential subdivisions containing seven (7) or more lots, a mixture of lot sizes and dimensions shall be provided in order for a variety of housing opportunities and avoid monotonous streetscapes. No more than 25 percent of all lots shall be similar in total area. For purposes of this subsection, "similar" lot areas shall be defined as within 1,500 square feet of each other.

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

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

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

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

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

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

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

(d) **Minimum Lot Size.**

(i) **On-site Water and Wastewater.** 40,000 sq. ft., exclusive of major floodplain.

(ii) **Off-site Wastewater, On-site Water.** 20,000 sq. ft., exclusive of major floodplain.

(iii) **Off-site Water and Off-Site Wastewater.** No minimum lot size.

(e) **Maximum Lot Size.** 4 acres.

(f) **Maximum Lot Coverage.**

(i) Lots less than 40,000 sq. ft.: 8%

(ii) Lots 40,000 sq. ft. – 4 acres: 15%

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) Sewage disposal system, communal.

(vi) Sewer pumping station.

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

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

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

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

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

(xii) Utility substation, dedicated.

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

(xiv) Water pumping station.

(xv) Water supply system, communal.

(b) **Special Exception Use.** The following uses are permitted within Common Open Space with Special Exception approval pursuant to Section 6-1300 and

are subject to the Additional Regulations for Specific Uses in Section 5-600 as referenced.

(i) Active recreation space.

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

(6) **Setback.**

(a) **Setback.** No structure shall be located within one hundred (100) feet from the right of way of any arterial road; seventy five (75) feet from the right of way of any collector road; or thirty five (35) feet from any other road right of way, private access easement, and/or prescriptive easement.

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

(7) **Yards.**

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

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

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

(8) **Building Requirements.**

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

(9) **Utility Requirements.**

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

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

(ii) Communal water system, located within Common Open Space, with maintenance to

be provided pursuant to Section 2-103(C)(10).

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

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

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

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

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

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

(11) **Lot Access.**

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

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

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

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

2-104 Homeowners' Association and Responsibilities.

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

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

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

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

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

(5) Any stormwater management facilities or areas;

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

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

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

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

agreement, then the terms thereof shall be included on each record plat of subdivision for the development.

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

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

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

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

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

2-105 **Recognizing Protection by Right to Farm Act.** Record plats and deeds authorized pursuant to this section shall include a statement that agricultural operations enjoy the protection of the Right to Farm Act (Va. Code Section 3.1-22.28 et seq.).

2-106 **Existing Lots of Record.**

(A) Lots existing as of December 6, 2006 shall be permitted the uses identified in Table 2-102: AR-1 Agricultural Rural-1 District Use Table and shall follow the lot and building requirements for the Base Density Division option as identified in Section 2-103(A).

(B) **Hamlet Lots.** For lots recorded prior to December 6, 2006 and developed under a hamlet subdivision, in accordance with the zoning ordinance in effect at the time of subdivision, such lots shall follow the Rural Hamlet requirements, including uses, as set forth in this Ordinance.

Section 2-200 AR-2 Agricultural Rural-2

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

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

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

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

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

(E) Promote consistency between residential development and rural economy uses through lower density residential development or the clustering of residential development.

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

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

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

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

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

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

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

(C) **Permitted and Special Exception Uses.** A "P" in the column identified "AR-2" indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the

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

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

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

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

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

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626

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**
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
	Nursery, production	P	Section 5-605
	Pet farms	P	Section 5-627

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

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

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

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

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

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

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

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

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

(d) **Maximum Lot Coverage.** 11%.

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

(4) **Creation of Lots.**

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

(b) **Public Road Frontage.** No such lot shall be created fronting on a public road unless the publicly dedicated width of such road along the entire frontage of the newly created lot, measured from the centerline of the road to the property line of the lot, satisfies the criteria of the Virginia Department of Transportation (VDOT).

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

(5) **Lot Access.**

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

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

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

(B) **Principal/Subordinate Subdivision Option:** The Principal/Subordinate Subdivision Option is a subdivision of land in which a maximum lot yield is calculated for an Originating Tract based on the gross acreage of such tract. The maximum lot yield shall be as set forth in Subsection 2-203(B)(1)(b) below. The Principal/Subordinate Subdivision Option results in the creation of one Principal Lot, and one or more Subordinate Lots. The number of Subordinate Lots created is subtracted from the maximum lot yield and the resulting number establishes the remaining number of lots, which is assigned to the Principal Lot. The creation of subsequent Subordinate Lots from the Principal Lot is permitted, with the number of lots assigned to the Principal Lot reduced by one for each Subordinate Lot created. Once the number of lots assigned to the Principal Lot is reduced to one, no more Subordinate Lots can be created. The Principal/Subordinate Subdivision Option typically allows the landowner to achieve a greater lot yield than the base density of the Base Density Division Option, while providing for the establishment of rural economy uses as a primary use with single-family detached residential development as a secondary use.

(1) **General Requirements.**

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

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

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

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

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

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

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

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

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

(g) Any subdivision record plat for a Principal/Subordinate Subdivision shall contain a tabulation of density showing, in addition to all Land Subdivision and Development Ordinance (LSDO) requirements, the lot yield originally calculated for the Originating Tract, all prior

subdivisions from the Originating Tract and each resulting Principal Lot and number of lots created pursuant to such subdivisions.

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

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

(3) **Permitted Uses.**

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

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

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

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

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

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

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

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

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

(6) **Utility Requirements.**

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

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

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

(8) **Lot Access.**

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

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

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

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

(1) **General Requirements.**

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

(b) **Lot Yield.** The maximum lot yield shall be 1 lot per 15 acres.

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

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

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

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

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

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

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

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

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

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

(a) **Number of Lots in Cluster(s).** Lots shall be grouped in clusters consisting of a minimum of 5 lots and a maximum of 25 lots, except that a cluster

may consist of fewer than 5 lots if any one of the following applies:

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

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

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

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

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

(d) **Minimum Lot Size.**

(i) **On-site Water and Wastewater.** 40,000 sq. ft., exclusive of major floodplain.

(ii) **Off-site Wastewater, On-site Water.** 20,000 sq. ft., exclusive of major floodplain.

(iii) **Off-site Water and Off-Site Wastewater.** No minimum lot size.

(e) **Maximum Lot Size.** 4 acres.

(f) **Maximum Lot Coverage.**

(i) Lots less than 40,000 sq. ft.: 8%.

(ii) Lots 40,000 sq. ft. – 4 acres: 15%.

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) Sewage disposal system, communal.

(vi) Sewer pumping station.

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

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

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

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

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

(xii) Utility substation, dedicated.

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

(xiv) Water pumping station.

(xv) Water supply system, communal.

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

(i) Active recreation space.

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

(6) **Setback.**

(a) No structure shall be located within one hundred (100) feet from the right of way of any arterial road; seventy five (75) feet from the right of way of any collector road; or thirty five (35) feet from any other road right of way, private access easement, and/or prescriptive easement.

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

(7) **Yards.**

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

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

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

(8) **Building Requirements.**

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

(9) **Utility Requirements.**

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

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

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

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

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

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

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

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

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

(11) **Lot Access.**

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

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

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

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

2-204 Homeowners' Association and Responsibilities.

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

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

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

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

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

(5) Any stormwater management facilities or areas;

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

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

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

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

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

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

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

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

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

2-205 Recognizing Protection by Right to Farm Act. Record plats and deeds authorized pursuant to this section shall include a statement that agricultural operations enjoy the protection of the Right to Farm Act (Va. Code Section 3.1-22.28 et seq.).

2-206 Existing Lots of Record.

(A) Lots existing as of December 6, 2006 shall be permitted the uses identified in Table 2-202: AR-2 Agricultural Rural-2 District Use

Table and shall follow the lot and building requirements for the Base Density Division option as identified in Section 2-203(A).

(B) **Hamlet Lots**. For lots recorded prior to December 6, 2006 and developed under a hamlet subdivision, in accordance with the zoning ordinance in effect at the time of subdivision, such lots shall follow the Rural Hamlet requirements, including uses, as set forth in this Ordinance.

Section 2-300 A-10 Agriculture

2-301 **Purpose.** This district is established to protect rural areas of the county in which agriculture, farm operations, and low density residential development on parcels in excess of ten (10) acres have become the established land use pattern, and to provide an environment which encourages residents to continue to live and practice agricultural operations without adverse impacts arising from new, higher density development. The district permits uses compatible with and supportive of agriculture, including agriculturally related and home based businesses appropriate to a rural and farm setting. The district also permits direct marketing of farm products and services in conjunction with farm operations. The rezoning of land to A-10 in other areas of the County shall not be permitted.

2-302 **Permitted Uses.** The following uses are permitted in this district:

(A) Agriculture, horticulture, forestry, and fishery, pursuant to Section 5-626.

(B) Accessory apartment or dwelling unit, pursuant to Section 5-613.

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

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

(E) Cluster development, pursuant to Section 2-305.

(F) Equestrian facility, on lots of fifty (50) acres or more, with frontage on a state maintained road.

(G) Farm machinery sales and service, pursuant to Section 5-615.

(H) Guest farm or ranch, leasing no more than three (3) guest rooms.

(I) Guest house, pursuant to Section 5-612.

(J) Rural hamlet, pursuant to Section 5-702.

(K) Home occupation, pursuant to Section 5-400.

(L) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area, and game preserve.

(M) Nursery, production, with frontage on a state maintained road, pursuant to Section 5-605.

(N) Public or private playground or neighborhood park.

(O) Recycling drop-off collection center, small, pursuant to Section 5-607.

(P) Dwelling, single family, detached, including manufactured housing.

(Q) Small business, pursuant to Section 5-614.

(R) Stable, neighborhood, on lots of twenty five (25) acres or more, with frontage on a state maintained road.

(S) Stable, private.

(T) Tenant dwelling, pursuant to Section 5-602(A) & (C).

(U) Wayside stand pursuant to Section 5-604.

(V) Utility substation, dedicated.

(W) Veterinary service.

(X) Bus shelter.

(Y) Commuter parking lot, with less than 50 spaces.

(Z) Sewer pumping station.

(AA) Mill, feed and farm supply center.

(BB) Water pumping station.

(CC) Rural agricultural corporate retreat, pursuant to Section 5-619.

(DD) Pet Farm.

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

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

2-303 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

(A) Airport

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

(C) Community center.

(D) Country inn, pursuant to 5-601(C).

(E) Camp, day and boarding.

(F) Educational or research facilities related to uses permitted in this district.

(G) Equestrian facility, on lots of less than fifty (50) acres or without state maintained road frontage.

(H) Extraction of sedimentary rock.

(I) Farm market, pursuant to Section 5-603.

(J) Fire and/or rescue station.

(K) Guest farms or ranch, leasing four to twenty (4-20) guest rooms.

(L) Private club or lodge.

(M) Nursery, production without frontage on a state maintained road, pursuant to Section 5-605.

(N) Orphanage, or similar institution.

(O) Small business, pursuant to the provisions of Section 5-614.

(P) Stable, neighborhood, on lots of less than fifty (50) acres or without state maintained road frontage.

(Q) Structure or use for federal, state, county or local government purposes, not otherwise listed.

(R) Tenant dwelling, pursuant to Section 5-602.

(S) Utility transmission lines, overhead.

(T) Animal hospital.

(U) Kennel, pursuant to Section 5-606.

(V) Yard waste composting facility.

(W) Cemetery, mausoleum or memorial park, pursuant to Section 5-637.

(X) Church, synagogue and temple.

(Y) Convent, monastery, or seminary, pursuant to Section 5-656.

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

(AA) Commuter parking lot with greater than 50 spaces.

(BB) Congregate housing facility.

(CC) Country club.

(DD) Golf course.

(EE) Public or private community or regional park.

(FF) Sawmill, pursuant to Section 5-629.

(GG) Agricultural processing facilities, such as abattoir, cannery, grain mill and the like.

(HH) Water storage tank pursuant Section to 5-621.

(II) Water treatment plant, pursuant to Section 5-621.

(JJ) Sewage treatment plant pursuant to Section 5-621.

(KK) Rural resort, pursuant to Section 5-601.

(LL) Crematorium, pursuant to Section 5-637.

(MM) Rural agricultural corporate retreat, pursuant to Section 5-619.

(NN) Vegetative waste management facility.

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

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

(QQ) Police Station.

2-304 Lot Requirements (See Section 1-205).

(A) **Size.** Ten (10) acres minimum.

(B) **Width.** Three hundred (300) feet minimum for lots fronting on Class I Roads; two hundred (200) feet minimum for lots fronting on Class II or III Roads; and fifty (50) feet minimum for lots fronting on a private access easement.

(C) **Yards.** No building shall be located within twenty five (25) feet of any property line nor within one hundred (100) feet from the right of way of any arterial road, seventy five (75) feet from the right of way of any collector road, and fifty (50) feet from any other road right of way, any private access easement, and prescriptive easement.

(D) **Length/Width Ratio.** 5:1 maximum.

2-305 Lot Requirements for Cluster Development (See Section 1-205).

(A) **Size.** Three (3) acres, exclusive of major floodplain.

(B) **Width.** Three hundred (300) feet minimum for lots fronting on Class I Roads; two hundred (200) feet minimum for lots fronting on a Class II or III Roads; and fifty (50) feet minimum for lots fronting on a private access easement.

(C) **Yards.** No building shall be located within twenty five (25) feet of any property line nor within one hundred (100) feet from the right of way of any arterial road, seventy five (75) feet from the right of way of any collector road, and fifty (50) feet from any other road right of way, any private access easement, and prescriptive easement.

(D) **Length/Width Ratio.** 5:1.

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

2-306 Building Requirements.

(A) **Lot Coverage.** Five (5) percent maximum, based on gross acreage, excluding agricultural structures.

(B) **Building Height.** Thirty five (35) feet maximum, no restriction for buildings used exclusively for agriculture.

2-307 Use Limitations.

(A) No non-agricultural use shall be permitted which, because of its nature, location, or manner of operation, is dangerous or noxious because of noise, odor, fumes, gas, glare, light, vibration, smoke, emission of particulate matter or effluents, or for other similar reasons.

(B) Except as expressly allowed by this Ordinance, no municipal and/or communal wastewater treatment system shall be established or extended in the A-10 district.

(C) Except as expressly allowed by this Ordinance, no municipal and/or communal water service or system shall be established or extended in the A-10 district.

(D) More than one structure housing a permitted or permissible principal use may be erected on a single lot provided that yard, area, and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

Section 2-400 A-3 Agricultural Residential.

2-401 **Purpose.** This district is established to provide for the continued practice of agriculture, farm operations, agriculturally related and home based businesses, low density residential developments, preferably in a hamlet subdivision pattern, and other uses in a predominantly rural environment. The district also permits direct marketing of farm products and services.

2-402 **Permitted Uses.** The following uses are permitted in this district:

(A) Agriculture, horticulture, forestry, and fishery, pursuant to Section 5-626.

(B) Accessory apartment or dwelling unit, pursuant to Section 5-613.

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

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

(E) Equestrian facility, on lots of fifty (50) acres or more, with frontage on a state maintained road.

(F) Guest farm or ranch, leasing no more than three (3) guest rooms.

(G) Guest house, pursuant to Section 5-612.

(H) Rural hamlet, pursuant to Section 5-702.

(I) Home occupation, pursuant to Section 5-400.

(J) Nature preserve, such as but not limited to, wildlife sanctuary, conservation areas, and game preserve.

(K) Nursery, production, with frontage on a state maintained road, pursuant to Section 5-605.

(L) Public or private playground, or neighborhood park.

(M) Recycling drop-off collection center, small, pursuant to Section 5-607.

(N) School, private elementary or middle, for fifteen or less (15) pupils.

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

(P) Small business, pursuant to the provisions of Section 5-614.

(Q) Stable, neighborhood on lots of twenty five (25) acres or more, with frontage on a state maintained road.

(R) Stable, private.

(S) Tenant dwelling, pursuant to Section 5-602(A) & (C).

(T) Wayside stand, pursuant to Section 5-604.

(U) Utility substation, dedicated.

(V) Bus shelter.

(W) Commuter parking lot, with 50 spaces or less.

(X) Farm machinery sales and service, pursuant to Section 5-615.

(Y) Sewer pumping station, pursuant to Section 5-621.

(Z) Water pumping station, pursuant to Section 5-621.

(AA) Mill, feed and farm supply center.

(BB) Rural agricultural corporate retreat, pursuant to Section 5-619.

(CC) School, public.

(DD) Pet Farm.

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

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

(GG) Municipal drinking water supply reservoir.

2-403 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

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

(B) Cemetery, mausoleum or memorial park, pursuant to Section 5-637.

(C) Church, synagogue and temple.

(D) Nursery, commercial, pursuant to Section 5-605.

(E) Community center.

(F) Convent, monastery, or seminary, pursuant to Section 5-656.

(G) Country inn, pursuant to Section 5-601(C).

(H) Camp, day and boarding.

(I) Equestrian facility, on lots of less than fifty (50) acres or without frontage on a state maintained road.

(J) Extraction of sedimentary rock.

(K) Farm market, pursuant to Section 5-603.

(L) Fire and/or rescue station.

(M) Guest farm or ranch, leasing four to twenty (4-20) guest rooms.

(N) Kennel, pursuant to Section 5-606.

(O) Nursery, production, without frontage on a state maintained road, pursuant to Section 5-605.

(P) Private club or lodge.

(Q) School.

(R) Public utility service center and storage yard.

(S) Recycling drop-off collection center, large, pursuant to Section 5-607.

(T) Continuing care facility.

(U) Orphanage, or similar institution.

(V) Rural retreat, pursuant to Section 5-601(D).

(W) Small business, pursuant to the provisions of Section 5-614.

(X) Stable, neighborhood, on lots less than twenty-five (25) acres, or without frontage on a state maintained road.

(Y) Structure or use for federal, state, county, or local governmental purposes, not otherwise listed.

(Z) Tenant dwelling, pursuant to Section 5-602(B) & (C).

(AA) Testing station.

(BB) Veterinary service.

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

(DD) Utility transmission lines, overhead.

(EE) Hospital, pursuant to Section 5-610.

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

(GG) Yard waste composting facility.

(HH) Airport.

(II) Arboretum.

(JJ) Auction house.

(KK) Borrow pit for construction.

(LL) Child or adult daycare center, pursuant to Section 5-609.

(MM) Commuter parking lot with greater than 50 spaces.

(NN) Congregate housing facility.

(OO) Country club.

(PP) Educational or research facility related to uses permitted in this district.

(QQ) Fairgrounds.

(RR) Golf course

(SS) Marina.

(TT) Playing fields and courts, lighted.

(UU) Public or private community or regional park.

(VV) Radio and/or television tower.

(WW) Sawmill, pursuant to Section 5-629.

(XX) Sewage treatment plant.

(YY) Agricultural processing facilities such as, abattoir, cannery, grain mill, and the like.

(ZZ) Animal hospital.

(AAA) Water storage tank.

(BBB) Utility substation, distribution, pursuant to Section 5-616.

(CCC) Rural resort, pursuant to Section 5-601.

(DDD) Crematorium, pursuant to Section 5-637.

(EEE) Rural agricultural corporate retreat, pursuant to Section 5-619.

(FFF) Vegetative waste management facility.

(GGG) Recreation establishment, outdoor or indoor.

(HHH) Magazine contained explosives facility, pursuant to Section 5-622.

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

(JJJ) Police Station.

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

(A) **Size.** Three (3) acres minimum.

(B) **Width.** Three hundred (300) feet minimum for lots fronting on Class I Roads; two hundred (200) feet minimum for lots fronting on Class II or III Roads; and fifty (50) feet minimum for lots fronting on a private access easement.

(C) **Length/Width Ratio.** 5:1 maximum.

(D) **Yards.** No building shall be located within twenty five (25) feet of any property line nor within one hundred (100) feet from the right of way of any arterial road, seventy five (75) feet from the right of way of any collector road, and thirty five (35) feet from any other

road right of way, private access easement, and any prescriptive easement.

2-405 Building Requirements.

(A) **Lot Coverage.**

(1) **Residential:** Eight (8) percent maximum, based on gross acreage, excluding agricultural structures.

(2) **Non-residential:** Fifteen (15) percent maximum, based on gross acreage, excluding agricultural structures.

(B) **Building Height.** Thirty five (35) feet maximum, except no restriction for buildings used exclusively for agriculture.

2-406 Use Limitations.

(A) No non-agricultural use shall be permitted which, because of its nature, location, or manner of operation, is dangerous or noxious because of noise, odor, fumes, gas, glare, light, vibration, smoke, emission of particulate matter or effluents, or for other similar reasons.

(B) Except as expressly allowed by this Ordinance, no municipal and/or communal wastewater treatment systems shall be established or extended in the A-3 district.

(C) Except as expressly allowed by this Ordinance, no municipal and/or communal water service or system shall be established or extended in the A-3 district.

(D) More than one structure housing a permitted or permissible principal use may be erected on a single lot provided that yard, area, and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

Section 2-500 Countryside Residential-1: CR-1

2-501 **Purpose.** This district is established to foster the conversion of existing residential properties zoned R-1 under the 1972 Zoning Ordinance which are not served by communal or municipal water and sewer. These areas can be served by on-site well and wastewater systems, but are areas in which the County encourages a countryside hamlet pattern served by public water and sewer facilities to preserve open space and to achieve a traditional design envisioned in the Comprehensive Plan.

2-502 **Size and Location.** The Comprehensive Plan does not support the creation of additional districts having development of a type characteristic of the CR-1 district, and this district is not intended to be enlarged beyond the limits mapped for this district with the adoption of this Ordinance.

2-503 **Permitted Uses.** The following uses are permitted in this district:

(A) Agriculture, horticulture, forestry and fisheries, pursuant to Section 5-626.

(B) Accessory apartment or dwelling unit, pursuant to Section 5-613.

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

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

(E) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area, and game preserve.

(F) Dwelling, single family detached.

(G) Home occupation, pursuant to Section 5-400.

(H) Public or private playground, or neighborhood park.

(I) Tenant dwelling, pursuant to Section 5-602(A) & (C).

(J) Guest house, pursuant to Section 5-612.

(K) Wayside stand, pursuant to Section 5-604, when located on a parcel ten (10) acres or greater.

(L) School, private elementary or middle, for fifteen or less (15) pupils.

(M) Bus shelter.

(N) Commuter parking lot, with less than 50 spaces.

(O) Nursery, production with state road frontage, pursuant to Section 5-605.

(P) Recycling drop off collection center, small, pursuant to Section 5-607.

(Q) Sewer pumping station pursuant to Section 5-621.

(R) Stable, neighborhood, on greater than twenty-five (25) acres with frontage on a state maintained road.

(S) Stable, private.

(T) Utility substation, dedicated.

(U) Water pumping station, pursuant to Section 5-621.

(V) School, public.

(W) Pet Farm.

(X) Compact cluster development option, pursuant to Section 2-507.

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

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

2-504 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

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

(B) Cemetery, mausoleum, or memorial park, pursuant to Section 5-637.

(C) Church, synagogue and temple.

(D) Community center.

(E) Congregate housing facility.

(F) Country club.

(G) Country inn, pursuant to Section 5-601(C).

(H) Fire and/or rescue station.

(I) Orphanage or other similar institution.

(J) Private club or lodge.

(K) Recycling drop off collection center, large, pursuant to Section 5-607.

(L) Sewage treatment plant, pursuant to Section 5-621.

(M) Tenant dwelling, pursuant to Section 5-602(B) & (C).

(N) Utility transmission line, overhead.

(O) Water treatment plant, pursuant to Section 5-621.

(P) Stable, neighborhood, on less than twenty five (25) acres or without frontage on a state maintained road.

(Q) Kennel, pursuant to Section 5-606.

(R) Veterinary service.

(S) Animal hospital.

(T) Camp, day and boarding, pursuant to Section 5-645.

(U) Nursery, production without state road frontage, pursuant to Section 5-605.

(V) Library.

(W) Golf course.

(X) Child or adult daycare center, pursuant to Section 5-609.

(Y) Commuter parking lot, with greater than 50 spaces.

(Z) Structure or use primarily for federal, state, county, or local governmental purposes, not otherwise listed.

(AA) Playing fields and courts, lighted.

(BB) Public or private community or regional park.

(CC) Public utility service center and storage yard.

(DD) Radio and/or television tower.

(EE) Continuing care facility.

(FF) School.

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

(HH) Water storage tank.

(II) Utility substation, distribution, pursuant to Section 5-616.

(JJ) Rural resort, pursuant to Section 5-601.

(KK) Crematorium, pursuant to Section 5-637.

(LL) Recreation establishment, outdoor.

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

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

(OO) Police Station.

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

(A) Size. Forty thousand (40,000) square feet minimum.

(B) Width. 175 feet minimum.

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

(1) Front. Thirty five (35) feet minimum.

(2) Side. Minimum of twelve (12) feet on one side and nine (9) feet on the other side.

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

(D) Length/Width Ratio. 5:1 maximum.

(E) Maximum Residential Density. One lot per 40,000 square feet calculated on the overall parcel, exclusive of streets.

2-506 Lot Requirements for Lots Served by Public Sewer/Cluster Option.

(A) Size. Twenty thousand (20,000) square feet minimum.

(B) Width. Seventy-five (75) feet minimum.

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

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

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

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

(D) Length/Width Ratio. 5:1 maximum.

(E) Minimum Open Space Area. Open space shall be provided in a sufficient amount such that gross density of one lot per forty thousand (40,000) square feet is maintained calculated based on the overall parcel. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.

(F) Minimum Buffer/Setback. A permanent building setback of Fifty (50) feet in depth with a Category 1 Buffer Yard (Section 5-1414[B]) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of twenty thousand (20,000) square feet or greater. Such buffer may be included in open space calculations.

(G) Utilities. Public sewer facilities must be provided to the site. Nothing herein shall be construed as requiring the extension of central or municipal utilities to any site or property.

2-507 Lot Requirements for Compact Cluster Development Option.

(A) Size. Fifteen thousand (15,000) square feet minimum.

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

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

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

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

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

(D) Length/Width Ratio. 5:1 maximum.

(E) Minimum Open Space Area. Open space shall be provided in a sufficient amount such that gross density of one lot per forty thousand (40,000) square feet is maintained calculated based on the overall parcel. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.

(F) Minimum Buffer/Setback. A permanent building setback of fifty (50) feet in depth with a Category 1 Buffer Yard (Section 5-1414[B]) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of fifteen thousand (15,000) square feet or greater. Such buffer may be included in open space calculations.

(G) Utilities. Both public water and public sewer facilities must be provided to serve the site. Nothing herein shall be construed as requiring the extension of central or municipal utilities to any site or property.

(H) Lot Design Requirements.

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

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

(I) Other Requirements.

(1) Blocks shall generally be in a grid pattern, with interconnecting streets and alleys.

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

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

(A) Lot Coverage. Fifteen (15) percent maximum.

(B) Building Height. Forty (40) feet maximum.

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

(A) Lot Coverage. Twenty five (25) percent maximum.

(B) Building Height. Forty (40) feet maximum.

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

2-511 **Development Setback and Access from Major Roads.** In designing residential development, the requirements of Section 5-900 shall be observed.

Section 2-600 Countryside Residential-2: CR-2

2-601 **Purpose.** This district is established to foster the conversion of existing residential properties zoned R-2 under the 1972 Zoning Ordinance which are not served by communal or municipal water and sewer facilities. These areas can be served by on-site well and wastewater systems at lower densities, but are areas in which the County allows higher densities when a cluster development pattern is served by public water and/or sewer facilities to preserve open space and to achieve a traditional design as envisioned in the Comprehensive Plan.

2-602 **Size and Location.** The Comprehensive Plan does not support the creation of additional districts having development of a type characteristic of a CR-2 district, and this district is not intended to be enlarged beyond the limits mapped to this district with the adoption of this Ordinance.

2-603 **Permitted Uses.** The following uses are permitted in this district:

(A) Agriculture, horticulture, forestry and fisheries, pursuant to Section 5-626.

(B) Accessory apartment or dwelling unit, pursuant to Section 5-613.

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

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

(E) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area, and game preserve.

(F) Dwelling, single family detached.

(G) Guest house, pursuant to Section 5-612.

(H) Home occupation, pursuant to Section 5-400.

(I) Public or private playground, or neighborhood park.

(J) Tenant dwelling, pursuant to Section 5-602(A) & (C).

(K) Compact cluster development option, pursuant to Section 2-607.

(L) Bus shelter.

(M) Commuter parking, lot, with less than 50 spaces.

(N) Recycling drop off collection center, small, pursuant to Section 5-607.

(O) Sewer pumping station, pursuant to Section 5-621.

(P) Utility substation, dedicated.

(Q) Water pumping station, pursuant to Section 5-621.

(R) School, private elementary or middle, for fifteen (15) or less pupils.

(S) School, public.

(T) Pet Farm.

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

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

2-604 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

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

(B) Cemetery, mausoleum, or memorial park, pursuant to Section 5-637.

(C) Church, synagogue and temple.

(D) Community center.

(E) Congregate housing facility.

(F) Country club.

(G) Country inn, pursuant to Section 5-601(C).

(H) Fire and/or rescue station.

(I) Orphanage, or other similar institution.

(J) Private club or lodge.

(K) School.

(L) Sewage treatment plant, pursuant to Section 5-621.

(M) Tenant dwelling, pursuant to Section 5-602(B) & (C).

(N) Utility transmission lines, overhead.

(O) Water treatment plant.

(P) Library.

(Q) Golf course.

(R) Child or adult daycare, pursuant to Section 5-609.

(S) Commuter parking lot, with greater than 50 spaces.

(T) Structure or use primarily for federal, state, county, or local governmental purposes, not otherwise listed.

(U) Playing fields and courts, lighted.

(V) Public or private community or regional park.

(W) Radio and/or television tower.

(X) Continuing care facility.

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

(Z) Water storage tank.

(AA) Utility substation, distribution, pursuant to Section 5-616.

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

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

(DD) Police Station.

2-605 Lot Requirements for Lots Served By On-Site Well and Wastewater Systems.

(A) Size. Forty thousand (40,000) square feet minimum.

(B) Width. One hundred seventy five (175) feet minimum.

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

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

(2) Side. Minimum of twelve (12) feet on one side and nine (9) feet on the other side.

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

(D) Length/Width Ratio. 5:1 maximum.

(E) Maximum Residential Density. One lot per 40,000 square feet calculated on the overall parcel, exclusive of streets.

2-606 Lot Requirements for Lots Served by Either Public Water or Public Sewer.

(A) Size. Twenty thousand (20,000) square feet minimum.

(B) Width. Seventy five (75) feet minimum.

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

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

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

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

(D) Length/Width Ratio. 5:1 maximum.

(E) Utilities. Public water and/or public sewer facilities must be provided to serve the site. Nothing herein shall be construed as requiring the extension of central or municipal utilities to any site or property.

(F) Maximum Residential Density. One lot per 20,000 square feet calculated on the overall parcel, exclusive of streets.

2-607 Lot Requirements for Compact Cluster Development Option.

(A) Size. Ten thousand (10,000) square feet minimum.

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

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

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

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

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

(D) Length/Width Ratio: 5:1 maximum.

(E) Minimum Open Space Area. Open space shall be provided in a sufficient amount such that gross density of one lot per twenty thousand (20,000) square feet is maintained calculated based on the overall parcel. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.

(F) Minimum Buffer/Setback. A permanent building setback of fifty (50) feet in depth with a Category 1 Buffer Yard (Section 5-1414[B]) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of twenty thousand (20,000) square feet or greater. Such buffer area may be included in open space calculations.

(G) Utilities: Both public water and public sewer facilities must be provided to the site. Nothing herein shall be construed as requiring the extension of central or municipal utilities to any site or property.

(H) Lot Design Requirements.

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

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

(I) Other Requirements.

(1) Blocks shall generally be in a grid pattern, with interconnecting streets and alleys.

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

2-608 Building Requirements for Lots Served By On-Site Well and Wastewater Systems.

(A) Lot Coverage. Fifteen (15) percent maximum.

(B) Building Height. Forty (40) feet maximum.

2-609 Building Requirements for Lots Served by Either Public Water or Public Sewer.

(A) Lot Coverage. Twenty five (25) percent maximum.

(B) Building Height. Forty (40) feet maximum.

2-610 Building Requirements for Compact Cluster Development Option.

(A) Lot Coverage. Thirty five (35) percent maximum.

(B) Building Height. Forty (40) feet maximum.

2-611 Utility Requirements. All utility distribution lines located in the CR-2 district shall be placed underground.

2-612 Development Setback and Access from Major Roads. In designing residential development, the requirements of Section 5-900 shall be observed.

Section 2-700 Countryside Residential-3: CR-3

2-701 **Purpose.** This district is established to foster the conversion of existing residential properties zoned R-2 under the 1972 Zoning Ordinance which are served by public sewer only. These areas can be served by on-site well and wastewater systems at lower densities, but are areas in which the County allows higher densities when a cluster development pattern is served by public water and/or sewer facilities to preserve open space and to achieve a traditional design as envisioned in the Comprehensive Plan.

2-702 **Size and Location.** The Comprehensive Plan does not support the creation of additional districts having development of a type characteristic of a CR-3 district, and this district is not intended to be enlarged beyond the limits mapped to this district with the adoption of this Ordinance.

2-703 **Permitted Uses.** The following uses are permitted in this district:

(A) Agriculture, horticulture, forestry and fisheries, pursuant to Section 5-626.

(B) Accessory apartment or dwelling unit, pursuant to Section 5-613.

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

(D) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area, and game preserve.

(E) Dwelling, single family detached.

(F) Guest house, pursuant to Section 5-612.

(G) Home occupation, pursuant to Section 5-400.

(H) Public or private playground, or neighborhood park.

(I) Compact cluster development option, pursuant to Section 2-707.

(J) Bus shelter.

(K) Commuter parking lot, with less than 50 spaces.

(L) Recycling drop off collection center, small, pursuant to Section 5-607.

(M) Sewer pumping station pursuant to Section 5-621.

(N) Water pumping station pursuant to Section 5-621.

(O) Utility substation, dedicated.

(P) School, private elementary or middle, for less than 15 pupils.

(Q) School, public.

(R) Pet Farm.

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

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

2-704 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

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

(B) Cemetery, mausoleum, or memorial park, pursuant to Section 5-637.

(C) Church, synagogue and temple, pursuant to Section 5-639.

(D) Community center.

(E) Congregate housing facility.

(F) Country club.

(G) Country inn, pursuant to Section 5-601(C).

(H) Fire and/or rescue station.

(I) Orphanage or other similar institution.

(J) Private club or lodge.

(K) School.

(L) Sewage treatment plant, pursuant to Section 5-621.

(M) Utility transmission lines, overhead.

(N) Water treatment plant, pursuant to Section 5-621.

(O) Library.

(P) Golf course.

(Q) Child or adult daycare, pursuant to Section 5-609.

(R) Commuter parking lot, with greater than 50 spaces.

(S) Structure or use primarily for federal, state, county, or local governmental purposes, not otherwise listed.

(T) Playing fields and courts, lighted.

(U) Public or private community or regional park.

(V) Radio and/or television tower.

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

(X) Water storage tank.

(Y) Utility substation, distribution, pursuant to Section 5-616.

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

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

(BB) Police Station.

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

(A) Size. Forty thousand (40,000) square feet minimum.

(B) Width. One hundred seventy five (175) feet minimum.

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

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

(2) Side. Minimum of twelve (12) feet on one side and nine (9) feet on the other side.

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

(D) Length/Width Ratio: 5:1 maximum.

(E) Maximum Residential Density. One lot per 40,000 square feet calculated on the overall parcel, exclusive of streets.

2-706 Lot Requirements for Lots Served by Public Sewer Only.

(A) Size. Fifteen (15,000) square feet minimum.

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

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

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

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

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

(D) Length/Width Ratio: 5:1 maximum.

(E) Utilities. Public sewer facilities shall be provided to serve the site. Nothing herein shall be construed as requiring the extension of central or municipal utilities to any site or property.

(F) Maximum Residential Density. One lot per 15,000 square feet calculated on the overall parcel, exclusive of streets.

2-707 Lot Requirements for Compact Cluster Development Option.

(A) Size. Ten thousand (10,000) square feet minimum to fifteen thousand (15,000) square feet maximum.

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

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

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

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

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

(D) Length/Width Ratio: 5:1 maximum.

(E) Minimum Open Space Area. Open space shall be provided in a sufficient amount such that a gross density of one lot per fifteen thousand (15,000) square feet is maintained, calculated based on the overall parcel. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.

(F) Minimum Buffer/Setback. A permanent building setback of fifty (50) feet in depth with a Category 1 Buffer Yard (Section 5-1414(B)) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development, which has a minimum allowable lot size of fifteen thousand (15,000) square feet or greater. Such buffer area may be included in open space calculations.

(G) Utilities. Both public water and public sewer shall be provided to serve the site. Nothing herein shall be construed as requiring the extension of central or municipal utilities to any site or property.

(H) Lot Design Requirements.

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

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

(I) Other Requirements.

(1) Blocks shall generally be in a grid pattern, with interconnecting streets and alleys.

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

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

(A) Lot Coverage. Fifteen (15) percent maximum.

(B) Building Height. Forty (40) feet maximum.

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

(A) Lot Coverage. Twenty five (25) percent maximum.

(B) Building Height. Forty (40) feet maximum.

2-710 Building Requirements for Compact Cluster Development Option.

(A) Lot Coverage. Thirty five (35) percent maximum.

(B) Building Height. Forty (40) feet maximum.

2-711 **Utility Requirements.** All utility distribution lines located in the CR-3 district shall be placed underground.

2-712 **Development Setback and Access from Major Roads.** In designing residential development, the requirements of Section 5-900 shall be observed.

Section 2-800 Countryside Residential-4: CR-4

2-801 **Purpose.** This district is established to foster the conversion of existing residential properties zoned R-4 under the 1972 Zoning Ordinance which are not served by public water and public sewer. These areas can be served by on-site well and wastewater systems at lower densities, but are areas in which the County allows higher densities when a cluster development pattern is served by public water and/or sewer facilities, to preserve open space and to achieve a traditional design as envisioned in the Comprehensive Plan.

2-802 **Size and Location.** The Comprehensive Plan does not support the creation of additional districts having development of a type characteristic of a CR-4 district, and this district is not intended to be enlarged beyond the limits mapped to this district with the adoption of this Ordinance.

2-803 **Permitted Uses.** The following uses are permitted in this district:

(A) Agriculture, horticulture, forestry and fisheries.

(B) Accessory apartment or dwelling unit, pursuant to Section 5-613.

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

(D) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area, and game preserve.

(E) Dwelling, single family detached.

(F) Guest house, pursuant to Section 5-612.

(G) Home occupation, pursuant to Section 5-400.

(H) Public or private playground, or neighborhood park.

(I) Bus shelter.

(J) Commuter parking lot, with less than 50 spaces.

(K) Recycling drop off collection center, small, pursuant to Section 5-607.

(L) Sewer pumping station, pursuant to Section 5-621.

(M) Water pumping station, pursuant to Section 5-621.

(N) Utility substation, dedicated.

(O) School, public.

(P) Pet Farm.

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

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

2-804 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

(A) Cemetery, mausoleum, or memorial park.

(B) Church, synagogue and temple.

(C) Community center.

(D) Congregate housing facility.

(E) Country club.

(F) Country inn, pursuant to Section 5-601(C).

(G) Fire and/or rescue station.

(H) Orphanage or other similar institution.

(I) Private club or lodge.

(J) School.

(K) Sewage treatment plant, pursuant to Section 5-621.

(L) Utility transmission lines, overhead.

(M) Water treatment plant, pursuant to Section 5-621.

(N) Library.

(O) Golf course.

(P) Child or adult daycare center, pursuant to Section 5-609.

(Q) Commuter parking lot, with greater than 50 spaces.

(R) Structure or use primarily for federal, state, county, or local governmental purposes, not otherwise listed.

(S) Playing fields and courts, lighted.

(T) Public or private community or regional park.

(U) Radio and/or television tower.

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

(W) Water storage tank.

(X) Utility substation, distribution, pursuant to Section 5-616.

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

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

(AA) Police Station.

2-805 Lot Requirements for Lots Served by On-Site Well and Wastewater Systems.

(A) Size. Forty thousand (40,000) square feet minimum.

(B) Width. One hundred seventy five (175) feet minimum.

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

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

(2) Side. Minimum of twelve (12) feet on one side and nine (9) feet on the other side.

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

(D) Length/Width Ratio: 5:1 maximum.

(E) Maximum Residential Density. One lot per 40,000 square feet calculated on the overall parcel, exclusive of streets.

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

(A) Size. Fifteen thousand (15,000) square feet minimum.

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

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

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

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

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

(D) Length/Width Ratio: 5:1 maximum.

(E) Maximum Residential Density. One lot per 15,000 square feet calculated on the overall parcel, exclusive of streets.

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

(A) Size. Ten thousand (10,000) square feet minimum.

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

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

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

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

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

(D) Length/Width Ratio. 5:1 maximum.

(E) Lot Design Requirements.

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

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

(F) Other Requirements.

(1) Blocks shall generally be in a grid pattern, with interconnecting streets and alleys.

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

(G) Maximum Residential Density. One lot per 10,000 square feet calculated on the overall parcel, exclusive of streets.

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

(A) Lot Coverage. Fifteen (15) percent maximum.

(B) Building Height. Forty (40) feet maximum.

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

(A) Lot Coverage. Twenty five (25) percent maximum.

(B) Building Height. Forty (40) feet maximum.

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

(A) Lot Coverage. Thirty five (35) percent maximum.

(B) Building Height. Forty (40) feet maximum.

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

2-812 Development Setback and Access from Major Roads. In designing residential development, the requirements of Section 5-900 shall be observed

Section 2-900 RC Rural Commercial District.

2-901 **Purpose.** This district is established for the conversion of existing commercial properties zoned C-1 under the 1972 Zoning Ordinance which are located sporadically in rural Loudoun but deemed appropriate to be retained as commercially zoned land for development to a more preferred development pattern. The district is also established in other areas to allow for residential and commercial uses where existing settlement patterns provide a unique opportunity for a variety of permitted and special exception uses. Uses in the RC District shall be compatible with existing village and neighborhood scale and character and allow local, neighborhood related commercial uses to be developed.

2-902 **Size and Location.** New rural commercial districts shall be of a sufficient size to allow for a variety of uses, and shall only be located inside existing rural villages, which are those areas within the Village Conservation Overlay District, or those areas deemed appropriate for the range of uses that are allowed within the district.

2-903 **Permitted Uses.** The following uses are permitted in this district:

(A) Agriculture, horticulture, forestry or fishery, pursuant to Section 5-626.

(B) Art gallery.

(C) Business service establishment.

(D) Community center.

(E) Convenience food store, without gas pumps, pursuant to Section 5-617.

(F) Farm market, pursuant to Section 5-603.

(G) Farm machinery sales and service, pursuant to Section 5-615.

(H) Nursery, commercial, pursuant to Section 5-605.

(I) Personal service establishment.

(J) Post office, drop off and pick up.

(K) Public utility service center, without outdoor storage.

(L) Recycling collection center, small, pursuant to Section 5-607.

(M) Restaurant, including carry out.

(N) Residential uses.

(O) Retail sales establishment.

(P) Studio space - artist, crafts person, writer, etc.

(Q) Bank or financial institution, pursuant to Section 5-659.

(R) Theatre, indoor.

(S) Home service establishment.

(T) Office, administrative, business, and professional.

(U) Office, medical and dental.

(V) Park.

(W) Veterinary service.

(X) Wayside stand.

(Y) Commuter parking lot.

(Z) Facilities for lessons in dance, gymnastics, judo, and sports training.

(AA) Utility substation, dedicated.

(BB) Animal hospital.

(CC) Church, synagogue, and temple.

(DD) Dwelling, accessory to a permitted or special exception use.

(EE) Farm supplies.

(FF) Printing service.

(GG) Water pumping station, pursuant to Section 5-621.

(HH) Sewer pumping station, pursuant to Section 5-621.

(II) Food store.

(JJ) Library.

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

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

(MM) Contractor's Service Establishment, limited to landscape contractors and lawn maintenance services.

(NN) Mill, feed and grain.

(OO) Training Facility, accessory to a permitted or special exception use.

2-904 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

(A) Any one permitted use in excess of 10,000 sq. ft. in gross floor area provided that agricultural uses, mill, feed and grain, farm supplies, farm market, and farm machinery sales and service are not subject to this limit.

(B) Auction facility, livestock.

(C) Automobile service station.

(D) Funeral home or mortuary.

(E) Private club or lodge.

(F) Motor vehicle sales and accessory service.

(G) Hotel/Motel.

(H) Motor vehicle service and repair, accessory to an approved use.

(I) Gas pumps accessory to a convenience food store, pursuant to Section 5-617.

(J) Recreation establishment, outdoor.

(K) Fire and/or rescue station.

(L) Mass transit facilities and stations.

(M) Adult daycare center.

(N) Child care center, pursuant to Section 5-609.

(O) Recreation establishment, indoor.

(P) Auction house.

(Q) Sewage treatment plant, pursuant to Section 5-621.

(R) Water treatment plant, pursuant to Section 5-621.

(S) Water storage tank, pursuant to Section 5-621.

(T) Crematorium, pursuant to Section 5-637.

(U) School, private, accessory to a church.

(V) Car wash, accessory to a convenience food store, pursuant to Section 5-617.

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

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

(Y) Police Station.

(Z) Training Facility.

2-905 Lot Requirements.

(A) **Size.** Ten thousand (10,000) square feet minimum

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

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

(1) **Front.** No minimum.

(2) **Side.** No requirement, except fifteen (15) feet for a non-residential use abutting a lot used for residential purposes, or a lesser distance to continue the setback of an existing building.

(3) **Rear.** No requirement, except thirty (30) feet for a non-residential use abutting a lot used for residential purposes, or a lesser distance to continue the setback of an existing building.

(D) **Length/Width Ratio.** 5:1 maximum.

2-906 Building Requirements.

(A) **Lot Coverage.** Seventy (70) percent maximum.

(B) **Building Height.** Forty (40) feet maximum.

(C) **Floor Area Ratio.** .40 maximum.

2-907 Use Limitations.

(A) On-street parking may be provided in the rural commercial district. In addition, off-street parking on the side and rear of the lot is preferred. Where off-street parking is provided in the front, such parking shall be effectively screened, landscaped and buffered to protect the surrounding residential district from undesirable views, lighting, noise, or other adverse impacts.

(B) Dwellings, shops and workplaces shall be generally located in close proximity to each other.

(C) Buildings shall front on and be aligned with streets.

(D) Streets and blocks shall have a general rectilinear pattern.

(E) The development shall be a size and scale which accommodates and promotes pedestrian travel rather than motor vehicle use.

(F) All utility distribution lines located in the RC district shall be placed underground.

(G) Multiple vehicular entrances along streets which present a threat to public safety through numerous vehicular turning movements, and which inhibit higher operating speeds and higher levels of service shall be prohibited.

(H) Strip commercial development patterns which produce aesthetic conditions characterized by marked and discordant contrast with the predominantly rustic open character of the County's major highways shall be prohibited.

2-908 Administrative Waivers and Modifications of Buffering and Screening Requirements and Parking Lot Landscaping and Screening Requirements.

(A) Uses that are subject to parking lot landscaping and screening as required by Section 5-1413, and buffering and screening as

required by Section 2-907, may pursue an administrative waiver and modification process, whereby the parking lot landscaping and screening may be waived, reduced or modified by the Zoning Administrator, where the strict adherence to the provisions of Section 5-1413 would reduce the usable area of a lot to a point which would preclude reasonable use of the lot, or the expansion of an existing use (provided required setbacks are met) for a permitted or special exception use. Parking lot landscaping and screening may be waived reduced or modified by the Zoning Administrator, if it is demonstrated that the site has been designed to minimize adverse impacts through a combination of architectural, landscape and/or other design techniques.

2-909 Administrative Reductions, Waivers, or Modifications of Parking Requirements.

(A) The Zoning Administrator may grant administrative reductions, waivers, or modifications of parking requirements for permitted or special exception uses contained in Sections 2-903 and 2-904 above, in accordance with the provisions of Section 5-1100 (F), as applicable.

2-910 Development Setback and Access From Major Roads. In designing nonresidential development, the requirements of Section 5-900 shall be observed.

DIVISION B: JOINT LAND MANAGEMENT AREA (JLMA) DISTRICTS

Section 2-1000 Joint Land Management Area-1 District: JLMA-1

2-1001 **Purpose and Intent.** This district is established to accommodate and foster the development of land within the joint land management areas (JLMAs) outside the incorporated towns in Loudoun County to:

(A) Ensure development in the JLMA-1 district is consistent with the JLMA serving as a gateway to the towns;

(B) Encourage an appropriate mix of residential and nonresidential land uses;

(C) Provide a variety of housing types and lot sizes;

(D) Where appropriate, achieve a pattern of development that generally conforms to the established, traditional pattern of development in the towns;

(E) Establish the type and scale of development desired for the entranceway of the towns; and

(F) Implement jointly adopted area plans, where applicable.

2-1002 **Size and Location.** This district modifies and replaces the Countryside Residential (CR-1) district within the JLMAs. It is the intent of the County that the JLMA-1 boundaries not be extended beyond the existing JLMA boundaries. The limits of this district are as designated on the Zoning Map.

2-1003 **Use Regulations.** Table 2-1003 summarizes the principal use regulations of the JLMA-1 district.

(A) **Organization of Use Table.** Table 2-1003 organizes the uses in the JLMA-1 district Use Table by Use Classifications, Use Categories and Use Types.

(1) **Use Classifications.** The Use Classifications are: residential uses; agricultural uses; public and institutional uses; commercial uses; and industrial uses. The Use Classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., residential uses and agricultural uses). The Use Classifications then organize land uses and activities into general “Use Categories” and specific “Use

Types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.

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

(3) **Use Types.** The Use Categories are then divided into specific Use Types. The specific Use Types are included in the respective Use Category. They identify the specific uses that are considered to fall within characteristics identified in the Use Category.

(B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-1003 are defined in Article VIII (Definitions).

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

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

(E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-1003 (Additional Regulations for Specific Uses) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the "Additional Regulations for Specific Uses" in Section 5-600.

TABLE 2-1003
JLMA-1 JOINT LAND MANAGEMENT AREA-1 DISTRICT USE TABLE

P = PERMITTED S = SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	JLMA-1	ADDITIONAL REGULATIONS FOR SPECIFIC USES
RESIDENTIAL USES			
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	Manufactured housing subject to Section 5-620
	Guest house (accessory to single family detached dwelling)	P	Section 5-612
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
Group Living	Congregate housing facility	S	
	Continuing care facility	S	
	Orphanage or similar institution	S	
	Tenant dwelling	S	Section 5-602
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services Directly Related to On-going	Agricultural processing	P	Section 5-627
	Animal care business	P	Section 5-627

TABLE 2-1003 JLMA-1 JOINT LAND MANAGEMENT AREA-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-1**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Custom operators	P	
	Direct market business for sale of products produced on-site-including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Equestrian facility, on lots of less than fifty (50) acres, or without frontage on a state maintained road	S	Section 5-627
	Farm based tourism events	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery sales, rental, and services	S	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm markets	P	Section 5-603
	Mill feed and farm supply center	S	Section 5-627
	Nursery, commercial	S	Section 5-605
	Nursery, production	P	Section 5-605
	Nursery, production, without frontage on a state maintained road	S	Section 5-605
	Pet farms	P	Section 5-627
	Stable, private	P	Section 5-627
	Stable, neighborhood, on lots less than twenty-five (25) acres, or without frontage on a state maintained road	S	Section 5-627
	Virginia Farm Winery	P	Section 5-627
	Wayside stand	P	Section 5-604

TABLE 2-1003 JLMA-1 JOINT LAND MANAGEMENT AREA-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-1**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Wetlands mitigation bank	P	Section 5-627
PUBLIC AND INSTITUTIONAL USES			
Day Care Facilities	Child care home	P	Section 5-609(A)
	Child or adult day care center	S	Section 5-609(B)
Cultural and Government Facilities	Bus shelter	P	
	Community center	S	
	Community center, HOA facilities only	P	
	Commuter parking lot, with greater than 50 spaces	S	
	Commuter parking lot, with 50 spaces or less	P	
	Library	S	
	Structure or use for federal, state, County, or local governmental purposes, not otherwise listed	S	
Education	School (elementary or middle), for fifteen (15) pupils or less	S	Section 5-655
	School (elementary, middle, or high), for more than 15 pupils	S	
Park and Open Space	Cemetery	S	Section 6-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood or regional park, passive recreational uses	P	
	Community, neighborhood or regional park, active recreational uses	S	

TABLE 2-1003 JLMA-1 JOINT LAND MANAGEMENT AREA-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-1**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Wetlands mitigation bank	P	
Public Safety	Fire and/or rescue station	S	Section 5-638
	Police station or substation	S	Section 5-638
Religious Assembly	Church, synagogue or temple, with seating capacity of 300 or less in sanctuary or main area	P	Section 5-639
	Church, synagogue or temple, with seating capacity of more than 300 in sanctuary or main activity area, or with accessory schools, day care centers with more than 50 children, recreational facilities	S	Section 5-639
Utility	Public utility service center and storage yard	S	Section 5-621
	Recycling drop off collection center, public	P	Section 5-607
	Recycling drop off collection center, private	S	Section 5-607
	Sewer and water treatment plant	S	Section 5-621
	Utility substation, distribution	S	Section 5-616
	Utility transmission line, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	Unless excepted by Section 1-103(D)
	Sewage and water pumping station	P	Section 5-621
	Water storage tank	S	Section 5-621
COMMERCIAL USES			
Recreation and Entertainment	Camp, day and boarding	S	Section 5-645
	Golf course	S	Section 5-648

TABLE 2-1003 JLMA-1 JOINT LAND MANAGEMENT AREA-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-1**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Retail Sales and Service	Artist studio	S	
	Small business	P/S	Section 5-614
	Farm Market (off-site production)	S	Section 5-603
Visitor Accommodation	Bed and breakfast, homestay	P/S	Section 5-601(A)
	Bed and breakfast Inn	S	Section 5-601(A)
INDUSTRIAL USES			
Telecommunication Use and/or Structure	Radio and/or television tower	S	Section 5-618
	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunication tower	S	Section 5-618(C)(2)

2-1004 Lot and Building Requirements.

(A) **Minimum Lot Size.** Twenty thousand (20,000) square feet.

(B) **Minimum Lot Width.** Fifty (50) feet.

(C) **Minimum Front Yard.** Thirty-five (35) feet.

(D) **Minimum Rear Yard.** Twenty-five (25) feet.

(E) **Minimum Side Yard.** Nine (9) feet.

(F) **Building Height.** Forty (40) feet maximum.

2-1005 General Development Requirements. The following general development requirements shall apply to all development in the JLMA-1 district.

(A) **Minimum Open Space.** Thirty (30) percent. Active recreational uses may be located within the open space.

(B) **Maximum Gross Density.** The maximum gross residential density shall be one (1) unit per forty thousand (40,000) square feet, calculated based on the overall parcel, excluding roads. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.

(C) **Utilities.**

(1) Both municipal water and municipal sewer facilities must be provided to every development site, if available as determined by the Zoning Administrator, in consultation with the Town, and if the Town permits the connection. If municipal water and/or municipal sewer facilities are not available, or if the Town does not permit the connection, development may be served by an individual water supply system (private well) and/or an individual sewage disposal system.

(2) Notwithstanding subsection 2-1005(C)(1) above, Town owned or County owned and operated public uses shall be required to connect to municipal water and/or municipal sewer facilities only if the existing municipal water line and/or municipal sewer line is within 300 feet of the property line of the parcel being developed and if the Town permits such connection, unless the County and Town agree that the presence of other physical or geographical constraints would make the connection unreasonable. Otherwise, such Town or County public uses may use communal systems or an individual water supply system (private well) and/or individual sewage disposal system.

(3) Notwithstanding subsection 2-1005(C)(1) above, any development on a lot existing prior to January 7, 2003, that does not require the approval of any type of subdivision or site plan application in order to be developed may use an individual water supply system (private well) and/or individual sewage disposal system, provided, however, that if such development is required to connect to a public/municipal sewer pursuant to the Codified Ordinances of Loudoun County, then an individual sewage disposal system shall not be permitted. For the purposes of this Section 2-1005(C)(3), and notwithstanding the provisions of

Section 1243.03(B) of the Land Subdivision and Development Ordinance, lots established by or resulting from the recordation of a boundary line adjustment (BLAD) after January 7, 2003, where all of the lots involved in the BLAD existed prior to January 7, 2003, shall be deemed to have existed prior to January 7, 2003.

(4) All utility distribution lines shall be placed underground. Private wells, septic systems, and communal systems may be located within the open space.

(D) **Neighborhood Development Standards.** To ensure new development in the JLMA-1 district reinforces existing development patterns in the adjacent town to the maximum extent feasible, reduces the need for automobile trips, minimizes the need for additional road improvements, and encourages walking to employment, shopping, and public facilities, development in this district shall meet the following requirements:

(1) **Street System/Connectivity.**

(a) **Connections to Existing Streets.** Connections to the existing or planned street system shall be made to the maximum extent feasible. All development plans shall incorporate and continue all streets stubbed to or shown as stubbed to the boundary of the development by previously approved development plans/plats or existing development.

(b) **Provision for Future Connections to Adjoining Land.** All developable land shall provide for future public street connections to adjacent developable parcels by providing a local street connection at least every six hundred sixty (660) feet along each subdivision plat boundary that abuts potentially developable or re-developable land, except that such street connections are not required on steep slopes, MDOD sensitivity areas, or FOD pursuant to Sections 5-1508, 4-1600, and 4-1500.

(c) **Block Form and Size.** To the maximum extent feasible, blocks within developments shall maintain a rectilinear pattern except where deviation is necessitated by topographic or environmental considerations. Blocks shall measure not less than

three hundred (300) nor more than six hundred sixty (660) feet along each side, as measured from the edge of the right-of-way, except where deviation is necessitated by topographic or environmental considerations, or where deviation is required to comply with regulations concerning steep slopes, MDOD sensitivity areas, or FOD pursuant to Sections 5-1508, 4-1600 and 4-1500.

(d) **Avoidance of Certain Street Types.** Cul-de-sacs and “P-loop” streets shall be avoided except where necessitated by topographic or environmental considerations.

(e) **Provision of “T” Intersections.** "T" intersections are encouraged in locations where views of important civic, public or open space areas can be highlighted.

(2) **Variation of Lot Sizes.**

(a) **General Rule.** In all new residential subdivisions containing ten (10) or more lots, a mixture of lot sizes and dimensions shall be provided in order to allow for a variety of housing opportunities and avoid monotonous streetscapes. For example, larger and wider lots are encouraged on corners. Smaller lots are encouraged adjacent to parks and open spaces. No more than 60 percent of all lots shall be similar in total lot area. For purposes of this subsection, "similar" lot areas shall be defined as within 500 square feet of each other.

(b) **Exception.** Up to seventy (70) percent of the lots within the subject subdivision may be similar if the Zoning Administrator, pursuant to Section 6-401, makes a finding that, notwithstanding deviation from the sixty (60) percent standard stated above, lot sizes and dimensions are sufficiently varied, for different housing types, to avoid monotonous streetscapes.

(c) **Dispersion of Lot Sizes.** Similar lot sizes shall be distributed throughout a subdivision rather than consolidated in one area, unless the Zoning

Administrator, pursuant to Section 6-401, makes a finding that the intent of this district and of the Zoning Ordinance will be better served by a design that tends to consolidate lots of similar sizes.

(3) **Sidewalks.**

(a) **Provision of Sidewalks and/or Trails.** Sidewalks and/or trails shall be provided, at a minimum, along one side of all streets to provide pedestrian access to the town or neighborhood center, public buildings, schools, parks, and other destinations, or greater if required by the Facilities Standards Manual.

(b) **Sidewalk and/or Trail Connections.** Connections to existing or planned sidewalks and/or trails shall be made at the property boundaries of the project by incorporating and continuing all sidewalks and/or trails stubbed to or shown as stubbed to the boundary of the development by previously approved development plans/plats or existing development. All development plans shall provide for future sidewalk and/or trail connections to adjacent developable parcels at planned or current local street connections along each subdivision plat boundary.

(4) **Civic and Open Space.**

(a) **Variety of Spaces to Be Provided.** A variety of greens, parks or natural open spaces shall be located throughout the development, where appropriate, to provide community identity.

(b) **Access to Civic Spaces.** Direct and convenient pedestrian and bicycle access shall be provided on the site being developed to adjacent residential land uses and to the civic and open space.

(c) **Configuration of Park Access.** Land dedicated for parks shall be bordered on at least one side by public streets, preferably local or collector streets.

(5) **Other Design Requirements.**

(a) **Street Trees.** Street trees planted pursuant to Section 5-1300 shall be planted at a density of no less than one canopy shade tree per 25 feet on average, and shall be placed in arrangements consistent with the existing landscape of the vicinity.

(b) **Garages.** Garages shall be set back at least four (4) feet behind the plane of the front door of the principal building. Garages shall have vehicular access only from the side or rear of the lot.

(c) **On-Street Parking.** Parallel parking may be provided on streets in front of residential lots, except for lots fronting on collector or arterial roads.

(E) **Compatibility Standards.**

(1) A minimum buffer width of 25 feet with a Type 2 buffer yard shall be provided between existing agricultural uses and residential development sites.

(2) On non-residential development sites:

(a) Areas for loading, delivery, and waste collection receptacles shall be sited so as to reduce the impact on surrounding properties to the maximum extent feasible, with highest priority given to reducing the impact on residential properties.

(b) Outdoor lighting shall be directed towards the interior of the development site and shall be shielded to prevent all direct illumination of other properties.

2-1006 **Alternate Neighborhood Development Standards.** In lieu of the development requirements specified in Sections 2-1004 and 2-1005 above, either the Board of Supervisors may initiate, or the landowner(s) in a JLMA-1 district may request the adoption of alternate neighborhood development standards as a special exception pursuant to the standards of this Section and Section 6-1300. These alternate development standards may be reviewed for all or a portion of a JLMA-1 district. Once adopted, the alternate neighborhood development standards supersede the requirements of Sections 2-1004 and 2-1005. The following requirements shall be met:

(A) **Minimum Area.** Alternate neighborhood design standards shall be adopted for all of a JLMA-1 district or a portion of the district consisting of a minimum of twenty-five (25) contiguous acres.

(B) **Initiation.** A request to have alternate neighborhood development standards adopted for all or a portion of a JLMA-1 district may be initiated by the Board of Supervisors or the landowners in the area for which the request is made by submitting an application to the County for a Special Exception pursuant to Section 6-1300.

(C) **Study/Proposed Standards.** Subsequent to the request, the applicant shall submit a set of proposed alternate neighborhood development standards for consideration that comply with the standards in Section 2-1006(E). The proposed alternate neighborhood development standards shall be in compliance with any overlay district requirements and based on a study of the existing and prevailing patterns of development in the adjoining town in the vicinity of the lands where the alternate neighborhood development standards are proposed to be adopted, as they relate to lot sizes, yards, setbacks, lot coverage, building heights, garages, porches, civic and open spaces, open space areas, block form, street pattern, sidewalks, and street trees.

(D) **Recommendation of Staff and Town Council.** After their receipt, County staff shall forward a copy of the proposed alternate neighborhood development standards to the affected town for review and comment, and prepare a staff report on whether they comply with the standards of Section 2-1006(E).

(E) **Standards.** The Board of Supervisors shall adopt the alternate neighborhood development standards only if the Board finds that:

(1) The standards include requirements addressing lot size, lot width and length, yards, lot coverage, building height, and open space that are consistent with the existing and prevailing patterns of development in the adjoining town in the vicinity of the lands where the alternate neighborhood development standards are to be adopted; and

(2) The standards include specific provisions requiring street system connectivity, variation of lot sizes, the provision of civic and open spaces, the provision of sidewalks, the provision of street trees, a grid street pattern and block sizes in a form that is consistent with the existing and prevailing patterns of development in the adjoining town in

the vicinity of the lands where the alternate neighborhood development standards are to be adopted.

(F) **Effect.** The approval of the special exception by the Board of Supervisors for all or a portion of a JLMA-1 district shall constitute a modification of the development standards for that area, subject to the conditions and terms of the special exception, and recognition by the County that all development within the area subject to alternate neighborhood development standards shall comply with the alternate neighborhood development standards. In the case of conflict between adopted alternate neighborhood development standards and any other provision of this Ordinance, the alternate neighborhood development standards shall apply.

Section 2-1100 Joint Land Management Area-2 District: JLMA-2

2-1101 **Purpose and Intent.** This district is established to accommodate and foster the development of land within the joint land management areas (JLMAs) outside the incorporated towns in Loudoun County to:

(A) Ensure development in the JLMA-2 district is consistent with the JLMA serving as a gateway to the towns;

(B) Encourage an appropriate mix of residential and nonresidential land uses;

(C) Provide a variety of housing types and lot sizes;

(D) Where appropriate, achieve a pattern of development that generally conforms to the established, traditional pattern of development in the towns;

(E) Establish the type and scale of development desired for the entranceway of the towns; and

(F) Implement jointly adopted area plans, where applicable.

2-1102 **Size and Location.** This district modifies and replaces the Countryside Residential (CR-2) district within the JLMAs. It is the intent of the County that the JLMA-2 boundaries not be extended beyond the existing JLMA boundaries.

2-1103 **Use Regulations.** Table 2-1103 summarizes the principal use regulations of the JLMA-2 district.

(A) **Organization of Use Table.** Table 2-1103 organizes the uses in the JLMA-2 district Use Table by Use Classifications, Use Categories and Use Types.

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

type of customers or residents, how goods or services are sold or delivered, and site conditions.

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

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

(B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-1103 are defined in Article VIII (Definitions).

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

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

(E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-1103 (Additional Regulations for Specific Uses) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the "Additional Regulations for Specific Uses" in Section 5-600.

TABLE 2-1103 JLMA-2 JOINT LAND MANAGEMENT AREA-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-2**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
RESIDENTIAL USES			
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	Manufactured housing subject to Section 5-620
	Guest house (accessory to single family detached dwelling)	P	Section 5-612
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
Group Living	Congregate housing facility	S	
	Continuing care facility	S	
	Orphanage or similar institution	S	
	Tenant dwelling	S	Section 5-602
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services directly related to on-going agriculture, horticulture and animal husbandry activity, on-site	Agricultural processing	P	Section 5-627
	Animal care business	P	Section 5-627
	Custom operators	P	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

TABLE 2-1103 JLMA-2 JOINT LAND MANAGEMENT AREA-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-2**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Equestrian facility, on lots of less than fifty (50) acres, or without frontage on a state maintained road	S	Section 5-627
	Virginia farm winery	P	Section 5-627
	Farm based tourism events	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery sales, rental, and services	S	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm markets	P	Section 5-603
	Mill feed and farm supply center	S	Section 5-627
	Nursery, commercial	S	Section 5-605
	Nursery, production	P	Section 5-605
	Nursery, production, without frontage on a state maintained road	S	Section 5-605
	Pet farms	P	Section 5-627
	Stable, private	P	Section 5-627
	Stable, neighborhood, on lots less than twenty-five (25) acres, or without frontage on a state maintained road	S	Section 5-627
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627
PUBLIC AND INSTITUTIONAL USES			
Day Care Facilities	Child care home	P	Section 5-609

TABLE 2-1103 JLMA-2 JOINT LAND MANAGEMENT AREA-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-2**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Child or adult day care center	S	Section 5-609
Cultural and Government Facilities	Bus shelter	P	
	Community center	S	
	Community center, HOA facilities only	P	
	Commuter parking lot, with greater than 50 spaces	S	
	Commuter parking lot, with 50 spaces or less	P	
	Library	S	
	Structure or use for federal, state, County, or local governmental purposes, not otherwise listed	S	
Education	School (elementary or middle), for fifteen (15) pupils or less	S	Section 5-655
	School (elementary, middle, or high), for more than 15 pupils	S	
Park and Open Space	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood or regional park, passive recreational uses	P	
	Community, neighborhood or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	S	Section 5-638
	Police station or substation	S	Section 5-638
Religious Assembly	Church, synagogue or temple, with seating capacity of 300 or less in sanctuary or main area	P	Section 5-639

TABLE 2-1103 JLMA-2 JOINT LAND MANAGEMENT AREA-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-2**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Church, synagogue or temple, with seating capacity of more than 300 in sanctuary or main activity area, or with accessory schools, day care centers with more than 50 children, recreational facilities	S	Section 5-639
Utility	Public utility service center and storage yard	S	Section 5-621
	Recycling drop off collection center, public	P	Section 5-607
	Recycling drop off collection center, private	S	Section 5-607
	Sewer and water treatment plant	S	Section 5-621
	Utility substation, distribution	S	Section 5-616
	Utility transmission line, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	Unless excepted by Section 1-103 (D)
	Sewage and Water pumping station	P	Section 5-621
	Water storage tank	S	Section 5-621
COMMERCIAL USES			
Food and Beverage	Restaurant	S	Section 5-643
Recreation and Entertainment	Camp, day and boarding	S	Section 5-645
	Golf course	S	Section 5-648
Retail Sales and Service	Artist studio	S	
	Small business	P/S	Section 5-614
	Farm market (off-site production)	S	Section 5-603
Visitor Accommodation	Bed and breakfast homestay	P/S	Section 5-601

TABLE 2-1103 JLMA-2 JOINT LAND MANAGEMENT AREA-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-2**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Bed and breakfast inn	S	Section 5-601
INDUSTRIAL USES			
Telecommunication Use and/or Structure	Radio and/or television tower	S	Section 5-618
	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunication tower	S	Section 5-618(C)(2)

2-1104 Lot and Building Requirements.

(A) **Minimum Lot Size.** Ten thousand (10,000) square feet.

(B) **Minimum Lot Width.** Fifty (50) feet.

(C) **Minimum Front Yard.** Fifteen (15) feet.

(D) **Minimum Rear Yard.** Twenty-five (25) feet.

(E) **Minimum Side Yard.** Eight (8) feet

(F) **Building Height.** Forty (40) feet maximum.

2-1105 General Development Requirements. The following general development requirements shall apply to all development in the JLMA-2 district.

(A) **Minimum Open Space.** Thirty (30) percent. Active recreational uses may be located within the open space.

(B) **Maximum Gross Density.** The maximum gross residential density shall be one (1) unit per twenty thousand (20,000) square feet, calculated based on the overall parcel, excluding roads. Open

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

(C) **Utilities.**

(1) Both municipal water and municipal sewer facilities must be provided to every development site, if available as determined by the Zoning Administrator, in consultation with the Town, and if the Town permits the connection. If municipal water and/or municipal sewer facilities are not available, or if the Town does not permit the connection, development may be served by an individual water supply system (private well) and/or an individual sewage disposal system.

(2) Notwithstanding subsection 2-1105(C)(1) above, Town owned or County owned and operated public uses shall be required to connect to municipal water and/or municipal sewer facilities only if the existing municipal water line and/or municipal sewer line is within 300 feet of the property line of the parcel being developed and if the Town permits such connection, unless the County and Town agree that the presence of other physical or geographical constraints would make the connection unreasonable. Otherwise, such Town or County public uses may use communal systems or an individual water supply system (private well) and/or individual sewage disposal system.

(3) Notwithstanding subsection 2-1105(C)(1) above, any development on a lot existing prior to January 7, 2003, that does not require the approval of any type of subdivision or site plan application in order to be developed may use an individual water supply system (private well) and/or individual sewage disposal system, provided, however, that if such development is required to connect to a public/municipal sewer pursuant to the Codified Ordinances of Loudoun County, then an individual sewage disposal system shall not be permitted. For the purposes of this Section 2-1105(C)(3), and notwithstanding the provisions of Section 1243.03(B) of the Land Subdivision and Development Ordinance, lots established by or resulting from the recordation of a boundary line adjustment (BLAD) after January 7, 2003, where all of the lots involved in the BLAD existed prior to January 7, 2003, shall be deemed to have existed prior to January 7, 2003.

(4) All utility distribution lines shall be placed underground. Private wells, septic systems, and communal systems may be located within the open space.

(D) **Neighborhood Development Standards.** To ensure new development in the JLMA-2 district reinforces existing development patterns in the adjacent towns to the maximum extent feasible, reduces the need for automobile trips, minimizes the need for additional road improvements, and encourages walking to employment, shopping, and public facilities, development in this district shall meet the following requirements:

(1) **Street System/Connectivity.**

(a) **Connections to Existing Streets.** Connections to the existing or planned street system shall be made to the maximum extent feasible. All development plans shall incorporate and continue all streets stubbed to or shown as stubbed to the boundary of the development by previously approved development plans/plats or existing development.

(b) **Provision for Future Connections to Adjoining Land.** All developable land shall provide for future public street connections to adjacent developable parcels by providing a local street connection at least every six hundred sixty (660) feet along each subdivision plat boundary that abuts potentially developable or re-developable land, except that such street connections are not required on steep slopes, MDOD sensitivity areas, or FOD pursuant to Sections 5-1508, 4-1600, and 4-1500.

(c) **Block Form and Size.** To the maximum extent feasible, blocks within developments shall maintain a rectilinear pattern except where deviation is necessitated by topographic or environmental considerations. Blocks shall measure not less than three hundred (300) nor more than six hundred sixty (660) feet along each side, as measured from the edge of the right-of-way, except where deviation is necessitated by topographic or environmental considerations, or where deviation is required to comply with regulations concerning steep slopes,

MDOD sensitivity areas, or FOD pursuant to Sections 5-1508, 4-1600 and 4-1500.

(d) **Avoidance of Certain Street Types.** Cul-de-sacs and “P-loop” streets shall be avoided except where necessitated by topographic or environmental considerations.

(e) **Provision of “T” Intersections.** "T" intersections are encouraged in locations where views of important civic, public or open space areas can be highlighted.

(2) **Variation of Lot Sizes.**

(a) **General Rule.** In all new residential subdivisions containing ten (10) or more lots, a mixture of lot sizes and dimensions shall be provided in order to allow for a variety of housing opportunities and avoid monotonous streetscapes. For example, larger and wider lots are encouraged on corners. Smaller lots are encouraged adjacent to parks and open spaces. No more than 60 percent of all lots shall be similar in total lot area. For purposes of this subsection, "similar" lot areas shall be defined as within 500 square feet of each other.

(b) **Exception.** Up to seventy (70) percent of the lots within the subject subdivision may be similar if the Zoning Administrator, pursuant to Section 6-401, makes a finding that, notwithstanding deviation from the sixty (60) percent standard stated above, lot sizes and dimensions are sufficiently varied, for different housing types, to avoid monotonous streetscapes.

(c) **Dispersion of Lot Sizes.** Similar lot sizes shall be distributed throughout a subdivision rather than consolidated in one area, unless the Zoning Administrator, pursuant to Section 6-401, makes a finding that the intent of this district and of the Zoning Ordinance will be better served by a design that tends to consolidate lots of similar sizes.

(3) **Sidewalks.**

(a) **Provision of Sidewalks and/or Trails.** Sidewalks and/or trails shall be provided, at a minimum, along one side of all streets to provide pedestrian access to the town or neighborhood center, public buildings, schools, parks, and other destinations, or greater if required by the Facilities Standards Manual.

(b) **Sidewalk and/or trail Connections.** Connections to existing or planned sidewalks and/or trails shall be made at the property boundaries of the project by incorporating and continuing all sidewalks and/or trails stubbed to or shown as stubbed to the boundary of the development by previously approved development plans/plats or existing development. All development plans shall provide for future sidewalk and/or trails connections to adjacent developable parcels at planned or current local street connections along each subdivision plat boundary.

(4) **Civic and Open Space.**

(a) **Variety of Spaces to Be Provided.** A variety of greens, parks or natural open spaces shall be located throughout the development, where appropriate, to provide community identity.

(b) **Access to Civic Spaces.** Direct and convenient pedestrian and bicycle access shall be provided adjacent residential land uses and to the civic and open space.

(c) **Configuration of Park Access.** Land dedicated for parks shall be bordered on at least one side by public streets, preferably local or collector streets.

(5) **Other Design Requirements.**

(a) **Street Trees.** Street trees planted pursuant to Section 5-1300 shall be planted at a density of no less than one canopy shade tree per 25 feet on average, and shall be placed in arrangements consistent with the existing landscape of the vicinity.

(b) **Garages.** Garages shall be set back at least four (4) feet behind the plane of the front door of the principal building. Garages shall have vehicular access only from the side or rear of the lot.

(c) **On-Street Parking.** Parallel parking may be provided on streets in front of residential lots, except for lots fronting on collector or arterial roads.

(E) **Compatibility Standards.**

(1) A minimum buffer width of 25 feet with a Type 2 buffer yard shall be provided between existing agricultural uses and residential development sites.

(2) On non-residential development sites:

(a) Areas for loading, delivery, and waste collection receptacles shall be sited so as to reduce the impact on surrounding properties to the maximum extent feasible, with highest priority given to reducing the impact on residential properties.

(b) Outdoor lighting shall be directed towards the interior of the development site and shall be shielded to prevent all direct illumination of other properties.

Section 2-1200 Joint Land Management Area-3 District: JLMA-3

2-1201 **Purpose and Intent.** This district is established to accommodate and foster the development of land within the town's joint land management areas (JLMAs) outside the incorporated towns in Loudoun County to:

(A) Ensure development in the JLMA-3 district is consistent with the JLMA serving as a gateway to the towns;

(B) Provide for the continued practice of agriculture, farm operations, agriculturally related and home based businesses, low density clustered residential developments and other uses in a predominantly rural environment;

(C) Encourage an appropriate mix of residential and nonresidential land uses;

(D) Where appropriate, achieve a pattern of development that generally conforms to the established, traditional pattern of development in the towns; and

(E) Implement jointly adopted plans where applicable.

2-1202 **Size and Location.** This district replaces the Agricultural Residential (A-3) district within the JLMAs. It is the intent of the County that the JLMA-3 district boundaries not be extended beyond the existing JLMA boundaries.

2-1203 **Use Regulations.** Table 2-1203 summarizes the principal use regulations of the JLMA-3 district.

(A) **Organization of Use Table.** Table 2-1203 organizes the uses in the JLMA-3 district use table by Use Classifications, Use Categories and Use Types.

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

type of customers or residents, how goods or services are sold or delivered, and site conditions.

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

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

(B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-1203 are defined in Article VIII (Definitions).

(C) **Permitted and Special Exception Uses.** A "P" in the column identified "JLMA-3" indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the JLMA-3 district, subject to compliance with all applicable standards and regulations in this Ordinance and all other County ordinances. An "S" indicates that a Use Type is allowed in the JLMA-3 district as a special exception in accordance with the procedures and standards of Section 6-1300. In some instances, and based on the Additional Regulations for Specific Uses (Section 5-600), a Use Type will be permitted as a matter of right under certain conditions, or allowed as a special exception under other conditions. These uses are identified as "P/S".

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

(E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-1203 (Additional Regulations for Specific Uses) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the "Additional Regulations for Specific Uses" in Section 5-600.

TABLE 2-1203
JLMA-3 JOINT LAND MANAGEMENT AREA-3 DISTRICT USE TABLE

P = PERMITTED S = SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	JLMA-3	ADDITIONAL REGULATIONS FOR SPECIFIC USES
RESIDENTIAL USES			
Household Living	Accessory apartment or dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	Manufactured housing subject to Section 5-620
	Guest house (accessory to single family detached dwelling)	P	Section 5-612
	Home occupation dwelling (accessory to single family detached dwelling)	P	Section 5-400
Group Living	Congregate housing facility	S	
	Continuing care facility	S	
	Convent, monastery, or seminary	S	Section 5-656
	Orphanage or similar institution	S	
	Tenant dwelling	S	Section 5-602
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626

TABLE 2-1203 JLMA-3 JOINT LAND MANAGEMENT AREA-3 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-3**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Agricultural processing	P	Section 5-627
	Animal care business	P	Section 5-627
	Custom operators	P	Section 5-627
	Direct market business for sale of products produced on-site-including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Equestrian facility, with more than 10 special events per year	S	Section 5-627
	Equestrian facility, on lots of less than 50 acres or without frontage on a state maintained road	S	Section 5-627
	Farm based tourism events	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm machinery sales, rental, and service	S	Section 5-627
	Farm markets	P	Section 5-603
	Mill feed and farm supply center	S	Section 5-627
	Nursery, production	P	Section 5-605
	Nursery, commercial	S	Section 5-605
	Nursery, production, without frontage on a state maintained road	S	Section 5-605
	Pet farms	P	Section 5-627
	Stable, private	P	Section 5-627

TABLE 2-1203 JLMA-3 JOINT LAND MANAGEMENT AREA-3 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-3**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Stable, neighborhood, on lots less than twenty-five (25) acres, or without frontage on a state maintained road	S	Section 5-627
	Virginia Farm Winery	P	Section 5-627
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627
Animal Services	Animal hospital	S	Section 5-631
	Kennel	S	Section 5-606(A)
	Kennel, Indoor	P	Section 5-606(B)
	Veterinary service	P	Section 5-627
PUBLIC AND INSTITUTIONAL USES			
Day Care Facilities	Child care home	P	Section 5-609(A)
	Child or adult day care center	S	Section 5-609(B)
Cultural and Government Facilities	Bus shelter	P	
	Community center	S	
	Community center, HOA facilities only	P	
	Commuter parking lot, with greater than 50 spaces	S	
	Commuter parking lot, with less than 50 spaces	P	
	Library	S	
	Structure or use for federal, state, County, or local governmental purposes, not otherwise listed	S	

TABLE 2-1203 JLMA-3 JOINT LAND MANAGEMENT AREA-3 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-3**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Education	School (elementary or middle), for fifteen (15) or less pupils	P	Section 5-655
	School (elementary, middle, or high), for more than 15 pupils	S	
	School, Private	S	
Health Services	Office, medical	S	
	Hospital	S	Section 5-610
Park and Open Space	Arboretum	S	
	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood or regional park, passive recreational uses	P	
	Community, neighborhood or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	S	Section 5-638
	Police station or substation	S	Section 5-638
Religious Assembly	Church, synagogue or temple, with seating capacity of 300 or less in sanctuary or main area	P	Section 5-639
	Church, synagogue or temple, with seating capacity of more than 300 in sanctuary or main activity area, or with accessory schools, day care centers with more than 50 children, recreational facilities	S	Section 5-639
Utility	Public utility service center and storage yard	S	Section 5-621
	Recycling drop off collection center, public	P	Section 5-607

TABLE 2-1203 JLMA-3 JOINT LAND MANAGEMENT AREA-3 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-3**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Sewage and water treatment plant	S	Section 5-621
	Utility substation, dedicated	P	Section 5-621
	Utility substation, transmission	S	Section 5-616 and 5-621
	Utility transmission line, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	Unless excepted by Section 1-103(D)
	Sewage and water pumping station	P	Section 5-621
	Water storage tank	S	Section 5-621
COMMERCIAL USES			
Conference and Training Centers	Rural agricultural corporate retreat	S	Section 5-619
Food and Beverage	Restaurant	S	Section 5-643
Office	Educational or research facility related to the uses in this district	S	
Recreation and Entertainment	Camp, day and boarding	S	Section 5-645
	Country club	S	
	Golf course	S	Section 5-648
	Private club or lodge	S	
	Recreation establishment, outdoor	S	
Retail Sales and Service	Artist studio	S	
	Small business	P/S	Section 5-614
	Farm market (off-site production)	S	Section 5-603

TABLE 2-1203 JLMA-3 JOINT LAND MANAGEMENT AREA-3 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-3**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
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
	Guest farm or ranch, leasing no more than three (3) guest rooms	P	
INDUSTRIAL USES			
Telecommunications Use and/or Structure	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunication tower	S	Section 5-618(C)(2)

2-1204 Lot and Building Requirements.

(A) **Minimum Lot Size.** 20,000 square feet.

(B) **Minimum Lot Width.** Sixty (60) feet.

(C) **Front Yard.**

(1) **On Arterial Road.** Thirty-five (35) feet.

(2) **On Collector Road.** Twenty-five (25) feet.

(3) **On Other Roads.** Fifteen (15) feet.

(D) **Minimum Rear Yard.** Twenty-five (25) feet.

(E) **Minimum Side Yard.** Ten (10) feet.

(F) **Building Height.** Forty (40) feet maximum, except no restriction for buildings used exclusively for agriculture.

(G) **Minimum Open Space.** Fifty (50) percent.

(H) **Gross Density.** One residential unit per three (3) acres.

2-1205 **Neighborhood Development Standards.** To ensure new development in the JLMA-3 district reinforces existing development patterns in the adjacent town to the maximum extent feasible, reduces the need for automobile trips, minimizes the need for additional road improvements, and encourages walking to employment, shopping, and public facilities, development in this district shall meet the following requirements:

(A) **Street System/Connectivity.**

(1) **Connections to Existing Streets.** Connections to the existing or planned street system shall be made to the maximum extent feasible. All development plans shall incorporate and continue all streets stubbed to or shown as stubbed to the boundary of the development by previously approved development plans/plats or existing development.

(2) **Provision for Future Connections to Adjoining Land.** All developable land shall provide for future public street connections to adjacent developable parcels by providing a local street connection at least every six hundred sixty (660) feet along each subdivision plat boundary that abuts potentially developable or re-developable land, except that such street connections are not required on steep slope, MDOD sensitivity areas, or FOD pursuant to Sections 5-1508, 4-1600, and 4-1500.

(3) **Block Form and Size.** To the maximum extent feasible, blocks within developments shall maintain a rectilinear pattern except where deviation is necessitated by topographic or environmental considerations. Blocks shall measure not less than three hundred (300) nor more than six hundred sixty (660) feet along each side, as measured from the edge of the right-of-way, except where deviation is necessitated by topographic or environmental considerations, or where deviation is required to comply with regulations concerning steep slope, MDOD sensitivity areas, or FOD pursuant to Sections 4-1508, 4-1600 and 4-1500.

(4) **Avoidance of Certain Street Types.** Cul-de-sacs and “P-loop” streets shall be avoided except where necessitated by topographic or environmental considerations.

(5) **Provision of “T” Intersections.** "T" intersections are encouraged in locations where views of important civic, public or open space areas can be highlighted.

(B) **Variation of Lot Sizes.**

(1) **General Rule.** In all new residential subdivisions containing ten (10) or more lots, a mixture of lot sizes and dimensions shall be provided in order to allow a variety of housing opportunities and avoid monotonous streetscapes. For example, larger and wider lots are encouraged on corners. Smaller lots are encouraged adjacent to parks and open spaces. No more than 60 percent of all lots shall be similar in total lot area. For purposes of this subsection, "similar" lot areas shall be defined as within 500 square feet of each other.

(2) **Exception.** Up to seventy (70) percent of the lots within the subject subdivision may be similar if the Zoning Administrator, pursuant to Section 6-401, makes a finding that, notwithstanding deviation from the sixty (60) percent standard stated above, lot sizes and dimensions are sufficiently varied, for different housing types, to avoid monotonous streetscapes.

(3) **Dispersion of Lot Sizes.** Similar lot sizes shall be distributed throughout a subdivision rather than consolidated in one area, unless the Zoning Administrator, pursuant to Section 6-401, makes a finding that the intent of this district and of the Zoning Ordinance will be better served by a design that tends to consolidate lots of similar sizes.

(C) **Sidewalks.**

(1) **Provision of Sidewalks and/or Trails.** Sidewalks and/or trails shall be provided, at a minimum, along one side of all streets to provide pedestrian access to the town or neighborhood center, public buildings, schools, parks, and other destinations, or greater if required by the Facilities Standards Manual.

(2) **Sidewalk and/or Trail Connections.** Connections to existing or planned sidewalks and/or trails shall be made at the property boundaries of the project by incorporating and continuing all sidewalks and/or trails stubbed to or shown as stubbed to the boundary of the development by previously approved development plans/plats or existing development. All development plans shall provide for future sidewalk and/or trail connections to adjacent developable parcels at planned or current local street connections along each subdivision plat boundary.

(D) **Civic and Open Space.**

(1) **Variety of Spaces to Be Provided.** A variety of greens, parks or natural open spaces shall be located throughout the development, where appropriate, to provide community identity.

(2) **Access to Civic Spaces.** Direct and convenient pedestrian and bicycle access shall be provided (on the site being developed) to adjacent residential land uses and to the civic and open space.

(3) **Configuration of Park Access.** Land dedicated for parks shall be bordered on at least one side by public streets, preferably local or collector streets.

(E) **Other Design Requirements.**

(1) **Street Trees.** Street trees planted pursuant to Section 5-1300 shall be planted at a density of no less than one canopy shade tree per 25 feet on average, and shall be placed in arrangements consistent with the existing landscape of the vicinity.

(2) **Garages.** Garages shall be set back at least four (4) feet behind the plane of the front door of the principal building. Garages shall have vehicular access only from the side or rear of the lot.

(3) **On-Street Parking.** Parallel parking may be provided on streets in front of residential lots, except for lots fronting on collector or arterial roads.

2-1206 Utilities.

(A) Both municipal water and municipal sewer facilities must be provided to every development site, if available as determined by the Zoning Administrator, in consultation with the Town, and if the Town permits the connection. If municipal water and/or municipal sewer facilities are not available, or if the Town does not permit the connection, development may be served by an individual water supply system (private well) and/or an individual sewage disposal system.

(B) Notwithstanding subsection 2-1206(A) above, Town owned or County owned and operated public uses shall be required to connect to municipal water and/or municipal sewer facilities only if the existing municipal water line and/or municipal sewer line is within 300 feet of the property line of the parcel being developed and if the Town permits such connection, unless the County and Town agree that the presence of other physical or geographical constraints would make the connection unreasonable. Otherwise, such Town or County public uses may use communal systems or an individual water supply system (private well) and/or individual sewage disposal system.

(C) Notwithstanding subsection 2-1206(A) above, any development on a lot existing prior to January 7, 2003, that does not require the approval of any type of subdivision or site plan application in order to be developed may use an individual water supply system (private well) and/or individual sewage disposal system, provided, however, that if such development is required to connect to a public/municipal sewer pursuant to the Codified Ordinances of Loudoun County, then an individual sewage disposal system shall not be permitted. For the purposes of this Section 2-1206(C), and notwithstanding the provisions of Section 1243.03(B) of the Land Subdivision and Development Ordinance, lots established by or resulting from the recordation of a boundary line adjustment (BLAD) after January 7, 2003, where all of the lots involved in the BLAD existed prior to January 7, 2003, shall be deemed to have existed prior to January 7, 2003.

(D) All utility distribution lines shall be placed underground. Private wells, septic systems, and communal systems may be located within the open space.

2-1207 Use Limitations.

(A) No non-agricultural use shall be permitted which, because of its nature, location, or manner of operation, is dangerous or noxious

because of noise, odor, fumes, gas, glare, light, vibration, smoke, emission of particulate matter or effluents, or for other similar reasons.

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

2-1301 **Purpose and Intent.** The purpose and intent of the JLMA-20 district is to:

(A) Provide for uses that are compatible with the Leesburg Executive Airport and allow for future expansion of the airport and/or existing agricultural use.

(B) Provide for the continued practice of agriculture, farm operations, agriculturally related and home based businesses.

(C) Encourage an appropriate mix of land uses;

(D) Implement jointly adopted area plans, where applicable.

2-1302 **Size and Location.** It is the intent of the County that the JLMA-20 district boundaries not be extended beyond the existing JLMA-20 boundaries.

2-1303 **Use Regulations.** Table 2-1303 summarizes the principal use regulations of the JLMA-20 district.

(A) **Organization of Use Table.** Table 2-1303 organizes the uses in the JLMA-20 district by Use Classifications, Use Categories and Use Types.

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

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

share the common characteristics that are key to the Use Category.

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

(B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-1303 are defined in Article VIII (Definitions).

(C) **Permitted and Special Exception Uses.** A "P" in the column identified "JLMA-20" indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the JLMA-20 district, subject to compliance with all applicable standards and regulations in this Ordinance and all other County ordinances. An "S" indicates that a Use Type is allowed in the JLMA-20 district as a special exception in accordance with the procedures and standards of Section 6-1300. In some instances, and based on the Additional regulations for Specific Uses (Section 5-600), a Use type will be permitted under certain conditions, or allowed as a special exception under other conditions. These uses are identified as "P/S".

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

(E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-1303 (JLMA-20 District Use Table) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the "Additional Regulations for Specific Uses" in Section 5-600.

TABLE 2-1303 JLMA-20 JOINT LAND MANAGEMENT AREA-20 DISTRICT USE TABLE P = PERMITTED S = 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			
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			
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			
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

TABLE 2-1303 JLMA-20 JOINT LAND MANAGEMENT AREA-20 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**JLMA-20**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Water storage tank	S	Section 5-621
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	
INDUSTRIAL USES			
Telecommunication Use and/or Structure	Telecommunications antenna	P	Section 5-618(A)

2-1304 **Lot and Building Requirements.** Table 2-1304 identifies the lot and building requirements that apply to all development in the JLMA-20 district.

TABLE 2-1304 JLMA-20 LOT AND BUILDING REQUIREMENTS	
Minimum Lot Size	20 acres
Minimum Lot Width	200 feet on paved roads; 50 feet on unpaved roads
Section 1.01 Minimum Yards	No building shall be located within 25 feet of any property line nor within 100 feet from the right-of-way of any arterial road, 75 feet from the right-of-way of any collector road, and 35 feet from any other road right-of-way, private access easement, and any prescriptive easement.
Maximum Lot Coverage	8% maximum, based on gross acreage
Maximum Building Height	Forty (40) feet. No restriction for buildings used exclusively for agriculture, horticulture and animal husbandry, or for General Government Use.
Lot Access	Access to individual lot provided by privately owned and maintained travelway which shall either be: ○ A private access easement that complies with the requirements of Chapter 4:Transportation of the Facilities Standards Manual; or ○ A private lane that: ■ Is within a 24' private easement; ■ Is at least 12' in width; ■ If paved, is 2" over a 4" base; ■ If gravel is 6"; and ■ Has a minimum grade of 10% with a minimum 30' centerline curve radius. ○ Private access easement or private lane may serve as frontage in-lieu of public road frontage up to 25 lots. Plat of division shall contain note and provide for maintenance of private access easement or private lane.

2-1305 Utility Requirements.

(A) **Water.** Development shall be served by individual wells, except for Town-owned or County-owned and operated public uses that may be served by municipal water facilities, if available as determined by the Town, or may be served by communal water supply systems.

(B) **Wastewater.** Development shall be served by an on–site septic system, except for Town owned or County owned and operated public uses that may be served by municipal sewer facilities, or may be served by communal sewer systems.

DIVISION C – TRANSITION DISTRICT REGULATIONS

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

2-1401 Purpose and Intent. The purpose and intent of the TR-10 district is to:

(A) Create a visual/spatial transition between the suburban area and the rural area of the County;

(B) Provide for an environment that is low density in character to facilitate a transition between the suburban area and the rural area of the County;

(C) Achieve a blend of rural and suburban development;

(D) Achieve a balance between the built and natural environment;

(E) Protect drinking water resources; and

(F) Implement requirements that open space be provided in conjunction with the standards of this Ordinance.

2-1402 Use Regulations. Table 2-1402 summarizes the principal use regulations of the TR-10 district.

(A) **Organization of Use Table.** Table 2-1402 organizes the uses in the TR-10 district by Use Classifications, Use Categories and Use Types.

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

(2) **Use Categories.** The Use Categories describe the major sub-groups of the Use Classification, based on common characteristics (e.g., the residential Use Classification is divided into two major Use Categories: Household Living

and Group Living). Principal uses are identified in defining the Use Category. They are principal uses that most closely share the common characteristics that are key to the Use Category.

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

(B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-1402 are defined in Article VIII (Definitions).

(C) **Permitted and Special Exception Uses.** A "P" in the column identified "TR-10" indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the TR-10 district, subject to compliance with all applicable standards and regulations in this Ordinance and all other County ordinances. An "S" indicates that a Use Type is allowed in the TR-10 district as a special exception in accordance with the procedures and standards of Section 6-1300. In some instances, and based on the Additional Regulations for Specific Uses (Section 5-600), a Use Type will be permitted as a matter of right under certain conditions, or allowed as a special exception under other conditions. In those instances, it is identified as "P/S."

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

(E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-1402 (Additional Regulations for Specific Uses) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the "Additional Regulations for Specific Uses" in Section 5-600. All the Use Categories and Use Types listed in Table 2-1402 are defined in Article VIII (Definitions).

TABLE 2-1402 TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**TR-10**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
RESIDENTIAL USES			
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	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 Agriculture, Horticulture and	Agricultural processing	S	Section 5-627
	Animal care business	P	Section 5-627
	Custom operators	P	Section 5-627

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

TABLE 2-1402 TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**TR-10**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Activity	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
	Botanical garden or nature study area	P	Section 5-636

TABLE 2-1402 TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**TR-10**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	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
	Utility substation, dedicated	S	Section 5-621

TABLE 2-1402 TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**TR-10**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Utility substation, 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	
	Rural recreation establishment, outdoor	P	

TABLE 2-1402 TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**TR-10**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
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

2-1403 Development Standards.

(A) **General.** All development in the TR-10 district, unless exempted pursuant to Section 2-1403(B) shall be developed consistent with Section 5-701 (TR Districts Lot Standards) and Section 5-900.

(B) **Exemptions.** The development of a lot existing on January 7, 2003 is exempted from the standards and requirements of Section 5-701 (TR Districts Lot Standards). The development of such lot shall be subject to the development standards of Table 2-1403(B).

TABLE 2-1403(B): **TR-10 BUILDING REQUIREMENTS FOR EXISTING LOTS** **(Lots Existing Prior to January 7, 2003)**	
Minimum Required Yards	Except where a greater setback is required by Section 5-900, no building shall be located within 25 feet of any property line or 35 feet from any other road right-of-way, private access easement, and any prescriptive easement.
Maximum Floor Area Ratio	0.05
Maximum Building Height	Forty (40) feet. No restriction for buildings used exclusively for agriculture, horticulture and animal husbandry.

Section 2-1500 TR-3 (Transitional Residential-3)

2-1501 Purpose and Intent.

(A) The purpose and intent of the TR-3 district is to:

(1) Create a visual/spatial transition between the suburban area and the rural area of the County;

(2) Achieve a blend of rural and suburban development;

(3) Encourage new development designs that incorporate both suburban and rural features;

(4) Achieve a balance between the built and natural environment;

(5) Protect and integrate open space and natural resources; and

(6) Implement requirements that open space be provided in conjunction with the standards of this Ordinance.

(B) **TR-3UBF** This sub-district establishes a minimum of 50% open space to be more compatible with adjacent suburban development.

(C) **TR-3LBR** is created as a sub-district of TR-3 to reflect differing open space requirements. This sub-district establishes a minimum of 70% open space in order to be more compatible with rural development patterns in adjoining jurisdictions and to protect the environment and areas surrounding the Bull Run.

(D) **TR-3LF** This sub-district establishes a minimum of 50% open space in order to be more compatible with adjacent suburban development.

2-1502 Use Regulations.

Table 2-1502 summarizes the principal use regulations of the TR-3 districts.

(A) **Organization of Use Table.** Table 2-1502 organizes the uses in the TR-3 districts by Use Classifications, Use Categories and Use Types.

(1) **Use Classifications.** The Use Classifications are: residential uses; agricultural uses; public and institutional uses; commercial uses; and industrial uses. The Use Classifications provide a systematic basis for assigning

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

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

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

(B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-1502 are defined in Article VIII (Definitions).

(C) **Permitted and Special Exception Uses.** A "P" in the column identified "TR-3" indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the TR-3 districts, subject to compliance with all applicable standards and regulations in this Ordinance and all other County ordinances. An "S" indicates that a Use Type is allowed in the TR-3 districts as a special exception in accordance with the procedures and standards of Section 6-1300. In some instances, and based on the Additional Regulations for Specific Uses (Section 5-600), a Use Type will be permitted as a matter of right under certain conditions or allowed as a special exception under other conditions. In those instances, it is identified as "P/S."

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

(E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-1502 (Additional Regulations for Specific Uses) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the "Additional Regulations for Specific Uses" in Section 5-600. All the Use Categories and Use Types listed in Table 2-1502 are defined in Article VIII (Definitions).

TABLE 2-1502
TR-3 TRANSITIONAL RESIDENTIAL-3 DISTRICTS USE TABLE

P = PERMITTED S = SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	TR-3 UBF	TR-3 LBR	TR-3 LF	ADDITIONAL REGULATIONS FOR SPECIFIC USES
RESIDENTIAL USES					
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	P	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	P	P	Manufactured housing subject to Section 5-620.
	Home occupation (accessory to single family detached dwelling)	P	P	P	Section 5-400
	Guest house (accessory to single family detached dwelling	P	P	P	Section 5-612
Group Living	Congregate housing facility	S	S	S	
	Continuing care facility	S	S	S	
	Convent or monastery	S	S	S	Section 5-656
	Orphanage or similar institution	S	S	S	
	Tenant dwelling	P/S	P/S	P/S	Section 5-602

TABLE 2-1502 TR-3 TRANSITIONAL RESIDENTIAL-3 DISTRICTS USE TABLE P = PERMITTED S = SPECIAL EXCEPTION					
USE CATEGORY	**USE TYPE**	**TR-3 UBF**	**TR-3 LBR**	**TR-3 LF**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
AGRICULTURAL USES					
Agriculture	General Use Category	P	P	P	Section 5-626
Horticulture	General Use Category	P	P	P	Section 5-626
Animal Husbandry	General Use Category	P	P	P	Section 5-626
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Agricultural processing		S		Section 5-627
	Animal care business	P	P	P	Section 5-627
	Custom operators	P	P	P	Section 5-627
	Direct market business for sale of products produced on-site-including but not limited to PYO (pick-your-own)	P	P	P	Section 5-627
	Equestrian facilities	P	P	P	Section 5-627
	Equestrian facility, on lots of less than fifty (50) acres, or without frontage on a state maintained road	S	S	S	Section 5-627
	Farm co-ops	P	P	P	Section 5-627
	Farm based tourism	P	P	P	Section 5-628
	Farm markets	P	P	P	Section 5-603
	Nursery, commercial	S	S	S	Section 5-605
	Nursery, production		P		Section 5-605
	Nursery, production, without frontage on a state maintained road		S		Section 5-605
	Pet farms	P	P	P	Section 5-627

TABLE 2-1502 TR-3 TRANSITIONAL RESIDENTIAL-3 DISTRICTS USE TABLE P = PERMITTED S = SPECIAL EXCEPTION					
USE CATEGORY	**USE TYPE**	**TR-3 UBF**	**TR-3 LBR**	**TR-3 LF**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Stables	P	P	P	Section 5-627
	Stable, neighborhood on lots less than twenty five (25) acres, or without frontage on a state maintained road	S	S	S	Section 5-627
	Virginia farm winery	P	P	P	
	Wayside stand	P	P	P	Section 5-604
Agricultural Support and Services <u>not</u> directly associated with agricultural activity	Agricultural Research Facility	S	S	S	Section 5-644
	Animal Care Business	P	P	P	Section 5-630
	Equestrian Facility	P	P	P	Section 5-630
	Equestrian facility on lots of less than 50 acres or without frontage on a state maintained road	S	S	S	Section 5-630
	Stable, neighborhood on lots	P	P	P	Section 5-630
	Stable, Private	S	S	S	Section 5-630
Animal Services	Animal Hospital	S	S	S	Section 5-631
	Kennel		S		Section 5-606
	Kennel, Indoor		P		Section 5-606
	Veterinary service	P	P	P	
PUBLIC AND INSTITUTIONAL USES					
Day Care Facilities	Child care home	P	P	P	Section 5-609(A)
	Child or adult day care center	S	S	S	Section 5-609(B)
Cultural and Governmental	Community center, HOA facilities only	P	P	P	

TABLE 2-1502 TR-3 TRANSITIONAL RESIDENTIAL-3 DISTRICTS USE TABLE P = PERMITTED S = SPECIAL EXCEPTION					
USE CATEGORY	**USE TYPE**	**TR-3 UBF**	**TR-3 LBR**	**TR-3 LF**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Facilities	Structures or uses for local government purpose not otherwise listed in the district	S	S	S	
Education	Colleges or universities (including dorms)	S	S	S	
	School (elementary or middle), for fifteen (15) pupils or less	P	P	P	Section 5-655
	School (elementary, middle, or high), for more than 15 pupils	S	S	S	
	Seminary	S	S	S	
	Vocational school	S	S	S	
Park and Open Space	Arboretum	P	P	P	Section 5-636
	Botanical garden or nature study area	P	P	P	Section 5-636
	Cemetery	S	S	S	Section 5-637
	Mausoleum	S	S	S	Section 5-637
	Crematorium	S	S	S	Section 5-637
	Community, neighborhood or regional park, passive recreational uses	P	P	P	
	Community, neighborhood or regional park, active recreational uses	S	S	S	
	Wetland mitigation bank	P	P	P	
Public Safety	Fire and/or rescue station	S	S	S	Section 5-638
	Police station or substation	S	S	S	Section 5-638

TABLE 2-1502 TR-3 TRANSITIONAL RESIDENTIAL-3 DISTRICTS USE TABLE P = PERMITTED S = SPECIAL EXCEPTION					
USE CATEGORY	**USE TYPE**	**TR-3 UBF**	**TR-3 LBR**	**TR-3 LF**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Religious Assembly	Church, synagogue, temple or mosque with seating capacity of 300 or less seats in sanctuary or main activity area	P	P	P	Section 5-639
	Church, synagogue, temple, or mosque with seating capacity of more than 300 in sanctuary or main activity area, or with accessory schools, day care centers with more than 50 children, recreational facilities	S	S	S	Section 5-639
Utility	Communal sewer system	P			Section 5-621
	Communal water supply system	P			Section 5-621
	Public utility service center and storage yard	S	S	S	Section 5-621
	Public utility service center, without outdoor storage	P	P	P	Section 5-621
	Recycling drop off collection center, public	P	P	P	Section 5-607
	Recycling drop off collection center, private	S	S	S	Section 5-607
	Water and sewage treatment plant	S	S	S	Section 5-621
	Utility substation, dedicated	P	S	P	Section 5-621
	Utility substation, distribution	S	S	S	Section 5-616 and 5-621
	Utility substation, transmission	S	S	S	Section 5-616 and 5-621

TABLE 2-1502 TR-3 TRANSITIONAL RESIDENTIAL-3 DISTRICTS USE TABLE P = PERMITTED S = SPECIAL EXCEPTION					
USE CATEGORY	**USE TYPE**	**TR-3 UBF**	**TR-3 LBR**	**TR-3 LF**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Utility transmission line, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	S	S	Unless exempted by Section 1-103 (D)
	Utility transmission line, underground	P	P	P	
	Water storage tank	S	S	S	Section 5-621
	Water and sewer pumping station	P	P	P	Section 5-621
COMMERCIAL USES					
Recreation and Entertainment	Camp, day and boarding, with 30 or fewer campers	P	P	P	Section 5-645
	Camp, day and boarding, with more than 30 campers	S	S	S	Section 5-645
	Golf course	S	S	S	Section 5-648
	Private club or lodge	S	S	S	
Retail Sales and Service	Small business	P/S	P/S	P/S	Section 5-614
Visitor Accommodation	Bed and breakfast homestay	P/S	P/S	P/S	Section 5-601(A)
	Bed and breakfast inn	S	S	S	Section 5-601(B)
	Country inn		S		Section 5-601(C)
INDUSTRIAL USES					
Telecommunication Facilities	Radio and/or television tower	S	S	S	Section 5-618
	Telecommunications antenna	P	P	P	Section 5-618(A)
	Telecommunications monopole	P	P	P	Section 5-618(B)(1)
	Telecommunications monopole	S	S	S	Section 5-618(B)(2)

TABLE 2-1502 TR-3 TRANSITIONAL RESIDENTIAL-3 DISTRICTS USE TABLE P = PERMITTED S = SPECIAL EXCEPTION					
USE CATEGORY	**USE TYPE**	**TR-3 UBF**	**TR-3 LBR**	**TR-3 LF**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Telecommunication transmissions tower	S	S	S	Section 5-618(C)(2)
Waste-Related Uses	Yard Waste and/or Vegetative waste composting facility		S		

2-1503 Development Standards.

(A) **General.** All development in the TR-3 districts, unless exempted pursuant to Section 2-1503(B), shall be developed consistent with Section 5-701 (TR Districts Lot Standards) and Section 5-900.

(B) **Exemptions.** The development of a lot existing on January 7, 2003 is exempted from the standards and requirements of Section 5-701 (TR Districts Lot Standards). The development of such lot shall be subject to the development standards of Table 2-1503(B).

TABLE 2-1503(B): TR-3 BUILDING REQUIREMENTS FOR EXISTING LOTS (Lots Existing Prior to January 7, 2003)	
Minimum Required Yards	Except where a greater setback is required by Section 5-900, no building shall be located within 25 feet of any property line or 35 feet from any other road right-of-way, private access easement, and any prescriptive easement.
Maximum Floor Area Ratio	0.05
Maximum Building Height	Forty (40) feet. No restriction for buildings used exclusively for agriculture, horticulture and animal husbandry.

2-1504 Other Special Requirements. No non-agricultural use shall be permitted which, because of its nature, location, or manner of operation, is dangerous or noxious because of noise, odor, fumes, gas, glare, light, vibration, smoke, emission of particulate matter or effluents, or for other similar reasons.

Section 2-1600 TR-2 (Transitional Residential - 2)

2-1601 Purpose and Intent. The purpose and intent of the TR-2 district is to:

(A) Create a visual/spatial transition between the suburban area and the rural area of the County;

(B) Achieve a blend of rural and suburban development;

(C) Encourage new development designs that incorporate both suburban and rural features;

(D) Achieve a balance between the built and natural environment;

(E) Protect and integrate open space and natural resources; and

(F) Implement requirements that open space be provided in conjunction with the standards of this Ordinance.

2-1602 Use Regulations. Table 2-1602 summarizes the principal use regulations of the TR-2 district.

(A) **Organization of Use Table.** Table 2-1602 organizes the uses in the TR-2 district by Use Classifications, Use Categories and Use Types.

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

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

share the common characteristics that are key to the Use Category.

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

(B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-1602 are defined in Article VIII (Definitions).

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

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

(E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-1602 (Additional Regulations for Specific Uses) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the "Additional Regulations for Specific Uses" in Section 5-600. All the Use Categories and Use Types listed in Table 2-1602 are defined in Article VIII (Definitions).

TABLE 2-1602 TR-2 TRANSITIONAL RESIDENTIAL-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**TR-2**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
RESIDENTIAL USES			
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	Manufactured housing subject to Section 5-620.
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Guest house (accessory to single family detached dwelling	P	Section 5-612
Group Living	Congregate housing facility	S	
	Continuing care facility	S	
	Orphanage or similar institution	S	
	Monastery or convent	S	Section 5-656
	Tenant dwelling	P/S	Section 5-602
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and	Animal care business	P	Section 5-627

TABLE 2-1602 TR-2 TRANSITIONAL RESIDENTIAL-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**TR-2**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Services Directly Related to On-going 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 events	P	Section 5-628
	Farm markets	P	Section 5-603
	Pet farms	P	Section 5-627
	Stables	P	Section 5-627
	Stable, neighborhood on lots less than twenty five (25) acres, or without frontage on a state maintained road	S	Section 5-627
	Wayside stand	P	Section 5-604
Animal Services	Veterinary service	P	
PUBLIC AND INSTITUTIONAL USES			
Day Care Facilities	Child care home	P	Section 5-609(A)
	Child or adult day care	S	Section 5-609(B)
Cultural and Governmental Facilities	Community center, HOA facilities only	P	
	Structures or uses for local government purposes not otherwise listed	S	
Education	Colleges or Universities (including dorms)	S	

TABLE 2-1602 TR-2 TRANSITIONAL RESIDENTIAL-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**TR-2**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	School (elementary or middle), for fifteen (15) pupils or less	P	Section 5-655
	School (elementary, middle, or high), for more than 15 pupils	S	
	Seminary	S	
	Vocational school	S	
Park and Open Space	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Community, neighborhood, or regional park, passive recreational uses	P	
	Community, neighborhood, or regional park, active recreational uses	S	
	Wetlands mitigation bank	P	
Public Safety	Fire and/or rescue station	S	Section 5-638
	Police station or substation	S	Section 5-638
Religious Assembly	Church, synagogue, temple or mosque with seating capacity of 300 or less seats in sanctuary or main activity area	P	Section 5-639
	Church, synagogue, temple, or mosque with seating capacity of more than 300 in sanctuary or main activity area, or with accessory schools, day care centers, with more than 50 children, recreational facilities	S	Section 5-639
Utility	Communal sewer system	P	Section 5-621
	Communal water supply system	P	Section 5-621
	Public utility service center and storage yard	S	Section 5-621

TABLE 2-1602 TR-2 TRANSITIONAL RESIDENTIAL-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**TR-2**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Public utility service center, without outdoor storage	P	Section 5-621
	Recycling drop off collection center, public	P	Section 5-607
	Recycling drop off collection center, private	S	Section 5-607
	Sewage and water treatment plant	S	Section 5-621
	Utility substation, dedicated	S	Section 5-621
	Utility substation, distribution	S	Section 5-616 and 5-621
	Utility substation, transmission	S	Section 5-616 and 5-621
	Utility transmission line, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	Unless exempted by Section 1-103 (D)
	Utility transmission line, underground	P	
	Water storage tank	S	Section 5-621
	Sewage and water pumping station	P	Section 5-621
COMMERCIAL USES			
Recreation and Entertainment	Golf course	S	Section 5-648
	Private club or lodge	S	
Retail Sales and Service	Small business	P/S	Section 5-614
Visitor Accommodation	Bed and breakfast homestay	P/S	Section 5-601(A)
	Bed and breakfast inn	S	Section 5-601(B)
INDUSTRIAL USES			

TABLE 2-1602 TR-2 TRANSITIONAL RESIDENTIAL-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION			
USE CATEGORY	**USE TYPE**	**TR-2**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
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)

2-1603 Development Standards.

(A) **General.** All development in the TR-2 district, unless exempted pursuant to Section 2-1603(B) shall be developed consistent with Section 5-701 (TR Districts Lot Standards) and Section 5-900.

(B) **Exemptions.** The development of a lot existing on the date of adoption is exempted from the standards and requirements of Section 5-701 (TR Districts Lot Standards. The development of such lot shall be subject to the development standards of Table 2-1603(B).

TABLE 2-1603(B): TR-2 BUILDING REQUIREMENTS FOR EXISTING LOTS (Lots Existing Prior to January 7, 2003)	
Minimum Required Yards	Except where a greater setback is required by Section 5-900, no building shall be located within 25 feet of any property line or 35 feet from any other road right-of-way, private access easement, and any prescriptive easement.
Maximum Floor Area Ratio	0.05
Maximum Building Height	Forty (40) feet. No restriction for buildings used exclusively for agriculture, horticulture and animal husbandry.

Section 2-1700 TR-1 (Transitional Residential - 1)

2-1701 Purpose and Intent.

(A) The purpose and intent of the TR-1 districts is to:

(1) Create a visual/spatial transition between the suburban area and the rural area of the County;

(2) Achieve a blend of rural and suburban development;

(3) Encourage new development designs that incorporate both suburban and rural features;

(4) Achieve a balance between the built and natural environment;

(5) Protect and integrate open space and natural resources; and

(6) Implement requirements that open space be provided in conjunction with the standards of this Ordinance.

2-1702 **Use Regulations.** Table 2-1702 summarizes the principal use regulations of the TR-1 districts.

(A) **Organization of Use Table.** Table 2-1702 organizes the uses in the TR-1 districts by Use Classifications, Use Categories and Use Types.

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

(2) **Use Categories.** The Use Categories describe the major sub-groups of the Use Classification, based on common characteristics (e.g., the residential Use Classification is divided into two major Use Categories: Household Living

and Group Living). Principal uses are identified in defining the Use Category. They are principal uses that most closely share the common characteristics that are key to the Use Category.

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

(B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-1702 are defined in Article VIII (Definitions).

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

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

(E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-1702 (Additional Regulations for Specific Uses) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the "Additional Regulations for Specific Uses" in Section 5-600. All the Use Categories and Use Types listed in Table 2-1702 are defined in Article VIII (Definitions).

TABLE 2-1702 TR-1 TRANSITIONAL RESIDENTIAL-1 DISTRICTS USE TABLE P = PERMITTED S = SPECIAL EXCEPTION				
USE CATEGORY	**USE TYPE**	**TR-1 UBF**	**TR-1 LF**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
RESIDENTIAL USES				
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	P	Manufactured housing subject to Section 5-620.
	Home occupation (accessory to single family detached dwelling)	P	P	Section 5-400
	Guest house (accessory to single family detached dwelling	P	P	Section 5-612
Group Living	Congregate housing facility	S	S	
	Continuing care facility	S	S	
	Orphanage or similar institution	S	S	
	Monastery or convent	S	S	Section 5-656
	Tenant dwelling	P/S	P/S	Section 5-602
AGRICULTURAL USES				
Agriculture	General Use Category	P	P	Section 5-626
Horticulture	General Use Category	P	P	Section 5-626
Animal Husbandry	General Use Category	P	P	Section 5-626
Agriculture Support and Services Directly Related to On-going	Animal care business	P	P	Section 5-627

TABLE 2-1702 TR-1 TRANSITIONAL RESIDENTIAL-1 DISTRICTS USE TABLE P = PERMITTED S = SPECIAL EXCEPTION				
USE CATEGORY	**USE TYPE**	**TR-1 UBF**	**TR-1 LF**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Custom operators	P	P	Section 5-627
	Direct market business for sale of products produced on-site - including but not limited to PYO (pick-your-own)	P	P	Section 5-627
	Equestrian facilities	P	P	Section 5-627
	Equestrian facilities, on lots of less than fifty (50) acres, or without frontage on a state maintained road	S	S	Section 5-627
	Farm co-ops	P	P	Section 5-627
	Farm based tourism	P	P	Section 5-628
	Farm markets	P	P	Section 5-603
	Pet farms	P	P	Section 5-627
	Stables	P	P	Section 5-627
	Stable, neighborhood on lots less than twenty five (25) acres, or without frontage on a state maintained road	S	S	Section 5-627
	Wayside stand	P	P	Section 5-604
Animal Services	Veterinary service	P	P	
PUBLIC AND INSTITUTIONAL USES				
Day Care Facilities	Child care home	P	P	Section 5-609(A)
	Child or adult day care	S	S	Section 5-609(B)

TABLE 2-1702 TR-1 TRANSITIONAL RESIDENTIAL-1 DISTRICTS USE TABLE P = PERMITTED S = SPECIAL EXCEPTION				
USE CATEGORY	**USE TYPE**	**TR-1 UBF**	**TR-1 LF**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Cultural and Governmental Facilities	Community center, HOA facilities only	P	P	
	Structure or uses for local government purposes not otherwise listed in district	S	S	
Education	Colleges or universities (including dorms)	S	S	
	School (elementary or middle), for fifteen (15) pupils or less	P	P	Section 5-655
	School (elementary, middle, or high), for more than 15 pupils	S	S	
	Seminary	S	S	
	Vocational school	S	S	
Park and Open Space	Cemetery	S	S	Section 5-637
	Mausoleum	S	S	Section 5-637
	Crematorium	S	S	Section 5-637
	Community, neighborhood, or regional park , passive recreational uses	P	P	
	Community, neighborhood, or regional park, active recreational uses	S	S	
	Wetland mitigation bank	P	P	
Public Safety	Fire and/or rescue station	S	S	Section 5-638
	Police station or substation	S	S	Section 5-638

TABLE 2-1702 TR-1 TRANSITIONAL RESIDENTIAL-1 DISTRICTS USE TABLE P = PERMITTED S = SPECIAL EXCEPTION				
USE CATEGORY	**USE TYPE**	**TR-1 UBF**	**TR-1 LF**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Religious Assembly	Church, synagogue, temple or mosque with seating capacity of 300 or less seats in sanctuary or main activity area	P	P	Section 5-639
	Church, synagogue, temple, or mosque with seating capacity of more than 300 in sanctuary or main activity area, or with accessory schools, day care centers with more than 50 children, recreational facilities	S	S	Section 5-639
Utility	Communal sewer system	P		Section 5-621
	Communal water supply system	P		Section 5-621
	Public utility service center and storage yard	S	S	Section 5-621
	Public utility service center, without outdoor storage	P	P	Section 5-621
	Recycling drop off collection center, public	P	P	Section 5-607
	Recycling drop off collection center, private	S	S	Section 5-607
	Sewage and water treatment plant	S	S	Section 5-621
	Utility substation, dedicated	P	P	Section 5-621
	Utility substation, distribution	S	S	Section 5-616 and 5-621
	Utility substation, transmission	S	S	Section 5-616 and 5-621

TABLE 2-1702 TR-1 TRANSITIONAL RESIDENTIAL-1 DISTRICTS USE TABLE P = PERMITTED S = SPECIAL EXCEPTION				
USE CATEGORY	**USE TYPE**	**TR-1 UBF**	**TR-1 LF**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Utility transmission line, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	S	Unless exempted by Section 1-103(D)
	Utility transmission line, underground	P	P	
	Water storage tank	S	S	Section 5-621
	Water and sewer pumping station	P	P	Section 5-621
COMMERCIAL USES				
Recreation and Entertainment	Golf course	S	S	Section 5-648
	Private club or lodge	S	S	
Retail Sales and Service	Small business	P/S	P/S	Section 5-614
Visitor Accommodation	Bed and breakfast homestay	P/S	P/S	Section 5-601(A)
	Bed and breakfast inn	S	S	Section 5-601(B)
INDUSTRIAL USES				
Telecommunication Facilities	Radio and/or television tower	S	S	Section 5-618
	Telecommunications antenna	P	P	Section 5-618(A)
	Telecommunications monopole	P	P	Section 5-618(B)(1)
	Telecommunications monopole	S	S	Section 5-618(B)(2)
	Telecommunication tower	S	S	Section 5-618(C)(2)

2-1703 Development Standards.

(A) **General.** All development in the TR-1 districts, unless exempted pursuant to Section 2-1703(B) shall be developed consistent with Section 5-701 (TR Districts Lot Standards) and Section 5-900.

(B) **Exemptions.** The development of a lot existing on January 7, 2003 is exempted from the standards and requirements of Section 5-701 (TR Districts Lot Standards). The development of such lot shall be subject to the development standards of Table 2-1703(B).

TABLE 2-1703(B): TR-1 BUILDING REQUIREMENTS FOR EXISTING LOTS (Lots Existing Prior to January 7, 2003)	
Minimum Required Yards	Except where a greater setback is required by Section 5-900, no building shall be located within 25 feet of any property line or 35 feet from any other road right-of-way, private access easement, and any prescriptive easement.
Maximum Floor Area Ratio	0.05
Maximum Building Height	Forty (40) feet. No restriction for buildings used exclusively for agriculture, horticulture and animal husbandry.

ARTICLE 3
SUBURBAN DISTRICT REGULATIONS

Section 3-100 R-1 Single Family Residential.

3-101 **Purpose.** The R-1 Single Family Residential district is established to provide for low density single family detached residences on lots of 40,000 square feet or more in locations consistent with the Comprehensive Plan. Urban R-1 land requires public water and sewer and should be limited to areas planned and served for public water and sewer.

3-102 **Permitted Uses.** The following uses are permitted in this district:

(A) Accessory apartment or dwelling unit, pursuant to Section 5-613.

(B) Agriculture, horticulture, forestry and fishery, excluding the keeping of livestock.

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

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

(E) Cluster development reducing lot sizes up to 20% of minimum, pursuant to Sections 3-105, 3-108, and 6-1400.

(F) Cluster development reducing lot sizes from 20-50% of minimum, pursuant to Sections 3-106, 3-109 and 6-1400.

(G) Commuter parking lot, with less than 50 spaces.

(H) Home occupation, pursuant to Section 5-400.

(I) Public or private playground or neighborhood park.

(J) Recycling drop-off collection center, small, pursuant to Section 5-607.

(K) Dwelling, single family detached.

(L) Utility substation, dedicated.

(M) Wayside stand, pursuant to Section 5-604.

(N) School, private elementary or middle, for less than fifteen (15) pupils.

(O) Nature preserve, such as but not limited to, wildlife sanctuary, conservation areas and game preserve.

(P) Bus shelter.

(Q) Sewer pumping station.

(R) Water pumping station.

(S) School, public.

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

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

3-103 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

(A) Camp, day and boarding.

(B) Cemetery, mausoleum or memorial park.

(C) Church, synagogue, and temple.

(D) Community center.

(E) Congregate housing facility.

(F) Country club.

(G) Fire and/or rescue station.

(H) Library.

(I) Orphanage or other similar institution.

(J) Playing fields and courts, lighted.

(K) Private club or lodge.

(L) Recycling drop-off collection center, large, pursuant, to Section 5-607.

(M) Continuing care facility.

(N) School.

(O) Sewage treatment plant.

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

(Q) Utility transmission lines, overhead.

(R) Water treatment plant.

(S) Public or private community or regional park.

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

(U) Borrow pit for road construction.

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

(W) Commuter parking lot, with greater than 50 spaces.

(X) Golf course.

(Y) Structure or use for federal, state, county, or local government purposes, not otherwise listed.

(Z) Kennel, pursuant to Section 5-606.

(AA) Public utility service center and storage yard.

(BB) Radio and/or television tower.

(CC) Water storage tank.

(DD) Utility substation, distribution, pursuant to Section 5-616.

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

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

(GG) Police Station.

3-104 Lot Requirements for Suburban Design Option.

(A) **Size.** 40,000 square feet minimum.

(B) **Width.** 175 feet minimum.

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

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

(2) **Side.** Minimum of twelve (12) feet on one side and nine (9) feet on the other side.

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

(D) **Length/Width Ratio.** 5:1 maximum.

3-105 Lot Requirements for Cluster Developments reducing lot size up to 20%.

(A) **Size.** 32,000 square feet minimum.

(B) **Width.** 140 feet minimum.

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

(1) **Front.** 30 feet minimum.

(2) **Side.** Minimum of twelve (12) feet on one side and nine (9) feet on the other side.

(3) **Rear.** 30 feet minimum.

(D) **Length/Width Ratio:** 5:1 maximum.

(E) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 40,000 square feet is maintained, calculated based on the overall parcel. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.

(F) **Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 40,000 square feet or greater. Such buffer area may be included in open space calculations.

3-106 Lot Requirements for Cluster Development Reducing Lot Sizes 20% to 50% Pursuant to Section 6-1400.

(A) **Size.** 20,000 square feet minimum.

(B) **Width.** 100 feet minimum.

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

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

(2) **Side.** Minimum of twelve (12) feet on one side and nine (9) feet on other side.

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

(D) **Length/Width Ratio.** 5:1 maximum.

(E) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 40,000 square feet is maintained, calculated based on the overall. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.

(F) **Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 40,000 square feet or greater. Such buffer area may be included in open space calculations.

3-107 Building Requirements.

(A) **Lot Coverage.** 25% maximum.

(B) **Building Height.** 40 feet maximum.

3-108 Building Requirements for Cluster Development Reducing Lot Size Up to 20%.

(A) **Lot Coverage.** 30% maximum.

(B) **Building Height.** 40 feet maximum.

3-109 Building Requirements for Cluster Development Reducing Lot Sizes From 20% to 50% Pursuant to Section 6-1400.

(A) **Lot Coverage.** 30% maximum.

(B) **Building Height.** 40 feet maximum.

3-110 Utility Requirements. All utility distribution lines in the R-1 district shall be placed underground.

3-111 **Development Setback and Access From Major Roads.** In designing residential development, the requirements of Section 5-900 shall be observed.

Section 3-200 R-2 Single Family Residential.

3-201 **Purpose.** The R-2 Single Family Residential district is established to provide for low-to-moderate density single family detached residences on lots of 20,000 square feet or more in locations consistent with the Comprehensive Plan and served by public water and sewer but unsuitable for higher densities.

3-202 **Permitted Uses.** The following uses are permitted in this district:

(A) Accessory apartment or dwelling unit, pursuant to Section 5-613.

(B) Bed and breakfast homestay (in County designated historic districts), pursuant to Section 5-601(A).

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

(D) Cluster development reducing lot size up to 20% of minimum, pursuant to Sections 3-206, 3-209 and 6-1400.

(E) Cluster development reducing lot sizes from 20-50% of minimum, pursuant to Sections 3-207, 3-210 and 6-1400

(F) Home occupation, pursuant to Section 5-400.

(G) Public or private playground or neighborhood park.

(H) Recycling drop-off collection center, small, pursuant to Section 5-607 (A).

(I) Dwelling, single family detached.

(J) Commuter parking lot, with less than 50 spaces.

(K) Utility substation, dedicated.

(L) School, private elementary or middle, for less than fifteen (15) pupils.

(M) Agriculture, horticulture, forestry and fishery, excluding the keeping of livestock.

(N) Bus shelter.

(O) Nature preserve, such as but not limited to, wildlife sanctuary, conservation areas and game preserve.

(P) Sewer pumping station.

(Q) Water pumping station.

(R) School, public.

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

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

3-203 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

(A) Camp, day and boarding.

(B) Cemetery, mausoleum or memorial park.

(C) Church, synagogue and temple.

(D) Community center.

(E) Congregate housing facility.

(F) Country club.

(G) Fire and/or rescue station.

(H) Library.

(I) Playing fields and courts, lighted.

(J) Private club or lodge.

(K) Continuing care facility.

(L) School.

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

(N) Utility transmission lines, overhead.

(O) Water treatment plant.

(P) Removed pursuant to ZOAM 1995-0002.

(Q) Public or private community or regional park.

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

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

(T) Commuter parking lot, with greater than 50 spaces.

(U) Golf course.

(V) Structure or use for federal, state, county, or local government purposes, not otherwise listed.

(W) Radio and/or television tower.

(X) Orphanage or similar institution.

(Y) Sewage treatment plant.

(Z) Water storage tank.

(AA) Utility substation, distribution, pursuant to Section 5-616.

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

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

(DD) Police Station.

3-204 Lot Requirements for Suburban Design Option.

(A) **Size.** 20,000 square feet minimum.

(B) **Width.** 100 feet minimum.

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

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

(2) **Side.** Minimum of twelve (12) feet on one side and nine (9) feet on the other side.

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

(D) **Length/Width Ratio.** 5:1 maximum.

3-205 Lot Requirements for Traditional Design Option.

(A) **Size.** 10,000 square feet minimum.

(B) **Width.** 75 feet minimum.

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

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

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

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

(D) **Length/Width Ratio.** 5:1 maximum.

(E) **Lot Design Requirements.**

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

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

(F) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 20,000 square feet is maintained, calculated based on the overall. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.

(G) **Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a traditional development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 20,000 square feet or greater. Such buffer area may be included in open space calculations.

(H) **Other Requirements.**

(1) Blocks shall generally be in a grid pattern with interconnecting streets and alleys.

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

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

(A) **Size.** 16,000 square feet minimum.

(B) **Width.** 80 feet minimum.

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

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

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

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

(D) **Length/Width Ratio:** 5:1 maximum.

(E) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 20,000 square feet is maintained, calculated based on the overall parcel. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.

(F) **Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 20,000 square feet or greater. Such buffer area may be included in open space calculations.

3-207 Lot Requirements for Cluster Development Reducing Lot Sizes From 20% to 50% Pursuant to Section 6-1400.

(A) **Size.** 10,000 square feet minimum.

(B) **Width.** 80 feet minimum.

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

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

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

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

(D) **Length/Width Ratio:** 5:1 maximum.

(E) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 20,000 square feet is maintained, calculated based on the overall. Open

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

(F) **Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 20,000 square feet or greater. Such buffer area may be included in open space calculations.

3-208 Building Requirements for Suburban Design Options.

(A) **Lot Coverage.** 25 percent maximum.

(B) **Building Height.** 40 feet maximum.

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

(A) **Lot Coverage.** 25 percent maximum.

(B) **Building Height.** 40 feet maximum.

3-210 Building Requirements for Traditional Design Option or Cluster Development Reducing Lot Sizes From 20% to 50% Pursuant to Section 6-1400.

(A) **Lot Coverage.** 35 percent maximum.

(B) **Building Height.** 40 feet maximum.

3-211 Utility Requirements. All utility distribution lines in the R-2 district shall be placed underground.

3-212 Development Setback and Access From Major Roads. In designing residential development, the requirements of Section 5-900 shall be observed.

Section 3-300 R-3 Single Family Residential.

3-301 **Purpose.** The R-3 Single Family Residential district is established to provide for moderate density single family detached residences on lots of 15,000 square feet or more in areas consistent with the Comprehensive Plan served by public water and sewer service.

3-302 **Permitted Uses.** The following uses are permitted in this district:

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

(B) Cluster development reducing lot sizes up to 20% of minimum, pursuant to Sections 3-306, 3-308 and 6-1400.

(C) Cluster development reducing lot sizes from 20-50% of minimum, pursuant to Sections 3-307, 3-310 and 6-1400.

(D) Home occupation, pursuant to Section 5-400.

(E) Public or private playground or neighborhood park.

(F) Recycling drop-off collection center, small, pursuant to Section 5-607(A).

(G) Dwelling, single family detached.

(H) Utility substation, dedicated.

(I) School, private elementary or middle, for less than fifteen (15) pupils.

(J) Commuter parking lot, with less than 50 spaces.

(K) Agriculture, horticulture, forestry and fishery, excluding the keeping of livestock.

(L) Accessory apartment or dwelling unit, pursuant to Section 5-613.

(M) Bus shelter.

(N) Nature preserve, such as but not limited to, wildlife sanctuary, conservation areas and game preserve.

(O) Sewer pumping station.

(P) Water pumping station.

(Q) School, public.

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

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

3-303 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

(A) Cemetery, mausoleum and memorial park.

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

(C) Church, synagogue and temple.

(D) Community center.

(E) Congregate housing facility.

(F) Country club.

(G) Fire and/or rescue station.

(H) Library.

(I) Playing fields and courts, lighted.

(J) Private club or lodge.

(K) Orphanage or other similar institution.

(L) School.

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

(N) Utility transmission lines, overhead.

(O) Water treatment plant.

(P) Golf course.

(Q) Sewage treatment plant.

(R) Radio and/or television tower.

(S) Public or private community or regional park.

(T) Structure for federal, state, county, or local government purposes, not otherwise listed.

(U) Commuter parking lot, with greater than 50 spaces.

(V) Water storage tank.

(W) Utility substation, distribution, pursuant to Section 5-616.

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

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

(Z) Police Station.

3-304 Lot Requirements for Suburban Design Option.

(A) **Size.** 15,000 square feet minimum.

(B) **Width.** 80 feet minimum.

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

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

(2) **Side.** Minimum of twelve (12) feet on one side and nine (9) feet on the other side.

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

(D) **Length/Width Ratio.** 5:1 maximum.

3-305 Lot Requirements for Traditional Design Option.

(A) **Size.** 8,000 square feet minimum.

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

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

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

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

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

(D) **Length/Width Ratio:** 5:1 maximum.

(E) **Lot Design Requirements.**

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

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

(F) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 15,000 square feet is maintained, calculated based on the overall parcel size. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.

(G) **Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a traditional development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 15,000 square feet or greater. Such buffer area may be included in open space calculations.

(H) **Other Requirements.**

(1) Blocks shall generally be in a grid pattern, with interconnecting streets and alleys.

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

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

(A) **Size.** 12,000 square feet minimum.

(B) **Width.** 75 feet minimum.

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

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

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

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

(D) **Length/Width Ratio:** 5:1 maximum.

(E) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 15,000 square feet is maintained, calculated based on the overall parcel size. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.

(F) **Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 15,000 square feet or greater. Such buffer area may be included in open space calculations.

3-307 Lot Requirements for Cluster Development Reducing Lot Sizes From 20% To 50% Pursuant to Section 6-1400.

(A) **Size.** 8,000 square feet minimum.

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

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

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

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

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

(D) **Length/Width Ratio.** 5:1 maximum.

(E) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 15,000 square feet is maintained, calculated based on the overall parcel size. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.

(F) **Minimum Buffer**. A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 15,000 square feet or greater. Such buffer area may be included in open space calculations.

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

(A) **Lot Coverage.** 25 percent maximum.

(B) **Building Height.** 40 feet maximum.

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

(A) **Lot Coverage.** 35 percent maximum.

(B) **Building Height.** 40 feet maximum.

3-310 **Building Requirements for Cluster Development Reducing Lot Sizes From 20% to 50% Pursuant to Section 6-1400.**

(A) **Lot Coverage.** 35 percent maximum.

(B) **Building Height.** 40 feet maximum.

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

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

3-313 **Development Setback And Access From Major Roads.** In designing residential development, the requirements of Section 5-900 shall be observed.

Section 3-400 R-4 Single Family Residential.

3-401 **Purpose.** The R-4 Single Family Residential district is established to provide for moderate to medium density single family detached residences on lots of 10,000 square feet or more in areas served by public water and sewer service and designated in locations consistent with the Comprehensive Plan.

3-402 **Permitted Uses.** The following uses are permitted in this district:

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

(B) Cluster development reducing lot sizes up to 20% of minimum, pursuant to Sections 3-406, 3-409 and 6-1400.

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

(D) Home occupation, pursuant to Section 5-400.

(E) Public or private playground or neighborhood park.

(F) Recycling drop-off collection center, small, pursuant to Section 5-607(A).

(G) Dwelling, single family detached.

(H) Utility substation, dedicated.

(I) Agriculture, horticulture, forestry and fishery, excluding the keeping of livestock.

(J) Accessory apartment or dwelling unit, pursuant to Section 5-613.

(K) Bus shelter.

(L) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area and game preserve.

(M) Sewer pumping station.

(N) Water pumping station.

(O) Commuter parking lot, with less than fifty (50) spaces.

(P) School, public.

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

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

3-403 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

(A) Cemetery, mausoleum or memorial park.

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

(C) Church, synagogue and temple.

(D) Community center.

(E) Congregate housing facility.

(F) Country club.

(G) Fire and/or rescue station.

(H) Library.

(I) Playing fields and courts, lighted.

(J) Orphanage or similar institution.

(K) Private club or lodge.

(L) School.

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

(N) Utility transmission lines, overhead.

(O) Water treatment plant.

(P) Golf course.

(Q) Sewage treatment plant.

(R) Structure or use for federal, state, county, or local government purposes, not otherwise listed.

(S) Public or private community or regional park.

(T) Radio and/or television tower.

(U) Commuter parking, with greater than fifty (50) spaces.

(V) Water storage tank.

(W) Utility substation, distribution, pursuant to Section 5-616.

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

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

(Z) Police Station.

3-404 Lot Requirements for Suburban Design Option.

(A) **Size.** 10,000 square feet minimum.

(B) **Width.** 80 feet minimum.

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

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

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

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

(D) **Length/Width Ratio:** 5:1 maximum.

3-405 Lot Requirements for Traditional Design Option.

(A) **Size.** 6,000 square feet minimum.

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

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

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

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

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

(D) **Length/Width Ratio:** 5:1 maximum.

(E) **Lot Design Requirements.**

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

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

(F) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 10,000 square feet is maintained, calculated based on the overall parcel size. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.

(G) **Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a traditional development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 10,000 square feet or greater. Such buffer area may be included in open space calculations.

(H) **Other Requirements.**

(1) Blocks shall generally be in a grid pattern, with interconnecting streets and alleys.

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

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

(A) **Size.** 8,000 square feet minimum.

(B) **Width.** 75 feet minimum.

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

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

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

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

(D) **Length/Width Ratio:** 5:1 maximum.

(E) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 10,000 square feet is maintained, calculated based on the overall parcel size. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.

(F) **Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 10,000 square feet or greater. Such buffer area may be included in open space calculations.

3-407 Lot Requirements For Cluster Development Reducing Lot Sizes From 20% to 50% Pursuant to Section 6-1400.

(A) **Size.** 6,000 square feet minimum.

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

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

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

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

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

(D) **Length/Width Ratio:** 5:1 maximum.

(E) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 10,000 square feet is maintained, calculated based on the overall parcel size. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.

(F) **Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 10,000 square feet or greater. Such buffer area may be included in open space calculations.

3-408 Building Requirements for Suburban Design.

(A) **Lot Coverage.** 35 percent maximum.

(B) **Building Height.** 40 feet maximum.

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

(A) **Lot Coverage.** 40 percent maximum.

(B) **Building Height.** 40 feet maximum.

(C) **Impervious Surface.** No more than 50% of the front yard of any lot shall be an impervious surface.

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

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

3-412 **Development Setback and Access from Major Roads.** In designing residential development, the requirements of Section 5-900 shall be observed.

Section 3-500 R-8 Single Family Residential.

3-501 **Purpose.** The R-8 Single Family Residential district is established to provide for manufactured housing, single family detached, duplex, townhouse, and single family attached dwelling units at gross residential parcel densities not to exceed eight (8) units per acre in areas served by public water and sewer service and designated primarily for infill development or in other locations consistent with the Comprehensive Plan.

3-502 **Size and Location.** This district shall be no less than two (2) acres nor more than fifty (50) acres in size. Incremental and contiguous additions of no less than one (1) acre to an existing R-8 zoning district shall be allowed. Larger parcels may be developed in accord with Section 4-100 as Planned Development Housing Districts. This district shall be mapped only in locations in close proximity to arterials or major collectors and at locations with pedestrian linkages to nearby established or planned employment centers, shopping or other community support services.

3-503 **Permitted Uses.** The following uses are permitted in this district:

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

(B) Home occupation, pursuant to Section 5-400.

(C) Public or private playground or neighborhood park.

(D) Recycling drop-off collection center, small, pursuant to 5-607(A).

(E) Dwelling, single family attached.

(F) Dwelling, single family detached.

(G) Commuter parking lot, with less than fifty (50) spaces.

(H) Utility substation, dedicated.

(I) Bus shelter.

(J) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area, and game preserve.

(K) Sewer pumping station.

(L) Water pumping station.

(M) Accessory apartment or dwelling unit, pursuant to Section 5-613.

(N) School, public.

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

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

3-504 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

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

(B) Church, synagogue and temple.

(C) Country club.

(D) Community center.

(E) Congregate housing facility.

(F) Fire and/or rescue station.

(G) Library.

(H) Orphanage or other similar institution.

(I) Playing fields and courts, lighted.

(J) Private club or lodge.

(K) Continuing care facility.

(L) School.

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

(N) Utility transmission lines, overhead.

(O) Water treatment plant.

(P) Golf course.

(Q) Sewage treatment plant.

(R) Commuter parking lot, with greater than fifty (50) spaces.

(S) Structure or use for federal, state, county, or local government purposes, not otherwise listed.

(T) Public or private community regional park.

(U) Radio and/or television tower.

(V) Water storage tank.

(W) Utility substation, distribution, pursuant to Section 5-616.

(X) Manufactured Housing, pursuant to Section 5-620.

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

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

(AA) Police Station.

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

3-506 Lot Requirements.

(A) **Size.** 6,000 sq. ft. minimum for single family detached dwellings; 5,000 sq. ft. minimum for manufactured housing; 2,200 sq. ft. minimum for triplex end units or quadruplex dwellings; 1,800 sq. ft. minimum for triplex interior dwellings; 1,600 sq. ft. minimum for townhouse dwellings; each exclusive of major floodplain.

(B) **Width.** 50 feet minimum for single family detached dwellings and manufactured housing; 40 feet for duplex dwellings; 30 feet for triplex end unit dwellings; 18 feet for triplex interior dwellings; 35 feet for quadruplex dwellings; 24 feet for townhouse end unit dwellings; and 16 feet for interior townhouse dwellings.

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

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

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

(b) **Side.** 8 feet minimum if two side yards are provided; 16 feet if only one side yard is provided. In no case shall the distance between dwellings be less than 16 feet.

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

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

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

(b) **Side.** No requirement along common walls; minimum side yard on end unit shall be 8 feet.

(c) **Rear.** 25 feet minimum, no requirement along common walls.

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

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

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

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

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

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

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

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

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

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

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

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

(D) **Length/Width Ratio:** 5:1 maximum.

(E) **Lot Design Requirements.**

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

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

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

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

(H) **Other Requirements.**

(1) Blocks shall generally be in a grid pattern, with interconnecting streets or alleys.

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

3-508 Building Requirements.

(A) **Lot Coverage.** 50 percent maximum.

(B) **Building Height.**

(1) Single Family Detached: 40 feet maximum.

(2) Single Family Attached: 45 feet maximum.

(C) **Maximum Units Per Building.** No one structure shall contain more than eight (8) dwelling units.

3-509 Additional Development Standards.

(A) **Active Recreation Space.** A minimum of 5,000 square feet of active recreation space shall be provided for each development of ten (10) units. Thereafter, an additional 100 square feet of such space shall be provided for each single family detached, manufactured housing or duplex unit and 200 square feet for each attached dwelling unit, triplex unit, quadruplex unit, townhouse, and multi-family unit in excess of 10 units. All such active recreation space shall be accessible to all residents by means of internal pedestrian walkways.

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

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

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

3-511 Development Setback and Access from Major Roads. In designing residential development, the requirements of Section 5-900 shall be observed.

(A) **Private Streets.** Roads, serving townhouse and multifamily uses only, may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met:

(1) All residences served by the private road shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such road.

(2) The record plat and protective covenants for such development shall expressly state that the County and VDOT have no and will have no responsibility for the maintenance, repair, or replacement of private roads.

(3) Sales brochures or other literature and documents, provided by the seller of lots served by such private roads, shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots, including a statement that the County has no and will have no responsibility for the maintenance, repair, or replacement of private roads.

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

Section 3-600 R-16 Townhouse/Multifamily Residential.

3-601 **Purpose.** The R-16 Townhouse/Multifamily Residential district is established to provide for manufactured housing, townhouse and multiple family dwelling units at gross residential parcel densities not to exceed sixteen (16) units per acre in areas served by public water and sewer service and designated primarily for infill development or in other locations consistent with the Comprehensive Plan.

3-602 **Size and Location.** This district shall be no less than two (2) acres nor more than twenty-five (25) acres in size. Incremental and contiguous additions of no less than one (1) acre to an existing R-16 zoning district shall be allowed. Larger parcels may be developed in accord with Section 4-100 as Planned Development Housing Districts. This district shall be mapped only in locations in close proximity to arterials or major collectors; with pedestrian linkages to nearby established or planned employment centers, shopping or other community support services; consistent with the Comprehensive Plan; and planned or served by public transit or designated for public transit in the Comprehensive Plan.

3-603 **Permitted Uses.** The following uses are permitted in this district:

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

(B) Home occupation, pursuant to Section 5-400.

(C) Dwelling, multi-family.

(D) Public or private playground or neighborhood park.

(E) Recycling drop-off collection center, small, pursuant to 5-607(A).

(F) Dwelling, single family, attached.

(G) Commuter parking lot, with less than fifty (50) spaces.

(H) Utility substation, dedicated.

(I) Bus shelter.

(J) Sewer pumping station.

(K) Water pumping station.

(L) School, public.

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

3-604 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

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

(B) Church, synagogue and temple.

(C) Community center.

(D) Country club.

(E) Fire, police and rescue station.

(F) Golf course.

(G) Library.

(H) Playing fields and courts, lighted.

(I) Orphanage or similar institution.

(J) Private club or lodge.

(K) School.

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

(M) Utility transmission lines, overhead.

(N) Water treatment plant.

(O) Sewage treatment plant.

(P) Continuing care facility.

(Q) Commuter parking lot with greater than fifty (50) spaces.

(R) Congregate housing facility.

(S) Structure or use for federal, state, county, or local government purposes, not otherwise listed.

(T) Public or private community or regional park.

(U) Radio and/or television tower.

(V) Water storage tank.

(W) Utility substation, distribution, pursuant to Section 5-616.

(X) Manufactured Housing, pursuant to Section 5-620.

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

3-606 **Lot Requirements.**

(A) **Size.** 5,000 sq. ft. minimum for detached manufactured housing; 2,000 sq. ft. minimum for attached manufactured housing; 1,600 sq. ft. minimum for townhouse dwellings; 3,000 sq. ft. minimum for duplex dwellings; 2,000 sq. ft. minimum for triplex end units or quadruplex dwellings; 1,800 sq. ft. minimum for triplex interior dwellings; 8,000 sq. ft. minimum for a multi-family structure; each exclusive of major floodplain.

(B) **Width.** 50 feet minimum for detached manufactured housing; 19 feet minimum for attached manufactured housing; 16 feet minimum per lot for interior townhouse dwellings; 24 feet minimum per lot for end unit townhouse dwellings; 35 feet minimum per lot for duplex dwellings; 30 feet minimum per lot for triplex end units or quadruplex dwellings; 18 feet for triplex interior dwellings; 80 feet minimum per lot for multifamily structures.

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

(1) **Detached Manufactured Housing.**

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

(b) **Side.** 8 feet minimum if two side yards are provided; 16 feet if only one side yard is provided. In no case shall the distance between dwellings be less than 16 feet.

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

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

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

(b) **Side.** No requirement along common walls; minimum side yard on end units shall be 8 feet.

(c) **Rear.** 25 feet minimum, no requirement along common walls.

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

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

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

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

(4) **Multifamily Structures.**

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

(b) **Side.** Buildings placed side to side shall have a minimum distance of twenty (20) feet between buildings; buildings placed side to back shall have a minimum distance of thirty-five (35) feet between buildings. Buildings back to back shall have a minimum distance of fifty (50) feet between

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

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

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

3-607 Building Requirements.

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

(B) **Building Height.**

(1) Single Family Attached: 45 feet maximum.

(2) Multifamily: 45 feet provided that a multi-family structure may be erected to a maximum of 55 feet if it is setback from streets or from lot lines in addition to each of the required minimum yard dimensions, a distance of not less than one (1) foot for each one (1) foot of height that it exceeds the 45-foot limit.

(C) **Maximum Units Per Building.** No one structure shall contain more than eight (8) townhouse dwelling units.

3-608 Additional Development Standards.

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

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

(C) **Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a development adjoins an existing or planned residential district, land bay or development

which has a minimum allowable lot size of 8,000 square feet or greater. Such buffer area may be included in open space calculations.

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

3-610 **Development Setback and Access From Major Roads.** In designing residential development, the requirements of Section 5-900 shall be observed.

(A) **Private Streets.** Roads, serving townhouse and multifamily uses only, may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met:

(1) All residences served by the private road shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such road.

(2) The record plat and protective covenants for such development shall expressly state that the County and VDOT have no and will have no responsibility for the maintenance, repair, or replacement of private roads.

(3) Sales brochures or other literature and documents, provided by the seller of lots served by such private roads, shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots, including a statement that the County has no and will have no responsibility for the maintenance, repair, or replacement of private roads.

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

Section 3-700 R-24 Multifamily Residential.

3-701 **Purpose.** The R-24 Multifamily Residential district is established to provide primarily for multiple family dwelling units at gross residential parcel densities not to exceed twenty-four (24) units per acre in areas served by public water and sewer service, with access to collector or arterial roads not dependent upon roads within planned or developed low density (R-1 or lower) residential neighborhoods, and designated primarily for infill development or in other locations consistent with the Comprehensive Plan.

3-702 **Size and Location.** This district shall be no less than two (2) acres nor more than twenty five (25) acres in size. It shall only be applied in locations:

(A) Abutting arterials and major collectors. Direct access for lots created after the adoption of this ordinance to such arterials and major collectors shall be provided only via minor collector roads.

(B) With pedestrian linkages to planned or existing employment centers, shopping or other community support services.

(C) Consistent with the Comprehensive Plan.

(D) When supporting shopping and commercial development is planned, existing, or under construction.

(E) Planned or served by public transit, or designated for public transit in the Comprehensive Plan.

3-703 **Permitted Uses.** The following uses are permitted in this district:

(A) Home occupation, pursuant to Section 5-400.

(B) Dwelling, multi-family.

(C) Public or private playground or neighborhood park.

(D) Recycling drop-off collection center, small, pursuant to Section 5-607(A).

(E) Commuter parking lot, with less than fifty (50) spaces.

(F) Utility substation, dedicated.

(G) Bus shelter.

(H) Sewer pumping station.

(I) Water pumping station.

(J) School, public.

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

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

3-704 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

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

(B) Church, synagogue and temple.

(C) Community center.

(D) Country club.

(E) Fire and/or rescue station.

(F) Library.

(G) Orphanage or similar institution.

(H) Playing fields and courts, lighted.

(I) Private club or lodge.

(J) School.

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

(L) Utility transmission lines, overhead.

(M) Congregate housing facility.

(N) Water treatment plant.

(O) Commuter parking lot, with greater than fifty (50) spaces.

(P) Radio and/or television tower.

(Q) Continuing care facility.

(R) Golf course.

(S) Structure for use for federal, state, county, or local government purposes, not otherwise listed.

(T) Public or private community or regional park.

(U) Sewage treatment plant.

(V) Water storage tank.

(W) Utility substation, distribution, pursuant to Section 5-616.

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

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

(Z) Police Station.

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

3-706 **Lot Requirements.**

(A) **Size.** 8,000 square feet minimum for a multifamily structure, exclusive of major floodplain.

(B) **Width.** 80 feet minimum.

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

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

(2) **Side.** Buildings placed side to side shall have a minimum distance of twenty (20) feet between buildings; buildings placed side to back shall have a minimum distance of thirty-five (35) feet between buildings. Buildings back to back shall have a minimum distance of fifty (50) feet between buildings. End buildings shall have a minimum side yard of twenty-five (25) feet to the property line or private access easement line.

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

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

3-707 Building Requirements.

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

(B) **Building Height.** Forty five (45) feet provided that a multi-family structure may be erected to a maximum of sixty (60) feet if it is set back from streets or from lot lines in addition to each of the required minimum yard dimensions, a distance of not less than one (1) foot for each one (1) foot of height that it exceeds the 45-foot limit.

3-708 Additional Development Standards.

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

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

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

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

3-710 Development Setback and Access from Major Roads. In designing residential development, the requirements of Section 5-900 shall be observed.

(A) **Private Streets.** Roads, serving townhouse and multifamily uses only, may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met:

(1) All residences served by the private road shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such road.

(2) The record plat and protective covenants for such development shall expressly state that the County and VDOT have no and will have no responsibility for the maintenance, repair, or replacement of private roads.

(3) Sales brochures or other literature and documents, provided by the seller of lots served by such private roads, shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots, including a statement that the County has no and will have no responsibility for the maintenance, repair, or replacement of private roads.

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

Section 3-800 GB General Business.

3-801 **Purpose.** This district shall be established to provide for general destination business uses which serve the needs of residences and businesses in the vicinity.

3-802 **Size and Location.** This district when mapped shall be no less than ten (10) acres nor more than fifty (50) acres in size. It shall only be located in those areas designated as Industrial Community and in other locations consistent with the Comprehensive Plan which are served by public sewer systems or on-site wastewater systems approved by the County Health Department. This district shall be located with access to, but without directly abutting or fronting on, major collector or arterial roads.

3-803 **Permitted Uses.** The following uses are permitted in any General Business district, subject to the requirements and limitations of these regulations.

(A) Adult day care center.

(B) Business service establishment.

(C) Contractor service establishment with accessory outdoor storage**.**

(D) Convenience food store, without gas pumps, pursuant to Section 5-617.

(E) Educational institution.

(F) Facility for dance, gymnastics, judo and sports training.

(G) Farm machinery sales, service and repair, pursuant to Section 5-615.

(H) Health and fitness center.

(I) Heavy equipment and specialty vehicle sales, and accessory service.

(J) Motor vehicle service and repair, light and heavy.

(K) Motor vehicle storage and impoundment.

(L) Nursery, commercial.

(M) Post office, drop off and pick-up.

(N) Postal service, including overnight courier collection and overnight mail distribution facility.

(O) Printing service.

(P) Recycling drop off collection center, small, pursuant to Section 5-607.

(Q) Restaurant, carry-out only.

(R) Agriculture, horticulture, forestry, or fishery.

(S) Bakery, commercial.

(T) Bank or financial institution, pursuant to Section 5-659.

(U) Commuter parking lot.

(V) Home service establishment.

(W) Motor vehicle sales and accessory service.

(X) Park.

(Y) Veterinary service.

(Z) Wholesale trade establishment.

(AA) Animal hospital.

(BB) Water pumping station.

(CC) Utility substation, dedicated.

(DD) Utility substation, distribution.

(EE) Sewer pumping station.

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

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

3-804 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

(A) Automotive service station.

(B) Borrow pit for road construction.

(C) Gas pumps accessory to a convenience food store, pursuant to Section 5-617.

(D) Kennel.

(E) Radio, radar and/or television tower.

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

(G) Utility transmission line, overhead.

(H) Warehousing facility.

(I) Bus terminal.

(J) Car wash.

(K) Child care center, pursuant to Section 5-609.

(L) Church, synagogue and temple.

(M) Fire and/or rescue station.

(N) Personal service establishment.

(O) Public utility service center, with outdoor storage.

(P) Mass transit facilities and stations.

(Q) Medical care facility, outpatient only.

(R) Motor vehicle rental, with outdoor storage only.

(S) Off-street parking facility, freestanding.

(T) Recycling drop-off collection center, large, pursuant to Section 5-607.

(U) Storage, mini-warehouse.

(V) Sewage treatment plant.

(W) Water treatment plant.

(X) Water storage tank.

(Y) Crematorium.

(Z) School, private, accessory to a church.

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

(BB) Car wash, accessory to a convenience food store, pursuant to Section 5-617.

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

(DD) Police Station.

3-805 Lot Requirements.

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

(B) **Width.** 100 feet minimum.

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

(1) **Front.** 50 feet minimum.

(2) **Side.** 20 feet minimum for interior side yard; 100 feet minimum side yard abutting an existing or planned residential use.

(3) **Rear.** 50 feet minimum; 100 feet abutting an existing or planned residential use.

(4) **Development Setback and Access From Major Roads.** In designing commercial development, the requirements of Section 5-900 shall be observed.

3-806 Building Requirements.

(A) **Lot Coverage.** 35 percent maximum.

(B) **Building Height.** 45 feet maximum.

(C) **Floor Area Ratio.** 0.40 maximum.

3-807 Use Limitations.

(A) Access shall not be allowed through residential areas.

(B) No individual lot created after the adoption of this Ordinance shall have direct access to arterial or major collector roads.

(C) Yards, berms, vegetative screening, fences, or walls shall be provided to buffer residential districts and public streets from uses allowed in this district. In particular, outdoor storage, off-street parking areas, service areas for loading and unloading and for storage and collection of materials, supplies, refuse and garbage shall be screened so that such areas are not visible from the street.

(D) **Utility Requirements.** All utility distribution lines in the GB district shall be placed underground.

Section 3-900 CLI - Commercial Light Industry.

3-901 **Purpose.** The purpose of the CLI district is to accommodate a mix of similar and compatible office and industrial uses, and related supportive commercial retail and service uses along the Route 50/John Mosby Highway Corridor. The CLI district shall have limited traffic and aesthetic impacts on surrounding properties and on supporting public facilities and utilities. The CLI district is intended to generate development through the use of creative design that will enhance the character of the surrounding area and contribute to the development of a distinctive gateway along the Route 50 corridor. The district may allow tourist supportive uses to serve visitors and maximize on opportunities afforded by its proximity to the Air and Space Museum.

3-902 **Size and Location.** The CLI district is mapped only along the eastern end of Route 50 as depicted on the Zoning Map. The rezoning of land to CLI in other areas of the County shall not be permitted.

3-903 **Permitted Uses.** The following uses shall be permitted in the CLI district subject to the requirements and performance criteria of these regulations:

(A) Adult day care facility, pursuant to Section 3-907(F).

(B) Animal hospital.

(C) Bakery, commercial.

(D) Business service establishment, pursuant to Section 3-907(F).

(E) Child care center, pursuant to Section 5-609(B) and Section 3-907(F).

(F) Church, synagogue and temple.

(G) Conference or training center, pursuant to Section 3-907(F).

(H) Dwelling, single family, accessory to permitted or special exception uses.

(I) Educational institution, pursuant to Section 3-907(F).

(J) Establishments for assembly, fabrication, processing, production and/or manufacturing of goods or products, pursuant to Section 3-907(H).

(K) Fire and/or rescue station.

(L) Flex industrial uses, pursuant to Section 5-608.

(M) Funeral home or mortuary.

(N) Health and fitness center, pursuant to Section 3-907(F).

(O) Hotel/Motel, 75 rooms or greater, pursuant to Section 5-611 and Section 3-907(F).

(P) Mass transit facilities.

(Q) Medical care facility, outpatient only, pursuant to Section 3-907(F).

(R) Nursery, commercial.

(S) Office, administrative, business and professional, pursuant to Section 3-907(F).

(T) Park, public.

(U) Police Station.

(V) Post office, drop off and pick up.

(W) Postal service, including overnight mail distribution facility.

(X) Printing service.

(Y) Public utility service center, without outdoor storage.

(Z) Research, experimental, testing or development activities.

(AA) Sewer pumping station.

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

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

(DD) Utility substation, dedicated.

(EE) Utility substation, distribution, pursuant to Section 5-616.

(FF) Veterinary service.

(GG) Warehousing facility.

(HH) Water pumping station.

(II) Wholesale trade establishment, pursuant to Section 5-663.

(JJ) Facility for lessons in dance, gymnastics, judo and sports training.

3-904 **Special Exception Uses.** The following uses may be permitted by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300. In addition, the uses listed below shall be developed in accordance with Section 3-907(F) and all other applicable performance criteria.

(A) Art Gallery.

(B) Automotive Service Station.

(C) Bank or Financial Institution, pursuant to Section 5-659.

(D) Convenience food store with or without gas pumps.

(E) Convention Facility.

(F) Car wash.

(G) Contractor Service Establishment.

(H) Distribution Facility.

(I) Heliport or helistop.

(J) Kennel, indoor, pursuant to Section 5-606.

(K) Motor vehicle rental.

(L) Motor vehicle sales.

(M) Motor vehicle service and repair, light.

(N) Museum or Exhibition Facility.

(O) Personal service establishment.

(P) Private club or lodge.

(Q) Public utility service, with outdoor storage.

(R) Radio, radar and/or television tower.

(S) Restaurant.

(T) Retail sales establishment.

(U) Sewage treatment plant.

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

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

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

(Y) Utility transmission lines, overhead.

(Z) Water storage tank.

(AA) Water treatment plant.

3-905 Lot Requirements.

(A) **Size.** Two (2) acres minimum.

(B) **Width.** 200 feet minimum.

(C) **Depth.** 200 feet minimum.

(D) **Yards.**

(1) **Adjacent to Roads.** Except where a greater setback is required by Section 5-900, thirty five (35) feet for building; twenty five (25) feet for parking.

(2) **Adjacent to Parcel Boundaries.**

(a) **With Other Nonresidential Districts.** 25 feet minimum, buildings; 10 feet minimum, parking lot, loading unloading areas, and areas for the collection or storage of refuse. The Zoning Administrator may waive the parking lot yard requirement when necessary to permit shared parking and access arrangements between uses on individual parcels.

(b) **With Residential Districts.** 25 feet minimum. No building, parking lots, loading/unloading areas, outdoor storage, or areas for the collection or storage of refuse shall be permitted in any required yard adjacent to a residential zoning district.

3-906 Building Requirements.

(A) **Lot Coverage.** 45 percent maximum.

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

(C) **Base Floor Area Ratio.** 0.30 maximum.

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

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

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

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

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

(iii) The owner(s) of such properties form shared access agreements with the owner(s) of adjoining properties that enable controlled access to such road for multiple uses. Such shared access agreements shall remain in effect in perpetuity or until future public road improvements provide alternative access to the subject parcels that alleviates the need for the original shared access agreement. The shared access agreement

shall be depicted on the site plan(s) for the subject parcels and shall include all infrastructure improvements necessary to enable the safe and efficient access of each parcel as determined by the Department of Transportation Services and VDOT.

(b) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties or portions of properties located within 600 feet of the right-of-way of a road in the primary system of state highways (*as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended)* if the owner(s) of such properties consolidates such properties for development purposes with a contiguous parcel of land which, when combined, total at least 20 acres.

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

(2) The density increase can be granted singly or cumulatively.

3-907 **Performance Criteria.** The purpose of the following sections is to achieve a design whereby buildings are located, oriented and designed to respect the natural landscape, principles of energy conservation, relationships to surrounding properties and buildings, views from major arterials, site access and circulation needs, and the desired overall character of the district as a principal gateway into Loudoun County.

(A) **Transportation Design.** Transportation elements shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic at intersections with traffic controls such as traffic lights, stop signs or traffic calming features. Left-turn storage and right turn lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. To the maximum extent feasible, land

development applications shall identify opportunities and methods for shared access and inter-parcel linkages.

(B) **Buffering and Screening.** Yards, berms, vegetative screening, fences, or walls shall be provided to buffer residential districts and public streets from uses allowed in this district. In particular, outdoor storage, off-street parking areas and service areas for loading and unloading and for storage and collection of materials, supplies, and/or refuse and garbage, shall be screened so that such areas are not visible from any public right-of-way and/or residential use. Areas for the collection and storage of refuse and outdoor storage areas shall be fully enclosed by a structure composed of opaque materials. Such materials shall be compatible with those used in the exterior construction of the principal building.

(C) **Landscaped Open Space.** Minimum landscaped open space on any individual lot shall not be less than .10 times the buildable area of the lot.

(D) **Off-Street Parking and Loading Facilities.** All off-street parking spaces shall be within 500 feet by safe and convenient pedestrian routes of entrances to the buildings the parking spaces are intended to serve. No off-street parking or loading facilities shall be located in required landscaped yards. Off-street parking areas shall, to the maximum extent feasible, be located to the rear of the buildings.

(E) **Accessory Uses.** The following accessory uses shall be permitted in the district:

(1) Warehousing, indoor storage and distribution associated with a permitted use, but excluding the bulk storage of gasoline, petroleum products, natural gas and chemicals.

(2) Retail sales and personal service uses for permitted and/or special exception uses, not to exceed twenty-five percent (25%) of the floor space of the principal use of the building.

(3) Outdoor storage for permitted and/or special exception uses, not to exceed twenty-five percent (25%) of the gross lot area. No storage of any kind shall be permitted within any required yard.

(4) Restaurant and restaurant carry-out.

(F) **Access Limitation for Certain Uses.** For the uses listed in Section 3-903 as being pursuant to this section and all uses listed in Section 3-904, such uses shall be permitted to have direct access to Route 50 (i) only if the property owner can demonstrate that the subject property does not have legal access to any public road other than Route 50 and does have legal access to the location of a planned Route 50 Parallel Road, as shown on the Countywide Transportation Plan (CTP), as amended, and (ii) provided that such access, if permitted, shall be limited to right-turn-in and right-turn-out entrances to and from Route 50 only as approved by VDOT. Prior to approval of a site plan for these uses, property owners must execute and record an instrument, in form as reviewed and approved by the County, which obligates such owner and successors to relinquish all such direct access rights and close off all direct access to Route 50, at no cost to the County or VDOT, or permit the County or VDOT to close off all direct access without compensation, when alternative access to the site becomes available via public or private street adjacent to the owner's parcel or via other means, such as an available private access easement that provides access to any such public or private street.

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

(H) **Pedestrian Access and Circulation.** Pedestrian ways shall be incorporated into each development so as to minimize conflicts with vehicular traffic and to enable safe and convenient pedestrian access to all buildings, parking and other facilities. Pedestrian ways shall be extended to adjacent properties and shall connect uses within individual developments. Land development applications shall delineate the on-site pedestrian system and provide connections to such systems in adjacent developments as well as public networks, if applicable.

(I) **Utility Requirements.** All new utility distribution lines in the CLI district shall be placed underground.

(J) The following uses shall not be permitted:

(1) Alcoholic beverage manufacturing.

(2) Ammonia, bleaching powder or chlorine manufacture.

(3) Blast furnace.

(4) Boiler works.

(5) Chemicals and acid manufacture or storage.

(6) Distillation of coal, wood or bones.

(7) Distillation of turpentine or varnish.

(8) Dye works.

(9) Emery cloth manufacture.

(10) Fertilizer manufacture.

(11) Fireworks.

(12) Fish canning, curing, grinding or smoking.

(13) Garbage incineration other than in municipal plants.

(14) Glue, size or gelatin manufacture.

(15) Grinding, cooking, boiling, rendering or storing of slaughter-house refuse, animal refuse, rancid fats or refuse of dead animals.

(16) Iron, steel or copper works, foundries or smelting facilities.

(17) Lime, cement, concrete gypsum, plaster of paris or mortar manufacture.

(18) Mixing or batching plants for asphalt, concrete, brick or other paving and construction materials.

(19) Petroleum, alcohol or asphalt refining, mixing or manufacture or storage.

(20) Pyroxylin or celluloid manufacture.

(21) Pulverizing of charcoal or coal.

(22) Soap manufacture.

(23) Stockyards.

(24) Tanning, curing or storing of raw hides or skins.

(25) Tetra-ethyl lead precipitate liquid manufacture.

(26) Vinegar manufacture.

(27) Wool pulling and scouring.

(28) Material recovery facility.

(29) Any other use similar to the above excepted uses which is likely to be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other causes.

(K) **Uniform Landscaping for Front Yard Areas Adjacent to a Primary Highway.**

(1) All parcels with frontage on a primary highway *(as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended)* shall include landscaping in accordance with the Type 5 Buffer Yard in Section 5-1414(B)(1).

(L) **Compatibility.** Architectural treatment of buildings, to include materials, color, and style, shall be compatible with buildings located within the same project. Compatibility may be achieved through the use of similar building massing, scale, materials, colors, and other architectural features. For the purposes of this section, a project is defined as a development that is planned, developed or managed as a unit.

(M) **Building Orientation.** The front façade and principal public entrance of all buildings shall be oriented toward an adjacent public street.

(N) **Screening of Mechanical Equipment.** Mechanical equipment, whether ground level or rooftop, shall be in accordance with Buffer Yard Type 3, screened from view from adjacent properties and public rights-of-way and designed to be perceived as an integral part of the principal building. For the purposes of this section, mechanical equipment shall include, but not be limited to, satellite dishes, exhaust fans, HVAC equipment, and roof access ladders. In cases where parapets are used to screen rooftop equipment, the maximum height of the parapet shall be equal to the top of the highest mechanical unit but shall not exceed the maximum height allowed in the district by more than 3 feet.

Section 3-1000 MR-HI Mineral Resource - Heavy Industry.

3-1001 **Purpose.** This district is established in order to protect the mineral resources, primarily diabase rock, of the County for possible future economic development, to provide for diabase resource extraction operations at appropriate locations and under controlled conditions; to co-locate with quarries compatible heavy industrial uses; to permit continued agricultural practices, and to permit residential and other uses only to the extent that they may be compatible with resource extraction. This district is to be applied as a long term, but interim, district, recognizing that areas devoted to resource extraction may and should be converted, ultimately, to other compatible and beneficial uses consistent with the Comprehensive Plan.

3-1002 **Size and Location.** Except for those districts mapped to MR-HI concurrently with the adoption of this Ordinance, the minimum district size for this district shall be six hundred (600) acres. Contiguous additions of not less than ten (10) acres shall be allowed when approved pursuant to Section 6-1200. The district is to be established in areas contemplated as appropriate for resource extraction use in the Comprehensive Plan.

3-1003 **Permitted Uses.** The following uses are permitted in this district:

(A) Mineral Resource Extraction and Processing (MREP) Uses:

(1) Asphalt mixing plant.

(2) Concrete mixing plant.

(3) Crushing, treating, washing, and/or processing of materials, accessory to a quarry operation, when conducted on the same property.

(4) Excavation, mining, dredging, stripping.

(5) Manufacturing of concrete block, cinderblock or pre-formed concrete products.

(6) Sawmill or wood processing facility, pursuant to Section 5-629.

(B) Other Uses:

(1) Agriculture, horticulture, forestry, or fishery.

(2) Nursery, commercial, pursuant to Section 5-605.

(3) Country club.

(4) Fruit processing or storage.

(5) Fairground.

(6) Storage, for coal, lumber, building material, contractor equipment, and similar material.

(7) Warehousing facility.

(8) Wholesale trade establishment, pursuant to Section 5-663.

(9) Bakery, commercial.

(10) Business service establishment, pursuant to Section 5-661.

(11) Contractor service establishment with accessory outdoor storage, pursuant to Section 5-662**.**

(12) Distribution facility.

(13) Dwelling, single-family, accessory to permitted or special exception uses.

(14) Heavy equipment and special vehicle repair.

(15) Manufacture, processing, fabrication and/or assembly, distribution of products, such as, but not limited to: Scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceutical, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchased glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery, mobile homes, prefabricated and modular housing and components, dairy products, feed and grain, baked and confectioners' goods, farm machinery, fruit and vegetable processing, canning, storage.

(16) Motor vehicle service and repair, heavy, accessory to an approved principal use.

(17) Outdoor sales area, accessory.

(18) Park.

(19) Veterinary service.

(20) Animal hospital.

(21) Outdoor storage, vehicles.

(22) Water pumping station.

(23) Utility substation, dedicated.

(24) Retail sales of crushed stone or architectural stone products, accessory to an approved quarry use.

(25) Sewer pumping station.

(26) Utility substation, distribution, pursuant to Section 5-616.

(27) Storage, outdoor accessory.

(28) Motor vehicle service and repair, with accessory motor vehicle sales.

(29) Motor vehicle storage and impoundment.

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

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

(32) Telecommunications tower, pursuant to Section 5-618(C)(1).

(33) Storage of empty solid waste vehicles and containers.

(34) Kennel, pursuant to Section 5-606.

(35) Heavy equipment and specialty vehicle sales.

(36) Printing service plant.

3-1004 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

(A) Mineral Resource Extraction and Processing (MREP) uses:

(1) Automobile graveyard or junk yard.

(2) Borrow pit for road construction.

(3) Crushing, treating, washing and/or processing of materials.

(4) Solid waste incinerator, landfill or transfer station.

(5) Stone quarrying, pursuant to Sections 3-1007 and 3-1008.

(6) Storage, bulk gasoline, petroleum products and natural gas, small and large.

(7) Utility generating plant or transmission facility.

(8) Vegetative waste management facility.

(B) Other uses:

(1) Cemetery, mausoleum and memorial park, pursuant to Section 5-637.

(2) Utility transmission lines, overhead.

(3) Fire and/or rescue station.

(4) Sewage treatment plant.

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

(6) Water treatment plant.

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

(8) Automotive service station.

(9) Commuter parking lot.

(10) Dry cleaning plant.

(11) Firearm range, indoor.

(12) Golf course.

(13) Mass transit facilities and stations.

(14) Material recovery facility, pursuant to Section 5-607(D).

(15) Storage, mini-warehouse.

(16) Water storage tank.

(17) Crematorium, pursuant to Section 5-637.

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

(19) Police Station.

3-1005 Lot Requirements.

(A) Mineral Resource Extraction and Processing (MREP) uses:

(1) **Size.** 3 acres minimum, exclusive of major floodplain.

(2) **Width.** 300 feet minimum fronting on Class I roads; 200 feet fronting on Class II roads or private access easements.

(3) **Depth.** 500 feet minimum.

(4) **Length/Width Ratio.** 3.5 times lot width maximum.

(5) **Yards.** No structure or use shall be located within fifty (50) feet of any property line.

(6) **Development Setback and Access From Major Roads.** In designing industrial development, the requirements of Section 5-900 shall be observed.

(B) Other uses:

(1) **Size.** 1 acre minimum, exclusive of major floodplain.

(2) **Width.** 100 feet minimum fronting on Class I or II roads or private access easements.

(3) **Depth.** No minimum.

(4) **Length/Width Ratio.** 3.5 times lot width maximum.

(5) **Yards.**

(a) **Front Yard.** No structure or use shall be located within 30 feet of the front property line.

(b) **Side Yard.** No structure or use shall be located within 15 feet of the side yard. When an MR-HI lot is developed adjacent to a non-MR-HI lot, the minimum side yard will increase to 50 feet.

(c) **Rear Yard.** No structure or use shall be located within 25 feet of the rear yard. When an MR-HI lot is developed adjacent to a non-MR-HI lot, the minimum rear yard will increase to 50 feet.

(6) **Development Setback and Access From Major Roads**. Pursuant to the requirements of Section 5-900.

3-1006 Building Requirements.

(A) **Lot Coverage.** 50 percent maximum.

(B) **Building Height.** Forty-five (45) feet maximum for all buildings except non- habitable structures associated with a quarry operation. Such structures are permitted by right to 120 feet in height provided they are set back from property lines and district boundaries an additional setback of two (2) feet for each one (1) foot in height above forty (40) feet. Such structures require special exception approval for heights in excess of 120 feet.

(C) **Floor Area Ratio.** .75 maximum.

3-1007 Use Limitations.

(A) **Prohibited Uses.** No uranium mining or well water fields are permitted in this district.

(B) **Nonresidential Uses.** For adjacent properties, no commercial, industrial or other nonresidential building shall be located within fifty (50) feet from the property line of an existing and/or approved quarry operation.

(C) **Outdoor Storage.** No storage of any kind shall be permitted within any front yard.

(D) **Utility Requirements.** All new utility distribution lines in the MR-HI district shall be placed underground.

(E) **Stone Quarrying Operations Uses.**

(1) The pit wall of a quarry shall be a minimum of 1000 feet from the MR-HI district boundary, except in the following situations:

(a) Where quarries are adjacent to land not under County zoning authority, such as Dulles Airport or an incorporated town, the minimum distance from the quarry pit wall to the district boundary may be reduced to a minimum of 200 feet as a result of special exception approval, which assures such reduction is compatible with adjacent land uses.

(b) Where quarries are adjacent to a public road of four (4) or more lanes, or to a road designated as a part of an approved VDOT or County corridor study or identified in the Comprehensive Plan to be four (4) or more lanes, the distance may be reduced to not less than 200 feet, provided an effective buffer is constructed and maintained.

(c) Where quarries are adjacent to the GB district, the setback may be reduced to a minimum of 200 feet.

(d) Where quarries are adjacent to the PD-GI or CLI district, the setback may be reduced to a minimum of 50 feet.

(2) Structures and buildings enclosing processing equipment associated with a quarrying operation, including crushers, conveyors, washers and screeners, shall be located a minimum of 500 feet from the district boundary, except where quarries are adjacent to land not under County zoning authority, such as Dulles Airport or an incorporated town. In such cases, the distance may be reduced to a minimum of 200 feet as a result of special exception approval which assures abutting lands are adequately buffered from the processing operations.

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

(4) Buildings devoted solely to office and administrative uses shall be a minimum of 50 feet from the district boundary.

3-1008 **Stone Quarrying Special Exception Permit Applications.** The establishment of any new stone quarrying operations, or the expansion of any existing stoning quarrying operations beyond previously granted approvals, require Special Exception approval and are subject to issuance of a special exception by the Board of Supervisors in accordance with Section 6-1300. In addition to the requirements of Section 6-403, all applications for stone quarrying uses shall be accompanied by the following items:

(A) Five (5) copies of a plat prepared by an engineer or surveyor licensed by the State, drawn to a scale of 1" = 200'. Such plat shall show:

(1) The boundary of the entire tract by metes and bounds.

(2) Development limits and topography in contour intervals of five (5) feet or less, including locations of water courses, of the part of the tract that is proposed to be used for the operations set forth in the application, and of the contiguous area within 500 feet of such proposed limits or such greater distance as may be specified by the Zoning Administrator.

(3) Means of vehicular and emergency access to the proposed use indicating the proposed type of surface treatment.

(B) One (1) aerial photograph, at a scale of 1" = 200', and certified as flown not earlier than six (6) months prior to the date on which the application is submitted. The area covered by such photo shall include:

(1) All land included in the application and within 2,000 feet of the area covered by the application, and

(2) All contiguous land which is now, is planned to be, or has been used by the applicant for such use or a related use.

(C) A depiction, based on the official zoning records of Loudoun County, of the zoning of all parcels within the same area covered by the aerial photograph required in Section 3-1008(B)(2).

(D) A conceptual description of the proposed operation describing the anticipated location, process, equipment and scale of the proposed operation including all special exception and accessory uses.

(E) A transparent overlay, at the same scale and covering the same area as the aerial photograph required in Section 3-1008(B)(2) depicting the location, limits and approximate square footage of the following items:

(1) Area of any known previous, currently active and proposed excavation.

(2) Area of active and proposed settling ponds and washing facilities.

(3) Areas of existing and proposed crushing or treatment facilities.

(4) Areas of existing and proposed storage of extracted material.

(5) Areas of existing and proposed production facilities or resource related uses.

(6) Location and type of any existing and proposed erosion control, stormwater management and BMP facilities.

(7) Location and type of structures, fencing and security measures or other appropriate safeguards to prevent access by unauthorized persons.

(8) Location and type of buffering of adjacent land uses to be provided pursuant to Section 5-1400 of this Ordinance.

(F) A plan for operation demonstrating the feasibility of the operation proposed without hazards or damage to other properties by reason of increased flooding or undesirable rise or

reduction in ground water levels, erosion caused by increased rate of flow or redirection of flow in flood channels, deposits of debris from flood or erosion, excessive slopes remaining at cuts or fills, or undermining or creation of settlement in adjoining areas.

(G) A plan for restoration of the site, prepared by an engineer or surveyor licensed by the State. The plan for restoration shall demonstrate conceptually the method by which the property, in its entirety, will be returned to a state suitable for re-use for purposes permissible in the district. Among items to be included in such plans are vehicular circulation patterns in and around the site, the treatment of exposed soils or subsoil in order to make the property suitable for the proposed re-use, treatment of slopes to prevent erosion and delineation of floodways and floodplains (if any) to be maintained in open usage. In such plans for re-use, where conditions are suitable, permanent lakes, water impoundment or recreational facilities may be permitted. The format and level of detail required by the Virginia Department of Mines and Minerals for a restoration plan shall be acceptable as an initial submission. The County shall have the right to request such additional information as it deems necessary.

(H) A letter signed by the applicant and by the owner of the property granting the right of entry upon the property to the Zoning Administrator, law enforcement agents, and County inspectors for the purpose of inspecting and bringing law enforcement to the property during the term of any permit which may be issued.

(I) A hydrogeological report and a Type II detailed geotechnical report including an assessment of the depth of overburden and the effects of the proposed resource extraction on the water table and local wells.

(J) As a condition of approval, the applicant may be required to post with the County a bond in an amount to be set by the Board of Supervisors. If required, such bond shall be with surety satisfactory to the Board of Supervisors. The bond shall be conditioned upon restoration in accordance with the approved restoration plan within 360 days following the expiration of the special exception. The bond shall be accompanied by an instrument in writing granting, to the County or its officers, agents and employees, a right to enter the property which is the

subject of the special exception for the purpose to inspect of any restoration if required.

(K) An environmental report describing existing environmental conditions, assessing the environmental impacts of the proposed use on the site and properties within two thousand (2000) feet of the proposed uses, and depicting proposed mitigation measures.

ARTICLE 4
SPECIAL & OVERLAY DISTRICTS

Division A: Planned District Regulations

Section 4-100 Planned Development-Housing.

4-101 **Purpose.** The Planned Development-Housing (PD-H) district is established to provide for a variety of single and multifamily housing types in neighborhood settings plus supporting non-residential uses in a planned environment fostering a strong sense of community.

4-102 **Size and Location.** A PD-H district, when mapped, shall be no less than fifty (50) acres in size for a PD-H3, no less than twenty five (25) in size for a PD-H 4, and a PD-H 6 district. Smaller parcels that are adjacent to and a logical extension of an approved PD-H district may be approved pursuant to 6-1200. Land may be rezoned to the PD-H district where consistent with the provisions of the residential elements of the Comprehensive Plan.

4-103 **Timing of Development.** It is the intent of these regulations that due consideration be given to the relationship of a PD-H proposal to:

(A) The general housing demand in the County.

(B) The existing and potential housing supply under development plans approved by the County.

(C) The general pattern and organization of residential communities in the County, and

(D) The relationship to existing and planned employment opportunities and supporting business and other services.

4-104 **Zoning Regulations Generally.** It is the intent of these regulations that there be three (3) PD-H district options PD-H3, PD-H4, and PD-H6 to be distinguished on the basis of the maximum net residential density of the proposed district. PD-H districts shall be developed according to the regulations of the Urban Residential Districts, in Article III of this Ordinance, identified for individual land bays within the development at the time of preliminary subdivision official acceptance with the following:

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

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

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

(B) **Uses.** Single family detached, single family attached, duplex, townhouse, two family and multi-family uses are allowed in each of the PD-H zoning districts. The permitted and special exception uses of the PD-H district shall be those of the R district identified on the concept development plan for the development, except that the following uses shall be permitted by-right provided that the number, size and locations of these uses are identified on the concept development plan: Church, synagogue, temple; Public schools; Neighborhood or community parks (not public); Libraries; Community Centers; Fire, police and rescue stations; Child care facilities; and Non-commercial recreation facilities**.** Retail and service uses, offices and industrial parks may be permitted, subject to Sections 4-105 through 4-108 below. In all cases, the regulations for PD-H developments in this Section and Section 6-1200 of this Ordinance shall apply.

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

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

(2) The approved Concept Development Plan for a PD-H district shall designate which individual land bays of the proposed district shall be developed for office, commercial and industrial uses, the maximum size of the land bay and

floor area per land bay, to be developed. Office, commercial and industrial uses shall follow those requirements set forth in the PD-CC, PD-OP, or PD-IP zoning districts respectively as designated on the preliminary subdivision plan.

(3) Requirements of these districts may be modified in connection with a PD-H rezoning, or as a separate application thereafter, provided that the proposal meets the criteria of Section 6-1217.

(D) **Building Requirements.**

(1) **Floor Area Ratio.** Not applicable to residential uses; maximum .40 FAR for any retail or service use, offices or industrial parks.

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

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

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

(A) All requirements shall be as for PD-CC (neighborhood or community centers only) as outlined herein, provided however that first floor location uses shall be restricted to commercial, personal service, and finance establishments.

(B) The location of the shopping center shall provide convenient access to major or minor collector streets without creating through traffic in residential neighborhoods, causing traffic hazards or congestion, or impeding free traffic flow.

(C) Layout of building, parking and service areas, access, berms and landscaping, yards, courts, walls, signs and lighting, and control of noise shall protect the residential character of the PD-H district and any other residential districts in the vicinity.

(D) The maximum Floor Area Ratio for such uses shall not exceed .40.

(E) Non-vehicular open space in an amount equal to at least thirty (30%) of the net area of the site exclusive of adjoining streets shall be provided. Such space shall be landscaped and located to provide buffering and convenient pedestrian circulation.

(F) Where appropriate accessways may be so located as to serve other uses in the district subject to the limitations of Section 4-106(B).

4-107 Convenience Establishments.

(A) **Uses permitted.** For purposes of these regulations, convenience establishments are defined as small establishments designed and intended to serve the daily or frequent trade or service needs of the immediately surrounding population. Such establishments, as permitted in PD-H districts, include groceries, variety stores, pharmacies pursuant to Section 5-659, coin-operated laundry and dry cleaning agencies, tailoring and dressmaking shops, beauty shops, barber shops, professional offices, carry-out restaurants and similar small scale uses. Specifically excluded are automobile service stations, repair garages, drive-in eating and drinking establishments.

(B) **Location grouping.** Convenience establishments shall be located only in portions of PD-H districts: (a) not served by similar facilities within walking distance; and (b) near dwelling unit densities of at least six (6) units per acre, as to provide substantial walk-in trade. Where more than one convenience establishment of this nature is proposed, they shall be grouped, arranged and designed for maximum pedestrian convenience. Vehicular access and parking areas shall be combined where such combination will result in improvement in public convenience and vehicular circulation.

(C) **Control of potential adverse effects.** Convenience establishments shall not have substantial adverse effects on residential uses within the district or adjoining residential districts by reason of their location, design, construction, manner or timing of operation, signs, lighting, parking or access arrangements.

Landscaped open space shall be utilized to protect the residential character of the PD-H and surrounding districts.

(D) **Maximum size of establishments.** No individual convenience establishment established under the provisions of this Section shall have a gross floor area in excess of 5,000 square feet, and no combination of such establishments in any one location shall have a total gross floor area of more than 10,000 square feet.

(E) **Lot Area, Width and Coverage.** No minimum lot area or width requirements are set for convenience establishments, but lot coverage by all buildings shall not exceed thirty percent (30%) of the net area of the lot or building site.

(F) **Yards: Building Spacing.** Yards shall have the same or greater depth as required for adjoining uses. Where space is left between buildings on the lot or building site, it shall be at least twenty five (25) feet in width.

(G) **Open Space.** Non-vehicular open space in an amount equal to at least fifteen percent (15%) of the net area of the site, exclusive of adjoining streets, shall be provided. Such space shall be landscaped or otherwise appropriately improved for general amenity to provide convenient pedestrian circulation, play areas for children, passive recreation areas and the like.

(H) **Off-street parking and multiple use of access.** Off-street parking spaces shall be two-thirds of that required for the PD-CC neighborhood center. Where appropriate to the general design of the district and timing of operations of the uses involved, accessways may be so located as to serve other uses in the district if such multiple use will not lead to congestion or hazards to pedestrian or vehicular traffic.

(I) **Access.** The requirements of Section 5-900 shall be observed.

(J) **Signs.** Sign limitations shall be as provided in Section 5-1200 of this ordinance, with business signs limited as provided in Section 5-1204(D).

4-108 **PD-OP and PD-IP Uses.** Location of these uses within a PD-H district shall be consistent with the Comprehensive Plan. These uses shall comply with the following additional regulations and requirements:

(A) Total land area devoted to such uses shall not exceed fifteen (15%) percent of the total land area of the planned development, and no

single area devoted to such uses shall have less than ten (10) acres. Modification of this section may be permitted pursuant to Section 6-1217.

(B) Total office floor space shall not exceed (200) square feet per allowed dwelling unit. Total industrial floor space shall not exceed 200 square feet per allowed dwelling unit. Modification of this section may be permitted pursuant to Section 6-1217.

(C) Accessory retail and service uses may be provided within office and industrial buildings in an amount not to exceed five percent (5%) of total office or industrial floor space.

(D) Permitted and special exception uses, minimum area requirements for individual lots, minimum landscaped open space, and minimum yard requirements shall all be governed by the provisions of Sections 4-300 (PD-OP) and 4-500 (PD-IP) which provisions shall act as regulations for the development of such sites.

4-109 **Site Planning - External Relationships.** Site planning within the PD-H district shall provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development. In particular and without limitation, the proposed development shall demonstrate the following features:

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

(B) **Protection of visibility - pedestrian/cyclist.** Where there is pedestrian or bicycle access to a street, no impediment to visibility more than 2-1/2 feet above the level of the center of the street shall be allowed within the visibility triangle required in Section 5-300(B) or VDOT standard, whichever is greater.

(C) **Uses adjacent to single-family, agricultural, or residential districts or land bays allowing residential uses.** Where residential uses in a PD-H district adjoin a single-family residential, agricultural, or residential district or land bay allowing residential uses, or a commercially zoned development approved

subject to proffers prior to adoption of this ordinance, the development shall provide for either:

(1) Single family dwellings on minimum lots of (20,000) square feet or greater, exclusive of major floodplain, along such perimeter; or,

(2) A permanent open space buffer along such perimeter at least fifty (50) feet in width, landscaped with a Type 2 Buffer Yard.

(D) Planned shopping centers and convenience establishments adjacent to single family or agricultural residential districts or land bays allowing residential uses shall provide a permanent open space buffer at least (75) feet in width with a Type 3 Buffer Yard. Other nonresidential uses in such perimeter areas shall provide the yards required by Section 4-305(B)(2) or Section 4-505(B)(2), as applicable and at least fifty (50) feet of the required yards shall be devoted to a permanent open space buffer with a Type 3 Buffer Yard.

(E) **Height limitations at edges of PD-H districts.** Except along boundaries where adjoining districts permit greater heights within similar areas, height limitations shall be limited to an imaginary plane leaning inward from district boundaries at an angle representing an increase in height of one (1) foot for every one (1) foot of horizontal distance perpendicular to the district boundary. No portion of any building in such district shall project through said imaginary plane.

4-110 **Site Planning - Internal Relationships.** The PD-H district shall provide the following:

(A) **Maximum Height Restrictions.** Dwellings and other uses allowed in residential zoning districts: as provided in the applicable R District. Commercial, industrial and office buildings: as provided in the applicable PD-CC, PD-OP, and PD-IP Districts, per Section 4-200, 4-300, and 4-500.

(B) All arterial and collector streets serving a PD-H District, and all streets of any size serving residential (except townhouse and multifamily), commercial, office, institutional and industrial uses within a PD-H district, shall be designed and constructed to VDOT standards for inclusion in the state highway system. Roads serving townhouse and multifamily uses only may be designed and

constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met:

(1) All residences served by a private road shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such road.

(2) The record plat and protective covenants for such development shall expressly state that the County and VDOT have no, and will have no, responsibility for the maintenance, repair, or replacement of private roads.

(3) Sales brochures or other literature and documents provided by the seller of lots served by such private roads shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots including a statement that the County has no, and will have no, responsibility for the maintenance, repair, or replacement of private roads.

(C) Streets, drives, parking and service areas shall provide immediate, safe and convenient access and circulation for dwelling units and project facilities and for service and emergency vehicles including fire-fighting equipment, furniture moving vans, fuel trucks, garbage collection, deliveries, and snow removal. Streets shall not be laid out so as to encourage outside or through traffic to traverse the development on minor streets.

(D) Vehicular access to public streets, from off-street parking and service areas serving less than eighty (80) dwelling units, may be directly to the street via a single point of access. Vehicular access, from off street parking and service areas serving eighty (80) or more units, shall require two (2) or more points of access. Determination of number of the actual dwelling units served shall be based on normal routing of traffic anticipated in the development.

(E) Vehicular access from off-street parking and service areas shall be designed to minimize the number of curb cuts and to promote safe traffic flow.

(F) **Ways for pedestrians and cyclists; use by emergency or service vehicles.** Ways shall be provided to all dwelling units, project

facilities and principal off-site destinations. Accessways to be used by children as routes to school or other destinations shall be so located and safeguarded as to minimize contacts with automotive traffic. Street crossings shall be held to a minimum on such walkways. Pedestrian ways may be combined with other easements and used only by emergency or service vehicles.

(G) **Protection of visibility - cyclists and pedestrians.** Visibility clearance at intersections shall be as provided in Section 5-300.

(H) Recycling collection centers shall be designed and located in accordance with the provisions of Section 5-607 of this Ordinance and the requirements of the Facilities Standards Manual.

(I) **Uses adjacent to single-family residential, or agricultural and residential districts or land bays allowing residential uses.** Where residential uses in a PD-H district adjoin a single-family residential, agricultural, residential district or land bay allowing residential uses, the development shall provide for either:

(1) Single family dwellings on minimum lots of (20,000) square feet or greater, exclusive of major floodplain, along such perimeter, or;

(2) A permanent open space buffer along such perimeter at least fifty (50) feet in width, landscaped with a Type 2 Buffer Yard.

(J) Planned shopping centers and convenience establishments adjacent to single-family residential, agricultural-residential districts shall provide a permanent open space buffer at least seventy-five (75) feet in width with a Type 3 Buffer Yard. Other nonresidential uses in such perimeter areas shall provide the yards required by Section 4-305(B)(2) or Section 4-505(B)(2), as applicable and at least fifty (50) feet of the required yards shall be devoted to a permanent open space buffer with a Type 3 Buffer Yard.

4-111 Open Space.

(A) **Open Space.** A minimum of thirty percent (30%) of the land within the district, excluding the land designated for road rights-of-way, commercial and industrial uses, shall be devoted to open space. Active recreation space required under the Urban Residential Districts, in Article III, shall be counted toward the open space requirements and all, or a portion of, which may be located outside of the individual R-district land bay to create more

functional recreation areas. Land comprising major floodplain, steep slopes, active recreation open space, common open space and dedicated open space shall all be counted toward satisfying this minimum open space requirement. The general location and character of the required open space shall be depicted on the Concept Development Plan.

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

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

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

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

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

(ii) Membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community and said organization shall not discriminate in its members or shareholders.

(iii) The organization shall manage, maintain, administer and operate all open space and improvements and other land not publicly or privately owned, and shall secure adequate

liability insurance on the land and such improvements.

(iv) Sales brochures or other literature and documents provided by the seller of all lots within a PD-H district shall include information regarding membership requirements and responsibilities of such organizations.

(c) Retention of ownership, control, and maintenance of common open space and improvements by the developer.

(2) All common open space not dedicated to the County shall be subject to restrictive covenants running with the land restricting its use to that specified in the approved Development Plan. Such restrictions shall be for the benefit of, and enforceable by, all present or future residential property owners and the Board of Supervisors of Loudoun County.

(3) All common open space, as well as public recreational facilities, shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

Section 4-200 PD-CC Planned Development - Commercial Center.

4-201 **Purpose.** These districts are created to permit the development of neighborhood, community, and regional shopping centers in scale with surrounding market areas, at locations recommended in the Loudoun County Comprehensive Plan. These shopping centers shall serve areas not already conveniently and adequately provided with commercial and service facilities of the kind proposed. It is intended to permit the establishment of such districts with carefully organized buildings, service areas, parking areas and landscaped open space; with design features which reduce traffic; and with design, landscaping and buffers which protect property values in surrounding neighborhoods. Planned Development-Commercial Centers shall provide a broad range of facilities and services appropriate to the general need of the area served. Within the broad classification of Planned Development- Commercial Center, several separate types of shopping centers are identified. The type of center appropriate to any specific location shall be determined by the market served; the proximity and access provided to residential districts; and consistency with the Comprehensive Plan.

4-202 **Purpose, Size and Location of Individual Districts.**

(A) **Neighborhood Center (NC).** This district is established to permit the development of small scale commercial centers which serve the convenience needs of residential neighborhoods immediately adjacent to or within walking distance of the center. Neighborhood centers shall be located on local access or two lane minor collector roads, and shall be designed, landscaped and buffered so as to be compatible with neighboring development. When mapped, each district shall be a minimum of 1.5 acres and a maximum of six (6) acres in area. This district is intended to have a mix of uses of which no one use shall exceed 5000 square feet or 50% of the gross floor area of the center, whichever is less, without special exception approval.

(B) **Community Center (CC).** This district is established to permit the development of commercial centers which serve the retail shopping needs of the surrounding community. Community centers are centrally located on collector roads within a ten (10) minute drive to the community it is intended to serve. Such centers shall be sited so as to complement the character of the surrounding community, to include appropriate pedestrian linkages with adjacent land uses, and shall be designed, landscaped and buffered so as to be compatible with neighboring development.

When mapped such district shall be a minimum of six (6) acres and a maximum of twenty (20) acres in area.

(C) **Small Regional Center (SC).** This district is established to permit the development of small regional centers consisting of individual large and small scale commercial uses selling a broad range of goods or services to a market area beyond the local community. Specialty centers shall be located with controlled access to major collector roads and will be designed, landscaped, and buffered so as to be compatible with neighboring development. When mapped, such district shall be a minimum of twenty (20) acres and a maximum of sixty (60) acres.

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

4-203 **Permitted Uses.** The following uses shall be permitted in each type of shopping center subject to the requirements and limitations of these regulations.

(A) **Neighborhood Center.**

(1) Adult day care center.

(2) Bank or financial institution, pursuant to Section 5-659.

(3) Child care center, pursuant to Section 5-609.

(4) Convenience food store without gas pumps, pursuant to Section 5-617.

(5) Personal service establishment.

(6) Pharmacy, pursuant to Section 5-659.

(7) Recycling drop-off collection center, small, pursuant to 5-607(A).

(8) Restaurant.

(9) Community center.

(10) Office, administrative, business, professional, medical and dental, not to exceed 20% of the gross floor area of the neighborhood center.

(11) Agriculture, horticulture, forestry, and fishery.

(12) Art gallery.

(13) Business service establishment.

(14) Commuter parking lot.

(15) Facility for lessons in dance, gymnastics, judo, and sports training.

(16) Food store.

(17) Health and fitness center.

(18) Home service establishment.

(19) Medical care facility, outpatient only.

(20) Park.

(21) Post office, drop off and pick up.

(22) Restaurant, carry-out only.

(23) Retail sales establishment.

(24) Studio space - artist, crafts person, writer, etc.

(25) Utility substation, dedicated.

(26) Water pumping station.

(27) Printing service.

(28) Sewage pumping station.

(29) Construction retail establishment.

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

(31) Training Facility, accessory to a permitted or special exception use.

(32) Interactive Science & Technology Center.

(B) **Community Center.**

(1) All uses permitted in a Neighborhood Center, excluding: the following:

(a) Construction retail establishment.

(2) Theater, indoor.

(3) Bowling alley.

(4) Library.

(5) Recreation establishment, indoor.

(6) Restaurant, dinner theatre.

(7) Private club or lodge.

(8) Public utility service center, without outdoor storage.

(9) Radio and television recording studio.

(C) **Small Regional Center.**

(1) All uses permitted in a Neighborhood or Community Center, including a Construction retail establishment.

(2) Motor vehicle sales and accessory service.

(3) Car Wash.

(4) Motor vehicle service and repair, light.

(5) Restaurant, with drive-through facility.

(6) Restaurant, carry-out only.

(7) Motorcycle or ATV sales, rental, repair and associated service.

(8) Training Facility.

(D) **Regional Center.**

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

(2) All uses permitted in a Neighborhood or Community Center, including a Construction retail establishment, but excluding the following:

(a) Home service establishment.

(3) Motor vehicle service and repair, light.

(4) Car wash.

(5) Restaurant, with drive-through facility.

(6) Restaurant, carry-out only.

(7) Training Facility.

4-204 **Special Exception Uses.** The following uses may be permitted by the Board of Supervisors, and if approved, may be subject to certain conditions, pursuant to Section 6-1300.

(A) **Neighborhood Center.**

(1) Any one permitted use in excess of 5,000 sq.ft. in gross floor area.

(2) Any one permitted use which exceeds fifty percent (50%) of the gross floor area of the neighborhood center in which it is located.

(3) Any compatible use which serves the immediate neighborhood and is not a use already listed for any district in the Zoning Ordinance.

(4) Gas pumps accessory to a convenience food store, pursuant to Section 5-617.

(5) Automotive service station.

(6) Outdoor sales area, accessory.

(7) Recreation establishment, indoor.

(8) Fire and/or rescue station.

(9) Mass transit facilities and stations.

(10) Public utility service center, without outdoor storage.

(11) Veterinary service.

(12) Animal hospital or day care center for pets.

(13) Water storage tank.

(14) Water treatment plant.

(15) Sewage treatment plant.

(16) Crematorium.

(17) Car wash, accessory to a convenience food store, pursuant to Section 5-617.

(18) Police station.

(19) Office, administrative, business, professional, medical and dental in excess of 20% of the gross floor areas of the neighborhood center.

(20) Training Facility.

(B) **Community Center.**

(1) Any compatible use which serves the surrounding community and is not a use already listed for any district in the Zoning Ordinance.

(2) Automobile service station.

(3) Office, administrative, business, professional, medical and dental, in excess of twenty percent (20%) of the total floor space of the community center.

(4) Gas pumps accessory to a convenience food store, pursuant to Section 5-617.

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

(6) Outdoor sales area, accessory.

(7) Fire and/or rescue station.

(8) Mass transit facilities and stations.

(9) Restaurant, with drive-through facilities.

(10) Veterinary service.

(11) Animal hospital.

(12) Sewage treatment plant.

(13) Water treatment plant.

(14) Water storage tank.

(15) Crematorium.

(16) Construction retail establishment.

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

(18) Police station.

(19) Training Facility.

(C) **Small Regional Center.**

(1) Same as Community Center, excluding the following:

(a) Construction retail establishment.

(2) Kennel, Indoor, pursuant to Section 5-606.

(3) Hotel/Motel, pursuant to Section 5-611.

(4) Motor vehicle rental, with outdoor storage only.

(D) **Regional Center.**

(1) Same as Small Regional Center.

4-205 Lot Requirements.

(A) **Size.** No minimum.

(B) **Width.** No minimum.

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

(1) **Adjacent to Roads.**

(a) **Neighborhood Center (NC).** No building, parking, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than (25) feet to any road right-of-way, however if a structure's front entrance faces the street without an intervening parking area, the depth of such yard may be reduced to thirteen (13) feet except as provided in Section 4-206(E).

(b) **Community Center (CC).** No building, parking, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than (35) feet to any road right-of-way, except as provided in Section 4-206(E). No parking, outdoor storage, areas for collection of refuse or loading space shall be permitted in areas between buildings and streets where such uses are visible from any road.

(c) **Small Regional Center (SC).** No building, parking, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than (35) feet to any road right-of-way, except as provided in Section 4-206(E). No parking, outdoor storage, areas for collection of refuse or loading space shall be permitted in areas between buildings

and streets where such uses are visible from any road.

(d) **Regional Center (RC).** No building, parking, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than (50) feet to any road right-of-way, except as provided in Section 4-206(E). No parking, outdoor storage, areas for collection of refuse or loading space shall be permitted in areas between buildings and streets where such uses are visible from any road.

(2) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** (All Centers) No building, parking, outdoor storage, areas for collection of refuse or loading area shall be permitted closer than (100) feet to any agriculture districts, any existing or planned residential district, or land bays allowing residential uses. No parking, outdoor storage, areas for collection of refuse or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses or areas are visible from said agricultural and residential areas.

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

4-206 Building Requirements.

(A) **Lot Coverage.** No maximum.

(B) **Floor Area Ratio.** .40 maximum with surface parking lots; .60 maximum if parking structures are provided; 2.0 maximum on individual lots within a commercial center, provided the commercial center is developed in accordance with a proffered concept development plan which limits the maximum overall FAR of the center to no more than .40 FAR.

(C) **Building Height.** No building in any commercial center shall exceed forty five (45) feet; except that in small regional and regional centers a building may be erected to a maximum of 50 feet in a Small Regional Center and 100 feet in a Regional Center

district if it is set back from public streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than one (1) foot for each one (1) foot of height that it exceeds the forty five (45) foot limit.

(D) **Vehicular Access.** Primary access shall be prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods. Each commercial center shall provide a vehicular circulation plan that minimizes direct vehicular access to parking stalls from major cartways, and provides other on and off-site improvements to enhance pedestrian and vehicular circulation. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic. In addition, each commercial center shall provide convenient and coordinated vehicular access to public roadways only as follows:

(1) **Neighborhood Centers.** Local access roads.

(2) **Community Centers.** Collector roads.

(3) **Small Regional Centers.** Major collector roads.

(4) **Regional Centers.** Controlled access onto arterial roads.

(E) **Development Setback and Access from Major Roads.** In designing a planned shopping center development, the requirements of Section 5-900 shall be observed.

(F) **Pedestrian Access.**

(1) **Pedestrian Circulation Plan.** Each commercial center shall provide a pedestrian circulation plan identifying improvements that accomplish the following:

(a) Minimizes conflict between pedestrians and moving motor vehicles.

(b) Channelizes pedestrian flows to crossing areas and delineates paths across major cartways, such as striping and signage; and

(c) Connects internal pedestrian walkways to existing walkways and/or makes provision for connecting to future site walkways.

(2) In addition, each type of commercial center should be established with the following pedestrian facilities:

(a) **Neighborhood Center.** Walkways shall provide a convenient and safe access to surrounding residential neighborhoods, stores and shops.

(b) **Community Center.** Walkways shall provide convenient and safe access from adjacent residential or commercial areas to the center.

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

4-207 Use Limitations.

(A) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuter parking may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided for in Section 5-1100. Accessory structures and uses other than for commuters shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.

(B) **Landscaped Open Space.** Minimum landscaped open space shall not be less than .20 times the buildable area of the commercial center.

(C) **Site Planning - External Relationships.** Commercial and service uses and structures and their parking areas shall be oriented toward existing and planned major arterials, minor arterials, or collector streets and away from adjacent existing and planned minor streets in residential neighborhoods or from existing and planned adjacent residential neighborhoods not separated from the district by streets.

(1) Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse,

loading areas and parking from streets, agricultural and residential uses.

(2) At principal vehicular access points, service drives, and turn-out lanes, traffic separation devices and merging lanes may be required based on the anticipated flow of traffic. Such service drives, or turn-out and merging lanes may be allowed as part of the required yard adjacent to a collector or arterial street. No such service drive or lane, and no vehicular entrance or exits, shall be counted as part of any required landscaped area.

(3) For individual lots subdivided within a commercial center that is developed in accordance with a proffered concept development plan, the buffer and screening requirements of Section 5-1400 shall apply only to the perimeter area of the center and shall not be applicable internally between uses on adjacent lots developed within the center.

(D) **Site Planning - Internal Relationships.** Commercial buildings shall be so grouped in relation to parking areas that after customers arriving by automobile enter the center, establishments can be visited with a minimum of internal automotive movement. Facilities and access routes for shopping center deliveries, servicing and maintenance shall, so far as reasonably practicable, be separated from customer access routes and parking areas. Areas where deliveries to customers in automobiles are to be made or where services are to be provided for automobiles, shall be so located and arranged as to minimize interference with pedestrian traffic within the center.

(1) All utility distribution lines located on PD-CC designated land shall be placed underground.

(2) Commercial and service uses and structures and their parking areas shall be oriented toward existing and planned major arterials, minor arterials, or collector streets and away from adjacent existing and planned minor streets in residential neighborhoods or from existing and planned adjacent residential neighborhoods not separated from the district by streets.

(3) Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse,

loading areas and parking from streets and agricultural and residential uses.

(4) At principal vehicular access points, service drives, turn-out lanes, traffic separation devices and merging lanes may be required based on the anticipated flow of traffic. Such service drives, or turn-out and merging lanes may be allowed as part of the required yard adjacent to a collector or arterial street. No such service drive or lane, and no vehicular entrance or exits, shall be counted as part of any required landscaped area.

(5) For individual lots subdivided within a commercial center that is developed in accordance with a proffered concept development plan, the buffer and screening requirements of Section 5-1400 shall apply only to the perimeter area of the center to buffer adjacent public roads and properties and shall not be applicable internally between uses on adjacent lots developed within the center.

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

Section 4-300 PD-OP Planned Development - Office Park.

4-301 **Purpose.** A Planned Development - Office Park district is established primarily for administrative, business and professional offices and necessary supporting accessory uses and facilities, designed with a park-like atmosphere and environmentally sensitive design to accommodate and complement existing natural features including extensive landscaping, low ground coverage by buildings, buildings of moderate height, and careful attention to such aesthetic considerations as location and size of signs, lighting, parking and service areas and the like.

4-302 **Size and Location.** When mapped, the district shall be no less than five (5) acres and shall be located:

(A) On arterial or collector roads.

(B) In areas served by public water and sewer facilities.

(C) In areas compatible with other commercial development.

(D) As envisioned in the Comprehensive Plan.

Incremental and contiguous additions of a minimum of one (1) acre to an existing PD-OP zoning district shall be allowed. Incremental additions must demonstrate their relationship and compatibility with the previously approved district to which it is being added.

4-303 **Permitted Uses.** The following uses shall be permitted in any PD-OP district, subject to the requirements and limitations of these regulations:

(A) Office, administrative, business and professional.

(B) Bank or financial institution, pursuant to Section 5-659.

(C) Commuter parking lot.

(D) Health and fitness center.

(E) Office, medical and dental.

(F) Post office.

(G) Adult day care center.

(H) Educational institution.

(I) Recycling drop-off collection center, small, pursuant to Section 5-607.

(J) Printing service.

(K) Agriculture, horticulture, forestry, and fishery.

(L) Business service establishment, pursuant to Section 5-661.

(M) Conference or training center.

(N) Library.

(O) Park.

(P) Public utility service center, without outdoor storage.

(Q) Radio and television recording studio.

(R) Research, experimental, testing or development activities.

(S) Utility substation, dedicated.

(T) Water pumping station.

(U) Sewer pumping station.

(V) Utility substation, distribution, pursuant to Section 5-616.

(W) Church, synagogue and temple.

(X) Child care center, pursuant to Section 5-609(B).

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

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

(AA) Training Facility.

(BB) Medical care facility, outpatient only.

(CC) Uses auxiliary to permitted principal uses on a stand-alone basis such as, but not limited to, restaurants including carry-out, and drive-through facilities, personal service establishments, convenience food stores, and automobile service stations, not to exceed a total of ten percent (10%) of the total allowable floor area of the office park shown on a concept development plan.

4-304 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors and, if approved, may be subject to conditions pursuant to the provisions of Section 6-1300.

(A) Heliport, helistop.

(B) Hospital, pursuant to Section 5-610.

(C) Hotel/Motel, pursuant to Section 5-611.

(D) Radio, radar and/or television tower.

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

(F) Utility transmission lines, overhead.

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

(H) Fire and/or rescue station.

(I) Golf course.

(J) Mass transit facilities and stations.

(K) Personal service establishment.

(L) Restaurant.

(M) Sewage treatment plant.

(N) Water treatment plant.

(O) Water storage tank.

(P) Facility for lessons in dance, gymnastics, judo, and sports training.

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

(R) Police station.

(S) School, public and private.

(T) Automobile service station.

(U) Car wash.

(V) Convenience food store, pursuant to Section 5-617.

4-305 Lot Requirements.

(A) **Size.** One (1) acre minimum, exclusive of major floodplain.

(B) **Yards.**

(1) **Adjacent to roads.** Except where a greater setback is required by Section 5-900, no building shall be permitted closer than thirty-five (35) feet to the right-of-way from any road and no parking shall be permitted closer than twenty-five (25) feet to the right-of-way from any road. No outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks.

(2) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than fifty (50) feet to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses. No parking shall be permitted closer than thirty-five (35) feet to any such area. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from said agricultural and residential areas. When a PD-OP lot, parcel and/or landbay is developed adjacent to an agricultural district, an existing or zoned residential district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to the adoption of this zoning ordinance and subsequent to zoning of the subject property as PD-OP, the setback required in (B)(3) below shall apply.

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

(4) **Yards Between Buildings.**

(a) Where individual lots or building sites are provided, the minimum required yards between buildings on adjacent lots or building sites shall be thirty (30) feet. Driveways, parking, and covered entrances may be within such yards. Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such yards.

(b) Where there is more than one building on an individual lot or building site, spacing between such buildings shall be as required for fire protection, but if space is left between buildings, it shall be at least (25) feet in minimum dimension. Covered walkways connecting buildings, or connecting buildings with parking areas are permitted in such yards and may traverse such space.

4-306 Building Requirements.

(A) **Lot Coverage.** .40 maximum; up to .60 maximum by Special Exception.

(B) **Building Height.** Sixty (60) feet provided that a building may be erected to a maximum height of (100) feet if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than one (1) foot for each one (1) foot of height that it exceeds the sixty (60) foot limit.

(C) **Floor Area Ratio.** .60 maximum; up to 2.0 maximum by Special Exception.

4-307 Use Limitations.

(A) **Accessory Uses.** The following accessory uses shall be permitted provided they are located in the same building as the permitted principal uses primarily served, and provided they occupy in the aggregate not more than twenty-five percent (25%) of the floor area of such building:

(1) Central reproduction and mailing services, and the like.

(2) Quick print shop.

(3) Restaurant, including carry-out, but excluding drive-through.

(4) Pharmacies, laboratories, testing, engineering, and research, and establishments for the production, fitting or sale of optical or prosthetic appliances.

(5) Personal service establishment.

(6) Convenience food store.

(7) Retail sales establishment.

(B) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuter parking may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided for in Section 5-1100.

(C) **Landscaped Open Space.** Landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot. Such open space shall be landscaped and maintained in accord with Section 5-1400.

(D) **Utility Requirements.** All new utility distribution lines located on PD-OP zoned land shall be placed underground.

(E) **Site Planning.** Within any PD-OP district, landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets, agricultural and residential uses.

(F) **Access from Major Roads.** Access from adjacent public roads shall comply with Section 5-900 of this Ordinance.

(1) Primary access shall be prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods.

Section 4-400 PD-RDP Planned Development - Research and Development Park.

4-401 **Purpose and Intent.** The Research and Development Park is a planned mixed employment park with a comprehensive development plan, which is designed to ensure compatibility between the land-use activities therein and the existing activities and character of the community in which the facility is located. The district objectives are to:

(A) Provide an opportunity for mixed employment development character which allows the mixing of research and development firms, office complexes, certain types of manufacturing, and inter-related land uses.

(B) Encourage linked industries to cluster in a section of the employment center.

(C) Allow a Floor Area Ratio (FAR) of up to .60 for a district if specific guidelines contained herein are achieved to the satisfaction of the Board of Supervisors.

(D) Allow an applicant/landowner to construct buildings in excess of the .60 FAR within the district; however, the overall district FAR approval cannot exceed .60.

4-402 **Size and Location.** The PD-RDP District shall be located only within a Primary Highway Transportation Improvement District, within a keynote employment area and in accordance with locational criteria designated in the County's Comprehensive Plan. Each PD-RDP District shall be served by public water and sewer. Each district shall be a minimum of twenty (20) acres, except that a two (2) acre minimum shall be permissible for incremental and contiguous additions to a previously mapped district. Incremental additions must demonstrate their relationship and compatibility with the previously approved district to which it is being added.

4-403 **Permitted Uses.** The following uses shall be permitted in any PD-RDP district, subject to the requirements and limitations of these regulations:

(A) Office, administrative, business and professional.

(B) Educational institution.

(C) Hotel/Motel, serving as an ancillary and interrelated component of the park.

(D) Post office.

(E) Park or plaza.

(F) Research, experimental, testing, and/or development activities where manufacturing, fabrication, production, testing, repair, storage, sale, or resale of materials, goods, and products which are purchased and reassembled are incidental to the principal use.

(G) Uses supportive and complementary to a specific research and development park and intended primarily to serve businesses and employees therein, but not to exceed five percent (5%) of the total acres, excluding street rights-of-way, or five percent (5%) of the total floor space of the research and development park; including business service establishments, personal service establishments, outpatient medical care facilities, health and fitness centers, child care centers, adult day care centers and restaurants, but excluding drive- through facilities; and provided such uses are not in free standing buildings.

(H) Conference or training center.

(I) Museum, cultural center, arboretum.

(J) Commuter parking lot.

(K) Adult day care center.

(L) Recycling drop-off collection center, small, pursuant to Section 5-607.

(M) Restaurant, dinner theatre.

(N) Printing service.

(O) Agriculture, horticulture, forestry, or fishery.

(P) Art gallery.

(Q) Bank or financial institution, pursuant to Section 5-659.

(R) Business service establishment.

(S) College or university or other educational institution over (50,000) sq. ft. in floor area.

(T) Health and fitness center.

(U) Library.

(V) Office, medical and dental.

(W) Performance arts center.

(X) Public utility service center, without outdoor storage.

(Y) Radio and television recording studio.

(Z) Restaurant, carry-out only.

(AA) Utility substation, dedicated.

(BB) Water pumping station.

(CC) Sewer pumping station.

(DD) Utility substation, distribution, pursuant to Section 5-616.

(EE) Church, synagogue and temple.

(FF) Child care center, pursuant to Section 5-609.

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

(HH) Training Facility.

4-404 **Special Exception Uses.** The following uses, and increases in limits, may be approved by the Board of Supervisors, and if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

(A) An increase in the maximum building height pursuant to 4-406(B).

(B) An increase in the maximum floor area ratio pursuant to 4-406(C).

(C) Heliport, helistop.

(D) Hospital, pursuant to Section 5-610.

(E) Radio, radar and/or television tower.

(F) Utility transmission lines, overhead.

(G) Uses of the type described in Section 4-403(G), but either exceeding the size or freestanding building limitation thereof.

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

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

(J) Fire and/or rescue station.

(K) Golf course.

(L) Manufacture, processing, fabrication and/or assembly of products such as, but not limited to: scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceutical, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchases glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery.

(M) Mass transit facilities and stations.

(N) Medical care facility, outpatient only.

(O) Hotel/Motel.

(P) Personal service establishment.

(Q) Restaurant.

(R) Sewage treatment plant.

(S) Water treatment plant.

(T) Water storage tank.

(U) School, private, accessory to a church.

(V) Car wash, accessory to a convenience food store, pursuant to Section 5-617.

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

(X) Police station.

(Y) School, public.

4-405 Lot Requirements.

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

(B) **Yards.**

(1) **Adjacent to roads.** Except where a greater setback is required by Section 5-900, no building shall be permitted closer than thirty-five (35) feet to any roads and no parking shall be permitted closer than twenty-five (25) feet to the right-of-way of any road. No outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks.

(2) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses. No parking shall be permitted closer than fifty (50) feet to any such districts and uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from the said agricultural and residential areas. When a PD-RDP lot, parcel and/or landbay is developed adjacent to an agricultural district, an existing or zoned residential district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to the adoption of this zoning ordinance and subsequent to zoning of the subject property as PD-RDP, the setback required in (B)(3) below shall apply.

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

(4) **Yards Between Buildings**.

(a) Where individual lots or building sites are provided, the minimum required yards between buildings on adjacent lots or building sites shall be thirty (30) feet. Driveways, parking, and covered entrances

may be within such yards. Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such yards.

(b) Where there is more than one building on an individual lot or building site, spacing between such buildings shall be as required for fire protection, but if space is left between buildings, it shall be at least 25 feet in minimum dimension. Covered walkways connecting buildings, or connecting buildings with parking areas are permitted in such yards and may traverse such space.

4-406 Building Requirements.

(A) **Lot Coverage.** .55 maximum.

(B) **Building Height.** Forty-five (45) feet provided that a building may be erected to a maximum height of one hundred feet if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than one (1) foot for each one (1) foot of height that it exceeds the 45-foot limit.

(C) **Floor Area Ratio (FAR).**

(1) **Maximum FAR Permitted.** .60 maximum; up to 2.0 maximum by Special Exception.

4-407 Use Limitations.

(A) **Landscaped Open Space.** Landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot.

(B) **Buffering/Screening.** Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading area and parking from streets and agricultural and residential uses.

(C) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuters may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided for in Section 5-1100. Accessory structures and uses other than for commuter parking shall be permitted only

where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.

(D) **Loading Areas.** No loading area shall be permitted within the required yard of any building. All loading shall be placed at the rear or side of the building. Loading areas shall be screened from view of adjoining land not in the PD-RDP district and from public streets.

(E) **Minimum Floor Space Mix.** At build-out, a minimum of twenty (20%) percent of total floor space in the park shall be committed to research and development uses or to Educational Institutions or schools, public or private.

(F) **Utility Requirements.** All utility distribution lines located on PD-RDP zoned land shall be placed underground.

(G) **Access from Major Roads.** Access from adjacent public roads shall comply with Section 5-900 of this Ordinance.

(1) Primary access shall be prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods.

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

Section 4-500 PD-IP Planned Development - Industrial Park.

4-501 **Purpose.** The district is established for light and medium industrial uses, office uses, and necessary supporting accessory uses and facilities, designed with a park-like atmosphere to complement surrounding land uses by means of appropriate siting of buildings and service areas, attractive architecture, and effective landscape buffering.

4-502 **Size and Location.** PD-IP districts shall be located in areas served by one or more major arterial or collector roads, by public water and sewer, and consistent with locations identified in the Comprehensive Plan for industrial use. When mapped, the district shall be no less than twenty (20) acres in size. Incremental and contiguous additions of a minimum of one (1) acre to an existing PD-IP zoning district shall be allowed. Incremental additions must demonstrate their relationship and compatibility with the previously approved district to which it is being added.

4-503 **Permitted Uses.** The following uses shall be permitted in any PD-IP district, subject to the requirements and limitations of these regulations.

(A) Adult day care center.

(B) Agriculture, horticulture, forestry, or fishery.

(C) Commuter parking lot.

(D) Distribution facility.

(E) Facility for lessons in dance, gymnastics, judo and sports training.

(F) Flex industrial use, pursuant to Section 5-608.

(G) Office, administrative, business and professional, (i.e. office uses) provided:

(1) Office uses are an integral design element of a site plan for an industrial site or park containing not less than 40,000 square feet of gross floor area; and

(2) Office uses shall be located no further than 100 feet from the setback, as established by Section 5-900, of an arterial or major collector road; and

(3) Office uses shall be the prominent features when viewed from adjacent roadways; and

(4) Parking may be located in the side and rear yards and in no case shall parking be located between the building and the arterial or major collector road. On a corner or through lot, there shall be only one front yard as established by Section 1-205(C); and

(5) Buildings which contain office uses shall be a minimum of twenty-six (26) feet in height.

(H) Manufacture, processing, fabrication and/or assembly of products such as, but not limited to: scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceutical, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchases glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery.

(I) Post office.

(J) Radio and television recording studio.

(K) Recycling drop off collection center, small, pursuant to Section 5-607.

(L) Research, experimental testing, or development activities.

(M) Wholesale trade establishment, pursuant to Section 5-663.

(N) Uses auxiliary to (which serve the users of) existing permitted principal uses within a specific industrial park, such as, but not limited to restaurants including drive-through facilities, personal service establishments, convenience food stores, and automobile service stations, not to exceed a total of ten percent (10%) of the total allowable floor area of the industrial park shown on a concept development plan.

(O) Bakery, commercial.

(P) Bank or financial institution, pursuant to Section 5-659.

(Q) Dwelling, accessory to a permitted or special exception use.

(R) Printing service.

(S) Warehousing facility, pursuant to Section 4-507(E).

(T) Auction house.

(U) Business service establishment, pursuant to Section 5-661.

(V) Health and fitness center.

(W) Park.

(X) Postal service, including overnight courier collection and overnight mail distribution facility.

(Y) Restaurant, carry-out only.

(Z) Water pumping station.

(AA) Utility substation, dedicated.

(BB) Conference or training center.

(CC) Sewer pumping station.

(DD) Utility substation, distribution, pursuant to Section 5-616.

(EE) Church, synagogue, temple or mosque.

(FF) Motor vehicle service and repair, light.

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

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

(II) Funeral home, pursuant to Section 5-658.

(JJ) Training Facility.

(KK) Interactive Science & Technology Center.

(LL) Outdoor storage, accessory, up to 10% of lot area.

(MM) Contractor service establishment, with outdoor storage up to 20% of lot area, pursuant to Section 5-662.

(NN) Recreation establishment, outdoor or indoor, provided:

(1) Parking areas for recreation establishments shall be designed to enhance the safety of children as they arrive at and leave the facility; and

(2) Recreation establishments shall include a designated pickup and delivery zone, providing at a minimum one (1) parking space per twenty (20) children and shall be located in proximity to the recreation establishment in such a way that provides safe and clearly designated access to enter or exit the facility.

(OO) Animal hospital.

(PP) Civic, social, fraternal association meeting place.

(QQ) Educational institution.

(RR) Medical care facility, outpatient only.

(SS) Motorcycle or ATV sales, rental, repair and associated service.

4-504 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors pursuant to the provisions of Section 6-1300.

(A) Office, administrative, business and professional, which do not meet the criteria contained in Section 4-503(G).

(B) Golf driving range.

(C) Heliport, helistop.

(D) Hospital, pursuant to Section 5-610.

(E) Hotel/Motel, pursuant to Section 5-611.

(F) Public utility service center with or without storage yard.

(G) Sewage treatment plant.

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

(I) Utility transmission lines, overhead.

(J) Water treatment plant.

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

(L) Motor vehicle service and repair, heavy.

(M) Printing service plant.

(N) Child care center, pursuant to Section 5-609(B).

(O) Fire and/or rescue station.

(P) Dry cleaning plant.

(Q) Automotive service station.

(R) Car wash.

(S) Golf course.

(T) Motor vehicle rental, with outdoor vehicle storage only.

(U) Personal service establishment.

(V) Recreation establishment, outdoor or indoor, which do not meet the criteria contained in Section 4-503(NN).

(W) Recycling drop-off collection center, large, pursuant to Section 5-607.

(X) Mass transit facilities and stations.

(Y) Water storage tank.

(Z) Firearm range, archery range, indoor.

(AA) Outdoor storage, accessory, in excess of 10% of lot area.

(BB) Parking Lot/Valet Service, Long-Term.

(CC) School, public.

(DD) School, private, pursuant to Section 5-623.

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

(FF) Police station.

(GG) Camp, day.

(HH) Contractor service establishment, with outdoor storage in excess of 20% of lot area, pursuant to Section 5-662.

(II) Convenience food store, pursuant to Section 5-617.

(JJ) Restaurant.

4-505 Lot Requirements.

(A) **Size.** One (1) acre minimum, exclusive of major floodplain.

(B) **Yards.**

(1) **Adjacent to roads.** Except where a greater setback is required by Section 5-900, no building shall be permitted closer than thirty-five (35) feet to the right-of-way from any road and no parking shall be permitted closer than twenty-five (25) feet to the right-of-way from any road. No outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks.

(2) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than seventy-five (75) feet to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses. No parking shall be permitted closer than thirty-five (35) feet to any such districts and uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from the said agricultural and residential areas. When a PD-IP lot, parcel and/or landbay is developed adjacent to an agricultural district, an existing or zoned residential district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to the adoption of this zoning ordinance and subsequent to zoning of the subject property as PD-IP, the setback required in (B)(3) below shall apply.

(3) **Adjacent to Other Nonresidential Districts.** Fifteen (15) feet for buildings, parking, outdoor storage, and loading areas, except where a greater area is required by Section 5-1400. In the event that a single parcel is zoned for more

than one non-residential zoning district, the applicable yard requirement shall be applied only at the property line and not at the zoning district line.

(4) **Yards Between Buildings.**

(a) Where individual lots or building sites are provided, the minimum required yards between buildings on adjacent lots or building sites shall be thirty (30) feet. Driveways, parking, and covered entrances may be within such yards. Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such yards.

(b) Where there is more than one building on an individual lot or building site, spacing between such buildings shall be as required for fire protection, but if space is left between buildings, it shall be at least 25 feet in minimum dimension. Covered walkways connecting buildings, or connecting buildings with parking areas are permitted in such yards and may traverse such space.

4-506 Building Requirements.

(A) **Lot Coverage.** .45 maximum; up to .60 maximum by Special Exception.

(B) **Building Height.** Forty-five (45) feet maximum provided that a building may be erected to a maximum height of one hundred feet if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than one (1) foot for each one (1) foot of height that it exceeds the 45-foot limit.

(C) **Floor Area Ratio.** .40 maximum; up to .60 by Special Exception.

4-507 Use Limitations.

(A) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuters may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided in Section 5-1100.

(B) **Landscaped Open Space.** Landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot.

(C) **Screening and Buffering.** Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading area, and parking from streets and agricultural and residential uses.

(D) **Outdoor Storage, Accessory.**

(1) No storage of any kind shall be permitted within any front yard, except for underground bulk storage of gasoline or petroleum products.

(2) Underground bulk storage of gasoline or petroleum products shall not be permitted, except for automobile service stations or as incidental to manufacturing and research and development operations or the servicing of company owned or lease vehicles within enclosed areas defined in (3) below.

(3) Outdoor storage of new and reusable materials, equipment, and vehicles shall be permitted within enclosed areas which are composed of mixed wood, masonry walls, plantings, or other suitable barriers approved by the Zoning Administrator. Such areas must be buffered and screened on the periphery of the storage area.

(4) Waste materials must be stored in a closed container. The burning of waste materials is prohibited.

(E) **Retail Sales as an accessory use.** Warehousing facilities may have retail sales as an accessory use in accordance with the following:

(1) Such warehousing facility stores goods for at least one retail establishment located in a zoning district where retail is a permitted principal use.

(2) At least seventy-five (75) percent of the gross floor area of the facility is devoted to warehousing facility use that is not a display area or retail sales area and is not accessible to the public.

(3) Such use shall be designed so that pedestrian and vehicular circulation are coordinated with that on-site and on adjacent properties and vehicular access to the site shall be provided via the internal circulation system of the industrial park.

(4) Such use shall be designed to provide safe and convenient access and to minimize any potential conflicts between industrial service and delivery vehicles, passenger vehicles and pedestrian traffic.

(5) Any improvements, such as but not limited to additional parking spaces, travel aisles, additional landscaping, and additional floor area required as the result of the introduction of retail uses to an area designed and developed for industrial uses shall be provided.

(6) All business, service, storage and display of goods shall be conducted within a completely enclosed building, and all refuse shall be in completely enclosed facilities.

(7) Notwithstanding the requirements of Section 5-1102 Parking, the retail use shall require one (1) parking space per 500 gross square feet.

(8) No additional signs are permitted for the retail use; signage for the warehousing facility shall be as provided for in Section 5-1204(D).

(9) Submission and approval of a site plan or amended site plan, as appropriate, prior to the establishment of retail sales is required to demonstrate compliance with the aforementioned Use Limitations.

(F) **Vehicular Access.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through traffic. Principal vehicular access routes for public schools shall be designed to avoid through traffic by vehicles serving adjacent industrial properties.

(G) **Development Setback and Access from Major Roads.** In designing an industrial park development, the following requirements shall be observed:

(1) **Access from Major Roads.** Access from adjacent public roads shall comply with Section 5-900 of this Ordinance. Notwithstanding the foregoing, schools shall be permitted emergency access to an arterial or major collector road.

(2) Primary access shall be prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods.

(3) Public school buildings shall have a minimum setback of 100 feet from adjacent industrially zoned property.

(H) **Utility Requirements.** All new utility distribution lines located on PD-IP zoned land shall be placed underground.

(I) **Pedestrian Access for Public Schools.** Public school sites shall provide bicycle and pedestrian accommodations to adjacent residential communities.

(J) **On-Site Parking of Business Vehicles.** Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with a permitted use.

Section 4-600 PD-GI Planned Development - General Industry.

4-601 **Purpose.** This district is established primarily for medium industrial uses with a public nuisance potential, and necessary accessory uses and facilities, built in a well coordinated and attractive manner to be compatible with surrounding land uses.

4-602 **Size and Location.** Such districts shall be located primarily in the vicinity of Route 606, Dulles International Airport, or in areas served or to be served by public sewer and water, or alternate sewage facility systems approved by the County Health Department. Additional PD-GI districts may be permitted where consistent with the General Plan. When mapped, this district shall be no less than five (5) acres in size. Incremental and contiguous additions of a minimum of one (1) acre to an existing PD-GI zoning district shall be allowed. Incremental additions must demonstrate their relationship and compatibility with the previously approved district to which it is being added.

4-603 **Permitted Uses.** The following uses shall be permitted in any PD-GI district; subject to the requirements and limitations of these regulations:

(A) Agriculture, horticulture, forestry or fishery.

(B) Bakery, commercial.

(C) Distribution facility.

(D) Dry cleaning plant.

(E) Heavy equipment and specialty vehicle sales, rental, repair and accessory service.

(F) Manufacture, processing, fabrication and/or assembly, distribution of products, such as, but not limited to: Scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceutical, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchased glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery, mobile homes, prefabricated and modular housing and components, dairy products, feed and grain, baked and confectioners' goods, farm machinery, fruit and vegetable processing, canning, storage.

(G) Motor vehicle service and repair, heavy, with accessory motor vehicle sales, pursuant to Section 4-607(J).

(H) Motor vehicle service and repair, light.

(I) Post office, drop off and pick up.

(J) Postal service, including overnight courier collection and overnight mail distribution facilities.

(K) Printing service.

(L) Park.

(M) Public utility service center, with or without outdoor storage yard.

(N) Radio and television broadcasting, relay station.

(O) Recycling drop-off collection center, small, pursuant to Section 5-607.

(P) Research, experimental, testing, or development activities.

(Q) Warehousing facility.

(R) Wholesale trade establishment.

(S) Water pumping station.

(T) Commuter parking lot.

(U) Restaurant, carry-out only.

(V) Business service establishment, excluding retail sales and outdoor.

(W) Contractor service establishment, excluding retail sales.

(X) Flex industrial use, pursuant to Section 5-608.

(Y) Farm supplies.

(Z) Auction house.

(AA) Fruit processing, storage.

(BB) Home service establishment.

(CC) Sewer pumping station.

(DD) Storage, building material or contractors equipment, coal, lumber.

(EE) Utility substation, distribution, pursuant to Section 5-616.

(FF) Storage, outdoor accessory.

(GG) Utility substation, dedicated.

(HH) Moving and storage company.

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

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

(KK) Telecommunications tower, pursuant to Section 5-618(C)(1).

(LL) Vehicle wholesale auction, pursuant to Section 5-624.

(MM) Motor vehicle sales limited to racecars.

(NN) Training Facility.

(OO) Health and fitness center, pursuant to Section 4-607(K).

(PP) Recreation establishment, indoor, pursuant to Section 4-607(K).

4-604 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

(A) Asphalt mixing plant, pursuant to 4-607(H).

(B) Auction facility, livestock, pursuant to 4-607(H).

(C) Automobile graveyard, junk yard, pursuant to 4-607(H).

(D) Borrow pit for road construction, pursuant to 4-607(H).

(E) Storage, bulk gasoline, petroleum products, and natural gas, pursuant to 4-607(H).

(F) Church, synagogue, temple, and mosque.

(G) Civic, social, fraternal association meeting place.

(H) Concrete mixing plant, pursuant to 4-607(H).

(I) Utility generating plant and transmission facility, pursuant to 4-607 (H).

(J) Storage, mini-warehouse.

(K) Firearm range, indoor.

(L) Sewage treatment plant, pursuant to 4-607(H).

(M) Solid waste incinerator, landfill or transfer station, pursuant to 4-607(H).

(N) Uses auxiliary to permitted principal uses, such as, but not limited to restaurants, including carry-out but excluding drive-through facilities, personal care services, banks and financial institutions, and automobile service stations, not to exceed a total of twenty percent (20%) of the total developed floor area of the zoning district.

(O) Water treatment plant, pursuant to 4-607(H).

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

(Q) Utility transmission lines, overhead.

(R) Outdoor sales area, accessory.

(S) Sawmill, pursuant to 4-607(H).

(T) Vegetative waste management facility, pursuant to 4-607(H).

(U) Veterinary service.

(V) Animal hospital.

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

(X) Bus terminal.

(Y) Fire and/or rescue station.

(Z) Kennel, pursuant to Section 4-607(H).

(AA) Material recovery facility, pursuant to 5-607(D), and Section 4-607(H).

(BB) Recycling drop off collection center, large, pursuant to Section 5-607, and Section 4-607(H).

(CC) Personal service establishment.

(DD) Motor vehicle rental, with outdoor vehicle storage only.

(EE) Mass transit facilities and stations, pursuant to Section 4-607(H).

(FF) Golf course.

(GG) Automobile service station.

(HH) Printing service plant.

(II) Water storage tank.

(JJ) Health and fitness center, which does not meet the criteria contained in Section 4-607(K).

(KK) Crematorium.

(LL) School, private, accessory to a church.

(MM) Gas pumps accessory to a convenience food store, pursuant to Section 5-617.

(NN) Car wash, accessory to a convenience food store, pursuant to Section 5-617.

(OO) Parking Lot/Valet Service, Long-Term.

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

(QQ) Police station.

(RR) Outdoor Storage, Vehicles.

(SS) School, public, pursuant to 4-607(H).

(TT) Storage of empty solid waste vehicles and containers.

(UU) Motorcycle or ATV sales, rental, repair and associated service.

(VV) Recreation establishment, indoor, which does not meet the criteria contained in Section 4-607(K).

4-605 Lot Requirements.

(A) **Size.** One (1) acre minimum.

(B) **Yards.**

(1) **Adjacent to roads.** Except where a greater setback is required by Section 5-900, no building shall be permitted closer than thirty five (35) feet to any road and no parking shall be permitted closer than twenty-five (25) feet to the right-of-way from any road. No outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks.

(2) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses. No parking shall be permitted closer than fifty (50) feet to any such districts and uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where vehicles in such uses are visible from the said agricultural and residential areas. When a PD-GI lot, parcel and/or landbay is developed adjacent to an agricultural district, an existing or zoned residential district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to the adoption of this zoning ordinance and subsequent to zoning of the subject property as PD-GI, the setback required in (B)(3) below shall apply.

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

(4) **Yards Between Buildings.**

(a) Where individual lots or building sites are provided, the minimum required yards between buildings on adjacent lots or building sites shall be thirty (30) feet, unless a greater yard is required by Section 5-1414(A), Buffer Yard and Screening Matrix. Driveways, parking, and covered entrances may be within such yards, however, no such facility may be closer than five (5) feet to lot lines. Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such yards.

(b) Where there is more than one building on an individual lot or building site, spacing between such buildings shall be as required for fire protection, but if space is left between buildings, it shall be at least 25 feet in minimum dimension. Covered walkways connecting buildings, or connecting buildings with parking areas are permitted in such yards and may traverse such space.

4-606 Building Requirements.

(A) **Lot Coverage.** .45 maximum.

(B) **Building Height.** Forty five (45) feet maximum, provided that a building may be erected to a maximum height of one hundred feet if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than one (1) foot for each one (1) foot of height that it exceeds the forty five (45) foot limit.

(C) **Floor Area Ratio.** .40 maximum.

4-607 Use Limitations.

(A) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuters may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided for in Section 5-1100. Accessory structures and uses other than for commuter parking shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.

(B) **Landscaped Open Space.** Minimum landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot. Such landscaped open space shall be used to enhance the appearance of the lot.

(C) **Screening and Buffering.** Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets and agricultural and residential uses.

(D) **Outdoor Storage.**

(1) No storage of any kind shall be permitted within any front yard, except for underground bulk storage of gasoline or petroleum products.

(2) Underground bulk storage of gasoline or petroleum products shall not be permitted, except for automobile service stations or as incidental to manufacturing and research and development operations or the servicing of company owned or leased vehicles within enclosed areas defined in (3) below.

(3) Outdoor storage of waste materials, equipment, supplies and vehicles shall be buffered and screened on the periphery of the storage area.

(4) Waste materials must be stored in a closed container. The burning of waste materials is prohibited.

(5) Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with a permitted use.

(E) **Vehicular Access.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through traffic. Principal vehicular access routes for public schools shall be designed to avoid through traffic by vehicles serving adjacent industrial properties.

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

(1) **Access from Major Roads.** Access from adjacent public roads shall comply with Section 5-900 of this Ordinance. Notwithstanding the foregoing, schools shall be permitted emergency access to an arterial or major collector road.

(2) Primary access shall be prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods.

(G) **Utility Requirements.** All utility distribution lines located on PD-GI designated land shall be placed underground.

(H) **Development Setbacks for Certain Special Exception Uses.** Public school buildings shall have a minimum setback of 100 feet from adjacent industrially zoned property. All other uses identified in Section 4-604 as being subject to Section 4-607(H) shall setback all buildings 200 feet from any adjacent residentially zoned property.

(I) **Pedestrian Access for Public Schools.** Public school sites shall provide bicycle and pedestrian accommodations to adjacent residential communities.

(J) **Motor vehicle service and repair, heavy, with accessory motor vehicle sales.** Limited motor vehicle sales shall be permitted only as an accessory use pursuant to the following conditions:

(1) The accessory vehicle sales must be on the same lot and within the same building as the principal use of Motor Vehicle Service and Repair.

(2) No outside display of vehicles is permitted within front yards, setbacks or parking areas.

(3) All vehicles sold must have received repair, modification, or customization (not to include light repair) by the Motor Vehicle Service and Repair use.

(4) All vehicles sold, for street use, must meet applicable state and federal regulations regarding emissions and safety.

(5) Accessory vehicle sales shall only be permitted when the use is located on a paved local road capable of accommodating the traffic generated by the use, and accessed by the same roads that serve the principal use.

(6) Any car-carrier loading/unloading area and vehicle storage areas shall be located on the same lot and be separated from customer parking areas.

(7) The sale and/or outdoor storage of vehicles that are not in operating condition shall not be permitted.

(8) No dealership franchises are permitted.

(9) No exterior signs advertising vehicle sales are permitted.

(10) Nothing above shall prevent a mechanic from selling a car to recover costs associated with a mechanic's lien.

(K) **Health and Fitness Center and Recreation Establishment, Indoor.** Health and fitness center and Recreation establishment, indoor, as Permitted Uses shall be subject to the following criteria:

(1) Parking areas shall be designed to enhance the safety of patrons and children as they arrive at and leave the facility; and

(2) Parking areas shall include a designated pickup and delivery zone providing at a minimum one (1) parking space per twenty (20) patrons/children which shall be located in proximity to the facility in such a way that provides safe and clearly designated access to enter or exit the facility; and

(3) No health and fitness center or recreation establishment shall be located within the Quarry Notification (QN) Overlay District; and

(4) No health and fitness center or recreation establishment shall have inter-parcel access to an adjoining industrial use or PD-GI zoned parcel; and

(5) Building entrances and exits shall be separated from vehicular circulation serving industrial uses; and

(6) Health and fitness centers and recreation establishments located on roads with bicycle lanes or paths shall provide parking and/or storage for bicycles at a minimum rate of 1% of the permitted occupancy of the building.

Section 4-700 PD-SA Planned Development - Special Activity.

4-701 **Purpose.** The PD-SA District is established to accommodate those uses which by their nature require sizable land area, often operating and designed in a campus like atmosphere, and which may require functional separation from normal residential, commercial, or industrial development.

4-702 **Size and Location.** A PD-SA district shall be a minimum of 100 contiguous acres, except that a minimum of 10 acres is permitted as a incremental and contiguous addition to an existing PD-SA district. Incremental additions must demonstrate their relationship and compatibility with the previously approved district to which it is being added. PD-SA districts shall be located in areas served by public water and sewer and by a road network appropriate to the contemplated use.

4-703 **Permitted Uses.** The following uses are permitted in the PD-SA District, subject to the requirements and limitations of these regulations. Other complementary uses may be approved as part of a PD-SA rezoning if specifically identified by type, size and location as part of the approved Concept Development Plan.

(A) Airport.

(B) College or university over 50,000 square feet of floor area.

(C) Hospital, pursuant to Section 5-610.

(D) Museum, cultural center, arboretum.

(E) Fairground.

(F) Sports stadium, complex, arena or sports field.

(G) Zoo.

(H) Commuter parking lot.

(I) Bus terminal.

(J) Agriculture, horticulture, forestry, fishery.

(K) Art gallery.

(L) Business service establishment.

(M) Conference or training center.

(N) Country club.

(O) Educational institution.

(P) Fire and/or rescue station.

(Q) Golf course.

(R) Health and fitness center.

(S) Hotel/Motel, pursuant to Section 5-611.

(T) Library.

(U) Mass transit facilities and stations.

(V) Park.

(W) Personal service establishment.

(X) Recreation establishment, outdoor.

(Y) Farm supplies.

(Z) Restaurant, dinner theatre.

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

(BB) Sewer pumping station.

(CC) Utility substation, distribution, pursuant to Section 5-616.

(DD) Water pumping station.

(EE) Utility substation, dedicated.

(FF) Convention or exhibition facility.

(GG) Recreation Establishment, Indoor.

(HH) Golf Driving Range.

(II) Recreation Vehicle Park.

(JJ) Campground.

(KK) Office, administrative, business or professional.

(LL) Restaurant.

(MM) Theatre, Indoor.

(NN) Bowling Alley.

(OO) Amusement or Theme park.

(PP) Performing Arts Center.

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

(RR) Police Station.

4-704 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

(A) Water treatment plant.

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

(C) Utility transmission lines, overhead.

(D) Sewage treatment plant.

(E) Water storage tank.

(F) Schools.

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

(H) Radio, radar and/or television tower.

(I) Radio and television recording studio.

(J) Radio and television broadcasting, relay station.

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

4-705 **Lot Requirements.**

(A) **Size**. Ten (10) acres, exclusive of major floodplain.

(B) **Yards.**

(1) **Adjacent to roads.** Except where a greater setback is required by Section 5-900, no building shall be permitted closer than thirty five (35) feet to any road and no parking shall be permitted closer than twenty five (25) feet to the right-of-way from any road. No outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks.

(2) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** No building, parking, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to any agricultural district, any existing or planned residential district, or land bay allowing residential uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from the said agricultural and residential areas.

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

(4) **Yards Between Buildings.**

(a) Where individual lots or building sites are provided, the minimum required yards between buildings on adjacent lots or building sites shall be 25 feet. Driveways, parking, and covered entrances may be within such yards, however, no such facility may be closer than five (5) feet to lot lines. Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such yards.

(b) Where there is more than one (1) building on an individual lot or building site, spacing between such buildings shall be as required for fire protection, but if space is left between buildings, it shall be at least 25 feet in minimum dimension. Covered walkways connecting buildings, or connecting buildings with

parking areas are permitted in such yards and may traverse such space.

4-706 Building Requirements.

(A) **Floor Area Ratio.** .40 maximum on any lot.

(B) **Building Height.** Forty five (45) feet maximum, however a special exception for an increase above the maximum building height regulations may be granted provided that the increase in height must not be detrimental to the existing and planned character of adjacent lands.

4-707 Use Limitations.

(A) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuters may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided for in Section 5-1100. Accessory structures and uses other than for commuter parking shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.

(B) **Landscaped Open Space.** Landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot.

(C) **Screening and Buffering.** Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets and agricultural and residential uses.

(D) **Access from Major Roads.** In designing special activity development, the requirements of Section 5-900 shall be observed.

(1) Primary access shall be prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods.

(E) **Utility Requirements.** All utility distribution lines located on PD-SA zoned land shall be placed underground.

Section 4-800 PD-TC Planned Development - Town Center.

4-801 **Purpose.** This district is established to provide for a compatible mixture of commercial, cultural, institutional, governmental, and residential uses in compact, pedestrian oriented, traditional town centers, in areas consistent with the Comprehensive Plan serving as focal points for substantial residential areas. Specific objectives of such districts include:

(A) Dwellings, shops, and workplaces generally located in close proximity to each other.

(B) Generally rectilinear patterns of streets and blocks.

(C) A hierarchy of public and/or private streets, with facilities for automotive vehicles, public transit, bicycles and pedestrians.

(D) Well configured squares, greens, landscaped streets, and parks woven into the pattern of the town center and dedicated to collective social activity, recreation, and visual enjoyment.

(E) Civic buildings for assembly, or for other civic purposes, that act as landmarks, symbols, and activity centers for community identity.

(F) On-street parking and centralized parking facilities to collectively support principle uses in the Town Center.

4-802 **Size, Location and Components.** This district, when mapped, shall be no less than thirty (30) acres nor more than sixty (60) acres in size, and shall be served by major collectors or arterials with capacity to handle the traffic generated. This district shall be located only in areas served by public water and sewer. No Town Center district shall be located within 10,000 feet of another Town Center. The Town Center district shall be divided into two parts:

(A) **Town Center Core** - within which pedestrian oriented businesses and other pedestrian activity is encouraged, and shall generally be located within or near the geographic center of the development;

(B) **Town Center Fringe** - within which pedestrian oriented businesses and activity are balanced with residential and other uses more dependent on vehicular access, located within one half mile from, but outside, the Town Center Core.

4-803 Permitted Uses.

(A) The following uses are permitted within the Town Center Core:

(1) Art gallery.

(2) Theater, indoor.

(3) Bank or financial institution, pursuant to Section 5-659.

(4) Business service establishment.

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

(6) Community center.

(7) Conference or training center.

(8) Congregate housing facility.

(9) Restaurant, dinner theater.

(10) Dwellings above first floor of permitted commercial uses.

(11) Educational institution.

(12) Facility for dance, gymnastics, judo and sports training.

(13) Health and fitness center.

(14) Hotel/Motel, pursuant to Section 5-611.

(15) Library.

(16) Office, medical and dental.

(17) Dwelling, multi-family.

(18) Commuter parking lot.

(19) Performance arts center.

(20) Personal service establishment.

(21) Post office, drop off and pick up.

(22) Park.

(23) Recycling drop-off collection center, small, pursuant to Section 5-607 (A).

(24) Restaurant.

(25) Retail sales establishment.

(26) Recreational establishment, outdoor or indoor.

(27) Convenience food store, without gas pumps, pursuant to Section 5-617.

(28) Radio and television recording studio.

(29) Pharmacy, pursuant to Section 5-659.

(30) Printing service.

(31) Adult day care center.

(32) Agriculture, horticulture, forestry, or fishery.

(33) Dwelling, single-family attached.

(34) Food store.

(35) Off-street parking facility, freestanding.

(36) Public utility service center, without outdoor storage.

(37) Restaurant, carry-out only.

(38) Restaurant, with drive through facilities.

(39) Studio space - artist, crafts person, writer.

(40) Office, administrative, business, and professional.

(41) Museum, cultural center, arboretum.

(42) Water pumping station.

(43) Utility substation, dedicated.

(44) Sewer pumping station.

(45) Church, synagogue, and temple.

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

(B) The following uses are permitted within the Town Center Fringe:

(1) All uses permitted in the Town Center Core.

(2) Bowling alley.

(3) Motor vehicle service and repair, accessory to an approved use.

(4) Skating rink, indoor and outdoor.

(5) Dwelling, single family detached.

(6) Private club or lodge.

(7) Utility substation, distribution, pursuant to Section 5-616.

(8) Construction retail establishment.

4-804 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors pursuant to the provision in Section 6-1300.

(A) Within the Town Center Core:

(1) Hospital, pursuant to Section 5-610.

(2) Radio, radar and/or television tower.

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

(4) Recycling drop off collection center, large, pursuant to Section 5-607(B).

(5) Fire and/or rescue station.

(6) Mass transit facilities and stations.

(7) Medical care facility, outpatient only.

(8) Automotive service station.

(9) School.

(10) Veterinary service.

(11) Animal hospital.

(12) Private club or lodge.

(13) Sewage treatment plant.

(14) Water treatment plant.

(15) Water storage tank.

(16) Crematorium.

(17) School, private, accessory to a church.

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

(19) Police station.

(20) Hotel/Motel.

(B) Within the Town Center Fringe:

(1) Car wash.

(2) Funeral home or mortuary.

(3) Radio, radar and/or television tower.

(4) School.

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

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

(7) Automotive service station.

(8) Congregate housing facility.

(9) Child care center, pursuant to Section 5-609.

(10) Hospital, pursuant to Section 5-610.

(11) Church, synagogue, and temple.

(12) Gas pumps accessory to a convenience food store, pursuant to Section 5-617.

(13) Fire and/or rescue station.

(14) Golf course.

(15) Mass transit facilities and stations.

(16) Medical care facility, outpatient only.

(17) Hotel/Motel.

(18) Off-street parking facility, freestanding.

(19) Restaurant, with drive-through facilities.

(20) Veterinary service.

(21) Animal hospital.

(22) Water treatment plant.

(23) Sewage treatment plant.

(24) Water storage tank.

(25) Crematorium.

(26) School, private, accessory to a church.

(27) Car wash, accessory to a convenience food store, pursuant to Section 5-617.

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

(29) Police station.

4-805 Lot Requirements.

(A) **Size.** 2,500 sq. ft. minimum, except 1,600 sq. ft. for single family attached dwellings exclusive of major floodplain.

(B) **Width.** Twenty five (25) feet minimum, except 16 feet minimum for single-family attached dwellings.

(C) **Depth.** 100 feet minimum.

(D) **Yards,** within the Town Center Core.

(1) **Front.** No minimum; 25 ft. maximum.

(2) **Side.** No requirement, except 15 feet minimum for a side yard of a non-residential use abutting a lot used or planned for residential purposes.

(3) **Rear.** No requirement, except 30 feet minimum for a rear yard of a non-residential use abutting a lot used or planned for residential purposes.

(E) **Yards,** within the Town Center Fringe.

(1) **Front.** Ten (10) feet minimum; no maximum.

(2) **Side.** No requirement, except 15 feet minimum for a side yard of a non-residential use abutting a lot used or planned for residential purposes.

(3) **Rear.** No requirement, except thirty (30) feet minimum for a rear yard of a non-residential use abutting a lot used or planned for residential purposes.

(F) **Other yard requirements.**

(1) **Adjacent to roads.** Except where a greater setback is required by Section 5-900, no building shall be permitted closer than thirty five (35) feet to any road and no parking shall be permitted closer than twenty five (25) feet to the right-of-way from any road. No outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks.

(2) **Adjacent to Agricultural Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to any agricultural district. No parking shall be permitted closer than fifty (50) feet to any such districts and uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts where such uses are visible from the said agricultural areas.

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

4-806 Building Requirements.

(A) **Lot Coverage.** No requirement within Town Center Core; .70 maximum within Town Center Fringe.

(B) **Building Height.** Sixty (60) feet in the Town Center Core, forty (40) feet maximum in the Town Center Fringe, except that the towers and/or steeples of civic buildings may be erected to a maximum height of 100 feet if the building is set back from public streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than 2 feet for each 1 foot of height that exceeds the 35-foot limit.

(C) **Floor Area Ratio.** No requirement.

4-807 Land Assembly Requirements. In order to qualify for rezoning to Town Center, an applicant must demonstrate control of an area no less than thirty (30) acres in size, of which a minimum of ten (10) acres shall be designated as the Town Center Core.

(A) The maximum size of the Town Center Core shall be twenty (20) acres.

(B) The maximum distance from one boundary of the Town Center Core to the farthest boundary shall not exceed 1,200 feet.

(C) The maximum distance from one boundary of the entire Town Center to the farthest boundary shall not exceed 2,500 feet.

4-808 Land Use Arrangement and Use Limitations.

(A) The Town Center shall be arranged in a generally rectilinear pattern of interconnecting streets and blocks, while maintaining respect for the natural landscape.

(B) The perimeter of a full block should generally range from 1,400 to 1,600 feet measured at the property (right-of-way) line.

(C) Each block in the Town Center should be designed to include an alley.

(D) Each Town Center shall have a town green of no less than 40,000 sq. ft. located near the center of the Core. The required town green may be located within the Fringe and adjacent to the Core if a public plaza of no less than 10,000 sq. ft. is located within the Core.

(E) At least seventy (70) percent of the total of all block frontages within the Town Center Core shall be occupied by pedestrian oriented businesses on the ground floor, preferably retail stores and shops.

(F) A minimum of (25%), maximum of fifty (50%) of the total land area within the Town Center shall be residential use.

(G) The principal entrance to all buildings in the Town Center Core shall be from the front sidewalk, public plaza, or town green.

(H) At least (10%) of all land within the Town Center shall be for civic uses, such as government offices, public meeting halls, libraries, art galleries or museums, post office, churches, and like uses which generate pedestrian activity and act as visual focal points.

(I) Generally on-street parking shall be provided throughout the Town Center.

(J) Pedestrian linkages shall be established within and between blocks in the Town Center and between the Town Center and surrounding neighborhoods or activity centers.

(K) Sidewalks shall be provided adjacent to all streets. Such sidewalks shall be at least eight (8) feet wide within the Town Center Core and at least five (5) feet wide within the Town Center Fringe.

(L) All off-street parking lots shall be landscaped and shall not interfere with the reasonable continuity of building facades and pedestrian activity. Within the Town Center Core, no surface parking lot space may be located closer than ten (10) feet from any street right-of-way line. Within the Town Center Fringe, no surface parking or space may be located closer than twenty five (25) feet from any street right-of-way line and district allowing residential uses.

(M) Off-street parking facilities shall have access from alleys or from streets at locations which do not conflict with pedestrian circulation in the Core.

(N) All above grade parking structures shall be designed in a manner that is integrated with nearby building architecture to minimize visual impact.

(O) All utility distribution lines located on PD-TC designated land shall be placed underground.

(P) Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets and agricultural and residential uses. Outdoor storage of waste materials and any other type of equipment and supplies shall be buffered and screened on the periphery of the storage area.

(Q) **Access from Major Roads.** The requirements of Section 5-900 shall be observed.

(1) Primary access shall be prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods.

(R) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuters may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided for in Section 5-1100. Accessory structures and uses other than for commuter parking shall be permitted only where said uses and structures are customarily accessory and

clearly incidental and subordinate to the permitted principal use and structures.

Section 4-900 PD-CV Planned Development – Countryside Village.

4-901 Purpose and Intent. This district is established to provide for the development of new, compact, moderately dense, mixed-use countryside villages. This district is intended to provide a development option which is consistent with the basic purpose and intent of the transition districts to provide a visual, spatial, and use transition between Loudoun's suburban areas to the east and the rural areas to the west. It is the intent that this district's planning, design and development will achieve, but not necessarily be limited to, all of the following objectives:

(A) The creation of a distinct, moderately dense, compact mixed-use community with a variety of housing types, generally surrounded by a protected landscape of open land for scenic, recreational, and environmental protection purposes.

(B) Provision of civic and institutional buildings for assembly or other civic purposes that constitute the predominant component of nonresidential uses within an identified Village Core, complemented by a variety of shops, services, and offices that support the needs of village residents.

(C) The construction of modestly sized buildings fronting on, and aligned with, streets in a disciplined manner, uninterrupted by parking lots.

(D) Development of a generally rectilinear pattern of interconnected streets, alleys, and blocks that provides for a balanced mix of pedestrians and automobiles.

(E) Creation of a recognizable, functionally diverse, visually unified Village Core that serves as the focal point for the development.

(F) Provision of open space such as natural areas, tot lots, athletic fields, parks, squares, and greens that are generally dispersed in the village so that they are conveniently located for residents.

(G) Landscaped streets, parks and plazas integrated into block patterns to provide spaces for social activities, and visual enjoyment.

(H) Creation of employment opportunities for Countryside Village and neighboring residents and to provide sites for compatible, small work places, without adverse impacts on the Village and surrounding residents.

(I) The location of dwellings, shops, and work places generally in close proximity to each other; the scale of which accommodates and promotes pedestrian travel for trips within the Village Core.

(J) Incorporation of architectural features, materials, and the articulation of building façades in the design of buildings visible from public streets, in order to avoid building façades in the Village Core that have continuous blank surfaces, by the use of architectural elements such as fenestration,

towers, cupolas, murals and decorative glass to break the monotony of plain building surfaces.

4-902 **District Size.** This district, when mapped, shall be no less than 500 acres in size. Incremental and contiguous additions of land to an existing PD-CV zoning district shall be allowed. Such additions must demonstrate their relationship and compatibility with the previously approved district to which it is being added.

4-903 **Preparation of the Concept Development Plan (CDP).** All Concept Development Plans required by this section shall be prepared in accordance with Section 6-1200 of this Ordinance and, in addition, shall include and graphically show the following items:

(A) Primary Conservation Areas, on a Conservation and Development Area Map;

(B) The type and scale of proposed uses including residential unit type and quantity;

(C) Site designs to include the integration of the built and open space environment, pedestrian streetscape design, pedestrian, bicycle and motor vehicle connections between the uses;

(D) Illustrative drawings of a typical streetscape within a mixed use area in the Village Core;

(E) The physical and functional integration of the proposed mix of land uses, including but not limited to pedestrian and vehicle connections between the uses and planned parking;

(F) The location and design of focal points within the district;

(G) Phasing of the development;

(H) A comprehensive greenways, sidewalks and trails masterplan that is consistent with the Countywide Bicycle and Pedestrian Mobility Master Plan;

(I) A conceptual landscape plan which identifies the general location and size of both existing vegetation to be retained and proposed new vegetation, typical landscape sections and drawings, typical planting materials, and the phasing of landscape installation and planting methods;

(J) Transportation elements as required by Section 4-912; and

(K) A plan or statement showing how public utilities are, or will be provided.

The Concept Development Plan shall demonstrate conformance with the development standards contained in this Section.

4-904 **Land Use Elements and Location.** The Concept Development Plan shall include a plan of the Village Core, the Village Neighborhood, and the Village Conservancy areas. It may also include a plan for a Satellite Conservancy Area, if proposed.

(A) **Countryside Village Core.** The Village Core provides the main organizing feature for the Countryside Village. The Village Core is intended to be a compact, pedestrian-scaled environment of predominantly non-residential uses. Residential dwelling units will, however, be permitted, but not at street level. One residential dwelling unit shall be permitted for every 3000 square feet of gross floor area devoted to nonresidential purposes. Such units shall not be counted towards overall residential density, rather they will be counted as bonus density units. Such units may be used to meet affordable dwelling unit requirements. Parks, squares, plazas and green open spaces are important organizing features of the Village Core, and can serve as gathering places for the community. The majority of nonresidential uses in the Village Core shall be comprised of civic and institutional uses, while commercial office, retail, and service uses shall provide employment opportunities and convenience goods and services for village and neighboring residents. The Village Core shall:

(1) Be located such that the development does not adversely impact cultural resources, such as historical structures, archaeological sites or Virginia byways.

(2) Be contiguous and generally compact in shape.

(3) Be centrally located for pedestrian access in relation to a majority of residential units.

(B) **Countryside Village Neighborhood.** The Village Neighborhood primarily comprises the residential component of a Countryside Village that generally surrounds the Village Core and consists of a mix of single-family detached development and higher density residential development in the form of single-family attached and multi-family units. The Village Neighborhood shall:

(1) Be contiguous and generally surround the Village Core.

(2) Provide for a mix of housing styles, types and sizes to accommodate households of all ages, sizes, and incomes.

(3) Be located such that the development does not adversely impact cultural resources, such as historical structures, archeological sites or Virginia byways.

(C) **Countryside Village Conservancy Area.** The Village Neighborhood shall generally be surrounded by an open area described hereafter as the Village Conservancy Area, which shall create a visual and physical

distinction between the development and the surrounding countryside. The Village Conservancy Area is to generally be open land, providing significant buffering of neighboring properties, while allowing for limited residential use. The Village Conservancy Area shall:

(1) Be contiguous and generally surround the Village Neighborhood.

(2) Be placed under permanent open space easement limiting uses to those listed in Section 4-907.

(D) **Countryside Village Satellite Conservancy Area (Optional).** The district may include detached parcels constituting a Satellite Conservancy Area(s). A Satellite Conservancy Area shall be included in calculating the total development potential of the Countryside Village. Such Satellite Conservancy Area shall only be allowed when converting existing TR1LF and TR3LF zoned areas to PD-CV zoned areas, and, provided that:

(1) The Satellite Conservancy Area is located partly, or wholly, within the area between 300 feet and 500 feet of Bull Run, (unless specifically modified by the County pursuant to Section 4-919); and

(2) It is placed under permanent open space easement limiting uses to those listed in Section 4-907.

4-905 Final Development Plan.

(A) **FDP Required.** Prior to the commencement of development of a parcel in the Village Core or in the Village Neighborhood, the Planning Commission shall review and approve a Final Development Plan. Approval of the FDP shall serve as meeting the non-engineered requirements of a site plan. If more than one FDP is required, then each FDP shall indicate how the remainder of the development may be completed. The Planning Commission shall approve a Final Development Plan if it conforms to approved proffers and the approved Concept Development Plan and contains the information enumerated in Section (B) below:

(B) **FDP Submission Requirements.**

(1) The Final Development Plan shall be prepared in accordance with the approved Concept Development Plan and proffers and shall contain the following information:

(a) A vicinity map at a scale of not less than one inch equals two thousand feet (1" – 2000').

(b) Bearings and distances of the perimeter property lines.

(c) Total area of property presented in square feet or acres.

(d) Scale and north arrow, with north, to the extent feasible oriented to the top of all drawings.

(e) Names and route numbers of boundary streets and the width of existing right(s)-of-way, any proposed change to the public right(s)-of-way, delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right(s)-of-way.

(f) The location and arrangement of all proposed uses, including a preliminary subdivision layout, if subdivision is proposed.

(g) The maximum height in feet, to include lofts and penthouses, of all buildings, and the number of floors both above and below or partially below finished grade.

(h) Proposed building footprints and elevations.

(i) The traffic circulation system and the pedestrian and bicycle circulation system, including the location and width of all streets, driveways, entrances to parking areas and parking structures, pedestrian walkways, and bicycle paths.

(j) Landscaping plan indicating the location and type of all plantings, and any trees to be conserved.

(k) A plan or statement showing how public utilities are, or will be provided.

(l) Approximate location and estimated size of all proposed stormwater management facilities.

(m) When the development is to be constructed in sections, a final sequence of development schedule showing the order of construction of such sections, and an approximate completion date for the construction of each section.

(n) Location and size of open space areas, specifying the proposed treatment of improvement of all such areas.

(o) Elevations of proposed buildings.

(p) Architectural sketches of typical proposed structures showing all facades of structures, not just street frontages, with bird's eye and pedestrian-eye views, including lighting fixtures and signs.

(q) Location and quantity of required number of off-street parking and loading spaces provided and the location of on-street parking.

(r) A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards.

(2) A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan:

(a) Total number of dwelling units by type.

(b) Total floor area for each type of use and total floor area ratio in each subarea or landbay.

(c) Total area in open space including recreational open space provided and the amount required.

(d) Total number of off-street parking and loading spaces provided and the number required.

4-906 Land Use Mix and Density.

(A) All developments in a PD-CV District shall conform to the district land use mix and density requirements set forth in Table 4-906 below.

TABLE 4-906:
LAND USE MIX AND DENSITY IN THE PD-CV DISTRICT

Area	Land Use Mix/Density Use Requirements
Village Conservancy Area	**Minimum of 50% of district gross land area.**
Village Satellite Conservancy Area	**None required.** However, when included as part of the PD-CV zoning district, the Village Satellite Conservancy Area shall be in addition to the minimum gross land area required for the district, and shall be included in the density calculation of the village.
Village Core	3.0% to 6.0% of the gross land area of the entire development. Greens, parks, open space and water features do not count towards the gross land area requirement for the Village Core. A vertical mix of uses is permitted in the Village Core, such as ground floor retail with upper story residences or offices.
Overall Residential Density for Countryside Village	Residential density shall not exceed two (2) dwelling units per acre. However, an option to increase density up to three (3) units per gross acre is permitted in accordance with Section 4-906(B) of the ordinance.

TABLE 4-906: LAND USE MIX AND DENSITY IN THE PD-CV DISTRICT	
Area	**Land Use Mix/Density Use Requirements**
Percentage of Residential Units permitted in the Village Neighborhood	Single Family Detached: Minimum 60% Single Family Attached: Minimum 10% Multi-Family: Minimum 5% The Board of Supervisors may modify these minimum requirements by up to 10% of each dwelling type, during review of a Concept Development Plan

(B) An increase in density shall be permitted when an open space easement(s) in the TR3LBR zoning district is acquired. One additional unit is permitted for every three (3) acres of land eased in the TR3LBR district. A commitment to acquiring such open space easement(s) must be made at the time of a zoning map amendment application. The maximum density in the PD-CV district shall not exceed three (3) dwelling units per gross acre.

4-907 **Uses.** Table 4-907 below identifies the uses permitted and allowed by special exception in each land use area of the PD-CV district.

(A) **Organization of Use Table.** Table 4-907 of this Section organizes the uses in the PD-CV district by Use Classifications, Use Categories, and Use Types.

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

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

(3) **Use Types.** The Use Categories are then divided into specific Use Types. The specific Use Types are included in the respective Use Category. They identify the specific uses that are considered to fall within characteristics identified in the Use Category. For

example, single-family detached dwellings, multi-family dwellings, single-family attached dwellings, guesthouses and accessory dwellings are Use Types in the Household Living Use Category.

(B) **Use Categories and Use Types Defined.** The Use Categories and Use Types listed in Table 4-907 are defined in Article VIII (Definitions) of this Ordinance.

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

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

(E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 4-907 (Additional Regulations for Specific Uses) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the "Additional Regulations for Specific Uses" in Section 5-600. If no reference to Article V is made in Table 4-907 for a use, then such use is not subject to any additional regulation for specific uses as noted in Section 5-600, although the same use may be subject to such additional standards in another zoning district of the Ordinance.

TABLE 4-907
PD-CV (COUNTRYSIDE VILLAGE) DISTRICT USE TABLE

P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION BLANK = NOT ALLOWED

USE CATEGORY	USE TYPE	PD-CV: VILLAGE NEIGHBORHOOD	PD-CV: VILLAGE CORE	PD-CV: VILLAGE CONSERVANCY AND VILLAGE SATELLITE CONSERVANCY	ADDITIONAL REGULATIONS FOR SPECIFIC USES
RESIDENTIAL USES					

TABLE 4-907 PD-CV (COUNTRYSIDE VILLAGE) DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION BLANK = NOT ALLOWED					
USE CATEGORY	**USE TYPE**	**PD-CV: VILLAGE NEIGHBORHOOD**	**PD-CV: VILLAGE CORE**	**PD-CV: VILLAGE CONSERVANCY AND VILLAGE SATELLITE CONSERVANCY**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P		P	Section 5-613, except accessory dwelling units are allowed on residential lots smaller than 20,000 square feet located in the Village Neighborhood
	Caretaker's residence (accessory to single family detached dwelling)	P		P	
	Dwelling, single-family detached, including manufactured housing	P		P	Manufactured housing subject to Section 5-620.
	Dwelling, single-family attached	P	P		In the Village Core, permitted only above street level with ground floor retail or office
	Dwelling, Multi- family	P	P		In the Village Core, permitted only above street level with ground floor retail or office
	Guest house (accessory to single family detached dwelling)	P		P	Section 5-612
Group Living	Congregate housing facility	S	S		
	Continuing care facility	S	S		
	Monastery or Convent	S	S		
AGRICULTURAL USES					
Agriculture Support and Services Not Directly Associated with On-Site	Wetlands mitigation bank			P	
	Equestrian Facility			P	Section 5-630
	Stable, private			P	Section 5-630

TABLE 4-907
PD-CV (COUNTRYSIDE VILLAGE) DISTRICT USE TABLE

P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION BLANK = NOT ALLOWED

USE CATEGORY	USE TYPE	PD-CV: VILLAGE NEIGHBORHOOD	PD-CV: VILLAGE CORE	PD-CV: VILLAGE CONSERVANCY AND VILLAGE SATELLITE CONSERVANCY	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Agricultural Activity	Stable, neighborhood on lots of 25 acres or more, or frontage on a 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
	Nursery, production			P	Section 5-605
	Nursery, production without frontage on state maintained road			S	Section 5-605
	Farm market			P	Section 5-603. On-site production not required
Animal Services	Animal hospital	S	S		
	Kennel	S		S	Section 5-606
	Kennel, Indoor	S			Section 5-606
	Veterinary service	P	P	P	
PUBLIC AND INSTITUTIONAL USES					
Cultural and Governmental Facilities	Community center	P	P		Section 4-920(A)
	Library	P	P		Section 4-920(A)
	Museum	P	P		Section 4-920(A)
	Post office	P	P		Section 4-920(A)
	Performing Arts Theater		P		Section 4-920(A)
	Structures or uses for federal, state or local government purposes	S	S		
Day Care Facilities	Child or adult day Care	P	P		Section 5-609(B)
	Child care home	P	P	P	Section 5-609(A)
Education	School (elementary or middle), for fifteen (15) pupils or less	P	P		

TABLE 4-907 PD-CV (COUNTRYSIDE VILLAGE) DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION BLANK = NOT ALLOWED					
USE CATEGORY	**USE TYPE**	**PD-CV: VILLAGE NEIGHBORHOOD**	**PD-CV: VILLAGE CORE**	**PD-CV: VILLAGE CONSERVANCY AND VILLAGE SATELLITE CONSERVANCY**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	School (elementary, middle, or high), for more than 15 pupils	S	S		
	Vocational School		S		
Park and Open Space	Arboretum			P	Section 5-636
	Botanical garden or nature study area			P	Section 5-636
	Park, passive recreational uses	P	P	P	
	Park, active recreational uses	S	S	S	
Parking	Parking Lot		P		Section 4-911(J)(6)
Public Safety	Fire and/or rescue station		S		
	Police station or substation		S		
Religious Assembly	Church, synagogue, temple or mosque with seating capacity of 300 or less seats in sanctuary or main activity center	P	P		Religious Assembly uses must be located at termination of streets and provide a focal point for the Village Core. When located in the Village Neighborhood, these uses must be adjacent to the Village Core. Section 4-920(A)
Utility	Public utility service center, without outdoor storage		S		Section 5-621
	Recycling drop off collection center, private		S		Section 5-607
	Sewer pumping station	P		P	Section 5-621
	Utility substation, dedicated	P	P	P	Section 5-621
	Utility substation, distribution	S	S	S	Section 5-616 and 5-621
	Utility transmission line, underground	P	P	P	

TABLE 4-907 PD-CV (COUNTRYSIDE VILLAGE) DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION BLANK = NOT ALLOWED					
USE CATEGORY	**USE TYPE**	**PD-CV: VILLAGE NEIGHBORHOOD**	**PD-CV: VILLAGE CORE**	**PD-CV: VILLAGE CONSERVANCY AND VILLAGE SATELLITE CONSERVANCY**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Water storage tank	S		S	Section 5-621
	Water pumping station	P		P	Section 5-621
COMMERCIAL USES					
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
	Golf course			S	Section 5-648
	Private club or lodge		P	S	
Office	Medical/Dental office		P		No more than 10,000 square feet of gross floor area.
	Professional office		P		No more than 10,000 square feet of gross floor area.
Retail Sales and Service	Antique shop		P		
	Art gallery or Artist studio		P	P	Section 5-650. However, this section shall not apply to the use in the Village Core.
	Bank or Financial institution		P/S		No drive-through facilities Maximum Gross Floor Area (GFA) of 5000 square feet. An increase above 5000 square feet is permissible by special exception.
	Convenience store		P/S		Maximum GFA (Gross Floor Area) of 5000 square feet. An increase above 5000 square feet is permissible by special exception.
	Craft shop		P		

TABLE 4-907 PD-CV (COUNTRYSIDE VILLAGE) DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION BLANK = NOT ALLOWED					
USE CATEGORY	USE TYPE	PD-CV: VILLAGE NEIGHBORHOOD	PD-CV: VILLAGE CORE	PD-CV: VILLAGE CONSERVANCY AND VILLAGE SATELLITE CONSERVANCY	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Home Service Establishment		S		
	Personal service establishment		P/S		Individual uses not to exceed a maximum GFA of 5000 square feet. An increase above 5000 square feet is permissible by special exception.
	Restaurant		P/S		No more than 5,000 square feet of GFA. An increase above 5000 square feet is permissible by special exception.
	Retail sales establishment		P/S		No more than 5,000 square feet of floor area is permitted by right for any one use. An increase above 5000 square feet is permissible by special exception. However, a Grocery store located along an arterial or major collector road other than those referenced in Section 4-912, Table 4, with Maximum GFA of 30,000 square feet shall be permitted by right either in the Village Core or in the Village Neighborhood adjacent to the Village Core.

TABLE 4-907 PD-CV (COUNTRYSIDE VILLAGE) DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION BLANK = NOT ALLOWED					
USE CATEGORY	**USE TYPE**	**PD-CV: VILLAGE NEIGHBORHOOD**	**PD-CV: VILLAGE CORE**	**PD-CV: VILLAGE CONSERVANCY AND VILLAGE SATELLITE CONSERVANCY**	**ADDITIONAL REGULATIONS FOR SPECIFIC USES**
	Small business			P	Section 5-614 and Section 5-653. However, small business use in this district is limited to personal service occupations, business service occupations, repair service occupations, professional office based services, and studios for fine arts and crafts.
	Studio space – artist, craftsperson, writer, etc.	P	P	P	Section 5-650 However, this section shall not apply to the use in the Village Core.
Visitor Accommodation	Bed and breakfast, homestay	P	P	P	Section 5-601
	Bed and breakfast inn		S	P	Section 5-601 shall not apply to the Bed and Breakfast Inn in the Village Core
INDUSTRIAL USES					
Telecommunication Facilities	Telecommunications antenna	P	P	P	Section 5-618(A)
	Telecommunications monopole		S	S	Section 5-618(B)(2)

4-908 **Civic Lots.** The following uses are considered as Civic uses in this district:

(A) Church, synagogue, mosque and temple.

(B) Library.

(C) Post Office.

(D) Museums.

(E) Arboretum.

(F) Community center.

(G) Performing Arts Theater.

(H) School.

(I) Structures or uses for federal, state or local government purposes.

4-909 **Dimensional Standards.** Table 4-909 below establishes the lot and dimensional standards applicable to all development in the PD-CV District.

TABLE 4-909: LOT AND DIMENSIONAL STANDARDS

Lot or Dimensional Standard	Village Neighborhood [1]		Village Core[1]	Village Conservancy & Satellite Conservancy
	SFA, MF	SFD		
Minimum Lot Size	None	None	None	20 acres
Maximum Lot Size	None	None	None	None
Minimum Lot Width	14 feet interior, 22 feet end units SFA, 60 feet MF	None	None	None
Minimum Front Yard	0 feet [6]	0 feet [6]	0 feet [3][6]	25 feet
Maximum Front Yard	15 feet	30 feet	15 feet	None
Minimum Rear Yard	15 feet [5]	15 feet [2][5]	None	25 feet
Minimum Side Yard	8 feet, 0 feet for SFA interior units	0 and 10 feet [4]	None	25 feet
Maximum Lot Coverage	None	None	None	3 ½%
Maximum Floor Area Ratio [7]	NA	NA	1.0	None
Minimum Building Height	None	None	25 feet	None
Max. Building Height	45 feet	35 feet	45 feet	35 feet
Length/Width Ratio	None	None	None	None

Notes to Table 4-909:

[1] Dimensional standards for greens, parks, squares and plazas are contained in the Development Standards section, at 4-911(D) of this Ordinance.

[2] Detach garages located at the rear of a residential lot and attached to a similar garage on a contiguous lot may be located within the minimum required side yard and within two (2) feet of the rear property line. Detached garages that are accessed from the front of the lot may be located anywhere within the minimum rear yard.

[3] Subject to [6] below, buildings in the Village Core should abut the sidewalks whenever feasible. For commercial buildings, also see Section 4-911(E).

[4] There shall be a ten-foot minimum separation between two buildings. For zero lot line dwellings, an access easement must be recorded on the adjoining lot, for the purpose of dwelling maintenance.

[5] Decks in the PD-CV district shall be permitted within the minimum required rear yard, provided they are located no closer than five (5) feet to the rear property line.

[6] Buildings on corner lots adjacent to public or private streets in the Village Neighborhood and Village Core shall be set back at least sixteen (16) feet from the edge of the road pavement.

[7] For nonresidential uses in the Village Neighborhood, the maximum Floor Area Ratio (FAR) permitted is 0.25.

4-910 Land Use Arrangement, Design and Form of the Countryside Village.

(A) **General Guide:**

(1) The Countryside Village should be sited so as to best preserve natural vistas and the existing topography.

(2) The design of the Countryside Village should be such that there is a natural progression in scale from the denser predominantly non-residential, Village Core, to the multi-family and single-family attached units and civic uses adjacent to the Village Core in the surrounding Village Neighborhood area. The periphery of the Village Neighborhood adjacent to the Village Conservancy areas shall be predominantly single- family detached lots.

(3) In the Village Neighborhood smaller single-family detached lots should be located towards the Village Core and larger single-family detached lots towards the periphery of the Village Neighborhood adjacent to Village Conservancy areas.

(4) The boundaries of the Village Conservancy and Satellite Conservancy Areas should be designed to follow natural features whenever possible.

(5) In the Village Core, buildings should be located within close proximity to each other so as to encourage pedestrian movement between different uses. Attention should be given to the relationship of building height, design of streetlights and signs, sidewalks, and distance between uses so as to provide for a well balanced, attractive and harmonious Village Core.

(6) The Village Neighborhood and Village Core should be designed in a generally rectilinear pattern of blocks and interconnecting streets and alleys, defined by buildings, street furniture, landscaping, pedestrian ways and sidewalks. Pedestrian connections shall be provided from uses within the Village Neighborhood and Village Core to parks, squares, and open

space owned by the Property Owners Association, except where pedestrian traffic would adversely interfere with or affect sensitive environmental or habitat areas.

(7) Attention should be given to the architectural features, materials, and articulation of building facades. In The Village Neighborhood architectural elements such as porches, roof and entrance overhangs, to define the front entrance of residences are encouraged. In the Village Core, awnings, canopies, trellises and similar architectural features should cantilever over the pedestrian walkway or sidewalk to provide continuous all-weather protection for pedestrians on sidewalks.

(8) Open space(s) such as natural areas, tot lots, athletic fields, parks, squares, and greens should generally be dispersed in the Countryside Village so that they are conveniently located to most residential units within the district.

(9) Buildings in any given block in the Village Core should be aligned in one plane, and located close to the street. However, within the Village Neighborhood, single-family detached units may be staggered within a block to create a more varied streetscape.

(10) In order to encourage a pedestrian-friendly environment and reduce vehicle trips within the Village Core, off-street parking should be located at the rear of the lots, with on-street parallel - parking for additional cars.

(11) Lot width, front yards, side yards, driveway aprons and entrances, and blank street-facing building walls should be minimized to encourage pedestrian movement.

(12) The Village Conservancy Area should generally surround the Village Neighborhood unless explicitly modified pursuant to Section 4-919, upon a finding that unique topographical or other natural features or pre-existing boundary constraints require an alternative arrangement.

(13) Within the Village Neighborhood, Cul-de-sacs and P-loop streets shall not be permitted, except where used to access lots which are adjacent to the Village Conservancy.

(14) Landscaping and streetscaping design in the village core should achieve the following:

(a) Clear definitions of edges of public corridors and spaces and access points for public spaces;

(b) Visual accessibility for public safety;

(c) Screening for privacy of adjoining private spaces where desirable;

(d) Shade and shelter in public spaces to provide for comfortable summer use of selected parts of space; and

(e) Ecological sustainability, with tree/plant species appropriate to climate, soils, drainage and sun and wind exposure.

(15) Street lighting and open space lighting in the Village Core should encourage the following:

(a) Low-level ground lighting as well as pole lighting;

(b) Lighting types and levels to provide for safety and prevent night-sky pollution;

(c) Lighting types and placement of pole and ground lighting to define pathways, entrances to spaces;

(d) Facilitate nighttime orientation for pedestrians, bicyclists and motorists;

(e) Highlighting points/structures of interest; and

(f) Evening use of public spaces in Village Core.

(B) **Specific Requirements.**

(1) Cul-de-sacs and P-loop streets are not permitted in the Village Core.

4-911 Development Standards.

(A) **Block Form and Size.**

(1) Blocks of a generally rectangular shape shall be the main organizing feature of the Village Neighborhood and Village Core. While topography, existing vegetation, stream channels and design intentions shall influence block shape and size, the length of such blocks in the Village Core and Village Neighborhood interior shall be no less than three hundred (300) feet nor more than six hundred (600) feet as measured along front lot lines, between intersections of streets. The block length along the periphery of the Village Neighborhood bordering the Conservancy Area shall be a maximum of one thousand (1000) feet to facilitate a visual transition towards the Conservancy Area.

(2) The blocks of the Village Core shall be subdivided into generally rectangular shaped lots, having frontage on a street. The layout of such lots shall respond to environmental factors, the proposed use, and design intentions.

(B) **Variation of Lot Sizes and Building Types.**

(1) Single-family detached development in the Village Neighborhood shall incorporate a variety of lot sizes, building types and/or forms (Typical drawing required).

(2) **General Rule.** In all single-family detached subdivisions in the Village Neighborhood containing ten (10) or more lots, a mixture of lot sizes and dimensions shall be provided in order to allow a variety of housing opportunities and avoid monotonous streetscapes. For example, larger and wider lots are encouraged on corners. Smaller lots are encouraged adjacent to parks and open spaces. No more than 60 percent of all lots shall be similar in total lot area. For purposes of this subsection, "similar" lot areas shall be defined as within 500 square feet of each other.

(3) **Exception.** Up to seventy (70) percent of the lots within the subject subdivision may be similar if the Zoning Administrator, pursuant to Section 6-401, makes a finding that, notwithstanding deviation from the sixty (60) percent standard stated above, lot sizes and dimensions are sufficiently varied for different building types and forms, to avoid monotonous streetscapes.

(4) **Dispersion of Lot Sizes.** Similar lot sizes shall be distributed throughout a subdivision rather than consolidated in one area, unless the Zoning Administrator, pursuant to Section 6-401, makes a finding that the intent of this district and of the Zoning Ordinance shall be better served by a design that tends to consolidate lots of similar sizes.

(C) **Village Core Features.** The Village Core shall incorporate on-site amenities or features listed below:

(1) A centrally located park, green, or square and at least one additional park, square, green or plaza, pursuant to Section 4-911(D), below.

(2) A water feature, such as a lake, pond, or fountain, which is easily accessible by pedestrians, and includes or integrates seating areas for pedestrians.

(3) A minimum of fifty (50) and a maximum of one hundred (100) square feet of retail and office space, as specified under the **Retail Sales and Service Use Category** and **Office Use Category**, is required per dwelling unit in the village. A grocery

store, if provided, shall count towards the minimum amount of retail space required, but shall not be subject to the maximum limit of required retail space.

(4) A minimum of two civic uses, pursuant to the **Use list** in Section 4-908.

(5) Bicycle and Pedestrian accommodations as defined by the Loudoun County Bicycle and Pedestrian Mobility Master Plan.

(6) The phasing for construction of on-site amenities within the Village Core shall meet the following minimums:

(a) Zoning permits for at least 25% of **the Retail Sales and Service Use Category** and **Office Use Category** as specified in [3] above, must be obtained, and all other on-site amenities required in the Village Core [(1), (2), (4) and (5)] above, must be provided prior to the issuance of zoning permits for more than 75% of all residential units proposed in the Countryside Village.

(b) Zoning permits for at least 50% of the **Retail Sales and Service Use Category** and **Office Use Category** as specified in [3] above, must be obtained prior to the issuance of zoning permits for more than 90% of all residential units proposed in the Countryside Village.

(c) All zoning permits for the **Retail Sales and Service Use Category** and **Office Use Category** as specified in [3] above, must be obtained prior to the issuance of zoning permits for all residential units proposed in the Countryside Village.

(D) **Greens, Parks, Squares and Plazas.**

(1) **Area Requirement.**

(a) 3 acres minimum for a community park.

(b) 40,000 sq. ft. minimum for a neighborhood park.

(c) 10,000 sq. ft. minimum for other greens, parks and squares.

(d) 3000 sq. ft. minimum for a plaza.

(2) **Minimum Width.** The smallest dimension of the green, park, square or plaza shall be:

(a) 100 feet for a community or neighborhood park

(b) 60 feet for other greens, parks and squares.

(c) 50 feet for a plaza.

(3) No residential unit in the Village Neighborhood shall be located more than 1500 feet from a neighborhood park, community park, square or green. Such parks, squares and greens must be interspersed throughout the Village Neighborhood.

(4) Greens, parks, squares and plazas shall be located in visually prominent areas. In the Village Core, they shall be located in conjunction with civic uses or commercial uses.

(5) Athletic fields may be located along collector roads, other than those listed in Table 4, and may be accessed therefrom. Such fields shall be buffered from all roads and residential development with a permanent common open space buffer of fifty (50) feet in depth with required landscaping equivalent to that of a Category 2 Buffer Yard (Section 5-1414(B)).

(E) **Frontage/Entrance Standards in the Village Core.**

(1) The front of any commercial building shall be oriented towards the street or main village green or square. A minimum of 60% of any commercial building façade facing the front lot line shall abut the front lot line or sidewalk. The main entrance to such commercial building shall be from the front.

(2) Commercial buildings fronting on the same street and located on the same block shall be attached except where pedestrian ways are located between buildings.

(F) **Buffering and Screening.** The buffering and screening requirement of Section 5-1400 of this Ordinance shall not apply in the PD-CV district with the exception of parking lot landscaping in Section 5-1413, and, properties adjacent to any existing or planned arterial road that must meet the requirement in Section 5-1406(E)(2). Notwithstanding this requirement, buffering and screening standards may be required as part of the special exception process.

(G) **Building & Street Orientation.**

(1) The orientation of streets shall provide for physical and visual access of common spaces and prominent buildings. Streets shall terminate at other streets or at public land and open spaces.

(2) Buildings in the Village Core shall be oriented towards the street or main village green or square. Residential buildings in the Village Neighborhood shall orient towards streets, sidewalks, greens, parks or open space. Lots fronting on greens, sidewalks and parks shall be provided rear alley access.

(H) **Sidewalks, Pedestrian Paths and other On-Site Pedestrian Walkways.**

(1) Village Neighborhood: Residential Blocks

(a) Sidewalks shall be provided on both sides of a residential street, and shall connect to dwelling entrances.

(b) Minimum width: Ten (10) feet, which may include a minimum five (5) foot wide sidewalk and a planting strip of five (5) feet at the curb.

(2) Village Core/Nonresidential Blocks and Mixed Use Blocks:

(a) Sidewalks shall be provided on both sides of a nonresidential or mixed-use block and shall connect to building entrances.

(b) Minimum width: Eleven (11) feet, which may include a minimum six (6) foot wide sidewalk and a planting strip of five (5) feet at the curb.

(c) All sidewalks shall be aligned and connected with those on adjacent properties and public rights-of-way.

(d) Each point at which the system of sidewalks or pedestrian trails crosses a parking area or street to make a required connection, such connections shall be clearly marked using a change in paving materials or distinctive colors as approved by VDOT.

(3) The developer shall construct temporary pedestrian paths, extending across undeveloped land designated for commercial development and linking other portions of the Village Core, at the same time as adjoining areas are developed. Such paths shall be a minimum of five (5) feet in width, constructed of gravel, sand, woodchips, or other similar type materials.

(4) Pedestrian paths linking land designated for commercial development with residential areas shall be constructed concurrent with development of the remainder of the network, so as to connect residential areas across undeveloped commercial areas.

(I) **Road and Street Standards.**

(1) Roads, streets and alleys should be designed to:

(a) Parallel and preserve existing fence lines, tree lines, hedgerows and stone walls.

(b) Minimize alteration of natural site features and to the extent feasible follow natural site contours.

(c) Maximize views to prominent natural and manmade vistas.

(d) Promote pedestrian movement, comfort, convenience and safety.

(2) Alleys. Alley travel ways shall not exceed twelve (12) feet of pavement width.

(3) Within the Village Core, parking shall only be allowed on one side of the street.

(J) **Parking Requirements.**

(1) Parking in the Village Core should generally be located at the rear of the lots and no off-street parking shall be permitted in front yards.

(2) Additional parking may be provided in the Village Core by continuous parallel on-street parking to help slow traffic (Typical drawings required).

(3) In the Village Core, a parking facility may be shared by two or more uses if the sum of the parking space requirements of all the uses is provided and pursuant to Section 4-911(K) below.

(4) In the Village Core, notwithstanding the requirement of Section 5-1103(A), all parking shall be located on the lot being served, or on a separate lot or parcel within ¼ mile of the principle pedestrian entrance of the building that it serves.

(5) In the Village Core, access for off-street parking shall generally be achieved by means of alleys, off-street vehicular connections between adjacent parking lots and side streets.

(6) In the Village Core, off-street parking areas and parking lots should be designed to have low visibility and consequently shall not be located at the visual termination of roads and streets and shall not be the principal use of corner lots.

(7) In the Village Neighborhood, shared driveways are encouraged.

(K) **Administrative Reductions, Waivers, or Modifications of Parking Requirements.** The Zoning Administrator may grant administrative reductions, waivers, or modifications of parking requirements in the Village Core for permitted or special exception uses contained in Section 4-907, Table 2 above, in accordance with the provisions of Section 5-1102(F), as applicable.

(L) **Garages.** Single-family detached units in the Village Neighborhood shall include one of the following:

(1) Rear loaded attached or detached garages located at the rear or side of the lot and accessed by alleyways or rear driveways.

(2) Front loaded garages and carports located a minimum of six (6) feet behind the principal building façade.

(M) **Landscaping.** Street trees in the Village Neighborhood and Village Core shall be planted on both sides of the street, spaced at regular intervals, as best determined for a particular species, but at a density of no less than one tree per twenty-five (25) linear feet along all public and private streets except alleys. Such street trees must not obstruct sight distance from street intersections and entrances as determined by this Ordinance and VDOT. Such trees shall have a minimum caliper of one (1) inch when planted and a height at maturity of twenty (20) feet or more.

4-912 **Transportation Requirements.** The Concept Development Plan of a Countryside Village shall demonstrate that the following transportation requirements are satisfied:

(A) The Countryside Village shall have at least two (2) points of access onto paved two (2) or more lane roadways designated below in Table 4-912, **Transition Transportation Route & Corridor Network**, as "maintained/planned to be maintained through State Secondary Funds". These entrances must have left and right turn lanes as required by VDOT or the County.

(B) Points of access to Transition Transportation Routes maintained through State Primary Funds, as listed in Table 4-912, are not permitted.

(C) Other significant transportation routes and corridors, found to be acceptable to the County, may be used provided that such roads are paved with a minimum twenty (20) foot section or that the applicant has secured and improved, or has agreements with off site property owners to secure and improve, the right-of-way necessary to develop a paved twenty (20) foot section, which meets County standards, from the property to the nearest intersecting road listed in Table 4-912 below as maintained/planned to be maintained through state secondary funds.

(D) Any secondary road improved to a minimum twenty (20) foot paved section through the County/VDOT Six Year Secondary Road Improvement Program or other funding source, after the adoption of this ordinance, meeting all County standards for horizontal and vertical geometry and design speed shall be, upon completion of construction, considered to be included in Table 4-912 below.

(E) Internal streets serving the Countryside Village should not have direct access to any Transition Transportation Route or Corridor road listed in Table 4-912.

(F) All private streets, not accepted as public streets by VDOT, must meet the standards for private streets in the Facilities Standards Manual (FSM), and must be maintained either by the property owner(s) or the Property Owners Association.

(1) All properties served by a private street shall be subject to a recorded covenant expressly requiring private maintenance of such street in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such street.

(2) The record plat and protective covenants for a Countryside Village shall expressly state that the County and VDOT have no responsibility for the maintenance, repair, or replacement of private streets.

(3) Sales brochures, or other literature and documents, provided by the seller of lots served by such private streets, shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such streets, including a statement that the County has no, and will have no, responsibility for the maintenance, repair, or replacement of private streets.

(G) Lots in the Village Conservancy may be served by private access easements designed and constructed to standards in the Facilities Standards Manual.

TABLE 4-912: TRANSITION TRANSPORTATION ROUTE & CORRIDOR NETWORK
The following road maintained through State Primary Funds: *Tri-County Parkway*
The following roads and corridors maintained/planned to be maintained through State Secondary Funds: *620/705 (Braddock Road), 659 Relocated, and Gum Springs Road (659)*

4-913 **Access from Major Roads.** Unless otherwise specified in this section, the standards of Section 5-900 shall apply.

4-914 **Signs.** The requirements of Section 5-1200 shall be followed for PD-CV development. Residential signs within the PD-CV district shall follow the requirements of the PD-H signs as enumerated in the Sign Requirements Matrix, Section 5-1204(D).

4-915 **Lighting.** Street lighting shall be provided along all streets and shall meet the minimum standards required in the FSM (Facility Standards Manual).

4-916 Utility Requirements.

(A) Countryside Villages shall be served by central water and sewer systems, except for Conservancy Areas and Satellite Conservancy Areas, which may be served either by individual well and septic or central water and sewer systems.

(B) All utilities in the Village Core shall be located underground. All above ground utility boxes and other facilities shall be co-located and screened from road and street view. In the residential areas, utility lines and utility boxes shall be located to the rear of the lots.

4-917 Property Owners Association. Every Countryside Village shall have an established Property Owners Association with documents reviewed and approved by the County prior to first Record Plat approval. The Countryside Village Property Owner Association documents shall provide for maintenance of street trees, street lighting and other community landscaping such as in village greens, parks and squares, private streets, sidewalks (if not accepted by VDOT), recreation facilities, tot lots and equipment.

4-918 Precedence. Where there are differences between explicit provisions of the Countryside Village Ordinance and general zoning, subdivision, or other County regulations, the provisions of the Countryside Village Ordinance shall take precedence.

4-919 Modification of Regulations. The Board of Supervisors may grant modifications to the standards in this Section 4-900, except in regards to use and density, pursuant to Section 6-1217 of this Ordinance.

4-920 Use Limitation. In addition to the requirements contained in Article 5, the following uses shall have limitations as specified below**:**

(A) Civic uses as listed in Section 4-908, shall only be permitted either in the Village Core, or if adjacent to the Village Core, in the Village Neighborhood. Such uses when located in the Village Neighborhood shall be located along a major access roadway into the Village Core, or at a prominent location either at the end of a street or at a street intersection. Such uses, if greater than 15 acres, shall be located only on arterial and major collector roads.

(B) No utility, commercial, or industrial use shall be permitted which, because of its nature, location or manner of operation, is dangerous or noxious. Dangerous and/or noxious conditions include, but are not limited to, odor, fumes, gas, smoke, or emissions of particulate matter or effluent.

Section 4-1000 PD-TREC Planned Development - Transit Related Employment Center.

4-1001 **Purpose.** This Planned Development - Transit Related Employment Center (PD-TREC) District is established to provide for a mix of compatible uses in a high-density, pedestrian and transit-oriented, and compact employment or special activity center. The district regulations are designed to accommodate high-intensity employment or a special activity use and supporting a mixture of uses appropriate to a district location that is: (1) within the 65 Ldn noise contours associated with Washington/Dulles Airport, and (2) impeded by significant floodplain (Broad Run) and highway right-of-way (Dulles Greenway, Routes 606 and 789), and (3) adjacent to planned rapid bus and rail transit lines. Specific objectives of this district include:

(A) Provide the opportunity for a high intensity and mix of development that is supportive of and served by mass transit service;

(B) Encourage development that is compatible within the 65 Ldn noise contours of Washington/Dulles Airport;

(C) Provide for pedestrian, bicycle and vehicle connections between different land uses within the district, and from development in the district to adjacent and nearby transit, open spaces, recreational and other community facilities, employment centers and adjacent pedestrian and bicycle facilities, enhanced by short "city scale" blocks arranged in a rectilinear grid-street pattern;

(D) Provide for the use of mass transit to reduce the number of peak hour vehicle trips;

(E) Provide for a mix of supporting commercial retail and service uses to serve the shopping and service needs of district employees, visitors, and commuters;

(F) Encourage the development of well-configured plazas, squares, greens, landscaped streets, and parks woven into the pattern of the transit-oriented and pedestrian-oriented development and dedicated to collective social activity, recreation, and visual enjoyment; and

(G) Ensure high-quality design and construction.

(H) Take advantage of the future rail connection to the Washington Dulles International Airport to attract corporate office users making frequent use of the Airport.

(I) Take advantage of the viewshed of the Washington Dulles International Airport to attract tourists visiting the Smithsonian Museum Facility and those using the airport.

4-1002 **Location, Size and Components.**

(A) **Location.** The district shall be mapped only in locations that meet the following criteria:

(1) The district shall be located entirely on the north side of the eastbound lanes of the Dulles Greenway north of the Washington/Dulles Airport property.

(2) A transit stop shall be planned to be an integral feature of the district at a location determined by the Washington Metro Area Transit Authority (WMATA). The district shall be located no further than ½-mile from the transit stop.

(3) The district location and proposed arrangement of land uses will provide opportunities to safely and conveniently connect district land uses with the transit stop.

(B) **Minimum District Size.** The initial application to this district shall be a minimum of 40 acres. Subsequent applications shall be adjacent to or across the road from previously mapped PD-TREC districts and shall be a minimum of 25 acres. Notwithstanding the provisions of Section 6-1217, the only provision in this paragraph that may be modified is that regarding subsequent district size.

(C) **District Subareas.** The PD-TREC District shall be divided into two (2) parts or subareas. The boundaries of the subareas will vary to correspond with physical and natural barriers that limit compact development, pedestrian connections and movement, and access to the transit station.

(1) **"Inner Core" Subarea.** The "Inner Core" subarea of the PD-TREC District shall mean the total gross land area located generally within a one-quarter (¼) mile from the outer edge of the planned rail transit station platform, as shown on an approved Concept Development Plan. The highest land-use intensities shall be located close to the planned transit stop. The primary focal point of the development will be located in this subarea. Retail, office, and service commercial uses are located in this subarea, with a vertical mix of uses, public gathering places, and a predominance of pedestrian-oriented uses (uses located at street level that are visible and accessible from the street).

(2) **"Outer Core" Subarea.** The "Outer Core" of the PD-TREC District shall mean the total gross land area located outside the Inner Core subarea, but generally within one-half (½) mile from the outer edge of the planned rail transit station platform, as shown on an approved Concept Development Plan. Densities are high, yet decrease in intensity as they increase in distance from the transit stop. Supporting retail, office, light industrial, and service commercial uses are located in this subarea, with a vertical mix of uses and a predominance of pedestrian-oriented

uses (uses located at street level that are visible and accessible from the street).

4-1003 Rezoning & Development Process Requirements.

(A) **CDP with Rezoning Applications.** Rezoning to and subsequent development under this district will be permitted only in accordance with a Concept Development Plan approved according to the review criteria in Section 6-1200 of this Ordinance. Flexibility in design options will be allowed.

(B) **Preparation of CDP.** All Concept Development Plans required by this section shall be prepared according to Section 6-1200 of this Ordinance, and in addition shall include and graphically show the following items:

(1) The type and scale of proposed uses;

(2) The proposed minimum and maximum intensity of development (*i.e.*, proposed floor area square footage);

(3) Site and building designs to include the integration of the built and open space environment, pedestrian streetscape design, pedestrian, bicycle and motor vehicle connections between the uses and planned or existing transit stops and transit parking;

(4) The location and design of focal points within the district; and

(5) Delineation of limits of subareas pursuant to Section 4-1007(B)(4), below.

(6) The physical and functional integration of the proposed mix of land uses, including but not limited to pedestrian, bicycle and vehicle connections between the uses and planned or existing transit stops and transit parking.

(7) A comprehensive pedestrian and bicycle network showing integration and connections with transit and automobile networks.

(C) **Final Development Plan.**

(1) **FDP Required:** Prior to the commencement of development of a parcel, the Planning Commission shall review and approve a Final Development Plan. Approval of the FDP shall serve as meeting the non-engineering requirements of a site plan. The Planning Commission shall approve a Final Development Plan if it conforms to approved proffers and the approved Concept Development Plan and contains the information enumerated in Section (C) (2) below.

(2) **FDP Submission Requirements:**

(a) The Final Development Plan shall be prepared in accordance with the approved concept development plan and proffers shall contain the following information:

(i) A vicinity map at a scale of not less than one inch equals two thousand feet (1” = 2,000’)

(ii) Bearings and distances of the perimeter property lines

(iii) Total area of property presented in square feet or acres

(iv) Scale and north arrow, with north, to the extent feasible oriented to the top of all drawings

(v) Names and route numbers of boundary streets and widths of existing right(s)-of-way. Any proposed amendments to the public right(s)-of-way and delineation of existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of pavement and to the edge of the right-of-way.

(vi) The location and arrangement of all proposed uses, including a preliminary subdivision layout , if proposed

(vii) The maximum height, in feet, of all buildings and the number of floors both above and below or partially below finished grade

(viii) Proposed building footprints and massing details

(ix) The traffic circulation system and the pedestrian and bicycle circulation system, including the location and width of all streets, driveways, entrances to parking areas and parking structures, pedestrian walkways and bicycle paths.

(x) Location of bus and rail stops

(xi) Landscaping plan indicating the location and type of all plantings, in accordance with the requirements of the Facilities Standards Manual, and any trees to be conserved.

(xii) A plan or statement showing how public utilities are, or will be provided.

(xiii) Approximate location and estimated size of all proposed stormwater management facilities

(xiv) When the development is to be constructed in sections, a development schedule showing the anticipated order of construction of such sections

(xv) Location of accessory uses

(xvi) Location and size of open space areas, specifying the proposed treatment or improvement of all such areas

(xvii) Cross sections of proposed buildings to evaluate the streetscape and skyline with relation to adjacent development

(xviii) Location and quantity of required number of off-street parking and loading spaces provided

(xix) Architectural sketches, if available, of typical proposed structures, including lighting fixtures and signs

(xx) A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards

(b) A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan:

(i) Total floor area and floor area for each use type and total floor area ratio in each subarea and land bay

(ii) Total area in open space, including recreational open space provided and the amount required

(iii) Total number of off-street parking and loading spaces provided and the number required

(D) **Review of Site Plans and Subdivision Plats.** All site plans and subdivision plats for uses and developments proposed within the PD-TREC District shall be reviewed and approved according to the procedures stated in Section 6-700 of this Ordinance and in Chapters 1243 and 1244 of the Land Subdivision and Development Ordinance.

4-1004 Permitted Uses.

(A) The following uses are permitted within both the Inner Core and Outer Core subareas:

(1) Animal hospital (7,500 sq. ft. or less), in a completely enclosed facility, but permitted only in the Outer Core subarea.

(2) Ambulatory retail or food/beverage vendors and mobile vending carts, pursuant to Section 4-1010(A).

(3) Art gallery.

(4) Auction House, pursuant to Section 4-1010(B).

(5) Automobile car sharing agency, with on-site automobile storage not to exceed 10 cars.

(6) Automobile rental agency, with on-site automobile storage not to exceed 10 cars.

(7) Bank or financial institution, excluding drive-through facilities.

(8) Business service establishment.

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

(10) Church, synagogue, and temple.

(11) Civic, social and fraternal association meeting place.

(12) College, university, 50,000 sq. ft. or less (exclusive of on-site student, faculty and/or employee housing facilities).

(13) Community center.

(14) Conference, or training center.

(15) Convenience food store, excluding drive-through facilities and accessory gas pumps.

(16) Convention or exhibition facility associated only with a hotel/motel, not exceeding the foot print of the hotel/motel and located above or below the first floor.

(17) Cultural amenities, e.g. fountains, ice rinks, reflecting pools.

(18) Educational institution, less than 50,000 sq. ft.

(19) Establishments for general research, scientific research, development and/or training where assembly, integration and testing of products in a completely enclosed building are

incidental to the principal use of scientific research, development and training.

(20) Facility for lessons in dance, gymnastics, judo and sports training (less than 5,000 square feet).

(21) Fire, police and/or rescue station.

(22) Health and fitness center.

(23) Home service establishment.

(24) Hotel/Motel, pursuant to Section 4-1010(C).

(25) Library.

(26) Medical care facility, outpatient only.

(27) Museum, cultural center, arboretum.

(28) Offices, administrative, business, and professional.

(29) Off-street parking facilities, freestanding, in an above-ground or below-ground parking structure only.

(30) Park, playground or plaza (public or private).

(31) Performing arts center (10,000 sq. ft. or less).

(32) Personal service establishment (5,000 sq. ft. of gross floor area or less), excluding drive-through facilities. Permitted dry cleaning personal service establishments shall be limited to drop-off/pick-up centers only.

(33) Post office, drop-off and pick-up only.

(34) Private club or lodge, less than 10,000 sq. ft.

(35) Radio and television recording studio.

(36) Recreation establishment, indoor, pursuant to Section 4-1010(D).

(37) Repair service establishment (5,000 square feet of gross floor area or less), including repair of small household appliances, electronics, and similar scaled items, but not including vehicle or heavy equipment repair.

(38) Restaurant, dine-in and carryout only, excluding drive-through facilities.

(39) Restaurant, dinner theatre.

(40) Restaurant, fast-food, excluding drive-through facilities.

(41) Retail sales establishment, excluding drive-through facilities. No retail sales establishment that is located in a freestanding, single-story building shall contain more than 15,000 square feet of gross floor area.

(42) Sewer pumping station.

(43) Studio space – artist, craftsperson, writer, etc.

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

(45) Theater, indoor.

(46) Transportation and public transit facilities to include transit stations, bus shelters and bicycle parking facilities, but not including park and ride (commuter parking) facilities.

(47) Water pumping station.

4-1005 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

(A) The following uses are permitted by Special Exception in the Inner Core subarea:

(1) Animal Hospital (7,500 sq. ft. or less) in a completely enclosed facility.

(2) College, university, greater than 50,000 sq. ft. (exclusive of on-site student, faculty and/or employee housing facilities).

(3) Educational Institution, greater than 50,000 sq. ft.

(4) Funeral home or mortuary.

(5) Medical care facility, including hospital.

(6) Performing arts center (greater than 10,000 sq. ft.).

(7) Private club or lodge, greater than 10,000 sq. ft.

(8) School, private, accessory to a church.

(9) School, public and private.

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

(11) Transportation or transit facilities, limited to:

(a) Heliport or helistop.

(b) Dulles Toll Road Extended (DTRE) facilities.

(12) Utility substation, dedicated.

(B) The following uses are permitted by Special Exception in the Outer Core subarea subject to the requirements and limitations of these regulations:

(1) All uses permitted by Special Exception in the Inner Core subarea.

(2) Food store (10,000 sq. ft. or greater).

(3) Flex industrial space, pursuant to Section 5-608.

(4) Light manufacture, processing, fabrication, and/or assembly of goods and products that does not generate noise, odor, vibration, or other hazard outside the boundaries of the subject property, pursuant to Section 4010(E). Such goods and products may include, but are not limited to: scientific and precision instruments; photographic equipment; communication or computation equipment; drugs, medicines, pharmaceutical; household appliances; toys, sporting and athletic goods; die-cut paperboard and cardboard; glass products made of purchased glass; electric lighting and wiring equipment; service industry machines; lithographic and printing processes; industrial controls; radio and TV receiving sets; watches and clocks; bags and containers; sanitary paper products; optical goods; and electrical machinery.

(5) Off-street parking facility, freestanding, in a surface parking lot only.

(6) Recycling drop-off collection center, small, pursuant to Section 5-607.

(7) Stadiums and arenas.

(8) Transportation or public transit facilities, limited to park and ride (commuter parking) facilities only.

4-1006 Lot Requirements.

(A) **Yards.**

(1) **Front.** No minimum. In the Inner Core, buildings shall be located a maximum of 10 feet from the front property line; however, if the building fronts on a plaza or courtyard open to the public, the maximum front yard shall be 25 feet per Section 4-1012(A)(1).

(2) **Side.** No requirement.

(3) **Rear.** No requirement.

(B) **Other Yard Requirements.**

(1) **Yards Adjacent to Roads.** Notwithstanding Section 5-900 (A)(2) and (C), no building shall be permitted closer than one hundred (100) feet to the right-of-way of any arterial road unless a component of an "urban deck," as defined by Article 8. No parking shall be located within fifty (50) feet of the right-of-way of any arterial road.

4-1007 Building Requirements.

(A) **Building Height.**

(1) **Maximum Height:** Inner Core: No Maximum; Outer Core: 125 feet, unless a lower height restriction shall be required based on Federal Aviation Regulations Part 77 – Imaginary surfaces. Unoccupied space such as rooftop mechanical structures and architectural features shall not be measured in determining maximum height.

(2) **Minimum Height:** Inner Core: 35 feet of occupied space, 25 feet of occupied space if constructed between a parking structure and a street and effectively screens the parking structure from public view. Outer Core: 25 feet of occupied space.

(B) **Floor Area Ratio.**

(1) **Maximum FAR per Building Lot/Site.** There is no maximum FAR on an individual building lot/site in the Inner or Outer Core subareas, provided the average FAR by subarea does not exceed the maximums stated in the approved Concept Development Plan, approved Final Development Plan, and Section 4-1007(B)(2) below.

(2) **FAR by Subarea:** The highest land use intensities will be located close to the transit stop in the Inner Core subarea. Land uses will reduce in intensity as they increase in distance from the transit stop. The availability of transportation alternatives will determine the maximum Floor Area Ratio of non-residential land use in three phases (a) prior to the establishment of bus services, (b) when bus services and facilities are planned, scheduled,

designed and fully funded and (c) when rail transit services and facilities are planned, scheduled, designed and fully funded as follows:

	Maximum FAR in the Inner/Outer Core Subareas
Prior to Bus	0.6
Bus	1.0
Rail	2.0

(3) The Concept Development Plan shall specify the maximum developable floor area for each of the two subareas, including the phasing of the density based on the availability of bus and rail.

(4) The Final Development Plan will specify the maximum developable floor area approved for the subarea(s), the amount proposed and the remaining square footage for the subarea(s).

(5) Each development application (including site plans) shall include a tabulation of approved total floor area for the appropriate subarea, the proposed floor area for the application, and the remaining square footage for the subarea including density increases tied to the availability of bus and rail.

(6) To concentrate intensity of land use within the Inner Core subarea, as part of the approval of the Concept Development Plan, the Board of Supervisors may approve a maximum floor area for the Inner Core calculated using the following Floor Area Ratios: Note that the maximum total floor area permitted must not exceed the permitted floor area for the combined Inner and Outer Core subareas as determined by the ratio in Section 4-1007(B)(2), above:

Availability of Transportation Alternatives	**INNER CORE Max. FAR**
(a) Prior to Bus	1.2
(b) Bus	2.0
(c) Rail	3.0

4-1008 Mix of Land Uses.

(A) The land use mix to be achieved in the Inner and Outer Core Subareas shall be those found in the table below. Such mix and phasing thereof, shall be identified on the Concept Development Plan. Gross land area devoted to principal land uses shall be balanced according to the following ratios:

Minimum Mix of Land Uses in Inner and Outer Core Combined			
4-1008 Land Use Category		*(% of Gross Land Area)*	
	Regional Office	25%	
	Commercial Retail & Services	10%	
	Light Industrial Uses	0%	
	Special Activity Uses	0%	
	Parks, Civic, and Open Space Uses *	15%	

**At least one publicly accessible plaza shall be located in the Inner Core subarea to represent the urban focal point as shown on the Concept Development Plan. In addition, publicly accessible greens, publicly accessible active recreation space, and publicly accessible mini-parks shall be appropriately distributed within walking distance from uses and generally depicted as to a street block location on the Concept Development Plan. Such publicly accessible greens, active recreation space and mini-park locations implementing the Concept Development Plan shall be shown on the Final Development Plan. These publicly accessible features shall be considered for each incremental addition proposed to the district to maintain open space within a reasonable actual walking distance.*

(B) In order to exceed the minimum percentage in any one category, the minimum percentage in all categories must be achieved as evidenced by an approved Final Development Plan. After the minimum percentages have been achieved, in addition to the requirements of Section 6-1000, a zoning permit for change in tenant occupancy shall include a tabulation indicating that the minimum percentages continue to be met.

(C) A vertical mix of uses is encouraged in multi-story buildings in both the Inner and Outer Core subareas, such as ground floor retail with upper-story offices. To achieve a greater integration of uses, when multiple use types are located within a single building, the Planning Commission may modify the land use mix requirements for Office, Light Industrial, and Commercial Retail & Services, as identified in Section 4-1008(A) above, by a maximum 10% during review of a Final Development Plan.

(D) Phasing of development and the mix of uses required by this subsection must be included in the Final Development Plan. Each FDP shall indicate how the remainder of the development, including the required mix of uses, may be completed.

4-1009 Land Use Arrangement.

(A) Bus stops shall be located throughout the PD-TREC District, as determined by the County in consultation with the Washington Metro Area Transit Authority (WMATA) or similar authority.

(B) Land uses shall be adjoining or located in close proximity to one another to ensure a compact development pattern and a continuous urban streetscape.

(C) The PD-TREC District shall be arranged in a generally rectilinear pattern of interconnecting streets and blocks while maintaining respect for the natural landscape and floodplain.

(D) Average block length (measured at the right-of-way) within the total development area that is the subject of a FDP application shall not exceed 400 feet. Blocks designed to include a mid-block through alley, that permits secondary vehicle access to land uses on the block, may be a maximum of 800 feet in length, half of which shall be used in the calculation of average block length.

(E) All utility distribution lines located on PD-TREC designated land shall be placed underground.

(F) The street network in the Outer Core should complement and support the Inner Core subarea street network by providing multiple and direct vehicular, bicycle, and pedestrian connections to the transit station.

(G) Awnings, canopies, trellises, and similar architectural features may cantilever over a pedestrian walkway. Eaves may cantilever over the pedestrian walkway no more than 3 feet.

(H) Pedestrian walkways shall be located on all four sides of a block.

4-1010 **Use Limitations.** In addition to the requirements contained in Article 5, the following uses shall have limitations as specified below:

(A) **Ambulatory Retail/Food and Beverage Vendors and Mobile Vending Carts.** General retail sales or provision of food and beverage services by ambulatory vendors or through the use of mobile vending carts are permitted in the Inner and Outer Core subareas of the PD-TREC district, subject to the following conditions:

(1) The number of vendors and carts shall be limited to the number shown on the approved Concept Development Plan;

(2) Vendors and carts operating in public places shall comply with any applicable County permit or licensing requirements;

(3) Vendors and carts on private property are restricted to one vendor or cart per property, unless otherwise allowed by the County in the terms of an approved Concept Development Plan or subsequent Final Development Plan or site development plan; and

(4) Mobile vending carts shall be moveable by one person, shall be non-motorized, and may not exceed six feet in length, not including a trailer-hitch.

(B) **Auction Houses** are subject to the following conditions:

(1) The use must be located within a building that houses two or more distinct principal uses that do not share the same physical space; and

(2) The use shall contain no more than 10,000 square feet.

(C) **Hotel/Motel.** Hotels/Motels are subject to the following conditions:

(1) Individual guest rooms in the hotel/motel shall be accessed only from an interior lobby in the building and shall not be directly accessible from the exterior of the building; and

(2) All stairwells, corridors and circulation components of the building shall be completely enclosed within the building envelope.

(D) **Recreation establishments, indoor** are subject to the following conditions:

(1) The facility must be located within a building that is a minimum of three stories in height,

(2) The building must house two or more distinct principal uses that do not share the same physical space, and

(3) The use shall contain no more than 10,000 square feet.

(E) **Light Manufacture Uses.** Light manufacture uses are permitted as special exception uses in the Outer Core subarea of the PD-TREC District, subject to the following conditions:

(1) The use complies with all applicable performance standards in Section 5-1500.

(2) The use is contained completely in an enclosed building; no outdoor storage or activity is allowed.

(3) The use does not produce any adverse noise, odor, heat or glare, or vibration impacts that are discernable to a reasonable person beyond the property lines of the use.

(4) The building housing the light industry use can be designed to be compatible in terms of scale, height, mass, and void-to-solid ratios with conventional commercial office design.

(5) The site and building design for the use shall not adversely affect the ability of pedestrians in the district to access either adjacent land uses, uses in the Inner Core subarea, or the transit station.

4-1011 Building Orientation.

(A) Buildings in the PD-TREC District shall be oriented toward adjacent neighborhood and/or collector streets or adjacent plaza, greens, or parks; any of which may be publicly or privately owned.

(B) The principal entrance to all buildings located in the PD-TREC District shall be from the front public sidewalk or from an adjacent public plaza.

4-1012 Pedestrian-Oriented Building Placement & Uses.

(A) To achieve a uniform streetscape:

(1) Within the Inner Core subarea, a minimum of 70% of any lot width, and within the Outer Core subarea a minimum of 50% of any lot width that is adjacent to a public right-of-way or a plaza, shall be occupied by a building wall built to the setback line. In the Inner Core, the building wall may be set back no greater than 25 feet when necessary to accommodate outdoor seating or food/beverage service areas or similar active pedestrian space or amenity. The building wall may be part of a principal building or accessory building.

(2) The remaining lot frontage in the Inner Core and Outer Core subareas may be occupied by any combination of the following:

(a) Building wall (within or behind the setback line),

(b) Decorative solid screening wall, fence or hedge no higher than 4 feet,

(c) Decorative wall or fence that allows visibility through it, such as wrought iron or split rail fences, no higher than 6 feet,

(d) Landscaped entryway signage or features,

(e) Pedestrian amenities such as a public plaza or park, or

(f) Breaks for necessary pedestrian or vehicle access ways.

(B) Within the Inner Core subarea, at least 70% of the first floor building frontage, and within the Outer Core subarea at least 30% of the first floor building frontage, as required in subsection (A)(1) above, shall contain pedestrian-oriented development, preferably commercial retail and service uses, on the first floor.

(C) Each FDP shall indicate how the remainder of the development may be completed.

4-1013 Pedestrian and Bicycle Connections & Amenities.

(A) **Pedestrian and Bicycle Connections.**

(1) Within the PD-TREC District, each development shall provide and contribute to an on-site system of pedestrian walkways and bicycle paths and lanes designed to provide direct access and connections to and between the following:

(a) The primary entrance or entrances to each principal building;

(b) Any pedestrian walkways or bicycle paths and lanes on adjacent properties that extend to the boundaries shared with the district;

(c) Any public sidewalk system or bicycle path or lane along the perimeter streets adjacent to the district;

(d) Existing or planned bus or rail transit stops and commuter park-n-ride locations; and

(e) On-site amenities, provided according to Section 4-1014, below.

(2) In addition to the connections required in (A)(1) above, on-site pedestrian walkways and bicycle paths and lanes shall be provided and be designed for direct access and connections between the following areas located on adjacent properties: Buildings, sidewalks, existing or planned bus or rail transit stops, commuter park and ride locations, on-site amenities, sidewalks or walkways, public parks and civic uses, and parking areas or structures.

(3) **Most Direct Route Required.** All pedestrian connections shall be designed and sited to ensure the shortest, most direct route possible from point to point. Mid-block pedestrian walkways are encouraged wherever possible to assure a more direct connection between adjacent uses. Pedestrians shall be able to make each of the connections identified in (A)(1) and (A)(2) above without walking across grass or landscaped areas.

(B) **Sidewalks and Other On-Site Pedestrian Walkways.**

(1) Sidewalks and on-site pedestrian ways shall be provided parallel to all streets.

(2) All public sidewalks and on-site pedestrian ways shall be at least eight (8) feet wide within the Inner Core subarea and at least five (5) feet wide within the Outer Core subarea.

(3) All sidewalks and on-site pedestrian walkways shall have and maintain a minimum unobstructed pathway at least five (5) feet wide.

(4) All sidewalks and on-site pedestrian walkways shall be aligned and connected with those on adjacent properties and public rights-of-way.

(5) Each point at which the system of sidewalks or pedestrian walkways crosses a parking area, street, or driveway to make a required connection shall be clearly marked through the use of change in paving materials, height, or distinctive colors. Painted crosswalks may be used only in the Outer Core subarea.

(C) **Bicycle Paths and Lanes.**

(1) All bicycle paths shall be at least 5 feet wide, 8 feet wide if a multi-use path.

(2) The PD-TREC district shall provide for bicycle lanes or paths throughout the PD-TREC district.

(D) **Pedestrian/Bicyclist Underpasses or Tunnels.**

(1) Where underpasses or tunnels are used for pedestrian or bicyclist pathways, they shall be generally straight and without recesses so that the far end of the underpass or tunnel is visible to the pedestrian or bicyclist.

4-1014 On-Site Amenities.

(A) **General Requirement.** All development in the PD-TREC District containing 25,000 or more square feet of gross floor area shall incorporate at least two (2) of the following on-site amenities or features that are accessible to all uses within the development:

(1) Patio or plaza with seating areas, provided such patio or plaza has a minimum depth and width of 10 feet and a minimum total area of 300 square feet.

(2) Landscaped mini-parks, squares, or greens, including rooftop areas, provided such park or green has a minimum depth and width of 30 feet and a minimum total area of 1,000 square feet.

(3) On-site transportation amenities, including bus stops and customer pick-up/drop-off stations.

(4) Protected customer walkways; arcades; or easily identifiable building pass-throughs containing window displays and intended for general public access.

(5) Water feature, such as a lake, pond, or fountain, provided the feature is easily accessed by pedestrians and includes or integrates seating areas for pedestrians.

(6) Athletic facilities such as lockers, showers and changing rooms.

(7) Street-level public restrooms immediately accessible from building pass-throughs, public plazas or other public open spaces, or enclosed plazas/atriums.

(8) Swimming pools (indoor or outdoor, including rooftops)

(B) On-site amenities may be used to satisfy the minimum 15% public parks, civic and open space requirement for the Inner and Outer Core subareas in Section 4-1008 above.

4-1015 Parking Requirements.

(A) **Provision of On-Street Parking.** Generally, on-street parking shall be provided throughout the PD-TREC District and shall not encompass more than 70% of the block frontage. Such on-street parking may be angled and shall be inset into the block with street trees, plantings and/or street furniture incorporated between groups of parking spaces. Such on-street parking shall be designed to avoid impeding pedestrian movement among buildings and spaces in the area.

(B) **Amount of Off-Street Parking Required.**

(1) Each application for a Final Development Plan shall include a transportation study to be reviewed and approved by the County indicating the number of parking spaces required. Such transportation study shall take into account reductions in the requirements of Section 5-1102(F)(5)(a) of up to 20% based on the availability of bus service and up to 50% based on the availability of rail service.

(2) The Concept Development Plan shall indicate how the quantity of required parking spaces shall be met within the Inner and Outer Core subareas.

(C) **Credit for On-Street Parking.** In coordination with the Loudoun County Office of Transportation Services and the Virginia Department of Transportation, the Zoning Administrator may allow on-street parking spaces, located within 400 feet of the subject principal use, to be credited to meet up to 30% of the off-street parking spaces for a particular development or building required by Section 4-1015(B) above. Such

credit for on-street parking shall be included on the Final Development Plan so as to identify the particular development receiving credit.

(D) **Off-Street Surface Parking Lots.**

(1) Off-street surface parking lots, either as principal or accessory uses, are prohibited in the Inner Core subarea of the District. Below-grade parking structures are strongly encouraged in the Inner Core subarea where feasible.

(2) All off-street surface parking lots in the Outer Core, other than short-term drop-off/delivery parking, shall be landscaped and shall not interfere with the reasonable continuity of building facades and pedestrian activity.

(3) No accessory, off-street surface parking lot in the Outer Core subarea shall be located between the principal entrance of a building and an adjacent street.

(E) **Location of Off-Street Accessory Parking.** Notwithstanding the requirements of Section 5-1103(A), all accessory parking shall be located on the lot being served or on a separate lot or parcel within ¼ mile of the principal entrance of the building that it serves.

(F) **Access to Off-Street Parking.** Off-street parking facilities shall have access from streets or, if no street access is available, from alleys with adequate security measures.

(G) **Above-Grade Parking Structures.** All above-grade parking structures shall be designed in a manner that is compatible with nearby building architecture to minimize visual impact.

(H) The parking facility may be shared by two or more uses if the sum of the parking space requirements of all of the uses is provided.

(I) After rail service is available, structured parking shall be required to meet 70% of the parking requirements for the construction of new buildings in the Inner and Outer Core subareas.

4-1016 Landscaping, Buffering, and Screening.

(A) Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets and residential uses.

(B) For individual lots within the PD-TREC district that are developed in accordance with a proffered Concept Development Plan, the buffer and screening requirements of Section 5-1400 shall not be applicable between uses on adjacent lots developed within the center or between uses within the PD-TREC district and differently zoned properties.

4-1017 **Street Trees.** Trees shall be planted at a density of one tree per twenty five (25) linear feet along all areas dedicated for use for vehicular access. Such trees shall have a minimum caliper of 1 (one) inch and a height at maturity of 15 (fifteen) feet or more. If in the opinion of the Planning Commission at time of review of the Final Development Plan, upon the advice of the County Urban Forester/Arborist, street trees will not survive in a given location, substitute plantings or substitute locations may be provided.

4-1018 **Tree Canopy.** Notwithstanding the requirements of Section 5-1303, the tree canopy requirements of Section 5-1303 shall not apply to the Inner Core subarea.

4-1019 **Development Setback and Access from Major Roads.** The requirements of Section 5-900 shall be observed.

(A) In the Inner Core, buildings shall be located at a maximum of 10 feet from the front property line; however, if the building fronts on a plaza or courtyard open to the public, the maximum setback shall be 25 feet per Section 4-1006 (A) (1).

4-1020 **Accessory Structures and Uses.** Accessory structures and uses shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.

4-1021 **Signs.**

(A) The requirements of Section 5-1204(D) shall be followed for PD-TREC development.

(B) As applicable, commercial/office and miscellaneous signs within the PD-TREC District shall follow the requirements of similar signs in the PD-TRC district as enumerated in the Sign Requirements Matrix, Section 5-1204(D).

(C) As applicable, industrial signs within the PD-TREC District shall follow the requirements for flex industrial signs as enumerated in the Sign Requirements Matrix, Section 5-1204(D).

4-1022 **Ownership, Operation and Management of Common Open Space and Common Facilities.**

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

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

(2) Establishment of a non-profit association, corporation, trust or foundation of all owners of property within the planned

development. Such organization shall conform to the following requirements:

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

(b) The organization shall manage, maintain, administer and operate all open space and improvements and other commonly owned land, and shall secure adequate liability insurance on the land and such improvements.

(c) Sales brochures or other literature and documents provided by the seller of all lots within a PD-TREC district shall include information regarding membership requirements and responsibilities of such organizations.

(3) Retention of ownership, control and maintenance of common open space and improvements by the property owner.

(B) All common open space not dedicated to the County shall be subject to restrictive covenants running with the land restricting its use to that specified in the approved Final Development Plan. Such restriction shall be for the benefit of, and enforceable by all present or future property owners and the Board of Supervisors of Loudoun County.

(C) All common open space, as well as public recreational facilities, shall be specifically included in the development schedule and be constructed and fully improved at an equivalent or greater rate than the construction of other non-residential structures.

Section 4-1100 PD-TRC-Transit Related Center

4-1101 **Purpose.** This district is established to provide for a compatible mixture of commercial, cultural, institutional, governmental, recreational, and high density housing uses in compact, pedestrian oriented, transit oriented developments and transit-designed supportive areas serving as focal points for nearby related activity centers and residential areas. Planned rail and bus facilities are integral to this mixed-use concept and the County will consider density increases as roads, bus and rail service are available to the district. These higher intensity, mixed-use development projects will serve to promote linkage of employment and residential uses. Specific objectives of such districts include:

(A) Provide a pedestrian-scale development containing residential, commercial, public, and employment uses;

(B) Provide the opportunity for a town center at an intensity of development that can be supported by multi-modal transportation and other services;

(C) Provide for pedestrian and bicycle facilities and for pedestrian and bicycle connections among land uses in the district and for connections with land uses in adjacent areas through links with bicycle and pedestrian systems in those other areas;

(D) Provide for the use of mass transit to reduce the number of peak hour vehicle trips;

(E) Encourage high-quality design; and

(F) Encourage the development of well-configured plazas, squares, greens, landscaped streets, and parks woven into the pattern of the transit oriented development and dedicated to collective social activity, recreation, and visual enjoyment.

4-1102 **Location, Size and Components.**

(A) **Location.** Land zoned PD-TRC shall be divided into three parts or subareas as described in Section 4-1102(C) below. Neither the Inner Core subarea nor the Outer Core subarea shall extend further north than Shellhorn Road (Route 643).

(B) **Size.** The initial application to this district shall be a minimum of 40 acres. Subsequent applications shall be adjacent to or across the road from previously mapped PD-TRC districts and shall be a minimum of 25 acres. Notwithstanding the provisions of Section 6-1217, the only provision in this paragraph that may be modified is that regarding subsequent district size.

(C) **District Subareas.** The Transit Related District shall be divided into three (3) parts or subareas. The boundaries of the subareas will vary to correspond with physical and natural barriers that limit compact development, pedestrian and bicycle connections and movement, and

access to the transit station. Limiting factors will include topography and major arterials so that the subareas may not be a full radius, but will be influenced in form by natural and man-made barriers:

(1) *Inner Core* - shall mean the total gross land area located generally within a one-quarter (1/4) mile from the outer edge of the planned rail transit station platform, as shown on the approved Concept Development Plan. The highest land-use intensities will be located close to the planned transit stop. The primary focal point of the development will be located in this subarea. Retail, office, service commercial, and high density residential uses are located in this subarea, with a vertical mix of uses, public gathering places, and a predominance of pedestrian oriented uses (uses located at street level that are visible and accessible from the street);

(2) *Outer Core* - shall mean 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 decrease in intensity as they 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 (uses located at street level that are visible and accessible from the street); and

(3) *Transit-Designed Supportive Area* - shall mean the total gross land area located outside the Outer Core subarea, but generally within one mile from the outer edge of the planned rail station platform, as shown on the approved Concept Development Plan. This subarea is meant to provide a transitional and complementary area between the high-density core and the surrounding development pattern. The Transit-Designed Supportive Area should provide a mix of land uses that complement and support the uses of the Inner and Outer Core subareas. This subarea is adjacent to and an extension of development in the Inner and Outer Core subareas and includes design features that complement the Inner and Outer Core subareas such as flexible lot design and pedestrian and bicycle connections. Commercial uses within the TDSA should complement retail, office, and service commercial uses in the Inner and Outer Core subareas.

4-1103 Rezoning & Development Process Requirements.

(A) **CDP with Rezoning Applications.** Rezoning to, and subsequent development under, this district will be permitted only in accordance with a Concept Development Plan approved according to Section 6-1200 of this Ordinance. Flexibility in design options will be allowed.

(B) **Preparation of CDP.** All Concept Development Plans required by this section shall be prepared according to Section 6-1200 of this Ordinance, and in addition shall include and graphically show the following items:

(1) The type and scale of proposed uses including residential unit type and quantity;

(2) The proposed intensity of development including the maximum proposed non-residential square footage and maximum number of dwelling units per subarea;

(3) Site and building designs to include the integration of the built and open space environment, pedestrian streetscape design, pedestrian, bicycle and motor vehicle connections between the uses and planned or existing transit stops and transit parking;

(4) The physical and functional integration of the proposed mix of land uses, including but not limited to pedestrian, bicycle, and vehicle connections between the uses and planned or existing transit stops and transit parking;

(5) The location and design of focal points within the district;

(6) Delineated limits of subareas pursuant to Section 4-1102(C); and

(7) The relationship between development in the Transit-Designed Supportive Area and the Inner and Outer Core subareas.

(C) **Final Development Plan.**

(1) **FDP Required.** Prior to the commencement of development of a parcel, the Planning Commission shall review and approve a Final Development Plan. Approval of the FDP shall serve as meeting the non-engineered requirements of a site plan. The Planning Commission shall approve a Final Development Plan if it conforms to approved proffers and the approved Concept Development Plan and contains the information enumerated in Section (C)(2) below:

(2) **FDP Submission Requirements.**

(a) The Final Development Plan shall be prepared in accordance with the approved Concept Development Plan and proffers and shall contain the following information:

(i) A vicinity map at a scale of not less than one inch equals two thousand feet (1" – 2000').

(ii) Bearings and distances of the perimeter property lines.

(iii) Total area of property presented in square feet or acres.

(iv) Scale and north arrow, with north, to the extent feasible oriented to the top of all drawings.

(v) Names and route numbers of boundary streets and the width of existing right(s)-of-way. Any proposed amendments to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right(s)-of-way.

(vi) The location and arrangement of all proposed uses, including a preliminary subdivision layout, if subdivision is proposed.

(vii) The maximum height in feet, to include penthouses, of all buildings, and the number of floors both above and below or partially below finished grade.

(viii) Proposed building footprints and elevations.

(ix) The traffic circulation system and the pedestrian and bicycle circulation system, including the location and width of all streets, driveways, entrances to parking areas and parking structures, pedestrian walkways, and bicycle paths.

(x) Location of bus and rail stops.

(xi) Landscaping plan indicating the location and type of all plantings, and any trees to be conserved.

(xii) A plan or statement showing how public utilities are, or will be provided.

(xiii) Approximate location and estimated size of all proposed stormwater management facilities.

(xiv) When the development is to be constructed in sections, a final sequence of development schedule showing the order of construction of such sections, and an approximate completion date for the construction of each section.

(xv) Location of accessory uses.

(xvi) Location and size of open space areas, specifying the proposed treatment or improvement of all such areas.

(xvii) Cross section of proposed buildings to evaluate streetscape and skyscape with relation to adjacent parcels.

(xviii) Location and quantity of required number of off-street parking and loading spaces provided.

(xix) Architectural sketches, if available, of typical proposed structures, including lighting fixtures and signs.

(xx) A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards.

(b) A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan:

(i) Total number of dwelling units by type.

(ii) Total residential units and units per acre by subarea.

(iii) Total floor area for each type of use and total floor area ratio in each subarea or landbay, except residential uses.

(iv) Total area in open space including recreational open space provided and the amount required.

(v) Total number of off-street parking and loading spaces provided and the number required.

4-1104 Permitted Uses.

(A) The following uses are permitted within the Inner Core subarea:

(1) Art gallery.

(2) Auction House, pursuant to Section 4-1111(A).

(3) Automobile car sharing agency.

(4) Automobile rental agency, with on site automobile storage not to exceed 10 cars.

(5) Bank or financial institution, excluding drive-through facilities.

(6) Business service establishment.

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

(8) Church, synagogue, and temple.

(9) Civic, social and fraternal association meeting place.

(10) College, university, less than 50,000 sq. ft. (exclusive of on-site student, faculty, and/or employee housing facilities).

(11) Community center.

(12) Community Garden, not to exceed 20,000 square feet.

(13) Conference and training center.

(14) Congregate housing facility.

(15) Convenience Food Store.

(16) Convention or exhibition facility, associated only with a hotel/motel, not exceeding the floor print of the hotel/motel, and located above or below the first floor.

(17) Cultural amenities, e.g. fountains, ice rinks, reflecting pools.

(18) Dormitory, fraternity/sorority house, rooming/boarding house or other residence hall.

(19) Dwelling, above first floor commercial uses.

(20) Dwelling, multi-family (minimum of 4 stories in height). A multi-family structure may be less than 4 stories in height if it is constructed between a parking structure and a street and effectively screens the parking structure from public view.

(21) Educational Institution, less than 50,000 sq. ft.

(22) Establishment for general research, scientific research, development and/or training where assembly, integration and testing of products in a completely enclosed building is incidental to the principal use of scientific research, development and training.

(23) Facility for lessons in dance, gymnastics, judo and sports training (less than 5,000 square feet).

(24) Fire, police and/or rescue station.

(25) Health and fitness center.

(26) Home service establishment.

(27) Hotel/Motel, pursuant to Section 4-1111(B).

(28) Library.

(29) Off-street parking facility, freestanding (serving two or more lots).

(30) Public transit facilities to include bus shelters and bicycle parking facilities.

(31) Medical care facility, outpatient only.

(32) Museum, cultural center, arboretum.

(33) Offices, administrative, business, and professional.

(34) Park, playground or plaza (public or private).

(35) Performing arts center (10,000 sq. ft. or less).

(36) Personal service establishment.

(37) Post office, drop-off and pick-up only.

(38) Private club or lodge, less than 10,000 sq. ft.

(39) Radio and television recording studio.

(40) Recreation establishment, indoor, pursuant to Section 4-1111(D).

(41) Repair service establishment.

(42) Restaurant (dine-in and carryout only).

(43) Restaurant, dinner theatre.

(44) Restaurant, fast-food without drive-through facilities.

(45) Retail/Food and Beverage Sales – Ambulatory Vendors and Mobile Vending Carts, pursuant to Section 4–1111(E).

(46) Retail sales establishment.

(47) Sewer pumping station.

(48) Studio space – artist, craftsperson, writer, etc.

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

(50) Theater, indoor.

(51) Water pumping station.

(B) The following uses are permitted in the Outer Core subarea:

(1) All uses permitted in the Inner Core subarea.

(2) Dwelling, Single Family Attached.

(3) Dwelling, Single Family Detached, pursuant to Section 4-1111(G).

(C) The following uses are permitted in the Transit-Designed Supportive Area unless otherwise excluded through an approved Concept Development Plan:

(1) All uses permitted in the Outer Core Subareas.

(2) Animal Hospital.

(3) Dwelling, multifamily (4 stories or less in height).

(4) Recycling drop-off collection center, pursuant to Section 5-607.

(5) Food store (10,000 sq. ft. or greater).

(6) A single retail use may not exceed 10,000 sq. ft. in gross floor area.

4-1105 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

(A) The following uses are permitted by Special Exception in the Inner Core subarea:

(1) College, university, greater than 50,000 sq. ft.

(2) Educational Institution, greater than 50,000 sq. ft.

(3) Funeral home or mortuary.

(4) Medical care facility, including hospital.

(5) Performing arts center (greater than 10,000 sq. ft.).

(6) Private club or lodge (greater than 10,000 sq. ft.).

(7) School, private, accessory to a church.

(8) School, public and private.

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

(10) Transportation or transit facilities, limited to:

(a) Heliport or helistop.

(b) DTRE facilities.

(11) Urban deck.

(12) Utility substation, dedicated.

(B) The following uses are permitted by Special Exception in the Outer Core subarea subject to the requirements and limitations of these regulations:

(1) All uses permitted by Special Exception in the Inner Core subarea.

(2) Commuter parking facilities, structured or planned to be structured.

(3) Convention or exhibition facility.

(4) Dog Park.

(5) Stadiums and Arenas.

(6) Storage, mini-warehouse, pursuant to Section 4-1111(F).

(C) The following uses are permitted by Special Exception in the Transit-Designed Supportive Area, unless otherwise excluded through an approved Concept Development Plan, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300:

(1) All uses permitted by Special Exception in the Outer Core subarea, except:

(a) Retail/Food and Beverage Sales – Ambulatory Vendors and Mobile Vending Carts.

(b) Urban Deck.

(2) Automobile service station.

(3) Bank or financial institution, with drive-through facilities.

(4) Commuter parking facilities, structured or surface.

(5) Convenience retail establishment with accessory gas pumps and/or car wash.

(6) Pharmacy, with drive-through facilities.

(7) Any one retail use in excess of 10,000 sq. ft.

4-1106 Lot Requirements.

(A) **Size.** No minimum, except 2,400 square feet for single-family detached and 1,600 square feet for single family attached dwellings.

(B) **Width.** No minimum.

(C) **Depth.** No minimum.

(D) **Yards.**

(1) Front. No minimum.

(2) Side. No requirement.

(3) Rear. No requirement.

(E) **Other yard requirements.**

(1) **Adjacent to roads.** Notwithstanding the provisions of Section 5-900 (A)(2) and (C), no building shall be permitted closer than one hundred (100) feet to the right-of-way of any arterial road unless a component of an "urban deck" as defined in Article 8. No parking shall be located within fifty (50) feet of the right-of-way of any arterial road.

4-1107 Building Requirements.

(A) **Lot Coverage.** No requirement.

(B) **Building Height.**

(1) **Maximum Height.** Unless a lower height restriction is recommended by the Washington/Dulles International Airport Authorities: Inner Core: 175 feet; Outer Core: 125 feet; Transit-Designed Supportive Area: 100 feet. Unoccupied space such as rooftop mechanical structures, penthouses and architectural features shall not be measured in determining maximum height.

(2) **Minimum Height.** Inner Core: 35 feet of occupied space, 25 feet of occupied space if constructed between a parking structure and a street and effectively screens the parking structure from public view. Outer Core: 25 feet of occupied space. Transit-Designed Supportive Area: no minimum height.

(C) **Floor Area Ratio.**

(1) The maximum permitted Floor Area Ratio is as follows:

(a) **Inner and Outer Core Subareas:** The availability of transportation alternatives will determine the maximum Floor Area Ratio of non-residential land use in three phases (a) prior to the establishment of bus services, (b) when bus services and facilities are planned, scheduled, designed, and fully funded, and (c) when rail transit services and facilities are planned, scheduled, designed, and fully funded as follows:

	Maximum FAR in Inner/Outer Core Subareas
Prior to Bus	.60
Bus	1.0
Rail	2.0

(b) To concentrate intensity of land use within the Inner Core subarea, as part of the approval of the Concept Development Plan, the Board of Supervisors may approve a maximum non-residential square footage amount for the Inner Core calculated using the following Floor Area Ratios: [Note that the maximum total floor area permitted must not exceed the permitted floor area for the combined Inner and Outer Core subareas as determined by the ratios in Section 4-1107(C)(1)(a).]

	Inner Core
Prior to Bus	1.20 max
Bus	2.0 max
Rail	3.0 max

(c) **Transit-Designed Supportive Subarea:** Total floor area permissible on an individual lot within the Transit-Designed Supportive Area shall not exceed .40. However the Board of Supervisors may permit an individual lot within the TDSA to achieve an FAR of 1.0 as part of approval of the Concept Development Plan, concurrent with the PD-TRC amendment, or by amendment of an existing Concept Development Plan upon recommendation of the Planning Commission at any time after the original PD-TRC amendment provided the following criteria are met:

(i) The overall Floor Area Ratio for the TDSA subarea does not exceed .40.

(ii) The applicant submits a plan with evidence of unified control and identifying proposed land uses, their location, and Floor Area Ratios requested for specific landbays within the TDSA and their land area acreages.

(iii) The applicant provides a traffic analysis that shown no deleterious effects to the local or regional road network as a result of the increased concentration of development, unless such deleterious effects are mitigated.

(iv) For any lot with a Floor Area Ratio other than .40, the Floor Area Ratio shall be shown on the approved record plan, site plan, and Final Development plan for the lot.

(v) In the event the Concept Development Plan for the TDSA subarea does not provide the information set forth in Section 6-1215, the applicant may limit the development on an individual lot to an FAR of less than .40. Such a limitation shall be placed on the approved record plat, site plan and Final Development Plan for the lot. The Board shall consider this limitation for future transfer to another portion of the TDSA subarea as part of a Concept Development Plan amendment.

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

(2) The Concept Development Plan shall specify the maximum developable floor area for each of the three subareas, including the phasing of density based on the availability of bus and rail.

(3) Each development application (including site plans and subdivisions) shall include a tabulation of approved total floor area for the appropriate subarea, the proposed floor area for the application, and the remaining square footage for the subarea including density increases tied to the availability of bus and rail.

(4) The Final Development Plan will specify the maximum developable floor area approved for the subarea(s), the amount proposed, and the remaining square footage for the subarea(s).

(5) In mixed use buildings containing dwellings, floor area ratio, which shall include residential floor area, shall determine the bulk of the building above finished grade. The Concept Development Plan and site plan shall identify how dwelling units per acre requirements, as identified in Section 4-1108, are achieved.

4-1108 Number of Dwelling Units Per Acre.

(A) **Inner and Outer Core Subareas:**

(1) The availability of transportation alternatives will determine the maximum dwelling units per acre in three phases (a) prior to the establishment of bus services, (b) when bus services and facilities are planned, scheduled, designed, and fully funded, and (c) when rail transit services and facilities are planned, scheduled, designed, and fully funded as follows:

	Maximum Dwelling Units Per Acre Inner/Outer Core Subareas
Prior to Bus	16
Bus	32
Rail	50

(2) The proposed dwelling units per acre shall only be permitted upon the demonstration that an adequate transportation network of Roads, Bus, and/or Rail is available to achieve the proposed densities in the applicable transportation category as specified in (A)(1) above.

(3) The Concept Development Plan shall specify the maximum number of dwelling units for each subarea including the phasing of density based on the availability of bus and rail.

(B) **Transit Designed Supportive Subarea.** The Concept Development Plan shall specify the maximum number of dwelling units per acre for the subarea.

(C) Each development application (including Final Development Plans, site plans and subdivisions) shall include a tabulation of approved total number of dwelling units for the appropriate subarea, the proposed number of dwelling units for the application, and the remaining number of dwelling units for the subarea including density increases tied to the availability of bus and rail.

4-1109 Mix of Uses.

(A) **Inner and Outer Core Subareas.** The land use mix to be achieved within the combined Inner and Outer Core subareas shall meet the

minimum as found in the table below. Such mix, and the phasing thereof, shall be identified on the Concept Development plan. Gross land area devoted to principal land uses shall be balanced in the following ratios:

Land-Use Category	*Minimum.*
Residential	20%
Office	20%
Commercial Retail and Services	10%
Parks, Civic & Open Space	20%

** At least one publicly-accessible plaza shall be located in the Inner Core subarea to represent the urban focal point as shown on the Concept Development Plan. In addition, publicly-accessible greens, publicly-accessible active recreation space, and publicly-accessible mini-parks shall be appropriately distributed within walking distance from uses and generally depicted as to a street block location on the Concept Development Plan. Such publicly-accessible greens, active recreation space, and mini-park locations implementing the Concept Development Plan shall be shown on the Final Development Plan. These publicly-accessible features shall be considered for each incremental addition proposed to the district to maintain open space within a reasonable actual walking distance.*

(B) **Transit-Designed Supportive Subarea.** The land use mix to be achieved within the Transit-Designed Supportive subarea, and the phasing thereof, shall be shown on the Concept Development Plan.

(C) In order to exceed the minimum percentage in any one category, the minimum percentage in all categories must be achieved as evidenced by an approved Final Development Plan. After the minimum percentages have been achieved, in addition to the requirements of Section 6-1000, a zoning permit for change in tenant occupancy shall include a tabulation indicating that the minimum percentages continue to be met.

(D) A vertical mix of uses is encouraged in multi-story buildings in the Inner and Outer Core subareas, such as ground floor retail with upper story residences or offices. When multiple use types are located within a single building, the land use mix requirements for Residential, Office and Commercial Retail Services, identified in Section 4-1109(A), may be modified by 10% by the Planning Commission during review of a Final Development Plan to achieve integration of uses.

4-1110 Land Use Arrangement and Use Limitations.

(A) Bus stops shall be located throughout the PD-TRC District, as determined by the County, the Washington Metro Area Transit Authority (WMATA) or similar authority.

(B) Land uses shall be adjoining or located in close proximity to one another to ensure a compact development pattern and a continuous urban streetscape.

(C) The Transit Related Center shall be arranged in a generally rectilinear pattern of interconnecting streets and blocks while maintaining respect for the natural landscape and floodplain.

(D) Average block length (measured at the right-of-way) within the total development area that is the subject of a Final Development Plan shall not exceed 400 feet. Blocks designed to include a mid-block through-alley, that permits secondary vehicle access to land uses on the block, may be a maximum of 800 feet in length, half of which shall be used in the calculation of average block length.

(E) All utility distribution lines located on PD-TRC designated land shall be placed underground.

(F) The Transit-Designed Supportive Area street network should complement and support the Inner and Outer Core subarea street network by providing multiple and direct vehicular, bicycle, and pedestrian connections to the transit station.

(G) Awnings, canopies, trellises, and similar architectural features may cantilever over the pedestrian walkway. Eaves may cantilever over the pedestrian walkway no more than 3 feet.

(H) Pedestrian walkways shall be located on all four sides of a block.

4-1111 In addition to the requirements contained in Article 5, the following uses shall have limitations as specified below:

(A) **Auction Houses** are subject to the following conditions: the use (1) must be located within a building that houses two or more distinct principle uses that do not share the same physical space; and (2) use shall contain no more than 10,000 square feet.

(B) **Hotel/Motel.** Hotels/Motels are subject to the following additional conditions: (1) Individual guest rooms in the hotel/motel shall be accessed only from an interior lobby in the building and shall not be directly accessible from the exterior of the building; and (2) All stairwells, corridors and circulation components of the building shall be completely enclosed within the building envelope.

(C) **Off-street parking facility, freestanding.** If the parking structure is not effectively shielded from the street by a building, the first floor of the parking structure shall be enclosed.

(D) **Recreation establishment, indoor** other than those owned by the public, are subject to the following conditions: (1) facility must be located within a building that is a minimum of three stories in height, (2) the building must house two or more distinct principle uses that do not share the same physical space, and (3) the use shall contain no more than 10,000 square feet.

(E) **Retail/Food and Beverage Sales** – Ambulatory Vendors and Mobile Vending Carts. General retail sales or provision of food and beverage services by ambulatory vendors or through the use of mobile vending carts are permitted only in the Inner and Outer Core subareas of the PD-TRC district, subject to the following conditions: (1) The number of vendors and carts shall be limited to the number shown on the approved Concept Development Plan; (2) Vendors and carts operating in public places shall comply with any applicable County permit or licensing requirements; (3) Vendors and carts on private property are restricted to one vendor or cart per property, unless otherwise allowed by the County in the terms of an approved Concept Development Plan or subsequent site development plan; and (4) Mobile vending carts shall be moveable by one person, shall be non-motorized, and may not exceed six feet in length, not including a trailer-hitch.

(F) **Storage, mini-warehouse.** Individual units must only be accessed by an interior corridor.

(G) **Dwellings, single family detached** shall not comprise more than two and one half (2 ½) percent of the total dwellings proposed in the District.

4-1112 **Building Orientation.** Buildings and their principal entrances in the PD-TRC District shall be oriented toward adjacent neighborhood and/or collector streets or adjacent plazas, greens, or parks; any of which may be publicly or privately owned.

4-1113 **Pedestrian-Oriented Building Placement & Uses.**

(A) To achieve a uniform streetscape:

(1) Within the Inner Core subarea, a minimum of 70% of any lot width, and within the Outer Core subarea a minimum of 50% of any lot width that is adjacent to a public right-of-way or a plaza, shall be occupied by a building wall built to the setback line. The building wall may be part of a principal building or accessory building.

(2) The remaining lot frontage in the Inner Core and Outer Core subareas may be occupied by any combination of the following: building wall (within or behind the setback line), decorative solid wall, fence or hedge no higher than 4 feet, decorative wall or fence that allows visibility through it, such as wrought iron or split rail fences, no higher than 6 feet, landscaped entryway signage or features, pedestrian amenities such as a public plaza or park, or breaks for necessary pedestrian or vehicle access ways.

(B) Within the Inner Core subarea, at least 70% of the first floor building frontage, and within the Outer Core subarea at least 30% of the first floor building frontage, as required in subsection 4-1113 (A)(1) above, shall contain pedestrian-oriented development, preferably commercial retail

and service uses, on the first floor. In multi-family buildings, these percentages may be accomplished with residential accessory uses, lobbies, mailboxes, meeting rooms, and indoor recreational uses. This section shall not apply to single-family dwellings.

(C) Each Final Development Plan shall indicate how the remainder of the development may be completed.

4-1114 Pedestrian and Bicycle Connections & Amenities.

(A) **Pedestrian and Bicycle Connections.**

(1) Within the PD-TRC, each development shall provide and contribute to an on-site system of pedestrian walkways and bicycle paths and lanes designed to provide direct access and connections to and between the following:

(a) The primary entrance or entrances to each principal building;

(b) Pedestrian walkways or bicycle paths and lanes on adjacent properties that extend to the boundaries shared with the district;

(c) Any public sidewalk system or bicycle path or lane along the perimeter streets adjacent to the district;

(d) Existing or planned bus or rail transit stops and commuter park and ride locations; and

(e) On-site amenities, as provided according to Section 4-1115 below.

(2) In addition to the connections required in 4-1114 (A)(1) above, on-site pedestrian walkways and bicycle paths and lanes shall be provided and be designed for direct access and connections between buildings, sidewalks, existing or planned bus or rail transit stops, commuter park and ride locations, on-site amenities sidewalks or walkways on adjacent properties, public parks and civic uses and parking areas or structures.

(3) Most Direct Route Required. All pedestrian connections shall be designed and sited to ensure the shortest, most direct route possible from point to point. Mid-block pedestrian walkways are encouraged wherever possible to assure a more direct connection between adjacent uses. Pedestrians shall be able to make each of the connections identified in Section 4-1114 (A)(2) above without walking across grass or landscaped areas.

(B) **Sidewalks and Other On-Site Pedestrian Walkways.**

(1) Sidewalks shall be provided parallel to all streets.

(2) All sidewalks and on-site pedestrian walkways shall be at least eight (8) feet wide within the Inner Core subarea and at least five (5) feet wide within the Outer Core and Transit-Designed Supportive Area subareas.

(3) All sidewalks and on-site pedestrian walkways shall have and maintain a minimum unobstructed pathway at least five (5) feet wide.

(4) All sidewalks and on-site pedestrian walkways shall be aligned and connected with those on adjacent properties and public rights-of-way.

(5) Each point at which the system of sidewalks or pedestrian walkways crosses a parking area, street, or driveway to make a required connection shall be clearly marked through the use of change in paving materials, height, or distinctive colors.

(C) **Bicycle Paths and Lanes.**

(1) All bicycle paths shall be at least 5 feet wide, 8 feet wide if a multi-use path.

(2) The PD-TRC district shall provide for bicycle lanes or paths throughout the PD-TRC district.

(D) **Pedestrian/Bicyclist Underpasses or Tunnels.** Where underpasses or tunnels are used for pedestrian or bicyclist pathways, they shall be generally straight and without recesses so that the far end of the underpass or tunnel is visible to the pedestrian or bicyclist.

4-1115 On-Site Amenities.

(A) **General Requirement.** All buildings in the Inner and Outer Core subareas containing 50,000 or more square feet of gross floor area shall incorporate at least two (2) of the on-site amenities or features listed in (A)(1)-(8) below that are accessible to all uses within the building.

(1) Patio or plaza with seating areas provided such patio or plaza has a minimum depth and width of 10 feet and a minimum total area of 300 square feet.

(2) Landscaped mini-parks, squares or greens, including rooftop areas, provided such park or green has a minimum depth and width of 30 feet and a minimum total area of 1,000 square feet.

(3) On-site transportation amenities, including bus stops or customer pick-up/drop-off stations.

(4) Protected customer walkways; arcades; or easily identifiable building pass-throughs containing window displays and intended for general public access.

(5) Water feature, such as a lake, pond, or fountain, provided the feature is easily accessed by pedestrians and includes or integrates seating areas for pedestrians.

(6) Street-level public restrooms immediately accessible from building pass-throughs, public plazas or other public open spaces, or enclosed plazas/atriums.

(7) Swimming pools (indoor or outdoor, including rooftop).

(8) Athletic facilities such as lockers, showers, and changing rooms.

(B) On-site amenities may be used to satisfy the minimum parks, civic and open space requirements of the Inner and Outer Core subareas as required in Section 4-1109(A).

4-1116 Landscaped Open Space.

(A) The minimum landscaped open space requirement per development is as follows:

Inner Core	No Minimum
Outer Core	10%
TDSA	15%

(B) Landscaped open space may be used to satisfy the minimum parks, civic and open space requirements of the Inner and Outer Core subareas as specified in Section 4-1109(A).

4-1117 Parking Requirements.

(A) Generally, on-street parking shall be provided throughout the District and shall not encompass more than 70% of the block frontage. Such on-street parking may be angled and shall be inset into the block with street trees, plantings and/or street furniture incorporated between groups of parking spaces. Such on-street parking shall be designed to avoid impeding pedestrian movement among buildings and spaces in the area.

(B) All off-street parking lots other than very short-term drop-off/delivery parking shall be landscaped and shall not interfere with the reasonable continuity of building facades and pedestrian activity. In the Inner and Outer Core subareas, no parking lot shall be located between the

principal entrance of a building and the street. The Concept Development Plan shall indicate how the quantity of required parking spaces shall be met within the Inner and Outer Core subareas.

(C) Off-street parking facilities shall have access from streets or, if no street access is available, from alleys with adequate security measures.

(D) All above-grade parking structures shall be designed in a manner that is compatible with nearby building architecture to minimize visual impact.

(E) Each application for a Final Development Plan shall include a transportation study to be reviewed and approved by the Office of Transportation Services indicating the number of parking spaces required. Such transportation study shall take into account reductions in the requirements of Section 5-1100 of up to 20% based on the availability of bus service and up to 50% based on the availability of rail service.

(F) Notwithstanding the requirements of Section 5-1103(A), all parking shall be located on the lot being served, or on a separate lot or parcel within ¼ mile of the principle pedestrian entrance of the building that it serves.

(G) Credit for On-Street parking. In coordination with the Office of Transportation Services and the Virginia Department of Transportation, the Zoning Administrator may allow on-street parking spaces, located within 400 feet of the subject principal use to be credited to meet up to 30% of the off-street parking spaces for a particular development or building required by Section 4-1115(E) above. Such credit for on-street parking shall be included on the Final Development Plan so as to identify the particular development receiving the credit.

(H) A parking facility may be shared by two or more uses if the sum of the parking space requirements of all of the uses is provided.

(I) After rail service is available, structured parking shall be required to meet 70% of the parking requirements for the construction of new buildings in the Inner and Outer Core subareas.

4-1118 Landscaping, Buffering and Screening.

(A) Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets and residential uses.

(B) For individual lots within the PD-TRC district that are developed in accordance with a proffered Concept Development Plan, the buffer and screening requirements of Section 5-1400 shall not be applicable between uses on adjacent lots developed within the center or between uses within the PD-TRC district and differently zoned properties.

4-1119 **Street Trees.** Trees shall be planted at a density of no less than one tree per twenty-five (25) linear feet along all areas dedicated for use for vehicular access. Such trees shall have a minimum caliper of 1 (one) inch and a height at maturity of 15 (fifteen) feet or more. If in the opinion of the Planning Commission at time of review of the Final Development Plan, upon the advice of the County Urban Forester/Arborist, that street trees will not survive in a given location, substitute plantings or substitute locations may be provided.

4-1120 **Tree Canopy.** Tree canopy requirements of Section 5-1303 shall not apply to the Inner Core subarea.

4-1121 **Development Setback and Access from Major Roads.** The requirements of Section 5-900 shall be observed.

(A) In the Inner Core, buildings shall be located a maximum of 10 feet from the front property line; however, if the building fronts on a plaza or courtyard open to the public, the maximum setback shall be 25 feet.

(B) **Private Streets.** Roads, serving single family attached, townhouse, and multifamily uses only, may be constructed to private street standards set forth in the Facilities Standards Manual, provided the following conditions are met:

(1) All residences served by the private road shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such road.

(2) The record plat and protective covenants for such development shall expressly state that the County and VDOT have no and will have no responsibility for the maintenance, repair, or replacement of private roads.

(3) Sales brochures or other literature and documents, provided by the seller of lots served by such private roads, shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots, including a statement that the County has no and will have no responsibility for the maintenance, repair, or replacement of private roads.

4-1122 **Accessory Structures and Uses.** Accessory structures and uses shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures. Surface parking lots are permitted as an accessory use for single-family attached and multi-family dwellings.

4-1123 **Signs.** The requirements of Section 5-1200 shall be followed for PD-TRC development. Residential signs within the PD-TRC district shall follow the requirements of the PD-H signs as enumerated in the Sign Requirements Matrix, Section 5-1204(D).

4-1124 Ownership, Operation, and Management of Common Open Space and Common Facilities.

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

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

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

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

(b) Membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community and said organization shall not discriminate in its members or shareholders.

(c) The organization shall management, maintain, administer and operate all open space and improvements and other land not publicly or privately owned, and shall secure adequate liability insurance on the land and such improvements.

(d) Sales brochures or other literature and documents provided by the seller of all lots within a PD-TRC district shall include information regarding membership requirements and responsibilities of such organizations.

(3) Retention of ownership, control, and maintenance of common open space and improvements by the developer.

(B) All common open space not dedicated to the County shall be subject to restrictive covenants running with the land restricting its use to that specified in the approved Concept Development Plan. Such restrictions shall be for the benefit of, and enforceable by, all present or future residential property owners and the Board of Supervisors of Loudoun County.

(C) All common open space, as well as public recreational facilities, shall be specifically included in the development schedule and be constructed

and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

Section 4-1200 PD-RV Planned Development - Rural Village.

4-1201 **Purpose.** This district is established to provide for the development of new rural villages at a scale intended to continue Loudoun's traditional rural land use pattern and to promote its traditional concept of villages. Each village will be serviced by its own public water and sewer facility. Villages shall be permitted only in accordance with the policies and design criteria in the Comprehensive Plan. The applicant must demonstrate that its planning, design and development will achieve, but not necessarily be limited to, all of the following specific objectives:

(A) The preservation of agricultural land, open space, scenic vistas and natural resources found within Loudoun and to minimize the potential for conflict between agricultural and other land uses.

(B) The creation of a distinct physical settlement surrounded by a protected rural landscape of generally open land for agricultural, forestal, recreational and environmental protection purposes.

(C) Dwellings, shops and workplaces generally located in close proximity to each other; the scale of which accommodates and promotes pedestrian travel for trips within the village.

(D) Modestly sized buildings fronting on, and aligned with, streets in a disciplined manner, uninterrupted by parking lots.

(E) A generally rectilinear pattern of streets, alleys, and blocks reflecting the street network in existing rural villages which provides for a balanced mix of pedestrians and automobiles.

(F) Squares, greens, landscaped streets and parks woven into street and block patterns to provide spaces for social activity, parks and visual enjoyment.

(G) Provision of civic buildings for assembly or other civic purposes.

(H) A recognizable, functionally diverse, visually unified village center, focused on a village green or square.

(I) A development size and scale which accommodates and promotes pedestrian travel rather than vehicle trips within the village.

4-1202 **District Size and Location.** This district, when mapped, shall be no less than three hundred (300) acres in size. No less than eighty percent (80%) of the gross land area shall be subject to a permanent open space easement and no more than twenty percent (20%) of the gross land area shall constitute the Village Center.

This district may be mapped only in locations in conformance with the Comprehensive Plan.

4-1203 **Design of the Concept Development Plan.** The Concept Development Plan, submitted pursuant to Section 6-1214, shall demonstrate conformance with the design requirements noted below and in the Comprehensive Plan. The Concept Development Plan shall include a plan of the Village Conservancy and Village Center subdistricts, areas, blocks and streets. It may also include a plan for a Satellite Conservancy subdistrict, if proposed. Typical sections and drawings demonstrating satisfaction of other design requirements shall be allowed as support documentation.

The Rural Village shall have at least two (2) types of subdistricts; a Village Conservancy and Village Center. A Satellite Conservancy subdistrict is optional. Within the Village Center subdistrict there are three (3) designated land use areas (See Figure 1):

(A) Village Conservancy and/or Satellite Conservancy subdistricts.

(B) Village Center subdistrict.

(1) Designated residential area.

(2) Designated commercial area.

(3) Designated workplace subarea.

4-1204 **Transportation Requirements.** The Concept Development Plan of a Village Center shall demonstrate that the following transportation requirements are satisfied:

(A) The Village Center shall have at least two (2) points of access onto paved two (2) lane roadways designated in Table 4-1204 below as part of the Significant Rural Transportation Route & Corridor Network. This requirement may be modified pursuant to Section 4-1218(B) subject to County approval in cases where one (1) access point to a paved road is found to be sufficient and a secondary means of access is provided for emergency vehicles.

(B) Additional points of access to Significant Rural Transportation Routes maintained through State Primary Funds are discouraged. County approval of all access points to such streets shall be judged on the safety merits of the proposed road network design.

(C) Other significant transportation routes and corridors, found to be acceptable to the County, may be utilized provided that such roads are paved with a minimum twenty (20) foot section or that the applicant has secured and improved, or has agreements with off site property owners to secure and improve, the right-of-way necessary to develop a paved

twenty (20) foot section, which meets County standards, from the property to the nearest intersecting road listed in Table 4-1204.

(D) Any secondary road improved to a minimum twenty (20) foot paved section through the County Six Year Secondary Road Improvement Program after the adoption of this ordinance, meeting all County standards for horizontal and vertical geometry and design speed shall be, upon completion of construction, considered to be included on Table 4-1204.

(E) Neighborhood streets serving a Village Center should not have direct access to any Significant Rural Transportation Route or Corridor road.

(F) Significant Rural Transportation Route and Corridor Network roads shall not serve as through roads or neighborhood streets within a Village Center unless a new bypass road of similar function is provided.

(G) All roads, streets and alleys, internal and external to the Village Center, and all improvements required for the proper design and safe function of the Village Center shall be provided by the applicant and maintained, in a manner approved by the County, either by the applicant, the Village Homeowner Association, or VDOT.

(H) All private streets, not accepted as public streets by VDOT, must meet the standards for private streets in the Facilities Standards Manual (FSM), and must be maintained either by the applicant or the Village Homeowner Association.

(1) All residences served by a private street shall be subject to a recorded covenant expressly requiring private maintenance of such street in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such street.

(2) The record plat and protective covenants for such a Rural Village shall expressly state that the County and VDOT have no, and will have no, responsibility for the maintenance, repair, or replacement of private streets.

(3) Sales brochures, or other literature and documents, provided by the seller of lots served by such private streets, shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such streets, including a statement that the County has no, and will have no, responsibility for the maintenance, repair, or replacement of private streets.

(I) Lots in the Village Conservancy may be served by private access easements designed and constructed to standards in the Facilities Standards Manual.

TABLE 4-1204

SIGNIFICANT RURAL TRANSPORTATION ROUTE & CORRIDOR NETWORK

1. The following road maintained through State Primary Funds:

Routes 7, 9, 15, 50, 287, 340

2. The following roads and corridors maintained through State Secondary Funds:

Routes and corridors 673/681, 621, 655, 671, 672, 704, 734
719/743/623, 626/736, 733/745, 731/728/722, 690/673
623/725, 662/665/668, 662/657/661, 626, 662, 663, 860
658, 615, 659, 682, 705, 620, 710, 709

4-1205 Purpose and Intent of Subdistricts and Areas. (See Figure 2)

(A) **Village Conservancy and Satellite Conservancy subdistricts.** To surround the Village Center subdistrict with open land affording rural views, to provide significant buffering of neighboring properties and to provide a land base for agricultural, forestal and open space uses.

(B) **Village Center Subdistrict - Residential Area.** To provide for a compact settlement of single family homes in a residential neighborhood environment, complemented by compatible civic, business and residential uses, parks, squares and greens. (See Figure 3)

(C) **Village Center Subdistrict - Commercial Area.** To provide a variety of retail shops and services to support the needs of village and neighboring residents, complemented by other compatible civic, business and residential uses, which would be housed in buildings with commercial uses on the ground floor consistent with a small downtown or central market place of a community.

(D) **Village Center Subdistrict - Workplace Area.** To provide employment opportunities for rural village and neighboring residents and to provide sites for compatible small, light industrial uses which support the rural area without undue adverse impact on the village, surrounding lands, and neighboring residents.

4-1206 Size and Location of Subdistricts.

(A) **Village Conservancy Subdistrict.** The Village Center shall be ringed by a buffer of land, described hereafter as the Village Conservancy, which shall create a visual and physical distinction between the settlement, the surrounding countryside and any neighboring hamlets, villages and towns. The Village Conservancy subdistrict shall be:

(1) A contiguous and generally compact block of land.

(2) A minimum of eighty percent (80%) of the Rural Village district, exclusive of any Satellite Conservancy subdistrict land area.

(3) Subdivided into lots with an average size of 50 acres or more.

(4) No less than 800 feet in depth at all points along the perimeter of the Village Center, except as modified by the County (See Section 4-1218(B)).

(5) Placed under permanent open space conservation easement limiting uses to those listed in Sections 4-1209 and 4-1210 and prohibiting further subdivision.

(B) **Rural Village Satellite Conservancy Subdistrict.** A Rural Village district may include detached parcels constituting a Satellite Conservancy subdistrict. Transfer of development potential from a Satellite Conservancy may increase the total development potential of the balance of the Rural Village District, provided that such development potential is not increased by more than twenty percent (20%). Such Satellite Conservancy subdistricts shall:

(1) Be located so that at least one boundary of the Satellite Conservancy is no further than one and one-half (1.5) miles from the nearest point of the Conservancy subdistrict unless these provisions are specifically modified by the County, pursuant to Section 4-1218(B).

(2) Be at least fifty (50) acres in size.

(3) If subdivided, be larger than 100 acres in size, and be subdivided into lots with an average size of no less than 50 acres.

(4) Be placed under permanent open space conservation easement limiting uses to those listed in Section 4-1209 and 4-1210 and prohibiting further subdivision.

(C) **Village Center Subdistrict.** The Village Center including residential, commercial and workplace areas, shall:

(1) Not exceed a maximum of twenty percent (20%) of the district.

(2) Be contiguous and generally compact in shape.

(3) Contain no more than 300 dwelling units, exclusive of conservancy lots units or accessory dwelling units, at a density of no less than 1.5 dwellings per acre and no more than 5.0 dwellings per acre of the village center.

(4) Identify the location of all required civic lots and greens.

(D) At a minimum, the location of the Village Center shall conform to the following general criteria:

(1) It shall be located at least one (1) mile from the boundary of an existing town, and at least one (1) mile from the boundary of an existing village, as defined in the General Plan, and at least one (1) mile from the boundary of another approved Village Center.

(2) In any case, Rural Village districts shall not be located within an Urban Growth Area (UGA) as defined in the General Plan.

(3) It shall be located at least three (3) miles from the boundary of the Waterford National Historic Landmark unless specifically modified by the County pursuant to Section 4-1218(B).

(4) In the event that the County modifies the minimum one (1) mile and/or three (3) mile Village Center distance rules, the buffering and landscaping requirements of this Ordinance may be modified and additional requirements may be imposed, at the discretion of the County, in order to ensure that the identity of the existing town or village and its setting are preserved.

(E) If located in a Mountainside Development Overlay district, the Village shall be designed to comply with performance standards and criteria in the Mountainside Development Overlay district (Section 4-1600).

4-1207 **Land Use Mix.** Village Conservancy, Satellite Conservancy and Village Center subdistricts, residential, commercial, workplace areas and civic lots shall conform with the land allocation requirements in Table 4-1207. (See Figures 4 and 5)

TABLE 4-1207
RURAL VILLAGE - LAND ALLOCATION REQUIREMENTS

SUBDISTRICT/AREA	PERCENT OF RURAL VILLAGE DISTRICT LAND AREA
Village Conservancy (VC)	Minimum 80%*
Satellite Conservancy (SC)	None Required
Village Center	Maximum 20%
Civic Lots**	Minimum .6%
Greens, Parks and Squares	Minimum 1.0%
House Lots	No minimum or maximum
Commercial & workplace lots	Minimum 3,000 sq. ft.

*Note: Inclusive of any greens, parks and squares.

**Note: For purpose of applying the percentages in the above table, land designated for use as a private or public school for more than 9 children shall be excluded from these calculations as a civic use.

4-1208 Development Potential in the Rural Village District.

(A) **Designated Residential Areas.**

(1) The maximum residential development potential of the Rural Village district, shall be calculated upon a base density of one (1) dwelling unit per three (3) acres, as adjusted by application of the following bonuses:

(a) The base number of proposed residential units in the village may be increased by 35 percent in all rural villages.

(b) The base number of proposed residential units in the village may be increased by an additional fifteen percent (15%) if the proposed village includes a mix of both single-family detached and single-family attached dwelling units.

(c) The base number of proposed residential units in the village may be increased by four (4) dwelling units for each 100 acres dedicated to serve as Village Conservancy lot(s).

In any case, the maximum number of residential units within the Village district shall not exceed 300 dwelling units, exclusive of dwelling units developed on conservancy lots and accessory dwelling units.

(2) The total number of residential units permitted in a village, as determined above, shall not include those residential units established on lots which are created in the Village Conservancy and Satellite Conservancy subdistricts.

(3) The maximum residential development potential of a Satellite Conservancy subdistrict, which may be transferred to the Village Center, shall be limited by the provisions of Section 4-1206(B).

(4) Additional accessory dwelling units are permitted on lots three (3) acres in size or greater, pursuant to Section 5-613 of this Ordinance.

(B) **Designated Commercial and Workplace Areas.**

(1) The County will permit non-residential uses in the Village Center subdistrict subject to Sections 4-1209 Permitted Uses, 4-1210 Special Exception Uses, 4-1207 Land Allocation, and 4-1213 Lot and Building Requirements.

(2) Accessory dwellings and apartments associated with commercial and workplace uses shall be permitted, provided that all

accessory units on commercial and workplace lots are located above the first floor. Such accessory units are not included in calculating the maximum residential development potential provided for above in Section 4-1208(A).

4-1209 Permitted Uses.

(A) **Village Conservancy and Satellite Conservancy Subdistricts**. The following uses shall be permitted in both the Village Conservancy and Satellite Conservancy subdistricts:

(1) Agriculture, horticulture, forestry or fishery.

(2) Open space.

(3) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area and game preserve.

(4) Watershed and water impoundment protection areas.

(5) Nature and recreation trails.

(6) Stormwater management structures and ponds.

(7) Home occupation, pursuant to Section 5-400.

(8) Child or adult day care home, pursuant Section 5-609.

(9) Private school for less than nine (9) pupils.

(10) Bed and breakfast homestay, pursuant section 5-601(A).

(11) Active recreation space.

(12) Public or private playground, or neighborhood park.

(13) Convent, monastery, or seminary.

(14) Dwelling, single family detached.

(15) Accessory apartment or dwelling unit, pursuant to Section 5-613.

(16) Public water and wastewater facilities including land application fields, identified on the approved Concept Development Plan.

(17) Equestrian facility, on lots of fifty (50) acres or more, with frontage on a state maintained road.

(18) Farm machinery sales and service, pursuant to Section 5-615.

(19) Guest farm or ranch, leasing no more than three (3) guest rooms.

(20) Guest house, pursuant to Section 5-612.

(21) Nursery, production, with frontage on a state maintained road, pursuant to Section 5-605.

(22) Recycling drop-off collection center, small, pursuant to Section 5-607.

(23) Dwelling, single family detached, including doublewide manufactured housing.

(24) Small business, pursuant to Section 5-614.

(25) Stable, neighborhood, on lots of twenty five (25) acres or more, with frontage on a state maintained road.

(26) Stable, private.

(27) Tenant dwelling, pursuant to Section 5-602(A) & (C).

(28) Wayside stand, pursuant to Section 5-604.

(29) Utility substation, dedicated.

(30) Veterinary service.

(31) Bus shelter.

(32) Commuter parking lot, with less than 50 spaces.

(33) Sewer pumping station.

(34) Mill, feed and farm supply center.

(35) Water pumping station.

(B) **Village Center - Residential Area.**

(1) Dwelling, single family detached.

(2) Home occupation.

(3) Child or adult day care home.

(4) Private school for less than nine (9) pupils.

(5) Bed and breakfast homestay.

(6) Office, as an accessory use and occupying no more than 1,200 square feet of floor area per lot.

(7) One accessory building and/or dwelling, on lots greater than three acres in size, pursuant to Section 5-613.

(8) Greens, parks and squares.

(9) Dwelling, single family attached.

(10) Studio space - artist, crafts person, writer, etc.

(11) Bed and breakfast inn.

(12) Retail sales, accessory to residential use and occupying no more than 600 square feet of floor area per lot.

(C) **Village Center - Commercial and Workplace Areas.**

(1) Church, synagogue and temple.

(2) Convent, monastery, or seminary.

(3) Library.

(4) Post office.

(5) Museum, historical and cultural center.

(6) Child or adult day care center.

(7) Community center.

(8) Theater.

(9) Greens, parks and squares.

(10) Accessory apartment or dwelling units, located above the ground floor.

(11) Retail sales, occupying no more than 5,000 square feet of floor area per lot.

(12) Personal service establishment.

(13) Business service establishment.

(14) Banks or financial institution, pursuant to Section 5-659.

(15) Structures or use for federal, state or local government purposes.

(16) Office, occupying no more than 10,000 square feet of floor area per lot.

(17) Restaurant.

(18) Studio space - artist, crafts person, writer, etc.

(19) Country inn.

(20) Bed and breakfast inn.

(21) Office, medical and dental.

(22) Continuing care facility, with less than 20 rooms.

(23) Veterinary service.

(24) Fire and/or rescue station.

(25) Farm market.

(26) Contractor service establishment, without outdoor storage.

(27) Convenience food store, without gas pumps.

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

(29) Police Station.

4-1210 Special Exception Uses.

(A) **Village Conservancy and Village Satellite Conservancy Subdistrict.** The following uses shall be permitted by special exception in both the Village Conservancy and Satellite Conservancy subdistricts unless otherwise designated:

(1) Golf course, clubhouse and supporting uses including restaurant, pro-shop, maintenance structures, tennis/racquet ball courts and parking lots in the Village Conservancy subdistrict.

(2) Rural Retreats and Resorts pursuant to Section 5-601(D), supporting recreational uses for hotels/motels, community recreation facilities including restaurants, swimming pools and changing facilities, maintenance structures, tennis/racquet ball courts and parking lots in the Village Conservancy subdistrict.

(3) Schools in the Village Conservancy subdistrict.

(4) Child and/or adult day care center in the Village Conservancy subdistrict.

(5) Public water and wastewater facilities including land application fields, not identified on the approved Concept Development Plan, in the Village Conservancy subdistrict.

(6) Cemetery.

(7) Park, regional.

(8) Museum, historical and cultural center, arboretum.

(B) **Village Center - Residential Area.**

(1) Church, synagogue and temple.

(2) Convent, monastery, or seminary.

(3) Library.

(4) Post office.

(5) Museum, historical and cultural center, arboretum.

(6) Child and/or adult day care center.

(7) Community center.

(8) Theater.

(9) School.

(10) Structures or uses for federal, state or local government purposes.

(11) Art gallery.

(12) Continuing care facility.

(13) Retail sales, occupying less than 3,000 square feet of floor area per lot.

(14) Office, less than 6,000 square feet of floor area per lot.

(15) Hotel/Motel, with more than twenty (20) guest rooms.

(16) Personal service establishment.

(17) Business service establishment.

(C) **Rural Village Center - Commercial and Workplace Areas.**

(1) Retail sales, occupying more than 5,000 and less than 10,000 square feet of floor area per lot.

(2) Office, occupying more than 10,000 and less than 20,000 square feet of floor area per lot.

(3) Hotel/Motel.

(4) Rural retreat.

(5) School.

(6) Continuing care facility, with more than 20 rooms.

(7) Car wash.

(8) Automobile service station.

(9) Storage, outdoor.

(10) Sale and storage of building materials and garden supplies.

(11) Motor vehicle storage, outdoor.

(12) Convenience food store, with gas pumps.

(13) Warehousing facility.

(14) Establishments for assembly, fabrication, processing, production and/or manufacturing of goods or products.

(15) Farm machinery sales and service.

(16) Utility substation, communal water and wastewater treatment facilities and other utilities to serve the Rural Village district.

(17) Animal hospital.

(18) Nursery, commercial.

(19) Repair service establishment, with accessory outdoor storage.

(20) Contractor service establishment, with accessory outdoor storage.

(21) Stone cutting, welding, blacksmith, tinsmith and woodworking shops with accessory enclosed storage.

(22) Storage, mini-warehouse.

(23) Private club or lodge.

4-1211 **Permitted Uses on Civic Lots.** The following uses are permitted on Civic Lots in this district:

(A) Church, synagogue and temple.

(B) Convent, monastery, or seminary.

(C) Library.

(D) Post office.

(E) Museum, historical and cultural center, arboretum.

(F) Community center.

(G) Theater.

(H) School.

(I) Structures or uses for federal, state or local government purposes.

(J) Art gallery.

(K) Greens, parks and squares.

(L) Recreational structure or use primarily for village residents.

4-1212 Use Limitations.

(A) No off-street parking shall be permitted in front yards within the Village Center.

(B) Automobile service stations shall be limited to one (1) per block and one (1) per street intersection.

(C) No workplace use shall be permitted which, because of its nature, location, or manner of operation, is dangerous or noxious because of odor, fumes, gas, smoke, emission of particulate matter or effluent, or for other reasons.

(D) Outdoor Storage.

(1) No storage of any kind shall be permitted within any front yard.

(2) Underground bulk storage of gasoline or petroleum products shall not be permitted, except for automobile service stations or as incidental to manufacturing and research and development operations or the servicing of company owned or leased vehicles within enclosed areas defined in (3) below.

(3) Outdoor storage of materials, equipment, and vehicles shall be permitted within enclosed areas which are composed of mixed wood, masonry walls, plantings, or other suitable barriers approved by the Zoning Administrator, as required by Section 5-1400 of this Ordinance.

(4) Waste materials must be stored in a closed container. The burning of waste materials is prohibited.

4-1213 Lot and Building Requirements.

(A) **Village Conservancy and Satellite Conservancy Subdistricts.**

(1) **Average Lot Size.** Fifty (50) acres minimum.

(2) **Minimum Lot Size.** Ten (10) acres, exclusive of major floodplain and steep slopes.

(3) **Minimum Lot Width.** 300 feet.

(4) **Length/Width Ratio.** 9:1 maximum.

(5) **Perimeter Yard.** Sixteen (16) feet minimum.

(6) **Maximum Lot Coverage.** 8% for Single Family Residential and 25% for all other uses.

(7) **Building Height.** Three (3) stories or forty (40) feet maximum whichever is less.

(B) **Village Center - Residential Area.**

(1) **Single-Family Detached Lots.**

(a) **Lot Size.** 5,000 sq. ft. minimum, exclusive of major floodplain and steep slopes.

(b) **Lot Width.** 60 feet minimum.

(c) **Length/width ratio.** 5:1 maximum.

(d) **Front yard.** Six (6) feet minimum and thirty (30) feet maximum for lots 10,000 square feet in size or less. Twenty-five (25) feet minimum and sixty (60) feet maximum for lots greater than 10,000 square feet in size. (See Figure 6B)

(e) **Side yard.** Eight (8) feet minimum.

(f) **Rear yard.** Sixteen (16) feet minimum.

(g) Detached garages located at the rear of a lot and attached to a similar garage on a contiguous lot may be located within the side yard setback and within six (6) feet of the rear property line. No minimum rear yard shall be required for garages which are accessed from the front of a lot.

(h) **Front Sidewalk Width.** Six (6) feet minimum, which may include a minimum four (4) foot wide sidewalk and planting strip of two (2) feet at the curb. Sidewalks shall be provided on both sides of the street.

(i) **Lot Coverage.** 40% maximum.

(j) **Building Height.** Three (3) stories or 40 feet maximum whichever is less.

(2) **Single-family attached Lots.**

(a) **Lot Size.** 1,600 square feet minimum, exclusive of major floodplain and steep slopes.

(b) **Lot Width.** Sixteen (16) feet minimum; 48 feet maximum.

(c) **Length/Width Ratio.** 9:1 maximum for lots less than 32 feet in width; 5:1 maximum for lots of 32 feet in width or greater.

(d) **Front Yard.** Four (4) feet minimum; sixteen (16) feet maximum. (See Figure 6A)

(e) **Lot Coverage.** 70% maximum.

(f) **Front Sidewalk Width.** Six (6) feet minimum, which may include a minimum four (4) foot wide sidewalk and planting strip of two (2) feet at the curb. Sidewalks shall be provided on both sides of the street.

(g) **Building Height.** Three (3) stories or forty (40) feet maximum, whichever is less.

(h) **Access.** Off-street parking for single family attached dwellings of less than 32 feet frontage shall be provided at the rear of the lot and shall be accessed either from an alley or from a side street. This requirement may be modified if a block of parking is provided within 200 feet of the townhouse units served.

(3) **Greens, Parks and Squares.**

(a) **Lot Size.** 20,000 sq. ft. minimum for the main village green minimum; 10,000 sq. ft. minimum for other greens, parks and squares. (See Figure 4)

(b) **Lot Width.** 96 feet minimum for the main village green minimum; 64 feet minimum for other greens, parks and squares.

(c) **Length/Width Ratio.** 5:1 maximum.

(4) **Commercial/Workplace Lots.**

(a) **Lot Size.** 1,600 square feet minimum, exclusive of major floodplain and steep slopes.

(b) **Lot Width.** Sixteen (16) feet minimum; forty-eight (48) feet maximum for attached buildings and one hundred twenty (120) feet maximum for detached buildings.

(c) **Length/Width Ratio.** 9:1 maximum.

(d) **Front Yard & Entrance.** A maximum front yard setback of sixteen feet for all commercial uses except day care facilities. The maximum front yard setback for daycare facilities is 50 feet. A minimum of 60% of buildings located on a single block shall share a common set back. The principal entrance of a commercial building shall be from the front.

(e) **Side Yard.** Storefront buildings fronting on the same street and located on the same block shall be attached except where pedestrian ways are located between buildings.

(f) **Lot Surface Coverage.** 70% maximum.

(g) **Building Height.** Three (3) stories or 40 feet maximum, whichever is less.

(h) **Front Sidewalk.** Eight (8) feet minimum width, which may include a minimum six (6) foot wide sidewalk and planting strip of two (2) feet wide at the curb. (See Figure 7A) Open colonnades constructed over a sidewalk which adjoins storefront buildings may be permitted subject to an appropriate easement.

(i) **Alleys.** Off-street parking for storefront buildings may be provided at the rear of the lot and may be accessed either from an alley or from a side street perpendicular to that on which the townhouses enfront.

(j) **Pedestrian Access.**

(i) Temporary paths shall be constructed, extending across undeveloped land designated for commercial development and linking other portions of the Village Center, by the developer at the same time as adjoining areas are developed. Such paths shall be a minimum of three (3) feet in width, constructed of gravel, sand, woodchips, or other similar type materials.

(ii) Paths linking land designated for commercial development with residential areas shall be constructed concurrent with development of the individual commercial lots.

(k) **Parking.** Off-street parking for commercial and workplace lots shall not be provided in the front of the lot.

(l) **Buffering.**

(i) Village Workplace Areas shall have a continuous buffer, fifty (50) feet minimum in width, planted with a Type 2 Buffer pursuant to Section 5-1414(B), adjacent to residential areas.

(ii) Village Workplace Areas shall have a continuous buffer, thirty (30) feet minimum in width, planted with a Type 2 Buffer pursuant to Section 5-1414(B), adjacent to public streets and open space areas.

(iii) Workplace lots used for open storage shall have either an additional fifty (50) foot wide planted buffer (for a total width of 100 feet if located on a workplace subdistrict boundary) or a masonry wall no less than six (6) feet minimum in height.

4-1214 **Utility Design and Financing Requirements.** The applicant shall demonstrate to the satisfaction of the Board of Supervisors, the technical and financial ability to provide an appropriately sized water treatment and sewage collection system for both immediate and long term needs. The location of the water and wastewater treatment facilities, or connections to public water and sewer mains, proposal shall be shown in the Concept Development Plan and shall be accompanied with a financing plan designed to obtain sufficient revenue from the system users to pay all construction, operating, service and replacement costs incurred by the LCSA. All proposals must meet State and Local Health Department requirements for water and wastewater treatment facilities.

(A) Lots within the Village Center shall be served by appropriately sized public water and wastewater collection facilities provided and constructed by the applicant and dedicated to the Loudoun County Sanitation Authority (LCSA), the public body which will be ultimately responsible for utility operation, control and maintenance.

(B) Lots in the Village Conservancy and Satellite Conservancy subdistricts, which are not adjacent to the Village Center, may be served by private water supply and sewage disposal systems meeting all State and Local Health Department criteria.

4-1215 **Utilities.** All utilities in the Village Center shall be located underground. All above ground utility boxes and other facilities shall be co-located and screened from road and street view. (Typical drawings permitted.)

4-1216 **Land Use Arrangement.**

(A) **Overall Form.** (See Figures 2-8)

(1) The boundaries of Village Conservancy and Satellite Conservancy subdistrict lots should be designed to follow natural features whenever possible and such lots should seek to provide for an agricultural, forestal, or open space use of the land.

(2) The Village Center shall be distinguished from the Village Conservancy by a well defined "hard edge" of closely spaced buildings in contrast with the open, largely unbuilt farm, forestal and open space character of the conservancy.

(3) The village should be sited so as to best preserve natural vistas and the existing rural topography.

(4) The Village Center should be designed in a generally rectilinear pattern of blocks and interconnecting streets and alleys, defined by buildings, street furniture, landscaping, pedestrian ways and sidewalks.

(5) A hierarchy of parks and squares shall be distributed strategically for maximum benefit and convenience throughout the Village Center and shall include a central civic park, called the main village green.

(B) **Spatial Relationship of Village Subdistricts and Areas.**

(1) The Village Conservancy subdistrict shall surround the Village Center subdistrict unless explicitly modified pursuant to Section 4-1218(B) upon a finding that unique topographical or other natural features or pre-existing boundary constraints require an alternative arrangement.

(2) Village Center commercial and workplace areas shall be surrounded by the residential lots or, where applicable, by a combination of residential lots and civic areas.

(3) Higher density residential lots should generally be located between the designated commercial area and lower density residential lots, providing a transition between the business and residential uses of each.

(4) The designated workplace area should generally abut the designated commercial area, shall be located in no more than two (2) geographic places at the periphery of the Rural Village Center subdistrict and shall be buffered to have the least impact on residences within the Rural Village District or on adjacent properties.

(5) Every Village Center shall be provided with a centrally located main village green. The main village green should abut the designated commercial and civic areas.

(C) **Block Design.**

(1) Blocks of a generally rectangular shape should be the main organizing feature of the Village Center subdistrict. While topography, existing vegetation, hydrology and design intentions should influence block shape and size, the perimeter of such blocks should range between 1,100 and 1,800 feet in length as measured along lot frontage lines, between intersections of streets.

(2) The blocks of the Village Center subdistrict may be subdivided into lots, having frontage on a street, whose generally rectangular shape should respond to environmental factors, the proposed use and design intentions. This Ordinance is best served by Village Center lot design which includes a variety of sizes.

(3) Village Center subdistrict lots should minimize both front and side yards, garage aprons and entrances and blank walls and should generally have as narrow a width as is practical in order to encourage pedestrian movement. (Typical drawings permitted.)

(4) Townhouse lots of less than thirty two (32) feet in width shall not be developed with garage doors on their principal facade.

(D) **Additional Criteria.**

(1) Road, street and alley layouts in the Village Center subdistrict shall be designed in a hierarchical, rectilinear pattern with geometrical variation as required by traffic safety, environmental factors and design intentions. Village Center roads, streets and alleys should terminate on other roads and streets.

(2) Roads, streets and alleys should be designed to:

(a) Parallel and preserve existing fence lines, tree lines, hedgerows and stone walls.

(b) Minimize alteration of natural site features.

(c) Secure the view to prominent natural and man made vistas.

(d) Minimize the area devoted to motor vehicle travel.

(e) Promote pedestrian movement so that it is generally more convenient and safe to walk than to drive.

(3) Village roads and streets should be designed as a set of parallel zones:

(a) A zone of moving vehicles.

(b) A buffer area of street trees, planting and parked cars.

(c) A sidewalk or pedestrian path zone.

(d) A yard adjacent to residential buildings or an entrance adjacent to other buildings. (Typical drawings permitted.)

(4) **Parking.**

(a) Parking for residential, civic, commercial, workplace and recreational uses in Village Center should generally be located at the rear of lots and no off-street parking shall be permitted in front yards. Adjacent off-street parking lots shall have off-street vehicular and pedestrian ways. Continuous parallel parking for additional cars and visitors should be provided on the streets. (Typical drawings permitted.)

(b) Access for off-street parking in Village Center subdistrict shall generally be achieved by means of alleys, off-street vehicular connections between adjacent parking lots and side streets. Driveway curb cuts on neighborhood streets serving residential lots may be allowed if spaced to allow parallel parking for at least two (2) cars (a minimum of 36 feet) between successive driveways. (Typical drawings permitted.)

(c) Off-street parking areas, carports, and garages in a Village Center should be designed to have low visibility and consequently shall not be located at the visual termination of roads and streets and shall not be the principal use of corner lots. To this same end, front load garages and carports should offset from direct view and should be located a minimum of six (6) feet behind the principal building facade. Any parking lot which abuts a street shall be buffered by a landscaped strip no less than ten (10) feet wide and planted with a continuous row of shrubs no less than 3 1/2 feet high, and/or shielded by a wall no less than 3 1/2 feet and no more than six (6) feet high.

(5) **Landscaping.**

(a) The applicant shall submit a conceptual Landscape Master Plan as part of the Concept Development Plan which identifies design intentions, the general location and size of both existing vegetation to be retained and proposed new vegetation, typical landscape sections and drawings, typical planting materials, and the phasing of landscape installation and planting methods.

(b) Roads and streets in Village Center residential areas should generally be planted on both sides with street trees spaced, according to species, at regular intervals. The width of sidewalks required pursuant to Section 4-1213 should account for such street trees. Streets in the storefront areas of the Village Center shall be planted on at least one (1) side with street trees spaced, according to species, at regular intervals. (Typical drawings permitted.)

4-1217 **Village Governance.** Every rural village shall have an established homeowners association with documents reviewed and approved by the County prior to first Record Plat approval. The Rural Village Homeowner Association documents shall provide for maintenance of street trees, and other community landscaping such as in village greens, parks and squares, private streets, stormwater management systems, water and sewer facilities. In addition, all roads, streets and alleys, and infrastructure improvements shall be provided by the applicant and maintained in a manner approved by the County either by the applicant or the Village Homeowner Association unless accepted for maintenance by a public entity.

4-1218 **Modification of Regulations.**

(A) **Precedence.** Where there are explicit differences between provisions of the Rural Village Ordinance and general zoning, subdivision or other County regulations, the provisions of the Rural Village Ordinance shall apply.

(B) **Locational Requirements.** The Board of Supervisors may grant modifications permitted pursuant to Section 6-1217.

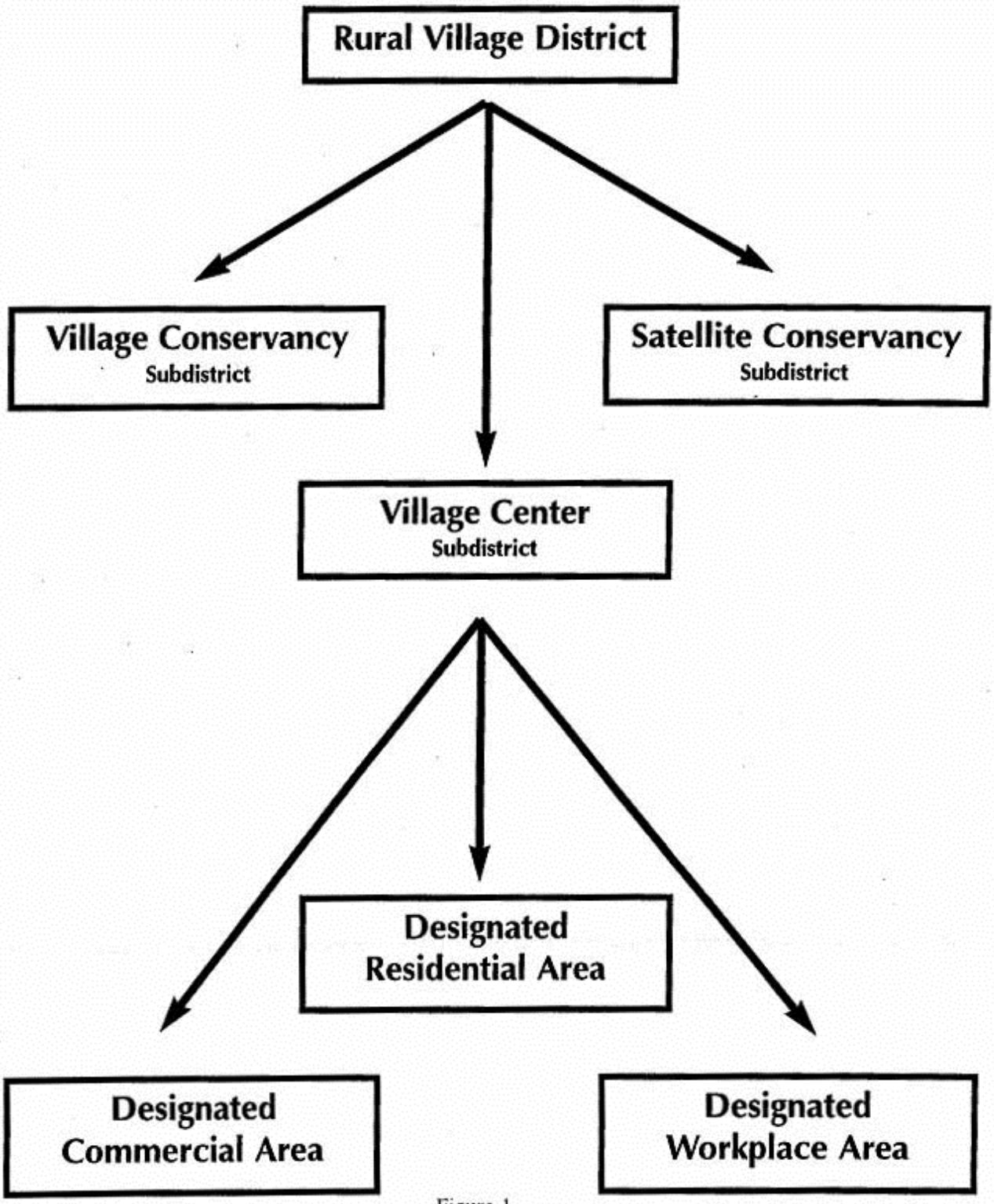


Figure 1

Hierarchy of Village Zones

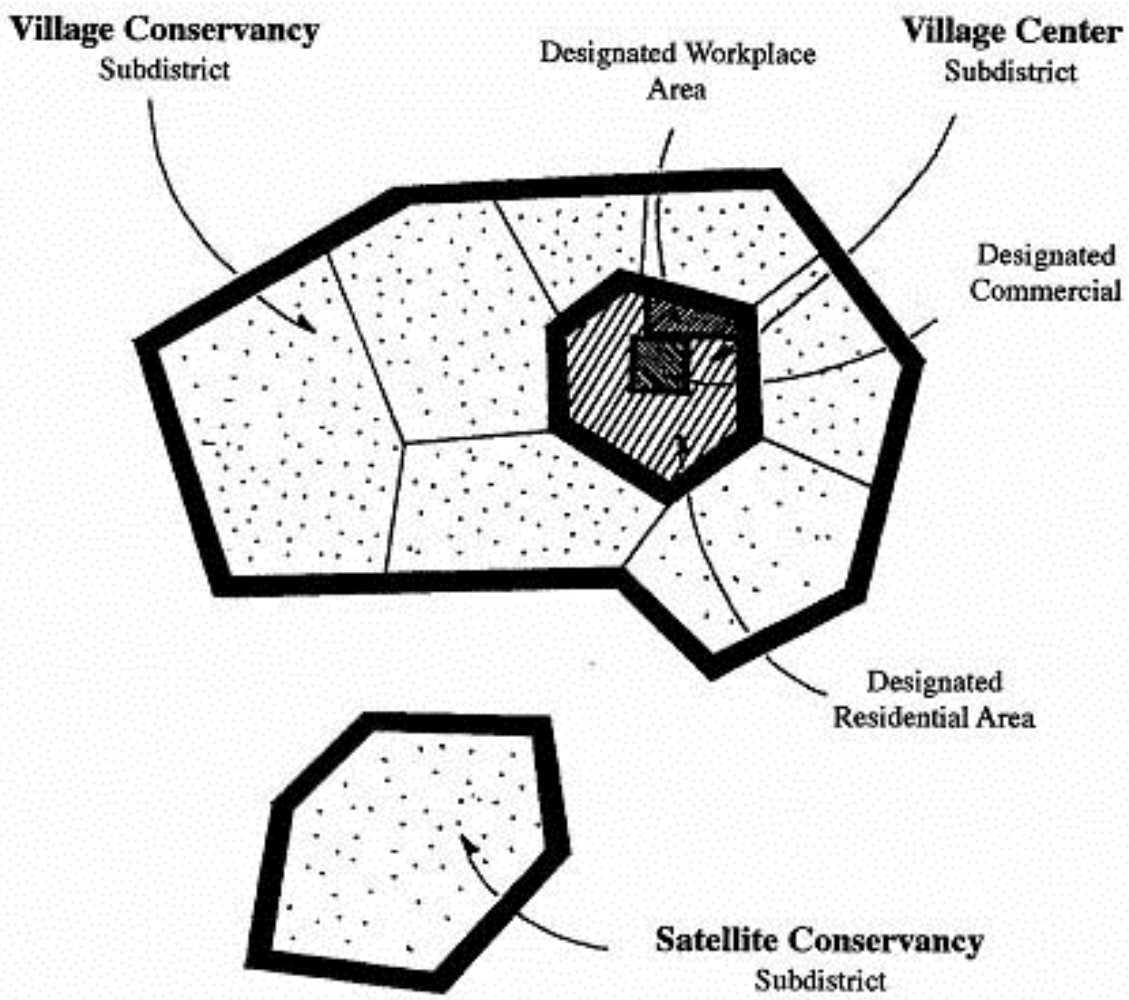


Figure 2

Major Village Zones

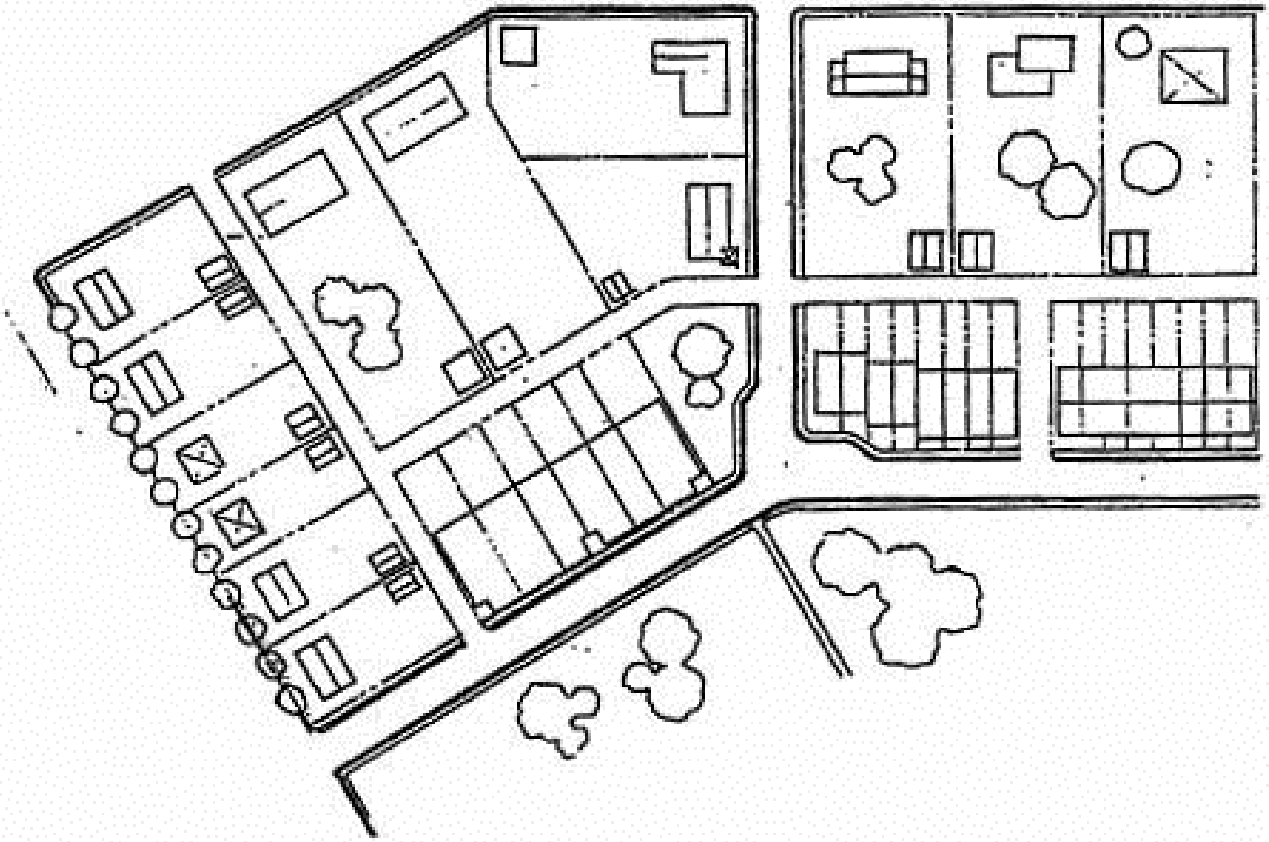
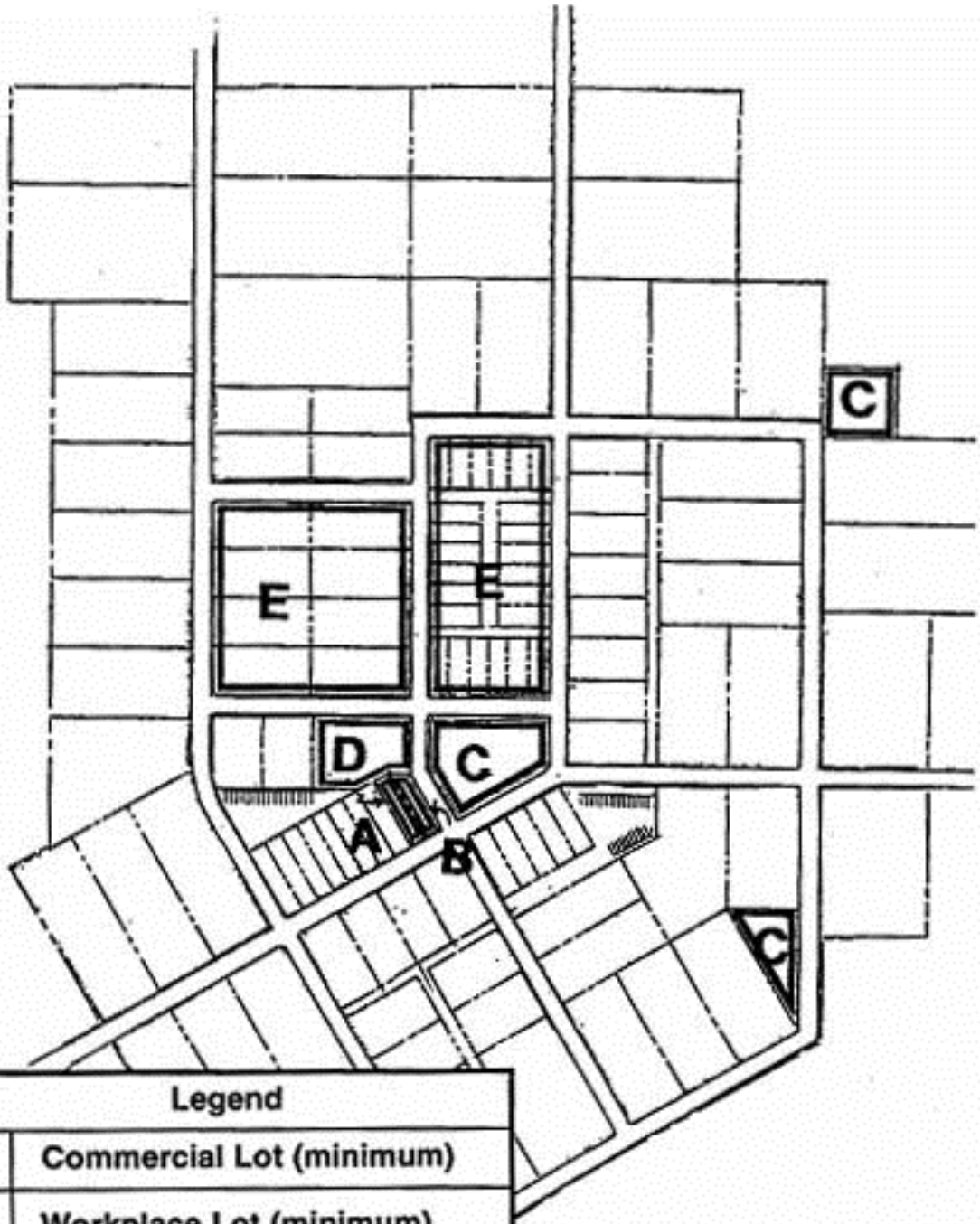


Figure 3

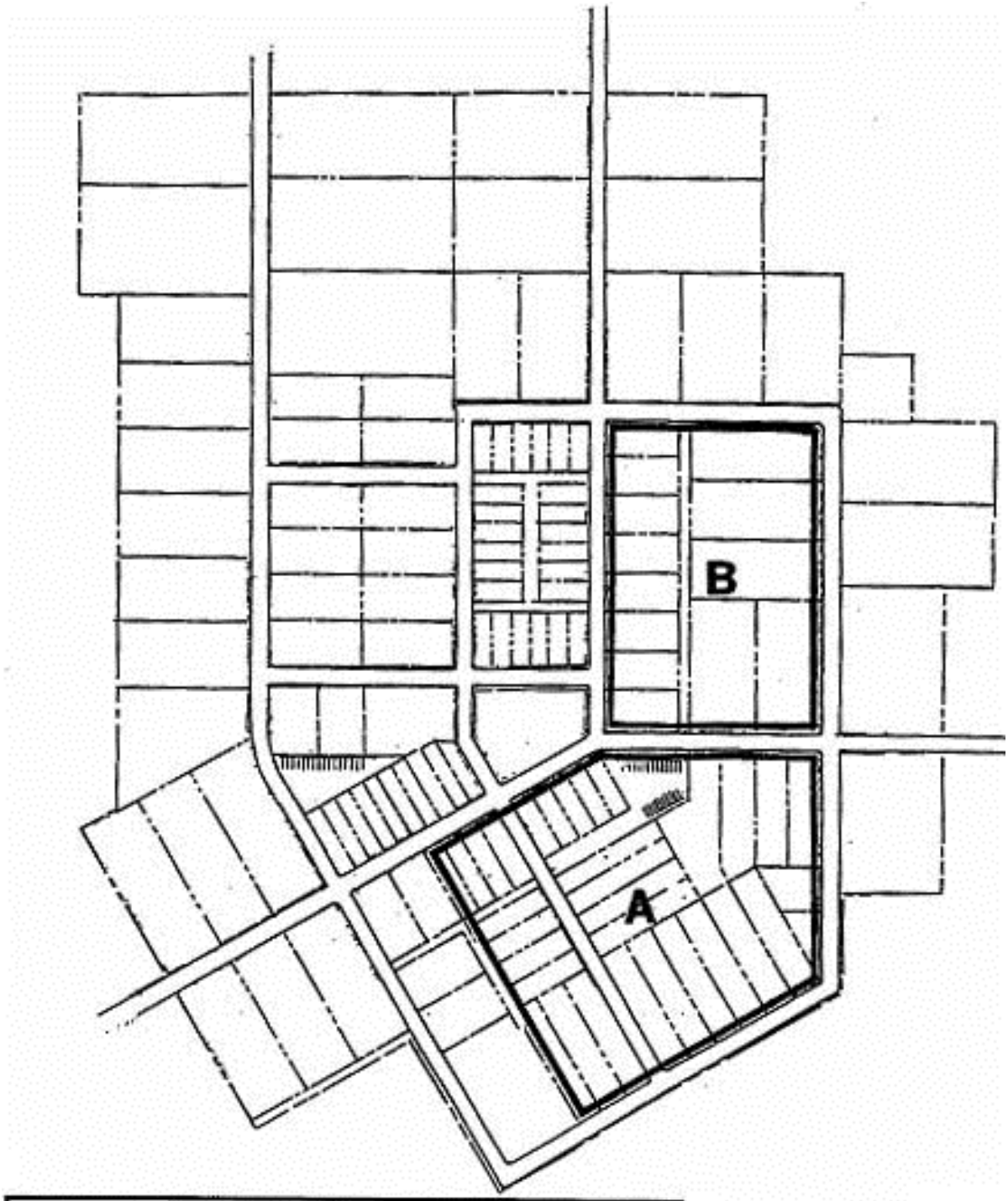
Detail of Village Center



Legend	
A	Commercial Lot (minimum)
B	Workplace Lot (minimum)
C	Green, Parks and Squares (minimum)
D	Civicl Lot (minimum)
E	Block Size (minimum)

Figure 4

Village Center Uses (minimum area)



Legend	
A	Commercial/Workplace Lot (maximum)
B	Block Size (maximum)

Figure 5

Village Center Uses (maximum area)

Figure 6A

Single Family Attached Street Cross Section

Minimum and Maximum Front Yards

(1:20 Scale)

Figure 6B

Single Family Detached Street Cross Section

Minimum and Maximum Front Yards

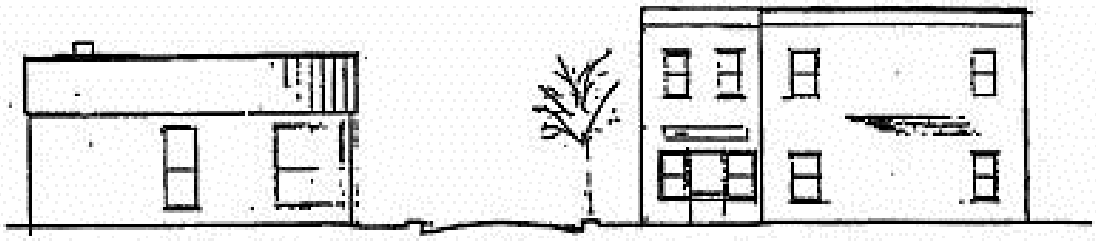


Figure 7A

Commercial Workplace Street Cross Section

(1:20 Scale)

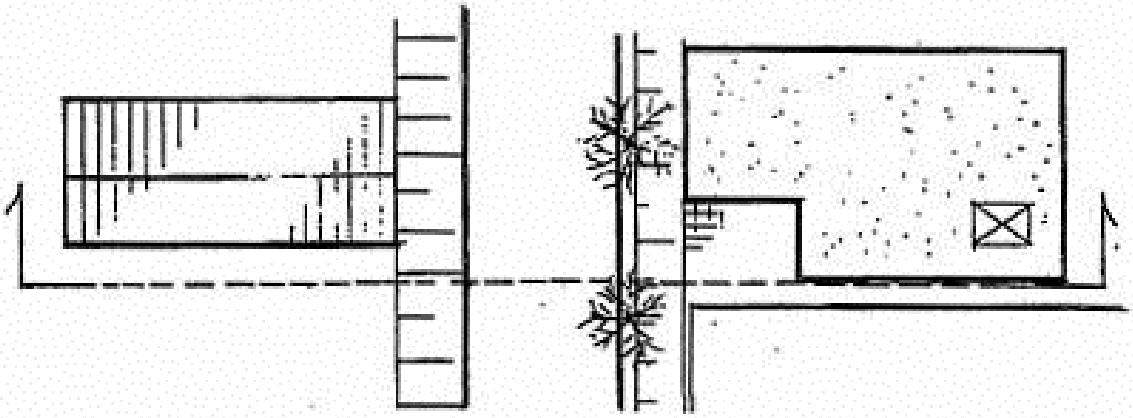
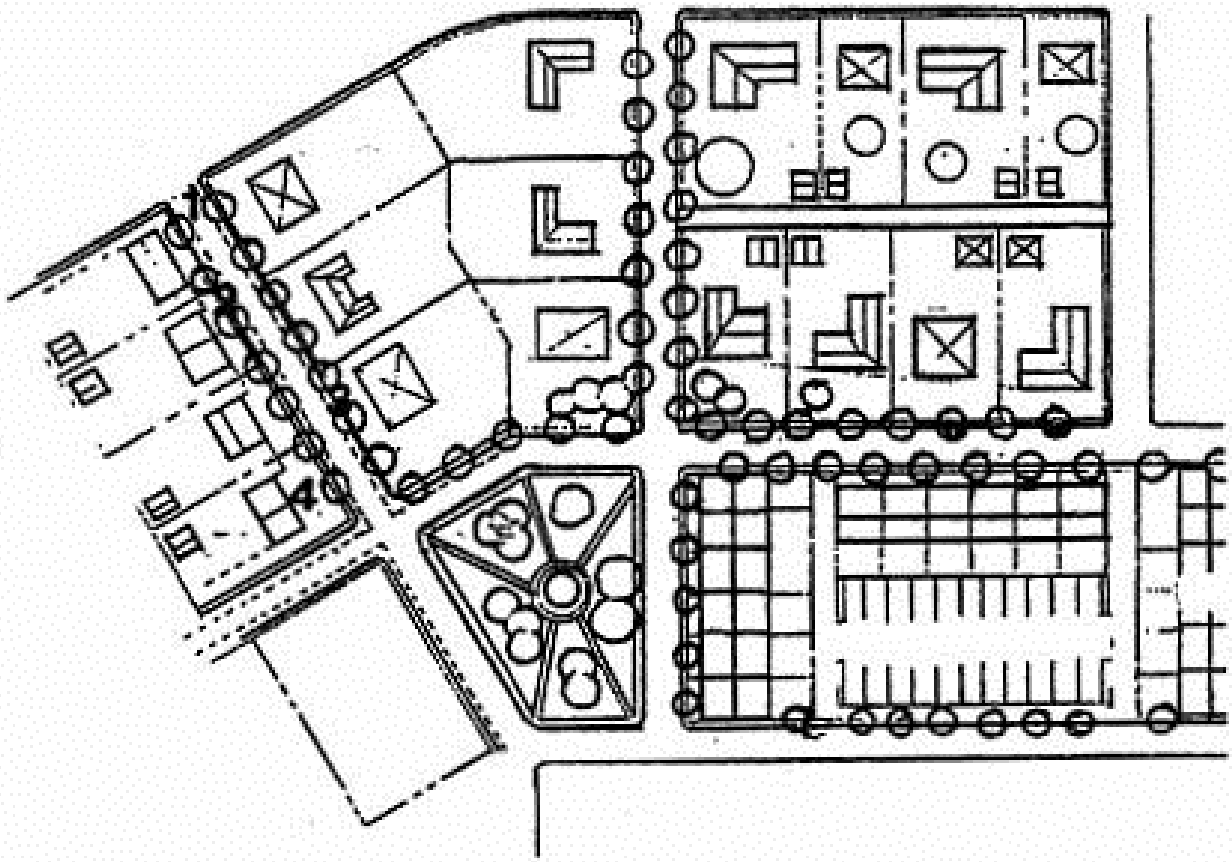


Figure 7B

Commercial Workplace Street Plan View



Road/Street Zones	
A	Zone of Moving Vehicles
B	Buffer Area
C	Pedestrian Movement and Meeting Zone
D	Yard and Entry Zone

Figure 8

Village Blocks Detail

Section 4-1300 PD-AAAR Planned Development - Active Adult/Age Restricted

4-1301 **Purpose.** The purpose and intent of the PD-AAAR district is to provide for the establishment of planned adult residential communities that provide important housing opportunities for a population 55 years of age or older, in accord with Virginia Code Section 36-96.7, as amended. The PD-AAAR district is intended to be located in urban and suburban areas of the County where high density residential uses would otherwise be consistent with the County's Comprehensive Plan policies. Development shall occur in accordance with an approved Concept Development Plan. The district will be designed to provide a safe and convenient environment which compliments the surrounding uses and other amenities for the residents of the district. In addition, the district shall be designed to provide adequate open space within the development, and have minimum impact on the surrounding land by providing open space adjacent to the exterior boundaries.

4-1302 **Size and Location.** This district shall have no less than 25 acres. It shall only be located as follows:

(A) In areas served by one or more major arterial or major collector roads;

(B) Consistent with the locations identified in the Comprehensive Plan for high density, Urban Residential Neighborhoods;

(C) In areas served by public water and sewer;

(D) No more than 100 acres shall be developed residentially.

4-1303 **Required Uses.** The following uses shall be required in the PD-AAAR district, subject to the requirements and limitations of these regulations:

(A) Active Adult/Age Restricted Community, which shall consist of:

(1) Dwelling units, (multi-family, single-family detached, and single-family attached) for an active adult, age-restricted population.

(2) Clubhouse, solely for the residents, employees and their guests, including meeting rooms, auditorium, theater, business office, and recreational facilities and other uses related to adult community living.

(3) Ancillary retail uses only for the development, such as grocery/convenience food store, pharmacy, medical services, barber shop, beauty shop, personal care facilities, eating and drinking establishments, library, bank and financial institutions (pursuant to Section 5-659), business services, laundry, cleaners, and other similar retail uses. The floor area for retail and community service uses shall not exceed 10 percent of the gross residential floor area of the buildings.

(4) Swimming pool.

(5) Health or fitness center.

(6) Recreation space, active.

(7) Bus stops/shelters with bus service.

4-1304 **Permitted Uses.** The following uses shall be permitted in the PD-AAAR district, subject to the requirements and limitations of these regulations:

(A) Public utility buildings and structures.

(B) Park.

(C) Utility substation, dedicated.

(D) Sewer pumping station.

(E) Water pumping station.

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

(G) Church, synagogue, and temple.

(H) Golf course (minimum 18 holes).

(I) Chapel.

(J) Medical care facility, outpatient only.

(K) Recreation space, passive.

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

(M) Telecommunications tower, pursuant to Section 5-618(C)(1).

4-1305 **Special Exception Uses.** The following uses may be approved by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300:

(A) Nursing home or like type of convalescent facility.

(B) Congregate care facility.

(C) Assisted living facility.

(D) Heliport and/or helistop.

(E) Fire and/or rescue station.

(F) Water storage tank, elevated.

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

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

(I) Police Station.

4-1306 **Maximum Residential Density.** The number of dwelling units in an active adult/age-restricted community shall not exceed 30 dwelling units per acre of the developable area as set out in Section 4-1302(D). Such number does not include dwelling units which may be required under Article 7 of this ordinance.

4-1307 **Lot Requirements.**

(A) **Size.** 6,000 sq. ft. minimum for single family detached dwellings; 3,000 sq. ft. minimum for duplex dwellings; 2,200 sq. ft. minimum for triplex end units or quadruplex dwellings; 1,800 sq. ft. minimum for triplex interior dwellings; 1,600 sq. ft. minimum for townhouse dwellings; 8,000 sq. ft. minimum for a multi-family structure; each exclusive of major floodplain.

(B) **Width.** 50 feet minimum for single family detached dwellings; 40 feet for duplex dwellings; 30 feet for triplex end unit dwellings; 18 feet for triplex interior dwellings; 35 feet for quadruplex dwellings; 26 feet for townhouse end unit dwellings; 16 feet for interior townhouse dwellings; 80 feet minimum per lot for multi-family structures.

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

(1) **Single Family Detached Dwellings.**

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

(b) **Side.** 8 feet minimum if two side yards are provided; 16 feet if only one side yard is provided. In no case shall the distance between dwellings be less than 16 feet.

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

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

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

(b) **Side.** No requirement along common walls; minimum side yard on end unit shall be 8 feet.

(c) **Rear.** 25 feet minimum, no requirement along common walls.

(3) **Multi-Family Dwellings.** Each multi-family structure shall provide the following yards:

(a) 100 feet from edge of adjoining residential, commercial, institutional, or industrial district.

(b) 50 feet from edge of adjoining office district.

(c) 40 feet from any internal private street or road, not including service entrances.

(d) 60 feet between buildings.

(4) **Adjacent to roads.** No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and streets where such uses are visible from any road.

(5) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than (100) feet to any agricultural district, any existing or planned residential district, or land bay allowing residential uses. No parking shall be permitted closer than (50) feet to any such area. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from said agricultural and residential areas.

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

4-1308 Building Requirements.

(A) **Lot Coverage.**

(1) Single-family detached and single-family attached, 50 percent maximum.

(2) Multi-family not to exceed a maximum of 30 percent.

(B) **Building Height.** Sixty (60) feet maximum provided that a building may be erected to a maximum height of one hundred feet if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions a distance of not less than one (1) foot for each one (1) foot of height that it exceeds the 60 foot limit, except where it adjoins a non residentially zoned district, the building height shall be 100 feet maximum.

4-1309 Common Open Space, Including Recreational Spaces. Not less than 50 percent of the gross area of the development.

4-1310 **Utility Requirements.** All utility distribution lines in the PD-AAAR district shall be placed underground.

4-1311 **Development Setback and Access from Major Roads.** In designing residential development, the requirements of Section 5-900 shall be observed.

(A) **Private Streets.** Internal roads may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met:

(1) All facilities served by the private road shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat or site plan of a reserve fund for repairs to such road.

(2) The record plat, site plan, and/or protective covenants for such development shall expressly state that the County and VDOT have no and will have no responsibility for the maintenance, repair, or replacement of private roads.

(3) Sales brochures or other literature and documents, provided by the seller whose development is served by such private roads, shall include information regarding responsibility for maintenance, repair, replacement, and covenants including a statement that the County has no and will have no responsibility for the maintenance, repair, or replacement of private roads. Roads serving other uses shall be designed and constructed to VDOT standards for inclusion in the State highway system.

4-1312 **Development Criteria.** The following recreational, educational, and cultural facilities solely for the residents, employees and their guests shall be located on site or within 10 miles of the site. If facilities are not provided on site, a guaranteed use of and vehicular or other guaranteed means of transportation to such facilities for the residents of the development shall be provided.

(A) Golf course (minimum 18 holes).

(B) Chapel.

(C) Medical care facility, outpatient only.

(D) Recreation space, passive.

4-1313 **Age of Residents.** The development of an active adult/age restricted community shall include homeowners documentation reviewed by the County that specifies the age restricted nature of the proposed use. A development designated for an active adult/age-restricted development community shall be in accord with Virginia Code, Section 36-96.7, as amended, and shall include in the homeowners association documentation policies and procedures which:

(A) Ensure that at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and

(B) Demonstrate an intent by the owner or manager to providing housing for persons 55 years of age or older.

4-1314 Common Areas, Recreational Facilities.

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

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

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

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

(ii) Membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community and said organization shall not discriminate in its members or shareholders.

(iii) The organization shall manage, maintain, administer and operate all common facilities, open space and improvements and other land not publicly or privately owned, and shall secure adequate liability insurance on the land and such improvements.

(iv) Sales brochures or other literature and documents provided by the seller of all lots within a PD-AAAR district shall include information regarding membership requirements and responsibilities of such organizations.

(b) Retention of ownership, control, and maintenance of common open space and improvements by the developer.

(2) All common open space shall be subject to restrictive covenants running with the land restricting its use to that specified in the approved Development Plan. Such restrictions shall be for the benefit of, and enforceable by, all present or future residential property owners and the Board of Supervisors of Loudoun County.

(3) All common open space, as well as public recreational facilities, shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

4-1315 **Site Planning - External Relationships.** Site planning within the PD-AAAR district shall provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development. In particular and without limitation, the proposed development shall demonstrate the following features:

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

(B) **Protection of visibility - pedestrian/cyclist.** Where there is pedestrian or bicycle access to a street, no impediment to visibility more than 2-1/2 feet above the level of the center of the street shall be allowed within the visibility triangle required in Section 5-300(B) or VDOT standard, whichever is greater.

4-1316 **Site Planning - Internal Relationships.** The PD-AAAR district shall provide the following:

(A) Streets, drives, parking and service areas shall provide immediate, safe and convenient access and circulation for dwelling units and project facilities and for service and emergency vehicles including fire fighting equipment, furniture moving vans, fuel trucks, garbage collection, deliveries, and snow removal.

(B) Vehicular access from off-street parking and service areas shall be designed to minimize the number of curb cuts and to promote safe traffic flow.

(C) **Ways for pedestrians and cyclists; use by emergency or service vehicles.** Ways shall be provided to all dwelling units, project facilities and principal off-site destinations. Street crossings shall be held to a minimum on such walkways. Pedestrian ways may be combined with other easements and used only by emergency or service vehicles.

(D) **Protection of visibility - cyclists and pedestrians.** Visibility clearance at intersections shall be as provided in Section 5-300.

Section 4-1350 PD-MUB Planned Development-Mixed Use Business District

4-1351 **Purpose and Intent.** A Planned Development Mixed Use Business District is established to provide for mixed use business developments. The district encourages a compact pedestrian-oriented mix of uses. The uses are regional office, light industrial uses, retail, service, civic and high density residential uses located in close proximity to each other in order to create an attractive environment in which to live, work and play. The mix of uses is anticipated to create a sense of place, organized around one or more public or civic uses that serve to unify the overall development.

Environmental features shall be preserved and integrated into the plan of development. The major land uses shall be linked by way of pedestrian linkages, trails and greenways that connect the businesses, residences and open space. The pedestrian-oriented nature of the district should be emphasized by the building scale and design, block sizes, pedestrian-oriented uses and pedestrian-friendly streetscapes.

4-1352 **Size and Location.** A PD-MUB District shall contain no fewer than 25 acres and shall be located along an arterial or major collector roadway. The district shall be located in areas served by public water and sewer systems.

Contiguous additions of any size shall be allowed to an existing PD-MUB District if the applicant demonstrates that the addition is integrated with the district that was previously approved. Existing uses on lots that are included within a proposed PD-MUB District may be used to meet the minimum use percentages required in Section 4-1355(A) during the rezoning process.

4-1353 **Permitted Uses.** The following uses shall be permitted in any PD-MUB District subject to the requirements and limitations of these regulations.

(A) **Employment Uses**.

(1) Offices, administrative, business or professional.

(2) Research and development.

(B) **Commercial Uses**.

(1) Banks or other financial institutions, without drive-throughs.

(2) Health and fitness center.

(3) Offices, medical and dental.

(4) Child care center, pursuant to Section 5-609(B).

(5) Adult day care center.

(6) Business service establishment.

(7) Hotel/motel, pursuant to Section 5-611.

(8) Conference or training center.

(9) Personal service establishments.

(10) Retail sales establishments, excluding drive-throughs.

(11) Restaurants, including carry-out but excluding drive-throughs.

(12) Restaurant, dinner theater.

(13) Convenience food stores, pursuant to Section 5-617.

(14) Banquet facility/Event facility.

(15) Art gallery.

(16) Theater, indoor.

(17) Art Studio

(C) **Residential Uses**.

(1) Dwellings, multifamily.

(D) **Public, Civic, Institutional Uses**.

(1) Educational institution.

(2) Public use, excluding schools.

(3) Park, Neighborhood.

(4) Church, synagogue, temple or mosque.

(5) Community center.

(6) Cultural center.

(E) **Utility Uses**.

(1) Water pumping station, pursuant to Section 5-621.

(2) Sewer pumping station, pursuant to Section 5-621.

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

4-1354 **Special Exception Uses**. The following uses may be approved by the Board of Supervisors and may be subject to conditions pursuant to Section 6-1300.

(A) **Employment Uses**.

(1) Flex-industrial uses, pursuant to Section 5-608.

(2) Manufacturing, processing, fabrication and or assembly of products.

(3) Wholesale Trade Establishment.

(B) **Commercial Uses**.

(1) Medical facilities, outpatient only.

(2) Commercial uses with drive-throughs, pursuant to Section 5-659.

(3) Gas pumps accessory to a convenience store, pursuant to Section 5-617.

(4) Automobile service station.

(C) **Residential Uses**.

(1) Dwellings, single family attached.

(D) **Public, Civic, Institutional Uses**.

(1) Heliport, helistop.

(2) Radio, radar or television tower.

(3) Hospitals, pursuant to Section 5-610.

(4) Continuing care facility.

(5) School.

(6) Outdoor amphitheater

(E) **Utility Uses**.

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

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

4-1355 Development Standards.

(A) **Minimum Use Percentages**. A PD-MUB District shall have the following minimum percentages of use. These minimum percentages shall not be modified. (See Section 1-209 to determine how the use percentages are calculated.)

(1) **Employment Uses**. At least 40% of the total floor area of the district shall be devoted to uses listed in the Employment use category. Employment uses shall always have the largest percentage of floor area in the district.

(2) **Commercial Use**. At least 5% of the total floor area of the district shall be devoted to uses listed in the Commercial use category.

(3) **Residential Use**. At least 10% of the total floor area of the district shall be devoted to uses in the Residential use category.

(4) **Public/Civic/Institutional Uses**. At least 5% of the total floor area of the district shall be devoted to uses listed in the Public/ Civic/Institutional use category.

(5) **Parks and Open Space**. At least 10% of the land area of the district shall be devoted to parks and/or open space.

(B) **Central Plaza**. A plaza that is centrally located within the district shall be provided and shall be a minimum of 10,000 square feet in area.

(1) At least one side of the plaza shall adjoin a road.

(2) The plaza shall include public amenities, such as ponds, fountains, public art, plant beds, benches, drinking fountains, clock pedestals, and the like.

(3) Buildings that adjoin the plaza shall be a minimum of 2 stories.

(4) A detailed design for the areas surrounding the central plaza shall be required at the time of rezoning. Such design shall include: commercial uses on the first floor and a mix of uses on the floors above for all buildings surrounding the plaza; sidewalks that are a minimum of 5 feet in width; and a planting and furniture area that is a minimum of 4 feet in width located adjacent to the sidewalk and between the curb and sidewalk when adjacent to a street. The planting and furniture area shall provide pedestrian amenities such as benches, transit shelters, kiosks, lamp posts, public art and the like.

(C) **Vertical Mix**. At least 50% of the buildings within the district shall contain a vertical mix of at least two (2) different use categories.

(D) **On-Street Parking**. On-street parking can be counted towards meeting the required parking in Section 5-1100, provided such parking is located within 400 feet of the subject principal use.

(E) **Principal Building Entrance**. The principal entrance of buildings shall be oriented towards the street or adjacent plazas, greens, parks, squares or pedestrian passageways.

(F) **Sidewalks**. Continuous sidewalks shall be provided along both sides of all streets within the district.

(G) **Bicycle Network**. A dedicated bicycle network consisting of trails, routes and/or lanes provided throughout the district and connected to existing or proposed networks adjoining the district shall be provided.

(H) **Streets**. Streets shall be arranged in a generally rectilinear pattern of interconnecting streets and blocks, while maintaining respect for the natural landscape.

(I) **Concept Development Plan**. In addition to addressing the standards in Section 6-1210(E), a rezoning application to PD-MUB shall address the following criteria:

(1) The Concept Development Plan (CDP) shall exhibit a compact pattern of development that efficiently facilitates interconnection between the employment uses, commercial uses, residential uses, and public/civic/institutional uses, which serves to unify the entire project.

(2) The primary employment land uses shall be concentrated at the major intersections depicted on the CDP.

(3) A phasing plan shall be included that depicts the proposed mix of uses to be provided throughout each phase of the development.

(4) All access points on arterial and major collector roads shall be shown on the CDP and shall only be located where there are median breaks approved by VDOT.

4-1356 Lot and Building Requirements.

(A) **Size**. No minimum lot size is required.

(B) **Yards**.

(1) **Front**. See Section 5-900 for arterial and collector roads; and 0 feet minimum and 30 feet maximum from other roads. The maximum front yard can be expanded to 50 feet where a courtyard, plaza, terrace, or other common gathering space, that is a minimum of 300 square feet, is provided adjacent to the front property line.

(2) **Side**. Zero (0) feet minimum.

(3) **Rear**. Five (5) feet minimum.

(C) **Building Height**. Building heights shall be no more than seventy-five (75) feet.

4-1357 Floor Area Ratio (FAR) and Residential Density.

(A) **Floor Area Ratio (FAR)**. The maximum amount of floor area permitted shall be no more than 0.5 times the land area (in square feet) for the district, excluding the area of the Floodplain Overlay District (FOD) except as provided for in Section 4-1359(D) below.

(B) **Residential Density.** 16 dwelling units per acre maximum, excluding the area of the Floodplain Overlay District (FOD) except as provided for in Section 4-1359(D) below.

4-1358 Use Limitations.

(A) **Utility Requirements**. All utility lines shall be placed underground.

(B) **Buffering and Screening**.

(1) No loading areas or refuse collection areas shall be located closer than 100 feet from an agricultural zoning district or a residential district. No parking areas shall be located closer than 50 feet to an agricultural zoning district or a residential district.

(2) Loading areas and refuse collection areas shall be landscaped, screened and buffered from view as seen from adjoining streets and residential areas. Parking lots shall be landscaped in accordance with Section 5-1413.

(3) For individual lots within the PD-MUB district that are developed in accordance with a proffered Concept Development Plan, the buffering and screening requirements of Section 5-1400 shall not be applicable between uses on adjacent lots developed within the PD-MUB district. The buffering and screening requirements will be applicable between uses on adjacent lots that are subject to different PD-MUB Concept Development Plans.

(C) **Street Trees.** Trees shall be planted at a density of one tree per twenty five (25) linear feet along all areas dedicated for use for vehicular access. Such trees shall have a minimum caliper of two (2) inches and a height at maturity of fifteen (15) feet or more.

4-1359 Incentive Program.

(A) **Purpose**. There is an incentive program established for the PD-MUB zoning district that provides an opportunity for an applicant's project to be granted increased FAR. Approval of an incentive program by the Board of Supervisors may be made when the Concept Development Plan meets certain criteria.

(B) **Application**. An applicant for a zoning map amendment to a PD-MUB district desiring to receive incentive bonuses must request participation

in the incentive program at the time of submission of such zoning map amendment application and shall provide written justification that the project meets the criteria set forth in Section 6-1210 in addition to demonstrating that the Concept Development Plan meets the criteria set forth in this section. The application for the incentive program shall be considered as part of the request for the zoning map amendment to the PD-MUB district.

(C) **FAR Incentives**. The following FAR increases can be granted singly or cumulatively, provided that in no case shall the FAR for the district exceed 1.0.

(1) The Board of Supervisors may grant an increase of 0.1 FAR above the maximum permitted floor area ratio if the district size is a minimum of 100 acres.

(2) The Board of Supervisors may grant an increase of 0.1 FAR above the maximum permitted floor area ratio if structured parking is provided to satisfy at least 50% of the required parking for the district. An increase of 0.2 FAR above the maximum permitted floor area ratio may be granted if 100% of the off-street parking is provided within structured parking. Such structured parking shall be designed in a manner that is integrated with nearby building architecture to minimize visual impact.

(3) The Board of Supervisors may grant an increase of 0.1 FAR above the maximum permitted floor area ratio if at least 10% of the dwelling units provided are affordable to households earning up to 100% of the Washington Area median income (AMI), are located in vertically mixed buildings, and that covenants are recorded in favor of the County to maintain such affordability for a minimum period of 15 years.

(4) The Board of Supervisors may grant an increase of 0.1 FAR above the maximum permitted floor area ratio if at least one of the following uses is provided. In addition, the floor area of such use will be excluded from the FAR calculations:

(a) Hotel, full-service to include a sit-down restaurant, meeting space, and at least two of the following in house services: exercise room, room service, or concierge service.

(b) Adult day care facility.

(c) Theater, indoor, limited to live performances.

(5) The Board of Supervisors may grant an increase of 0.1 FAR above the maximum permitted floor area ratio if a local shuttle

system or other public transportation improvement is provided by the applicant /landowner.

(6) The Board of Supervisors may grant an increase of 0.1 FAR above the maximum permitted floor area ratio when at least 2 contiguous lots that existed at the time of adoption of this Ordinance with each having frontage on an arterial road, submit a single zoning map amendment application to a PD-MUB district with the CDP showing no direct access onto an arterial road from any such lot.

(7) The Board of Supervisors may grant an increase of 0.1 FAR above the maximum permitted floor area ratio when at least 20% of the total floor area of the district achieves the Leadership in Energy and Environmental Design (LEED) Certification at the Gold level.

(D) **Additional Incentives**.

(1) Areas within the FOD can be included when calculating the permissible FAR and residential density if a 25 foot natural buffer is maintained from the edge of the FOD.

(2) If the concept development plan locates the residential uses within 1,200 feet of the principal business uses, and demonstrates that 75% of the structures are multi-story mixed use structures, then the local streets may be private streets.

4-1360 Signs.

(A) The requirements of Section 5-1204(D) shall be followed for PD-MUB development.

(B) As applicable, signs for light industrial uses within the PD-MUB District shall follow the requirements for flex industrial signs as enumerated in the Sign Requirements Matrix, Section 5-1204(D).

(C) Signs for residential uses within the PD-MUB District shall follow the requirements of the PD-H signs as enumerated in the Sign Requirements Matrix, Section 5-1204(D).

4-1361 Ownership, Operation and Management of Common Open Space and Common Facilities.

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

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

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

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

(b) Membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community and said organization shall not discriminate against members or shareholders.

(c) The organization shall manage maintain, administer and operate all open space and improvements and other land not publicly or privately owned and shall secure adequate liability insurance on the land and such improvements.

(d) Sales brochures or other literature and documents provided by the seller of all lots within a PD-MUB district shall include information regarding membership requirements and responsibilities of such organizations.

(3) Retention of ownership, control and maintenance of common open space and improvements by the developer.

(B) All common open space not dedicated to the County shall be subject to restrictive covenants running with the land restricting its use to that specified in the approved Concept Development Plan. Such restrictions shall be for the benefit of and enforceable by all present or future residential property owners and the Board of Supervisors of Loudoun County.

(C) All common open space, as well as public recreational facilities, shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

Section Reserved for Future Use

DIVISION C: ENVIRONMENTAL IMPACT DISTRICTS

Section 4-1400 AI-Airport Impact Overlay District

4-1401 **Purpose.** This district is established to acknowledge the unique land use impacts of airports, regulate the siting of noise sensitive uses, ensure that the heights of structures are compatible with airport operations, and complement Federal Aviation Administration regulations regarding noise and height.

4-1402 **District Boundaries.**

(A) The Airport Impact (AI) Overlay District boundaries shall be based on the 60 and 65 Ldn noise contours and an area that extends one (1) mile beyond the 60 Ldn contours. The Board shall use as a basis for delineating the Ldn noise contour the following sources:

(1) Washington Dulles International Airport: The FAA Part 150 Noise Compatibility Programs, Washington Dulles International Airport, August, 1992, and

(2) Leesburg Municipal Airport: Environmental Assessment Report. October, 1985.

(B) For the purpose of administering these regulations the Airport Impact Overlay District shall have three (3) components:

(1) Ldn - 65 or higher.

(2) Ldn 60 - Ldn 65.

(3) Within the A-I overlay district, but outside the Ldn 60 contour.

4-1403 **Overlay District Established.** The Airport Impact (AI) Overlay District is hereby established as an overlay district, meaning that it is a district overlaid upon other districts. Land within the Airport Impact (AI) Overlay District may be used as permitted in the underlying district, subject to the additional regulations of this district.

4-1404 **Use Limitations.** In addition to the use limitations and regulations for the zoning district over which an Airport Impact (AI) Overlay District is located, the following use limitations shall apply:

(A) For areas outside of, but within one (1) mile of the Ldn 60.

(1) **Full Disclosure Statement.** For all residential dwelling units to be constructed outside of, but within one (1) mile of the Ldn 60. The applicant shall disclose in writing to all prospective purchasers that they are located within an area that will be impacted by aircraft overflights and aircraft noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents,

including the *Illustrative Site Plan(s)* on display within any sales related office(s), as well as in Homeowner Association Documents, and by inclusion on all subdivision and site plans, and within all *Deeds of Conveyance*.

(B) For areas between the Ldn 60-65 aircraft noise contours:

(1) **Full Disclosure Statement.** For all residential dwelling units to be constructed between the Ldn 60-65 aircraft noise contours, the applicant shall disclose in writing to all prospective purchasers that they are located within an area that will be impacted by aircraft overflights and aircraft noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the *Illustrative Site Plan(s)* on display within any sales related office(s), as well as in Homeowner Association Documents, and by inclusion on all subdivision and site plans, and within all *Deeds of Conveyance*.

(2) **Acoustical Treatment.** For all residential units located between the Ldn 60-65 aircraft noise contours, the applicant shall incorporate acoustical treatment into all dwelling units to insure that interior noise levels within living spaces (not including garages, sunrooms, or porches) do not exceed an average sound level of 45 db(A) Ldn. Compliance with this standard shall be based upon a certification from an acoustical engineer licensed in the Commonwealth of Virginia, submitted at the time of zoning permit issuance, that the design and construction methods and materials to be used in the construction of the dwelling are such that the foregoing standard will be met, assuming exterior noise levels between 60-65 Ldn.

(3) **Avigation Easements.** For all residential dwelling units to be constructed between the Ldn 60-65 aircraft noise contours. Prior to the approval of a Record Plat creating residential lots or for existing lots of record, prior to the issuance of a zoning permit, the owner(s) of such parcel or parcels shall dedicate an *avigation easement* to the Metropolitan Washington Airports Authority, indicating the right of flight to pass over the property, as a means to securing the long-term economic viability of Washington Dulles International Airport.

(C) In Airport Noise Impact areas of Ldn 65 or higher, residential dwellings shall not be permitted. However, new dwelling units and additions to existing dwellings may be permitted, provided that:

(1) The lot was recorded or had record plat approval prior to the effective date of adoption of this Ordinance.

(2) The new dwelling unit or addition complies with the acoustical treatment requirements for residential districts set forth in the Virginia Uniform Statewide Building Code.

(D) No building or other structure shall be located in a manner or built to a height which constitutes a hazard to aerial navigation. Where a structure is proposed in a location or to be built to a height which may be hazardous to air traffic such structure shall not be erected without certification from the Federal Aviation Administration that it will not constitute a hazard to air traffic.

4-1405 **Disclosure.** A disclosure statement shall be placed on all subdivision plats, site plans, and deeds to any parcel or development within the AI District, clearly identifying any lot which is located within the AI District and identifying the component of the AI District (i.e., Section 4-1402(B)(1), 4-1402(B)(2), or 4-1402(B)(3)) in which the lot is located.

4-1406 **Definitions.** Unless otherwise specially provided, or unless clearly required by the context, the words and phrases defined in this subsection shall have the following meanings when used in Section 4-1400.

(A) Ldn: The symbol for "yearly day-night average sound level", which means the 365-day average, in decibels, for the period from midnight to midnight, obtained after the addition of ten decibels to sound levels for the periods between 10 p.m. and 7 a.m., local time.

(B) 45 db(A) Ldn: The symbol for the required level of noise attenuation in residential structures constructed within the area between airport noise contour 60 and airport noise contour 65, expressing a required yearly interior day-night average sound level of 45 decibels or less.

Section 4-1500 FOD - Floodplain Overlay District

4-1501 **Purpose and Intent.** These provisions are created to regulate and restrict land use in areas within the County which are subject to severe periodic inundation by waters of the one hundred year flood, in such a manner as to: (1) protect life and prevent or minimize property damage; (2) reduce public costs for flood control, rescue and relief efforts occasioned by unwise use or occupancy of such areas; (3) conserve the natural state of watercourses and watersheds, and minimize the damaging effects which development has on drainage conditions, pollution of streams, and other environmental impacts on the County's water sources; (4) comply with Federal and State laws and regulations that address the need for floodplain management and protection; and (5) qualify Loudoun residents for the insurance and subsidies provided by the National Flood Insurance Program. Only those uses set forth in Section 4-1505 and 4-1506 shall be permitted by right or special exception within the Floodplain Overlay District, and land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the overlay district.

4-1502 **Authority.** Authority for these provisions includes:

(A) Flood Damage Reduction Act, Va. Code Sections 62.1-44.108 et seq.

(B) Chapter 11, Title 15.1, Code of Virginia (Planning, Subdivision of Land and Zoning).

(C) Soil Conservation Districts Law, Va. Code Sections 21-2(c), 21-2(d).

(D) Virginia Environmental Quality Act, Va. Code Section 10-178.

(E) Erosion and Sediment Control Act, Va. Code Section 21-89.2.

(F) Potomac River Basin Compact, Va. Code Section 62.1-69.1.

(G) National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq.

4-1503 **Definitions.** Unless otherwise specially provided, or unless clearly required by the context, the words and phrases defined in this subsection shall have the following meanings when used in Section 4-1500.

(A) **Alteration.** A development action which will change the cross section of the floodplain and will increase either the erosive velocity or height of floodwaters either on-site or off-site. Alterations include, but are not limited to, land disturbing activities.

(B) **Base Flood.** The flood having a one (1) percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

(C) **Cross section.** Shape and dimensions of a channel and valley of the floodplain perpendicular to the line of flow.

(D) **Floodplain.** Any land area susceptible to being inundated by water from the base flood and having a drainage area greater than one hundred (100) acres. For purposes of regulation under this Ordinance, a distinction is made between floodplains in watersheds of greater than 640 acres, and those in watersheds of 640 acres or less.

(E) **Road, Crossing of the Floodplain.** Any improved roadway traversing a floodplain generally perpendicular to the flow of the drainageway. Driveways serving one (1) lot shall not be considered road crossings.

(F) **Stormwater Management Improvements.** Surface or subsurface drainage improvements, storm sewers, detention and retention ponds and other such improvements as required the Facilities Standards Manual or the Loudoun County Erosion Control Ordinance and Plan, Chapter 1220 of the Loudoun County Code.

(G) **Utility Lines in the Floodplain.** Storm sewers, sanitary sewers, water lines and similar lines running generally parallel and perpendicular to the flow of the drainageway; and other public utility lines traversing a floodplain generally perpendicular to the flow of the drainageway.

4-1504 Administration.

(A) The sources of delineation of the floodplain shall include, but shall not be limited to:

(1) Loudoun County Virginia and Incorporated Areas, Flood Insurance Study and Flood Insurance Rate Map, both dated July 2001. (This study shall represent the minimum identification of the floodplain. Any changes to the Flood Insurance Rate Map data contained in this study shall have the prior approval of the Federal Insurance Administration);

(2) Floodplain studies by other Federal agencies;

(3) Detailed site-specific floodplain studies conducted by consulting engineering firms or government agencies;

(B) The provisions of this Section shall apply to all land within a floodplain. As used in this Section 4-1500, "floodplain" refers to certain areas whose boundaries are determined and can be located on the ground by reference to the definition of that term. The approximate boundaries of the floodplain and Floodplain Overlay District as shown on the Floodplain Map of Loudoun County shall show the approximate floodplain elevations and boundaries of watersheds greater than 100 acres and of watersheds greater than 640 acres. The floodplain limits and Floodplain Overlay District shown on the official Floodplain Map of Loudoun County shall govern all development in such areas, provided however, that the floodplain limits and Floodplain Overlay District may be adjusted by the Zoning Administrator based on engineering studies; further provided,

that only those actual land areas which meet the definition of floodplain shall be subject to the provisions of this section. The Zoning Administrator, in consultation with the Director of Building and Development, is authorized to make necessary interpretations and map updates as to the exact location of the boundaries of floodplains if there appears to be a conflict between the mapped floodplain boundary, elevations and actual physical conditions. Such interpretations may be appealed to the Board of Zoning Appeals in accordance with the provisions of Section 6-1700. The Zoning Administrator may require information from an applicant, including, but not limited to a topographic survey and/or an engineering study of the floodplain in conformance with the provisions of the Facilities Standards Manual.

4-1505 **Permitted Uses.** The following uses, having a low flood damage potential and causing no obstruction of flood flows, shall be permitted within the Floodplain Overlay District. Uses allowed in the underlying district shall be prohibited to the extent not permitted by right or by special exception in the Floodplain Overlay District. Where any uses, structures or improvements will result in an alteration to the floodplain, applications for alterations must be submitted in accordance with subsection 4-1508, and any alteration must meet the criteria contained in that subsection.

(A) Permitted uses in the floodplain of streams draining greater than 640 acres.

(1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, wildcrop harvesting, vegetable gardens, truck farming and sod farming. In addition, timber harvesting is permitted upon submission of a Timber Management Plan that has been approved by the Virginia Division of Forestry.

(2) Fishery uses such as fish hatcheries, fish harvesting.

(3) Public or private recreational uses such as golf courses and driving ranges, archery ranges, picnic grounds, wildlife and nature preserves, target ranges, trap and skeet ranges, hunting and fishing areas, swimming areas (except for swimming pools) hiking and horseback riding trails, play areas of a natural, permeable nature, including ball fields and polo fields, and other similar park and open space uses. Tennis courts, basketball courts, and similar type courts are permitted provided impervious surfaces do not exceed three percent (3%) of the floodplain within the development, and are not located within the floodway.

(4) Stormwater management improvements associated with uses permitted by right or special exception in the Floodplain Overlay District.

(5) Utility lines, road crossings, and private drives or private access easements.

(6) Repair, reconstruction or improvement of existing residences, so long as the footprint of the existing residence is not increased and is not considered a substantial improvement. "Substantial Improvement" means any repair, reconstruction or improvement the cost of which equals or exceeds fifty percent (50%) of the market value of the existing structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage has occurred, regardless of the actual repair work performed.

(7) Parking areas accessory to uses permitted by right or special exception in Floodplain Overlay District.

(8) Incidental structures, not exceeding 840 square feet of floor area, associated with permitted or approved special exception uses in the Floodplain Overlay District. Such structures include storage sheds, maintenance sheds, backstops, bath houses and locker rooms. Provided, however, bulk storage of gasoline, chemicals, fuels or similar substances are prohibited in the Floodplain Overlay District; and further provided that any new construction shall comply with applicable FEMA requirements for new construction in flood plain area.

(9) Temporary storage of material or equipment necessary in the construction of uses or structures permitted by right or special exception in the Floodplain Overlay District.

(10) Alterations of the floodplain associated with any permitted or special exception uses in the Floodplain Overlay District. However, no channelization shall occur except to protect existing habitable structures subject to periodic flooding. Applications for alterations of the floodplain must be submitted in accordance with Section 4-1508. To the extent that the elevations and boundaries of the floodplain change as a result of the alteration action, any areas no longer within the floodplain may be used for any use in the underlying district, subject to the provisions of the applicable district regulations and conditions of any approved special exception.

(11) Restoration and rehabilitation of historic structures included or eligible for inclusion on a federal, state or local historic register.

(12) Road crossings subject to the procedures and standards in Section 4-1508. If such a development action results in an off-site increase in the water surface elevation of the base flood as shown on the Floodplain Map of Loudoun County, it is subject to the following criteria and provisions:

(a) The procedures and standards for alterations in Section 4-1508 shall apply; provided, however, the proposed crossing may result in a rise in the water surface elevation of the base flood of no more than one (1) foot.

(b) The proposed crossing must be a feature shown on the Comprehensive Plan.

(c) A floodplain alteration in accordance with the Facilities Standards Manual shall be submitted delineating all increases in the base flood, and the new floodplain limits shall be approved by FEMA, where a FEMA designated floodplain or floodway will be altered. There shall be no increase allowed by FEMA in the base flood elevation within FEMA designated floodway.

(d) The road crossing shall be designed and constructed in accordance with the standards and regulations of the Virginia Department of Transportation and/or the FSM, whichever shall apply.

(e) An instrument describing the increase in the floodplain limits, and executed by each affected property owner, shall be recorded upon approval of the alteration for the road crossing.

(f) The proposed crossing shall not result in an increase in the water surface elevation of the base flood affecting existing buildings and structures.

(g) Affected off-site property owners may at any time mitigate impacts on their land as a result of an increase in the water surface elevation of the base flood by:

(i) Including all, or a portion of, the land subject to the increase in the base flood elevation for purposes of calculating the permitted density or intensity of use on the lot subject to such increase; and/or

(ii) Alterations in accordance with Section 5.440B of the Facilities Standards Manual to reclaim that portion of their land subject to the increase in water surface elevation of the base flood as a result of the road crossing, provided there is no additional offsite rise in the 100-year water surface elevation; or

(iii) An affected landowner may request the following by special exception granted by the Board of

Supervisors, in accordance with Section 4-1506 of the Zoning Ordinance, in conjunction with subsection 4-1505(A)(12)(g)(i):

a. Adjustment of the building setback or parking setback requirements on specific lots or parcels of land affected by the increase in the elevation of the base flood; and/or

b. Allocation of the density provided for in subsection 4-1505(A)(12)(g)(i) to other lots within the proposed development not directly subject to the increase in the base flood elevation. This provision is in addition to other density transfer provisions established by the Loudoun County Zoning Ordinance.

(13) Municipal drinking water supply reservoir.

(B) Permitted uses in the floodplain of streams draining less than 640 acres.

(1) Uses allowed under Section 4-1505(A).

(2) Alterations. Applications for alterations whether or not associated with a permitted or special exception use must be submitted in accordance with Section 4-1508 and any alteration must meet the criteria contained in that section. To the extent that the boundaries of the floodplain change as a result of the alteration, any areas no longer within the floodplain may be used for any use in the underlying district, subject to the provisions of the applicable district regulations and conditions of any approved special exception.

(3) Stormwater management improvements whether or not associated with uses permitted by right or special exception in the Floodplain Overlay District.

(4) Farm ponds designed by the Soil Conservation Service.

(5) Basketball or tennis courts, and swimming pools.

(6) Parking areas less than 5,000 square feet not otherwise permitted. Such parking areas shall not be subject to 100-year flooding greater than one foot in depth, shall be equipped with best management practices maintained by the property owner, and shall not require major fill.

4-1506 **Special Exception Uses.** The following uses and structures may be permitted in the floodplain by the Board of Supervisors by special exception, subject to Section 6-1300 and subsection 4-1507.

(A) Marinas, boat rentals, docks, piers, wharves, water ski jump facilities, and incidental structures associated with such uses, such as bath houses and locker rooms.

(B) Carnivals, circuses and similar transient amusement enterprises.

(C) Riding stables.

(D) Structures or uses required for the operation of a public utility, road crossings and stormwater management improvements not otherwise permitted by this Ordinance; provided, however, that stormwater management ponds shall not be allowed in floodplains in watersheds of greater than 640 acres, except as provided in paragraph (E), below.

(E) Those roads, as permitted under the provisions of the Zoning Ordinance and Land Subdivision and Development Ordinance, and ponds in the Potomac River floodplain. Due to the extensive watershed drained by the Potomac River in the States of Virginia, Maryland, and Pennsylvania, the Potomac River floodplain is unique in comparison to all other floodplains in Loudoun County. The Potomac River floodplain located in Loudoun County does not represent a significant portion of the entire Potomac floodplain, and accordingly, these less restrictive use regulations will apply to that area.

(F) Incidental structures, greater than 840 square feet of floor area, associated with uses permitted by right or special exception in the Floodplain Overlay District.

4-1507 **Standards For A Special Exception.** In considering applications for a special exception, the Board of Supervisors must be satisfied that the following standards and those of Section 6-1300 have been met:

(A) The proposed use will not increase the danger to life and property due to increased flood heights or velocities.

(B) The proposed use will not increase the danger that materials may be swept downstream to the injury of others.

(C) The proposed water supply and sanitation systems are designed to prevent disease, contamination, and unsanitary conditions.

(D) The proposed use or structure must be located and designed to limit its susceptibility to flood damage, and available alternative locations, not subject to flooding, for the proposed use must be considered.

(E) The proposed use is compatible with existing and planned development.

(F) The proposed use is in harmony with the comprehensive plan.

(G) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site should not cause significant damage.

4-1508 Alterations.

(A) **Procedures for Alterations to the Floodplain.** Applications for alterations to the floodplain shall be subject to the following procedures:

(1) A Type I floodplain alteration application shall be submitted concurrently with Construction Plans and Profiles, preliminary/record plat, record plat, final site plan, or subdivision waiver applications. A Type II floodplain alteration application shall be submitted after preliminary subdivision or preliminary site plan approval. Approval of floodplain alteration applications will be required prior to approval of construction plans and profiles, record plats, or final site plans, whichever comes first.

(2) The applicant shall submit to the Zoning Administrator detailed studies in accordance with Section 5.400 of the Facilities Standards Manual.

(3) The Zoning Administrator shall refer the submitted studies to the appropriate agencies for review and recommendations based on Subsection 4-1508(B), below. The Zoning Administrator shall notify the Virginia Water Control Board and the Federal Emergency Management Agency and any adjacent community which may be impacted prior to the approval of any alteration or relocation of a watercourse that is designated as a FEMA floodplain or floodway.

(4) Following review of the application, the Zoning Administrator shall approve or disapprove the application and notify the applicant.

(B) **Engineering and Environmental Criteria for Proposed Alterations to the Floodplain.** All proposed alterations to the floodplain shall be reviewed by the Zoning Administrator, in consultation with appropriate agencies, to determine whether the following criteria have been met:

(1) Alterations to the floodplain shall result in no off-site increase in the water surface elevation of the base flood, except as otherwise provided for in Section 4-1505(A)(12). Alterations in the floodway shall result in no rise in the water surface elevation of the base floodplain consisting of the water channel and overbank areas capable of conveying the deep and fast moving water discharge of the base flood as defined in the Federal Emergency Management Agency Flood Insurance study.

(2) Alterations to the floodplain shall not create erosive water velocity on or off-site (where erosive water velocity is based on analysis of the surface material and permissible velocities for specific cross sections affected by the proposed alteration, using standard engineering tables as a general guide), and the mean velocity of stream flow at the downstream end of the site after alteration shall be no greater than the mean velocity of the stream flow under existing conditions.

(3) Relocation or alteration of the natural stream channel shall not be permitted on streams that drain greater than 640 acres. Relocation or alteration proposals for streams that drain less than 640 acres shall include a stream rehabilitation program depicted on a floodplain alteration plan.

(4) The maximum allowable slope of any filled area on the floodplain alteration plan shall be 2:1.

(5) The floodplain alteration plan shall further include plans for erosion control of cut and fill slopes and restoration of excavated areas. The site plan should incorporate the use of natural materials (earth, stone, wood) on cut and fill slopes and provide for tree protection.

(6) Alterations to the floodplain shall be in conformance with the provisions of Chapter 1220 of the Codified Ordinances of Loudoun County and the Erosion and Sediment Control Law, Va. Code Section 21-89.1 et seq.

(7) The flood carrying capacity within the altered floodplain shall be maintained.

4-1509 Grading Plans and Construction Plans and Profiles Required.

(A) Grading plans and/or construction plans and profiles are required for all uses in the floodplain overlay district, except for agricultural, forestry or fisheries uses not requiring the erection of structures. Alterations may be approved as part of either a subdivision or site plan application, or grading plan.

(B) All structures built in the Floodplain Overlay District must conform to the requirements of the Uniform Statewide Building Code, including the floodproofing provisions of that code.

4-1510 Floodplain Information To Be Submitted With Land Development Actions. Floodplain information shall be included as part of rezoning, special exception, commission permit and site plan applications, and other land development applications, in accordance with Chapter 5 of the Facilities Standards Manual.

4-1511 **Density Calculations.** For purposes of calculating the permitted floor area and number of residential units in the underlying zoning district, the land area in any portion of the Floodplain Overlay District shall be treated as follows:

(A) Any portion of the Floodplain Overlay District in a watershed of a stream draining less than 640 acres shall be included as part of the land area for such calculations.

(B) Except to the extent permitted in approved County Flood Plain Studies, any portion of the regulatory floodplain within the Floodplain Overlay District in a watershed of 640 or more acres shall be excluded as part of the land area for such calculations.

Section 4-1600 MDOD - Mountainside Development Overlay District

4-1601 Purpose and Intent. These provisions are created to regulate land use and development on the mountainsides of the County, in such a manner as to provide for low density residential development in remote areas and to: (1) assure mountainside development will not result in substantial damage to significant natural resource areas, wildlife habitats or native vegetation areas; (2) assure that mountainside development is compatible with the slope of the land; (3) assure proper design is utilized in grading and in the development of structures, roadways and drainage improvements; (4) assure mountainside conditions are properly identified and incorporated into the planning process for subdivision and site development; (5) prevent erosion and minimize clearing and grading; (6) ensure that all development is compatible with the existing topography and soils conditions; and (7) implement the intent of the Comprehensive Plan.

4-1602 Mountainside Development Overlay District Established.

(A) The Mountainside Development Overlay District is hereby established as an overlay district, meaning that this district is overlaid upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the overlay district.

(B) Mountainsides will be defined by the presence of certain natural features such as elevation, forests, steep slopes, unstable soils, and groundwater recharge areas that are commonly associated with these areas.

(C) The limits of this district shall be shown on the Loudoun County Mountainside Protection Area Map, which is adopted as a part of this Ordinance. The Zoning Administrator is charged with making necessary cartographic interpretations of that map with recommendation and referral from the County Soil Scientist.

(D) The following categories of mountainside area are established within the Mountainside Development Overlay District as shown on the Mountainside Protection Area Map:

(1) **Somewhat Sensitive Areas.** Areas with potentially slight or limited environmental and/or public safety impacts from development.

(2) **Sensitive Areas.** Areas with moderate environmental and/or public safety impacts from development.

(3) **Highly Sensitive Areas.** Areas with potentially severe environmental and/or public safety impacts from development.

4-1603 Uses in the Mountainside Development Overlay District.

(A) **Permitted Uses.** All uses and structures permitted by right in the underlying zoning district are permitted subject to the performance

standards listed in Section 4-1604, except that permitted uses involving land disturbing activity in highly sensitive areas shall meet the criteria of Section 4-1605 and shall require special exception approval granted in accordance Section 6-1300 of this ordinance prior to issuance of a zoning permit.

(B) **Special Exception Uses.** All uses and structures permitted by special exception in the underlying zoning district may be permitted subject to the performance standards listed in Section 4-1604, except that special exception uses involving land disturbing activity in highly sensitive areas shall meet the criteria set forth in Section 4-1605 and shall require special exception approval granted in accordance with Section 6-1300 of this ordinance prior to issuance of a zoning permit.

(C) **Exemptions.** Agricultural, horticultural, forestry, or silvicultural uses are exempt from the application of the performance standards in Sections 4-1604 and 4-1605 except that, (1) agricultural operations shall be conducted only in conformance with a Farm Management Plan approved by the Loudoun County Soil and Water Conservation District, and (2) timber harvesting shall be conducted only in conformance with a plan approved by the Virginia Division of Forestry. Furthermore, any addition to a single family detached dwelling which existed within a highly sensitive area prior to October 4, 1995 shall be permitted by right, subject to the criteria in Sections 4-1604 and 4-1605, and provided that such addition does not increase the total floor area of the dwelling, as existed on October 4, 1995, by more than fifty percent (50%).

(D) The uses described in and subject to Article I Section 1-404(B)(2) are exempted from the special exception requirements, subject to obtaining an approved "Location Clearance Permit" from the Zoning Administrator or his/her designee, accompanied by as much information as the Zoning Administrator deems pertinent and such additional information as the Zoning Administrator may require to approve such "Location Clearance Permit."

4-1604 **Performance Standards in Somewhat Sensitive and Sensitive Areas.** All uses and structures permitted by right or special exception in Somewhat Sensitive and Sensitive Areas of the Mountainside Development Overlay District, shall comply with the following standards:

(A) In somewhat sensitive areas, land disturbing activities exclusive of house, driveway, drainfield and wells shall be permitted subject to the following:

(1) Selective clearing, to the extent necessary to locate the use, of up to fifty percent (50%) of forestal areas on existing slopes less than fifteen percent (15%).

(2) Selective clearing, to the extent necessary to locate the use, of up to 25 percent of forestal areas on existing slopes of fifteen (15) to 25 percent.

(3) No clearing of existing slopes greater than 25 percent except the minimum necessary to locate the use.

(4) The limits of land disturbing activities shall be reduced by fifty percent (50%) in the following soil conditions associated with major groundwater recharge areas: soil mapping units 27, 48, 50, 52, 54, 55 and 89.

(B) On lots in sensitive areas containing ten (10) acres or less, no more than one (1) acre of land disturbing activity shall be permitted, exclusive of house, driveway, drainfield and well. On lots containing more than ten (10) acres, land disturbing activities shall not exceed ten percent (10%) of the lot exclusive of house, driveway, drainfield and well. In addition to the above area constraints, in areas where the existing slope is over fifteen percent (15%), land disturbing activity limits shall be reduced by fifty percent (50%) and shall be permitted only after the applicant has demonstrated that no suitable alternative locations exist on areas with existing slopes less than fifteen percent (15%). In all such cases, a grading plan shall be submitted to demonstrate methods of minimizing the extent of erosion.

(C) No land disturbing activity shall be permitted on soil mapping units 59 or 88 except for access roads and drives when no alternatives exist.

(D) Prior to any land disturbing activity on existing slopes of 25 percent or more, or in soil mapping units 27, 59, 88 or 89, the applicant shall provide a Type I Preliminary Soils Review concurrent with zoning permit application. The review shall follow the procedures found in The Loudoun County Facilities Standards Manual.

(E) No land disturbing activities shall be permitted within 100 feet of springs.

(F) Prior to any land disturbing activity, the applicant shall provide a sketch plan which shows how the disturbed area will be restored; including existing and proposed slope contour and ground cover.

4-1605 **Performance Standards in Highly Sensitive Areas.** Land disturbing activity in Highly Sensitive Areas of the Mountainside Development Overlay District shall comply with the following criteria in addition to the standards set forth in Section 4-1604. Where there is a conflict between these sections, the more restrictive standard shall apply.

(A) Roads, drives, and dwellings shall not be placed on existing slopes greater than 25% or placed in Soil Mapping Unit 59 without a

geotechnical study approved by the Department of Building and Development.

(B) The centerline grade of private roads and drives shall not exceed 16%. Under drainage and culvert design shall conform to the requirements of the Loudoun County Facilities Standards Manual.

(C) Land disturbing activities, exclusive of utility easements, such as clearing and grading shall be minimized, but shall be allowed as necessary for building sites and related improvements, not to exceed one (1) acre, exclusive of house, driveway, drainfield and well, and existing cleared areas and shall require a grading permit. Special exception conditions limiting clearing may include, but are not limited to:

(1) Selective clearing up to a maximum 50% of existing forest areas on existing 0-15% slopes.

(2) Selective clearing up to a maximum 25% of existing forest areas on existing 15-25% slopes; and

(3) Minimal clearing for roads and drives on existing slopes of greater than 25%.

(D) Standards and criteria set out in Sections 4-1605(A), (B), and (C) may be modified by Special Exception procedures set forth in Section 6-1300 provided that the application satisfies the public purpose of those standards and criteria to an equivalent degree.

(E) Where a site is to be served by groundwater, a proven supply approved by the County Health Department shall be provided as follows:

(1) **Existing lots.** Prior to issuance of a zoning permit.

(2) **Lots created after the effective date of this Ordinance.** Prior to approval of a record plat.

(F) Such other standards which are relevant, including Section 6-1310 Issues for Consideration and Section 1-102, Purposes of Zoning.

4-1606 Procedures.

(A) **Permitted Uses.** Application for approval of a location clearance permit shall be made to the Department of Environmental Resources prior to or concurrent with the initial submission for approval of a zoning permit, subdivision, or site plan application.

(1) **Single Family Dwellings on Existing Lots.** Application for approval of a location clearance permit shall be made concurrent with the initial submission for approval of a Zoning Permit. No Zoning Permit shall be issued unless the location clearance permit has been approved.

(2) **Additions to Existing Single Family Dwellings.** Application for approval of additions to single family dwellings, existing as of October 4, 1995 within highly sensitive areas, shall apply for approval of a location clearance permit concurrent with the initial submission for approval of a Zoning Permit. No Zoning Permit shall be issued unless a locational clearance, confirming compliance with the standards in Section 4-1604 and 4-1605, has been approved.

(3) **Preliminary Subdivision Plans and Preliminary Site Plans.** An application for preliminary subdivision or preliminary site plan within the MDOD shall clearly identify the portion of the site within the MDOD and the location of springs, steep slopes, moderately steep slopes, somewhat sensitive, sensitive and highly sensitive areas, soil mapping units 27, 59, & 88, forest cover, along with the existing and proposed building sites, roads, driveways, drainfields, wells, and limits of clearing and grading. A note should be placed on that plan that also identifies the acreage of land proposed to be disturbed by clearing and grading on each proposed lot. The preliminary subdivision or site plan shall be approved only if the County determines that the preliminary plan is in compliance with the performance standards listed in Section 4-1604 of this ordinance.

(B) **Special Exceptions.** Application for special exceptions shall be submitted prior to or concurrently with the initial submission for approval of a subdivision or site plan proposing land disturbing activity in a Highly Sensitive Area. If the proposed use or structure does not require the subdivision of land or the approval of a site plan, but involves land disturbing activity in a Highly Sensitive Area, a special exception must be applied for separately. Applicable permits shall not be issued until approval of a special exception application. Special exception applications shall be made and processed in accordance with the provisions of Section 6-1300 of this ordinance.

In addition to the requirements for a special exception application established in Section 6-1300 of this ordinance, the following information must be submitted:

(1) Existing conditions map, prepared at a scale of 1 inch = 200 feet and including planimetric detail with 5 foot contour intervals. This map shall include the location of existing wells, drainfields, and springs within 100 feet of the property boundary to the extent available from existing records.

(2) Concept plan of proposed development including proposed roads, lot lines, buildings, wells, drainfield location, and limits of clearing, grading or other land disturbing activity.

(3) Soil map approved by the Department of Environmental Resources.

(4) Removed pursuant to ZOAM 1993-0002.

Section 4-1700 TI Transportation Impact Overlay District RESERVED

Section 4-1800 QN - Quarry Notification Overlay District.

4-1801 **Purpose.** This district is established to acknowledge the unique land use impact of a quarry on neighboring land uses and the need to notify the owners of the presence of a neighboring quarry.

4-1802 **District Boundaries.** The Quarry Notification (QN) Overlay District boundaries shall be based on the presence of quarrying operations at any location in the County. The district shall include all parcels within 3,000 (three thousand) feet of any property approved for quarrying operations regardless of whether or not blasting operations occur on such property.

4-1803 **Overlay District Established.** The Quarry Notification (QN) Overlay District is hereby established as an overlay district, meaning that it is a district overlaid upon other districts. Land within the Quarry Notification (QN) Overlay District may be used as permitted in the underlying district, subject to the additional regulations of this district.

4-1804 **Use Limitations.** In addition to the use limitations and regulations for the zoning district over which a Quarry Notification (QN) Overlay District is located, the following use limitation shall apply:

Full Disclosure Statement. For all residential and/or non-residential structures constructed within the Quarry Notification (QN) Overlay District, the owner shall disclose in writing to all prospective purchasers that they are located within an area that may be impacted by quarry operations and blasting. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the *Illustrative Site Plan(s)* on display within any sales related office(s), as well as in homeowner association documents, and displayed on all subdivision and site plans, and within all *Deeds of Conveyance*.

Section 4-1900 Limestone Overlay District

4-1901 Purpose and Intent. The County seeks to preserve and protect the unique geologic characteristics and the quality of the groundwater in its limestone area. A large area just east of the Catoctin Mountain range in the Rural Policy Area of Loudoun County is comprised of limestone and "Karst terrain" areas. The limestone geology of carbonate deposits in Karst terrain areas is dissolved over time by mildly acidic precipitation, creating fissures. The deposits are highly permeable, allowing surface water to pass through quickly to underlying aquifers and groundwater, and possibly to reappear elsewhere as springs. The terrain is also characterized by the presence of certain natural features, such as sinkholes and rock outcrops. Thus development on Karst terrain has a direct correlation to the potential for ground surface collapse and the susceptibility of groundwater and surface water pollution, and spring contamination, posing serious risks to public health, safety and welfare. The limestone cannot environmentally support land development activity without performance standards and monitoring. Therefore, the provisions of this Section 4-1900 are intended to regulate land use and development in areas underlain by limestone and in areas with Karst features and Karst terrain in such a manner as to:

(A) Protect the health, safety and welfare of the public;

(B) Protect groundwater and surface water resources from contamination; and

(C) Reduce potential for property damage resulting from subsidence or other earth movement.

4-1902 Authority. Authority for these provisions includes:

(A) Chapter 11, Title 15.2, Code of Virginia (Planning, Subdivision of Land and Zoning).

(B) Soil and Water Conservation, Va. Code Sections Title 10.1, Chapter 5.

(C) Environmental Quality law, Va. Code Title 10.1, Chapter 11.1.

(D) Erosion and Sediment Control law, Va. Code Section 10.1-560 *et seq*.

(E) Uniform Statewide Building Code and International Building Code Chapter 18.

4-1903 Applicability and Exemptions.

(A) **Applicability – Land Area Included in the LOD.** This Section 4-1900 shall apply to all land included in the Limestone Overlay District (LOD), as shown on the official Limestone Overlay District Map ("LOD Map"), which, with all explanatory matter thereon, is hereby incorporated by reference. The LOD is established as an overlay district, meaning that this district is overlaid upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and

to the extent that such use is also permitted in the overlay district. Pursuant to Section 6-407, the Zoning Administrator is charged with making necessary cartographic interpretations of the LOD Map with recommendation and referral from the County Soil Scientist.

(B) **Applicability – Covered Activities**. This Section shall apply to all land development applications, including all Zoning Map Amendments, Special Exception applications and Commission Permit applications, as well as all land disturbing activities, including non-agricultural rural economy uses, new single-family development, preliminary subdivisions, family subdivisions, preliminary/record subdivisions, site plans, grading permits, construction plans and profiles, and zoning/building permits that involve land disturbing activities, that occur within the LOD.

(C) **Exemptions.** The following land disturbing activities shall be allowed within the LOD, subject to the specific limits set forth below:

(1) **Agricultural Operations.** This section shall not apply to agricultural, horticultural, or animal husbandry operations located in the LOD that are covered by, and conducted in conformance with, a Conservation Farm Management Plan, that includes best management practices, approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service, and a Nutrient Management Plan approved by the Loudoun County Soil and Water Conservation District. Structures associated with agricultural operations are not exempt from these provisions. For purposes of this Section 4-1900, the term "structure" shall include, but not be limited to, all buildings, water/dam embankments, retaining walls, field/ tile drainage, road construction and cut or fill operations.

(2) **Forestry and Silviculture**. This section shall not apply to Forestry and Silviculture conducted in conformance with a Forest Management Plan that is prepared by the Virginia Department of Forestry, or a professional forester with, at a minimum, a Bachelor of Science degree from and accredited School of Forestry, in accord with requirements in the Facilities Standards Manual and approved by the County Urban Forester.

(3) **Gardens.** Gardens shall be exempt from the provisions of this Section 4-1900 provided that no cutting, filling, or berming is required to create such garden.

(4) **Existing Structures within LOD**. Except as provided herein expansion, alteration, or reconstruction of legally existing buildings, structures, and impervious surface areas existing on February 17, 2010 shall be exempt from the provisions of Section 4-1900, provided that such alteration does not increase the total footprint of a building or structure, or increase the total amount of

impervious surface areas (exclusive of existing buildings and structures), as it existed on February 17, 2010, by more than twenty-five percent (25%) or 2,000 square feet, whichever is greater, and provided further that any such expansion does not encroach into a Karst/Sensitive Environmental Feature Setback. If the existing building, structure, or impervious surface is located within a Karst/Sensitive Environmental Feature Setback, then such expansion shall not get closer to the Karst/Sensitive Environmental Feature than the closest point of the existing structure, as it existed on February 17, 2010. However, if expansion away from a Karst/Sensitive Environmental Feature is not feasible, then such expansion may get closer to the Karst/Sensitive Environmental Feature if such expansion conforms to the provisions of Section 4-1906(A)(2)(a). Expansion or alteration of legally existing buildings, structures or impervious surfaces pursuant to this section shall require locational clearance approved by the County Department of Building and Development, as set forth in Section 4-1904(A)(2). Reconstruction of a structure pursuant to this section, in the exact location it occupied on February 17, 2010 shall not require a locational clearance.

(5) **Paving of Existing Driveways**. The paving of driveways existing on February 17, 2010 shall be exempt from the requirements of this Section 4-1900 except that any proposed paving shall require locational clearance approved by the Department of Building and Development, as set forth in Section 4-1904(A)(2).

(6) **Structures or Land Disturbance of 720 Square Feet or Less.** Any land disturbing activities or structures involving the disturbance of 720 square feet or less of land shall be exempt from the provisions of this Section 4-1900, except:

(a) No such disturbance shall be permitted within 20 feet of a Karst/Sensitive Environmental Feature; and

(b) No structures, even if 720 square feet or less, shall be permitted within the Karst/Sensitive Environmental Feature Setback; and

(c) This exemption shall not apply to swimming pools, principal dwellings, accessory dwellings, or to structures or land disturbing activities whose purpose is to change water flow: and

(d) This exemption shall not apply to wells, except in cases involving the replacement of a dry well serving an existing inhabited structure.

4-1904 Review Procedures.

(A) **Administrative Applications**

(1) All land disturbing activities, including non-agricultural rural economy uses, new single-family development, preliminary subdivisions, family subdivisions, preliminary/record subdivisions, site plans, grading permits, and construction plans and profiles in the LOD shall be governed by procedures in Chapter 8 of the Facilities Standards Manual (FSM). In addition, each such application shall include proposed roads, lot lines, buildings, wells, drainfield locations and limits of clearing and grading and other land disturbing activities.

(2) All zoning/building permits within the LOD shall require that an applicant obtain a locational clearance from the County Department of Building and Development. The applicant shall submit a map, plan, or plat showing the location and extent of land disturbing activities and mitigation measures, and shall include the proposed building sites, paved areas, drainfields, well locations, and other uses.

(B) **Legislative Applications.** All applications for Zoning Map Amendments, Special Exceptions and Commission Permits shall be required to submit, in addition to the material required under the provisions of Article 6 of this Ordinance for each respective application type, the following material:

(1) Existing Conditions Map, prepared at a scale of 1 inch = 200 feet and including planimetric detail with, at a minimum, five foot contour intervals. This map shall include the location of existing wells, drainfields, fill sites, faults (as shown on United States Geologic Survey Maps), and Karst/Sensitive Environmental Features within 100 feet of the property boundary. For purposes of identifying fill sites on the Existing Conditions Map, the applicant shall include areas of fill identified on the County's G.I.S. database, identified in the Preliminary Soils Report and/or identified in a Geophysical or Geotechnical Study.

(2) Concept Plan of proposed development including proposed roads, lot lines, buildings, wells, drainfield locations, Karst/Sensitive Environmental Features, Karst/Sensitive Environmental Feature Setbacks, and other areas of non-disturbance.

(3) Preliminary Soils Review in accordance with Chapter 6 of the FSM.

4-1905 Establishment of Karst/Sensitive Environmental Features

(A) **Karst/Sensitive Environmental Features Associated with Limestone Bedrock.** For all land development applications and land disturbing activities, as specified in Section 4-1903(B), involving properties subject to LOD, as identified on the LOD Map, the applicant shall submit a Geophysical Study, pursuant to the requirements of Chapter 6 of the FSM. The Geophysical Study shall identify the following Karst/Sensitive Environmental Features associated with limestone bedrock:

(1) Sinkholes, Swallets, or Closed depressions;

(2) Rock Outcrops;

(3) Underground Solution Channels within 45 feet of the surface;

(4) Cave Openings;

(5) Springs; and

(6) Perennial Sinking Streams;

A Geotechnical Report shall also be required to verify any of the above conditions whenever recommended by the Geophysical Study.

(B) **Karst/Sensitive Environmental Feature Setback.** For each Karst/Sensitive Environmental Feature within the LOD including, without limitation, those identified in any required Geophysical Study, or any Preliminary Soils Review as required by the Facilities Standards Manual, a setback shall be established from the outermost edge of each such feature. All such features must be identified on the land development application and must have a minimum setback of fifty (50) feet, except for the following:

(1) One hundred (100) feet minimum from the rim of any Sinkhole, Swallet or Closed Depression; and

(2) One hundred (100) feet minimum from any Cave Opening.

(3) Springs. Land disturbing activities, development, and impervious surface coverage are prohibited within 1) one hundred (100) feet from a spring, measured from the first emergence of the spring or 2) two hundred (200) feet when the first emergence of the spring is on a slope greater than 15% and is downslope from the land disturbing activities, development or impervious surface coverage.

(4) Perennial Sinking Streams. One hundred (100) feet minimum setback from any perennial sinking stream, as measured along the slope of the ground from the channel scar.

(5) The setback from rock outcrops for wells shall be ten (10) feet

The setback shall be reduced, by up to 50%, based on the conclusions of the Geophysical Study, if the Geophysical Study concludes that the risks of collapse and groundwater contamination are non-existent or insignificant for the proposed location and use. However, no such reduction shall be approved for any perennial sinking stream, nor for any spring, nor for any sinkhole, swallet, closed depression, or cave opening that receives either a perennial or intermittent sinking stream. In addition, no such reduction shall be allowed in the required setback from rock outcrops for wells.

4-1906 Permitted Uses and Activities

(A) **Uses and Activities within Karst/Sensitive Environmental Feature Setback.**

(1) Land disturbing activities, development, and impervious surface coverage are prohibited within Karst/Sensitive Environmental Feature Setbacks except for the following:

(a) Fences that do not obstruct surface water flow;

(b) Trails and other passive recreation facilities, excluding buildings, for pedestrian, bike or other non-motorized use, provided that such facility is designed with permeable materials and is located a minimum of 25 feet from the edge of each Karst/Sensitive Environmental Feature; and

(c) Restoration and vegetation.

(2) Residential structures shall be located outside Karst/Sensitive Environmental Feature Setbacks (as set forth in Section 4-1905(B) or as may be reduced pursuant to the provisions of that section), except as follows:

(a) On any lot existing on February 17, 2010, where there is no feasible development site available outside of the Karst/Sensitive Environmental Feature Setback, a principal residential structure, and/or a drainfield for such principal residential structure, if otherwise permitted under this ordinance, may be permitted if, prior to the issuance of a zoning permit, the owner. shall provide, or comply with, as applicable, the following:

(i) Provide a Geophysical Study for the proposed structure and/or drainfield, ;

(ii) Comply with any recommendations of the Geophysical Study; and

(iii) Such structure and/or drainfield, shall be sited on the lot so as to be located as far from the Karst/Sensitive Environmental Feature as is feasible.

(iv) Development on such lot shall not be allowed if the Geophysical Study shows subsidence poses a serious risk to public health or safety or to the safety of residents or users of the proposed development unless the design of the proposed development is certified, both structurally and geotechnically, by a professional engineer.

(b) No structures for uses other than a principal residential structure permitted under subsection (a), above (i.e. no accessory structures) shall be permitted to locate within the Karst/Sensitive Environmental Feature Setback.

(B) **Uses and Activities in the Limestone Overlay District, Outside Karst/Sensitive Environmental Feature Setback.** Except as provided in Section 4-1906(E) all uses and structures permitted by right in the underlying zoning district are permitted within the Limestone Overlay District outside of the Karst/Sensitive Environmental Feature Setback, subject to standards and mitigation measures required pursuant to this section of the Zoning Ordinance.

(C) **Special Exception Uses.** Except as provided in Section 4-1906(E), all uses and structures permitted by special exception in the underlying zoning district may be permitted subject to the procedures and criteria stated in Section 6-1300, "Special Exception" of the Zoning Ordinance, Section 4-1904(B), above, and to conditions identified in such special exception and to any mitigation measures required according to Section 4-1908, below.

(D) **Creation of New Lots.** Prior to approval of any building lot created after February 17, 2010 it shall be demonstrated that there is a sufficient area (to include sewage disposal and well sites, where applicable, unless an approved sewage disposal site exists which is subject to Section 1066.17 of the Loudoun County Codified Ordinances and/or an approved well site exists which is subject to Section 1040.19 of the Loudoun County Codified Ordinances) outside of the Karst/Sensitive Environmental Feature Setbacks, identified in Section 4-1905(B), for the intended use.

(E) **Prohibition of Specific Pollution Sources.** The following uses shall be prohibited within the LOD:

(1) Facilities or uses that generate or manufacture hazardous substances;

(2) Storage of hazardous substances in an aggregate amount greater than 55 gallons (or the dry weight equivalent) on site at any one time, excluding heating oil or gasoline within above ground storage tanks;

(3) Automobile Service Stations;

(4) Gas Pumps accessory to Convenience Food Store;

(5) Motor Vehicle service and repair;

(6) Underground Storage Tanks, except for propane tanks and water cisterns shown on an approved Geophysical Study;

(7) Landfills and waste sites.

4-1907 **Development Standards for the LOD.** Unless otherwise exempt by Section 4-1903(C) above, all uses permitted by right or special exception and all land disturbing activities in the LOD shall adhere to the following development standards:

(A) **Structures in Potential Subsidence Areas.** No structure shall be built in an area where a Geophysical Study indicates that potential subsidence may occur that would cause property damage, physical injury or harm to the public or future residents unless there are no alternative locations within a given lot of record, and a subsequent Geotechnical Report indicates that such potential harm can be mitigated. In such cases the structures must be constructed in accord with the mitigation techniques recommended by the Geotechnical Report.

(B) **Site Grading.** A grading permit is required for all land disturbing activities. Site grading, including any fill or berm placement, shall maintain natural drainage patterns. Berms and filling operations shall require a Geophysical Study.

If no other alternative exists than to impact natural drainage patterns, then drainage shall be designed to avoid damage to Karst/Sensitive Environmental Features as identified in the required Geophysical Study, and in any subsequently required Geotechnical Report, by mimicking pre-development volumes.

(C) **Surface Water Run-Off.**

(1) Non-point source pollution load of surface runoff from land disturbing activity, that is naturally conveyed to a Sinkhole, Swallet, Closed Depression, or Cave Opening shall meet the stormwater quantity and quality standards specified in Chapter 5 of the Facilities Standards Manual. In addition, the runoff shall travel over vegetative filters or other filtration measures, as established in the Virginia Stormwater Management Handbook, prior to entering such features.

(2) Surface water runoff shall not be redirected or concentrated to enter a Sinkhole, Swallet, Closed Depression or Cave Opening.

(3) Post-development flow to a Sinkhole, Swallet, Closed Depression, or Cave Opening that receives a Sinking Stream shall be the same as pre-development flow.

(D) **Limits of Disturbance and Revegetation.** Disturbed areas shall be limited to what is necessary to locate the use, and any disturbed areas that are not covered by paving, stone, or other solid materials shall be revegetated.

(E) **Wells.** Wells shall be installed in accordance with the provisions of Chapter 1040 of the Loudoun County Codified Ordinance, the Virginia Department of Health Private Well Regulations and the Virginia Department of Health Waterworks Regulations and Chapter 6 of the Facilities Standards Manual, relating to "Subdivisions with Communal Water Systems". Communal Water Supply Systems shall be required for all subdivisions of fifteen (15) or more lots approved after [action date], except for subdivisions in which each lot of the subdivision contains ten (10) or more acres of land .

(F) **On-Site Sewage Disposal Systems.** On-site sewage disposal systems, as defined in the Land Subdivision Development Ordinance, are allowed in the LOD for individual lots and subdivisions with fewer than fifteen (15) lots, and for subdivisions in which each lot of the subdivision contains ten (10) or more acres of land. Sewage disposal systems shall be subject to the review processes and requirements in the LSDO (Section 1245.10) and shall comply with requirements of the Virginia Department of Health – Division of Sewage and Water Services, and the Loudoun County Health Department.

(G) **Communal Wastewater Systems.** Proposed subdivisions containing fifteen (15) or more lots shall be served by communal wastewater systems, unless the applicant demonstrates to the County that other types of systems are available that will achieve and maintain the same or superior treatment results. Additionally, subdivisions in which each lot of the subdivision contains ten (10) or more acres of land shall be exempt from this requirement. The County shall allow communal wastewater systems in the LOD subject to the following standards:

(1) Where sufficient area exists on the portion of the property outside of the Karst/Sensitive Environmental Feature Setback to accommodate a proposed communal wastewater disposal system, then such system shall be located outside of the Karst/Sensitive Environmental Feature Setback; or

(2) Where insufficient buildable land area exists outside of the Karst/Sensitive Environmental Feature Setback as much of the proposed communal wastewater disposal system shall be sited

outside the Karst/Sensitive Environmental Feature Setback as possible and the applicant shall demonstrate through a Geophysical Report and Detailed Soils Site Investigation Report acceptable to the County that the communal wastewater disposal system will prevent a change in the levels of pre-development run-off within the Karst/Sensitive Environmental Setback area, enhance filtration, and will not have an adverse environmental impact on underlying aquifers and groundwater. In addition, the applicant shall provide a plan for regular operation and maintenance.

(3) All Communal Wastewater Systems shall be capable of producing secondary effluent, or better, as identified in the Sewage Handling and Disposal Regulations of Virginia.

(H) **Golf Course Use.** Any golf course use within the LOD shall adhere to a Water Management Plan approved by the County Department of Building and Development and a nutrient management plan approved by the Loudoun County Soil and Water Conservation District and the County Department of Building and Development.

(I) **Stormwater Management Facilities and Best Management Practice Facilities (BMPs).**

(1) Stormwater management ponds and BMP facilities shall not be located within Karst/Sensitive Environmental Feature Setbacks.

(2) Stormwater management ponds, and BMPs constructed within the LOD shall require a Geophysical Study, and all stormwater management ponds, sediment traps, and sediment basins shall be lined with impervious materials to prevent groundwater pollution, in accordance with Chapter 5 of the Facilities Standards Manual

(J) **Irrigation Systems.** Irrigation systems shall be prohibited unless the water for such system is supplied from a source that is not dependent on groundwater, such as, but not limited to, cisterns and stormwater management ponds. Communal water systems that obtain water through communal wells are not an acceptable source for irrigation systems.

(K) **Explosives and Blasting.** Blasting within LOD shall require conformance to Section 6.157 of the FSM

(L) **Notice to Property Owners.** Notes containing the following or similar language shall be placed in all deeds of conveyance, and on all record subdivision plats and site plans for land in the LOD:

(1) "In addition to the requirements of the underlying zoning district this property is also subject to the restrictions, standards and criteria of the Limestone Overlay Zoning District. Please contact the County Zoning Office for more information."

(2) "Maintenance of sewage disposal systems must be done in accordance with all State and County requirements in order to help prevent potential groundwater contamination."

4-1908 **Mitigation Measures for the LOD.** In addition to compliance with the development standards in Section 4-1907, land disturbing activities shall employ measures necessary to mitigate any potential adverse impacts to the County's subsurface water resources or Karst/Sensitive Environmental Features associated with limestone bedrock, as identified in the required Geophysical Study as set forth in Section 4-1905(A), and any subsequently required Geotechnical Report, or in any other study required by the Zoning Ordinance, Land Subdivision Development Ordinance or Facilities Standards Manual.

(A) **General.** Mitigation measures shall be directly related to proposed land disturbing activities and its potential adverse impact on the County's water resources or Karst/Sensitive Environmental Features associated with limestone bedrock identified on the subject property

(B) **Mitigation Measures.** If mitigation measures are recommended by a study required by the Zoning Ordinance, Land Subdivision and Development Ordinance or Facilities Standards Manual, in order to protect against ground surface collapse, surface or groundwater pollution, and/or spring contamination, the County shall require such measures to mitigate the identified adverse impacts. Such measures may include, but shall not be limited to, the following list. This provision shall not be construed to limit the County's ability to impose mitigating conditions in its review of special exception applications, nor its ability to accept mitigating proffers in its review of zoning map amendment applications:

(1) **Ineligibility for Density Increases.** The applicant may not be eligible for density increases otherwise permitted under the clustering provisions of this Ordinance.

(2) **Use of a Cluster Subdivision**. Where not otherwise required by this Ordinance, the County may require cluster development.

(3) **Landscaping and Reductions in Impervious Surface Coverage.** The County may require:

(a) Reductions in the maximum impervious surface coverage allowed;

(b) Reductions in the area devoted to landscaped lawns, and;

(c) Use of xeriscape (i.e., use of native plant materials and landscape materials that have lower water and nutrient requirements).

(4) **Storage Tank Testing and Containment.** The County may require leak testing and secondary containment for above ground storage tanks other than propane or water tanks.

(5) **Conservation of Indigenous Vegetation.** The County may require retention of indigenous vegetation to the maximum extent feasible, and in accordance with Tree Conservation Standards in Chapter 7 of the Facilities Standards Manual.

(6) **Groundwater Protection.** The County may require the applicant to establish a regular system of groundwater monitoring by a qualified professional for the proposed development and such other measures as may be recommended by other County Ordinances.

(7) **Prohibition of Additional Specific Pollution Sources**. The County may prohibit specific pollution sources, as defined in Chapter 5 of the Facilities Standards Manual as "stormwater hotspots", and other uses and activities with high risk of releasing pollutants, if the applicant does not propose effective mitigation measures acceptable to the County, provide evidence that pollution sources will be monitored, and that facility design standards will be followed.

Section 4-2000 RESERVED

Section 4-2100 Village Conservation Overlay District.

4-2101 **Purpose.** The overlay is established to recognize the development patterns existing in traditional villages, considered to be valuable heritage resources, and to encourage the retention and reinforcement of the pattern, character and visual identity of the individual village.

4-2102 **District Boundaries.** The Village Conservation Overlay District boundaries shall be as established on the adopted zoning map and affect the following villages set forth below.

(A) **Traditional Villages.**

(1) Aldie

(2) Aldie Mountain

(3) Ashburn

(4) Bluemont

(5) Lincoln

(6) Loudoun Heights

(7) Lucketts

(8) Neersville

(9) Paeonian Springs

(10) Philomont

(11) St. Louis

(12) Taylorstown

(13) Waterford

(B) **Expansion of Village Conservation Overlay District Boundaries.** Expansion of the Village Conservation Overlay District shall only be permitted for those areas designated for traditional village on the adopted Comprehensive Plan.

4-2103 **Overlay District Established.** The Village Conservation Overlay District is hereby established as an overlay district, meaning that it is a district overlaid upon other districts. Land within the Village Conservation Overlay District may be used as permitted in the underlying district, subject to the additional neighborhood development standards of this district.

4-2104 **Additional Neighborhood Development Standards.** Where the following requirements conflict with other provisions of this Ordinance, then the following requirements of this Section shall apply:

(A) **Contextual Compatibility Development Standards.**

(1) **Average Front Yard.** Adjacent buildings shall have front yard distances that maintain visual continuity of the streetscape. Buildings shall have front yards consistent with the front yard of principal buildings on the same side of the street within 150 feet of both sides of the parcel or parcels being developed.

(2) **Building Height.** Proposed buildings shall have a building height no greater than 50% higher than the highest building on the same side of the street within 150 feet of both sides of the parcel or parcels being developed, not to exceed the maximum building height permitted in the underlying zoning district. Notwithstanding the foregoing, accessory buildings within 150 feet shall not be included when determining the highest building.

(B) **Other Standards.**

(1) **Street System / Connectivity.**

(a) **Connections to Existing Streets.** Connections to the existing or planned street system shall be made to the maximum extent feasible. All development plans shall incorporate and continue all streets stubbed to or shown as stubbed to the boundary of the development by previously approved development plans/plats or existing development.

(2) **Variation of Lot Building Sizes.**

(a) In all new residential subdivisions containing six (6) or more lots, a mixture of lot sizes and dimensions shall be provided. For example, larger and wider lots are encouraged on corners. Smaller lots are encouraged adjacent to parks and open spaces. No more than 33 percent of all lots shall be similar in total lot area. For purposes of this subsection, "similar" lot areas shall be defined as within 500 square feet of each other.

(3) **Sidewalks.**

(a) Sidewalks may be provided for the parcel or parcels being developed in accordance with the Facilities Standards Manual (FSM).

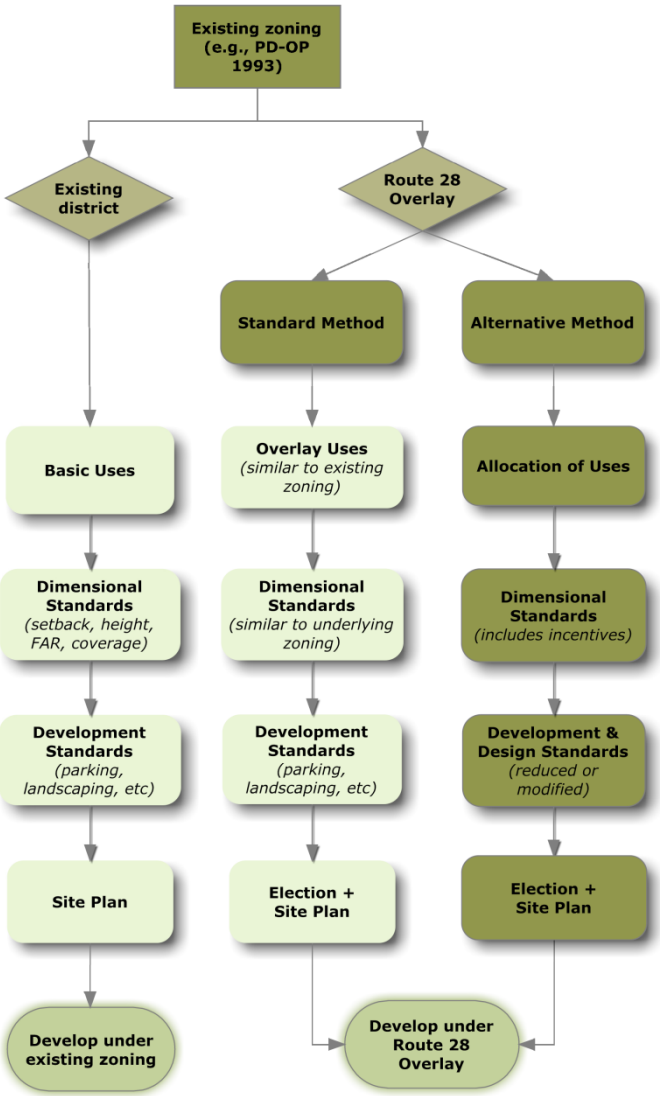
(4) **Street Trees.** In addition to tree planting and replacement requirements of Section 5-1300, street trees shall be provided along the frontage of each lot and shall be regularly spaced.

(5) **Garage locations.** Front-loaded garages shall be setback at least 20 feet behind the front line of all principal buildings, except when a lot within 150 feet of, and on the same side of the street as, the subject lot has a garage setback less than 20 feet from the front lot line of all principal buildings on such lot, in which case the minimum garage setback shall be equal to the garage setback on such lot.

DIVISION D: ROUTE 28 CORRIDOR

Section 4-2200 Generally.

Executive Summary.



The Route 28 Corridor districts include three Optional Overlay (CO, CB and CI) and one Planned Development (PD-CM) district. The Optional Overlay districts include 2 types of development: Standard Method and Alternative Method. **Standard Method** development includes basic use, building height, setback and floor area ratio (FAR) standards. This type of development is very similar to development in most of the County's underlying zoning district regulations, including the existing PD-OP, PD-IP, PD-RDP and PD-GI zoning district that comprise most of the land area within the overlay districts. The Standard Method offers higher development potential and contemporary development standards that are not possible under the existing zoning districts. **Alternative Method** development allows higher FAR and lot coverage, along with process streamlining and other regulatory incentives, along with design controls and amenities that do not apply to Standard Method development.

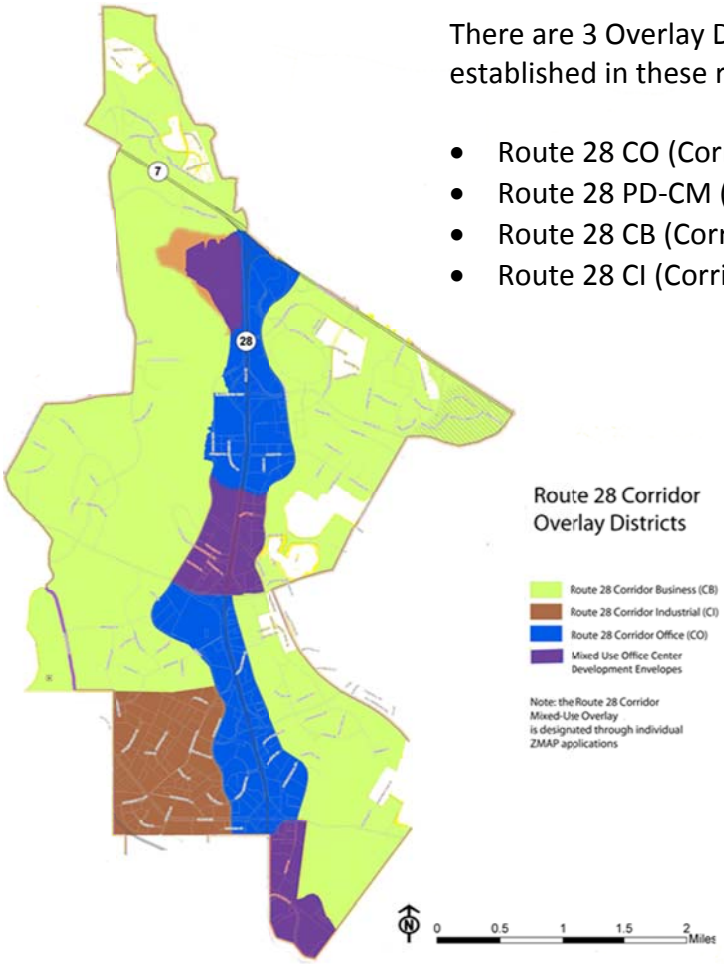
Because these are Optional Overlay districts, the existing zoning districts remain on the map when a property owner proceeds under these regulations. This means that property owners are free to develop under their underlying district regulations without regard to the Optional -Overlay district regulations. This gives property owners in the CO, CB and CI Optional Overlay districts 3 options:

1. Develop under their **existing zoning district** regulations. In this case, the Optional Overlay district regulations do not apply.
2. Develop under the **Optional Overlay** district regulations, using a **Standard Method** of development.
3. Develop under the **Optional Overlay** district regulations, using an **AlternativeMethod** of development.

The property owner's choices, and the implications of those choices, are illustrated in Figure 1. Property owners may proceed to site plan approval under their existing zoning, and subject to all of the use, dimensional and

development standards of their existing districts. Or, property owners may elect to develop per the Optional Overlay regulations and file a site plan under the Optional Overlay district using the Standard Method, which triggers standards that are similar to the existing zoning regulations in the districts. Finally, property owners may elect to develop per the Optional Overlay regulations and proceed under the Optional Overlay district using the Alternative Method. This gives the property owner an initial FAR bonus, along with the ability to build significantly more floor area by undertaking incentive items listed in the district regulations.

Most of the property within the Route 28 Corridor Districts is subject to the Route 28 Transportation Improvement District legislation, which generally prohibits the County from eliminating, reducing, or restricting commercial or industrial classifications and related criteria on property for which a special tax is imposed, or making them less permissive. Before proceeding under this Division, the property owner shall file an election to waive the protections of the Route 28 Tax District legislation. Development then proceeds under the Revised 1993 Zoning Ordinance.



There are 3 Overlay Districts and 1 Planned Development district established in these regulations. These include:

- Route 28 CO (Corridor Office Overlay)
- Route 28 PD-CM (Planned Development-Corridor Mixed-Use)
- Route 28 CB (Corridor Business Overlay)
- Route 28 CI (Corridor Industrial Overlay)

The CO, CB and CI districts are mapped by the County. The PD-CM district (generally in areas currently mapped CO) requires a zoning map amendment.

A copy of the zoning map is shown here. Refer to Section 1-300 of this Ordinance for rules relating to the official Zoning Map.

Figure 2 Map of Zoning District Boundaries

4-2201 Districts & Standard / Alternative Methods Established.

(A) **Purpose.** This section establishes four (4) districts to implement the Route 28 Corridor Plan (March 15, 2011)(hereinafter the "Route 28 Plan"). These districts are intended to provide planned development and incentive zoning as tools to coordinate new development with the Route 28 Plan's goals and objectives to:

(1) Provide premier locations for regional, national, and international businesses with a high-quality image that offer employees vibrant centers of activity and highly-integrated pedestrian and transit-friendly employment developments, and

(2) Provide development along corridors that are employment-based, with residential development that is subordinate to employment uses, and

(3) Provide design standards that create a unified development pattern and distinct places or centers of activity, and

(4) Take advantage of economic assets such as Washington Dulles International Airport, and

(5) Promote multi-modal connectivity, and

(6) Encourage sustainable development practices.

(B) **Districts Established.** The following Planned Development and Optional Overlay districts are hereby established for the Route 28 Corridor:

District	Subdistrict
Route 28 CO (Corridor Office) Optional Overlay	• Subdistrict 1 (north of Sterling Boulevard) • Subdistrict 2 (South of Sterling Boulevard)
Route 28 PD-CM (Corridor Mixed-Use) Planned Development District	• Subdistrict 1 (north and central development envelopes designated in the Route 28 Corridor Plan) • Subdistrict 2 (southern development envelope designated in the Route 28 Corridor Plan)
Route 28 CB (Corridor Business) Optional Overlay	
Route 28 CI (Corridor Industrial) Optional Overlay	

(C) **Optional Overlay Districts**. The CO, CB and CI districts in subsection (B) are established as Optional Overlay districts. This means that they are overlaid on other districts. Within these Optional Overlay districts, property owners have the option to use their property in any manner permitted in the underlying districts, unless property is subject to a site plan approved under Section 4-2900 pursuant to an Optional Overlay district. Therefore, the Optional Overlay districts do not apply unless the property owner elects to become subject to the Optional Overlay district standards and procedures. Accordingly, a property owner with a Route 28 Optional Overlay district has **3 options**:

(1) Develop under the underlying, existing zoning regulations, or

(2) Develop under the Optional Overlay district, using a Standard Method of development (see section 4-2202(B)), or

(3) Develop under the Optional Overlay district, using an Alternative Method of development (see section 4-2202(C)).

(D) As a Planned Development district, development in the PD-CM district requires legislative approval pursuant to Section 6-1200 of this zoning ordinance.

(E) This Division D of Article 4, including the zoning district standards and development standards, applies only to development that elects to proceed under a Route 28 Corridor Optional Overlay or Planned Development district. This Division D does not apply to property within a Route 28 Corridor Optional Overlay district that elects to proceed under an existing, underlying zoning district. *(See Section 4-2900 for election procedures.)*

4-2202 Standard and Alternative Methods of Development.

(A) The Optional Overlay and Planned Development zoning districts in this Division include 2 types of development: Standard Method and Alternative Method. Each is subject to different zoning standards, depending on how the property owner elects to proceed.

(B) **Standard Method** is subject to the base Optional Overlay and Planned Development zoning district standards, and is not subject to the design standards that apply to the Alternative Method. The Standard Method standards apply to all development that elects to proceed under a Route 28 District except for property that:

(1) Is subject to a zoning amendment approval that limits development to an Alternative Method (see Section 6-1200), or

(2) is subject to a valid, unexpired Site Plan or Special Exception that has been approved to develop pursuant to an Alternative Method.

(C) An **Alternative Method** is a **style of development** that is tied to **incentives** in the Route 28 Corridor Optional Overlay and Planned Development districts. An Alternative Method development incorporates design standards (such as frontage types regulated in Sections 4-2300 to 4-2500) and amenities (such as parks and civic uses) as described in the district regulations. However, an Alternative Method provides the property owner incentives such as:

(1) Election to proceed under a Route 28 Corridor Optional Overlay without a zoning map amendment, and

(2) Longer time periods to build out a project without a zoning approval (such as a zoning permit, site plan, or special exception) expiring (see Section 4-2905), and

(3) Flexibility, clarity, and predictability in the application of zoning standards such as setbacks, building height, and lot coverage, and

(4) Reductions in development standards requirements related to parking and buffering, elimination of the bulk plane standard, and an increase in floor area ratio and lot coverage.

(D) This Division establishes six (6) Alternative Methods of development. The table below lists the Alternative Methods, and the Optional Overlay and Planned Development districts where they are permitted:

Alternative Method	CO	CB	CI	PD-CM
(1) Office Cluster Alternative Method	■			
(2) Office Center Alternative Method				■
(3) Business Campus Alternative Method	○	■		
(4) Custom Campus Alternative Method	■	■		
(5) Secure Office Campus Alternative Method	○	■		
(6) Flex			■	

■ = permitted with Site Plan approval | ○ = permitted with Special Exception approval
The PD-CM district is designated through individual Zoning Map Amendment applications

(E) With the exception of the Campus Alternative Method (see Section 4-2710), the standards that apply to each Alternative Method are established in the regulations for each Optional Overlay and Planned Development district, below.

Section 4-2300 Route 28 CO (Corridor Office).

4-2301 Purpose.

The Route 28 Corridor Office district provides for high intensity office and employment development along the Route 28 corridor. The CO district provides for two (2) predominant development types:

- medium to high intensity, pedestrian-oriented **office clusters** that include supportive retail and service uses, and
- custom office and research-and-development campuses that combine these uses with limited manufacturing.

The design standards in this district are designed to form a "wall" of mid- to high density, high quality office buildings along employment-based corridors.

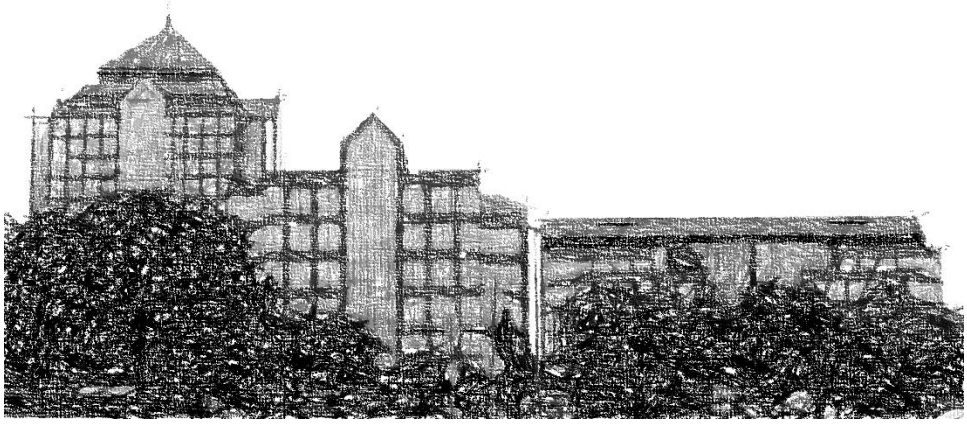


Figure 3 The CO district implements the Route 28 Corridor Plan's vision of a "wall" of medium to high intensity Class A office development along this important economic development corridor.

4-2302 [RESERVED]

4-2303 Uses.

(A) See Section 4-2800 (Use Table).

(B) The following Alternative Methods of development are permitted in this District:

(1) Office Cluster pursuant to site plan approval (Section 4-2305).

(2) Custom Campus pursuant to site plan approval (Section 4-2710).

(3) Business Campus or Secure Office Campus pursuant to special exception approval (Section 4-2710).

(C) Retail and service.

(1) **Retail and service** uses in the CO district shall be permitted only on the ground floor of buildings, except as provided in subsection (2) below.

(2) Single-story or multi-story **retail** and service uses are permitted in the CO district if subsections (a) and (b) apply:

(a) The use shall be integrated within the development, as follows:

(i) The use is part of an Office Cluster or Campus Alternative Method and is either visually integrated (subsection (ii) below) or functionally integrated (subsection (iii) below) to the development.

(ii) The use is **visually integrated** if:

1. It is located in a building that is attached as a wing wall, by a breezeway, or similar architectural feature, or is located on the same block or within 75 feet of a multistory building and connected to that building by a sidewalk or pedestrian path which may be integrated with landscaping, and

2. The use includes building materials and architectural features that are similar to or compatible with adjacent multi-story buildings. At least two (2) of the following features must match those of adjacent multi-story buildings:

a. Frontage types (see Section 4-2704), or

b. Roofline features such as cornices and eaves, or

c. Window styles and proportions, or

d. Primary building materials (see Section 4-2705), or

e. Spacing of entryways, projections, and other vertical elements of the façade at the ground level.

3. The buildings that include the retail and service uses are not separated from other buildings by parking areas.

(iii) The use is **functionally integrated** if:

1. It is located within the Interior Zone of an Alternative Method development and occupies no more than 2% of the total development's floor area, or

2. It is located within the Street Zone on the same building line as adjacent buildings, and does not have a floor area exceeding 5,000 square feet.

(b) The building shall provide pedestrian accessibility through sidewalks or pedestrian paths that connect public or private streets or adjacent buildings to the building's primary entrance.

(D) Hotels and Full-Service Hotels.

(1) For any Alternative Method, Hotels are not required to be located within mixed-use buildings.

(2) Hotels shall provide, at a minimum, restaurant, lounge facilities, meeting space, room service and bell service.

(3) A Full-Service Hotel located in CO Subdistrict 2 (see Section 4-2201(B)) shall not exceed 40% of the overall square footage of an Alternative Method development.

(4) The minimum floor area ratio for a Full-Service Hotel as part of an Alternative Method development in CO Subdistrict 2, shall be 0.2.

(E) Flex Uses

(1) See section 4-2710 for the Flex land use allocation in the Campus Alternative Method.

(2) At least 20% of the gross floor area of a Flex Building (except for a data center) in the CO District shall include offices.

4-2304 Dimensional Standards.

The dimensional standards below are divided into those that apply to Standard and Alternative Methods of development.

	Standard Method	Alternative Methods
Lot Requirements		
Size	One (1) acre minimum, excluding major floodplains.	No minimum
Yards		
Adjacent to Roads	• Buildings, Outdoor Storage, Refuse Collection, Loading area: 35 feet *(minimum)* • Parking: 25 feet *(minimum)*	See sections 4-2305 and 4-2710
Adjacent to Agricultural & Residential[1]	• Buildings, Outdoor Storage, Refuse Collection, Loading area: 50 feet *(minimum)* • Parking: 35 feet *(minimum)*	See section 4-2305 and 4-2710
Adjacent to Other Non-	• Buildings, Parking, Outdoor Storage, Refuse Collection,	See sections 4-2305 and 4-2710

	Standard Method	Alternative Methods
Residential Districts	Loading area: 15 feet *(minimum)*	
Between buildings	• On adjacent lots: 30 feet *(minimum)* • Interior to the lot: 25 feet *(minimum)*	Not applicable
Building Requirements		
Building Height	• 60 feet (maximum), or • 100 feet (maximum) if set back from streets or lot lines that do not constitute boundaries of districts with lower maximum height restrictions, a distance of at least 1 foot for each 1 foot of height that it exceeds the 60 foot limit.	**Minimum Height –** *(see sections 4-2305 and 4-2710 for additional requirements)* • **Corridor Zone**: See Section 4-2305 • **Street Zone**: 2 stories *(note: additional height is required in portions of a Major Street Zone for the Campus Alternative Method– see Section 4-2710)* • **Interior Zone:** not applicable **Maximum Height** is limited by the applicable FAR (see below)
Floor Area Ratio	0.6 maximum	0.6 minimum to 0.8 maximum subject to Sections 4-2305 and 4-2710. Increases in FAR up to 1.0 are permitted by applying the Incentive Elements (see Section 4-2703).
Lot Coverage		
Lot Coverage ***(for the lot or development site)***	0.6 maximum	In the Street and Interior Zones: 0.8 maximum, up to 1.0 maximum by applying the Incentive Elements (see Section 4-2703). Lot coverage requirements do not apply to the Corridor Zone. *If an Incentive Element is used, lot coverage shall be calculated by treating the entire development site as the "lot."*

(1) Includes Agricultural and Residential Districts, and land bays allowing residential uses.

4-2305 Office Cluster Alternative Method.

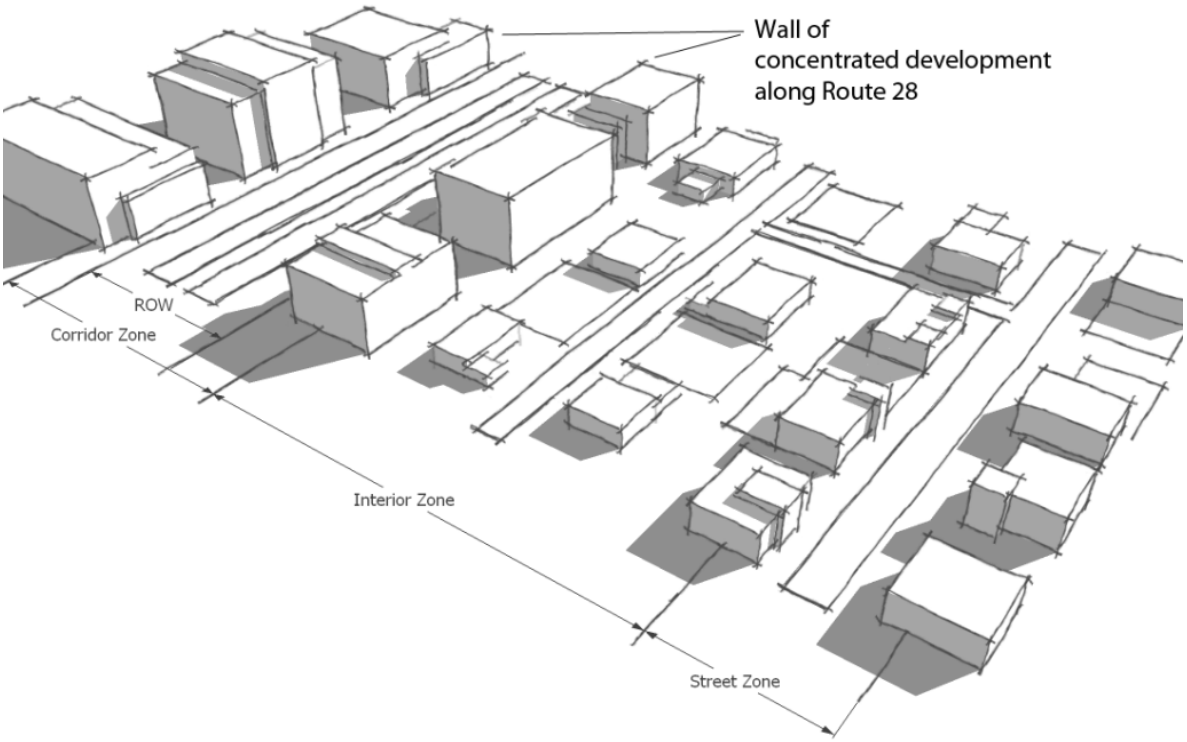


Figure 4 Office Cluster illustration

Description:

An office development that is configured around a street grid, with high quality office development concentrated along Route 28. An Office Cluster is divided into 3 subareas:

1. The **Corridor Zone**, located within 100 feet of the existing or planned right-of-way of Route 28.
2. The **Street Zone**, including all areas outside of the Corridor Zone located within 50 feet of any other public street other than Route 28.
3. The **Interior Zone**, including all areas outside of the Corridor Zone or Street Zone.

Mix of Uses: The site plan shall designate uses that comply with the following land use mix ratios	***Minimum Building Square Feet Required***	***Maximum Building Square Feet Permitted***
Office/Research & Development	60%	100%
Retail & Services*	0%	10%
Flex	0%	10%

* Retail and services do not include showrooms that are accessory to flex buildings and located entirely within the flex building.

Lot & Building Placement Standards:

1. **Frontage Buildout (**minimum).

Building walls shall occupy at least **60%** of the lot width at the maximum **Corridor** Setback lines. **Front** building walls shall occupy at least **50%** of the lot width at the maximum **Street** Setback lines.

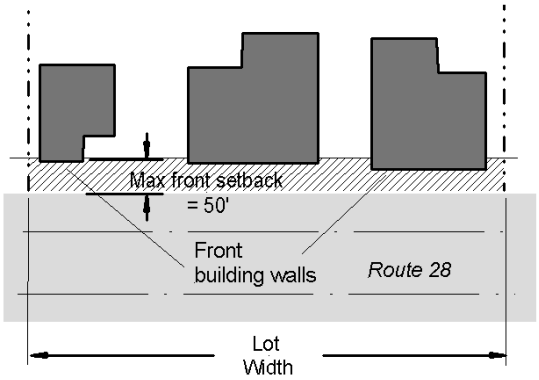


Figure 5 Corridor Setback

2. **Corridor Setback**.

50 feet (maximum) from the planned right-of-way. This setback supersedes Section 5-900, but is subject to Section 5-1400, Buffer and Screening. No Pedestrian Through Zone or Planting/Furniture Zone is required.

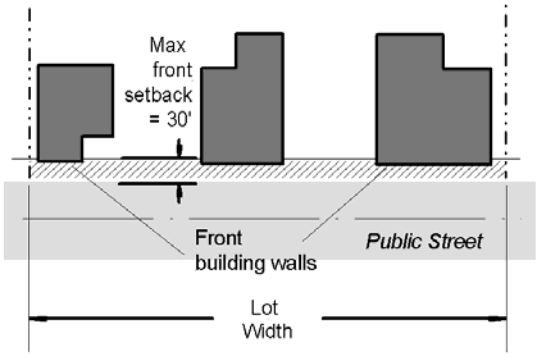
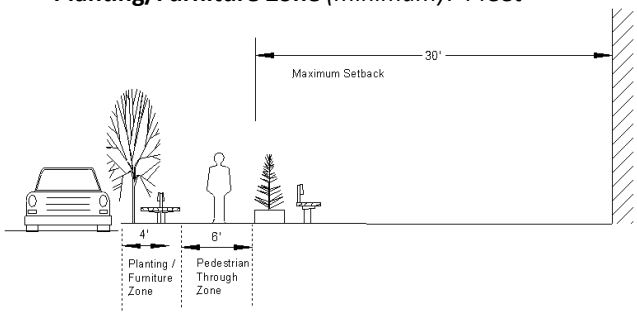


Figure 6 Street Setback

3. **Street Setback**.

- **Setback** *(minimum)*: 0 feet
- **Setback** *(maximum)*: 30 feet
- **Pedestrian Through Zone** *(minimum)*: 6 feet
- **Planting/Furniture Zone** *(minimum)*: 4 feet



Building Standards:

4. **Height.**

- Minimum and maximum height limits are established by Section 4-2304.
- At least 50% of the **Corridor Zone** setback shall be occupied by office buildings that are at least 5 stories or 60 feet in height.
- At least 50% of the **Street Zone** setback shall be occupied by buildings that are at least 4 stories or 48 feet in height.

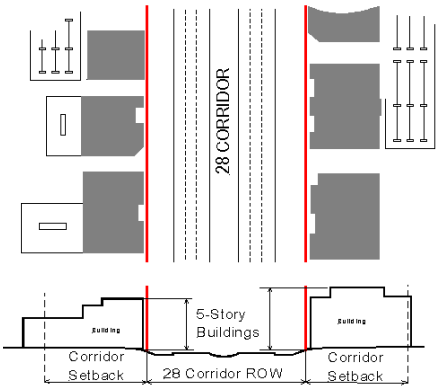


Figure 7 Height disposition

5. **Orientation**.

- In the **Corridor Zone**, the front building wall may face in any direction unless the building also falls within the Street Zone. However, the building wall facing a corridor shall include the required materials.
- In the **Street Zone,** front building walls shall face streets or adjacent Plazas, Squares, or Greenways (see classification system in Section 4-2706).

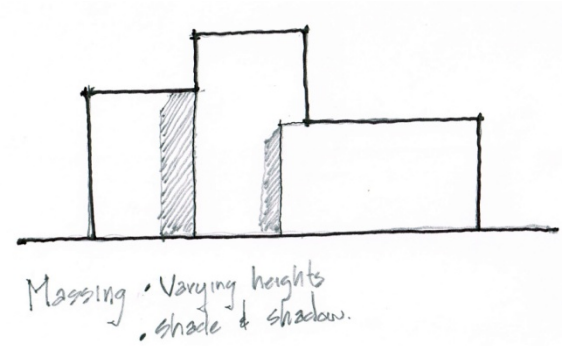


Figure 8 Massing schematic

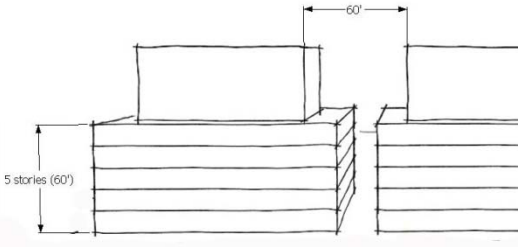


Figure 9 Step-back illustration

6. **Frontage Types**. Buildings within the Frontage Buildout of the **Street Zone** shall use the Frontage Types listed in Section 4-2704. Frontage Types are not required in the **Corridor Zone**.

7. **Massing / Façade**. Buildings greater than 12 stories shall include façade articulation with design details and features such as building step-backs, to reduce visual massing and mitigate impacts to adjacent properties. In the **Street Zone**, building planes above the fifth story or 60 feet above average finished grade shall be separated by at least 60 feet.

8. **Materials.** Building walls on all sides shall comply with Section 4-2705.

4-2306 Campus Alternative Method.

See Section 4-2710.

4-2307 [RESERVED]

4-2308 Public & Civic Uses / Parks & Open Spaces.

(A) Public and Civic Uses are not required. However, if Public and Civic Uses are provided, their percent **floor area** relative to the total development floor area shall be credited toward the percent required for Parks and Open Spaces in subsection (B), below.

⇨ See Section 4-2706 for a description of Public and Civic Uses.

(B) Parks and Open Spaces, in combination with Public and Civic Uses, shall occupy at least 15% of the **land area** of a development site.

(C) The Zoning Administrator may waive up to one-third of the required Parks and Open Spaces and Public and Civic Uses during the Site Plan review process, if contributions in the form of cash-in-lieu are provided toward those uses off-site and within the Route 28 Corridor. This subsection applies only if the County adopts a Public/Civic Facilities Plan that includes Parks and Open Spaces and Public and Civic Uses.

⇨ See Section 4-2706 for a description of Parks and Open Spaces.

Section 4-2400 Route 28 PD-CM (Planned Development - Corridor Mixed-Use).

4-2401 Purpose.

The Route 28 Planned Development - Corridor Mixed-Use Office district provides for live-work centers that include a variety of employment, shopping and residential uses arranged in an intense, compact development pattern. The PD-CM district is a Planned Development district.

Figure 10 The PD-CM District implements the Route 28 Corridor Plan's vision of mixed-use, intense office centers along Route 28

4-2402 Size and Location.

(A) **Size.** A PD-CM district shall include at least 50 acres but no more than 90 acres.

(B) **Location**. The PD-CM district shall be located where consistent with the Revised General Plan.

(C) **Additions.** A property owner may file a zoning map amendment to increase the size of an adjacent, existing PD-CM district. The Board of Supervisors may approve a zoning map amendment with incremental additions to increase the size of the district up to a maximum of 90 acres if it finds that they are:

(1) Contiguous to an existing PD-CM district, and

(2) Compatible with the existing PD-CM district, and

(3) Consistent with the Revised General Plan policies for the area, and

(4) Integrated with the existing PD-CM district through roadway, pedestrian, and bicycle connections as well as a consistent streetscape.

4-2403 Rezoning and Development Process Requirements.

(A) **CDP with Rezoning Applications**. Rezoning to and subsequent development under the PD-CM district is permitted only in accordance with a Concept Development Plan (CDP) processed as provided in Section 6-1200 of this Ordinance and in accordance with Section 4-2904.

(B) **Site Plan**. After the CDP and zoning map amendment are approved, the property owner may submit a site plan for the entire development or each phase of development in accordance with Section 4-2903.

4-2404 Uses.

(A) See Section 4-2800 (Use Table).

(B) This district permits the Office Center Alternative Method (See Section 4-2406).

(C) Residential uses are not permitted in the PD-CM district unless authorized by a Concept Development Plan approved under the Alternative Method of development set forth in Section 4-2406.

(D) For the Standard Method of development, retail and service uses are permitted if they comply with Section 4-2303(C)(2)(functional and visual integration)..

4-2405 Dimensional Standards.

The dimensional standards below are divided into those that apply to Standard Method and those that apply to Alternative Methods.

	Standard Method	**Alternative Method**
Lot Requirements		
Size	One (1) acre minimum, excluding major floodplains.	No minimum
Yards		
Adjacent to Roads	• Buildings, Outdoor Storage, Refuse Collection, Loading area: 35 feet *(minimum)* • Parking: 25 feet *(minimum)*	See section 4-2406
Adjacent to Agricultural & Residential[1]	• Buildings, Outdoor Storage, Refuse Collection, Loading area: 50 feet *(minimum)* • Parking: 35 feet *(minimum)*	See section 4-2406
Adjacent to Other Non-Residential Districts	• Buildings, Parking, Outdoor Storage, Refuse Collection, Loading area: 15 feet *(minimum)*	See section 4-2406
Between	• On adjacent lots: 30 feet	Not applicable

	Standard Method	Alternative Method
buildings	*(minimum)* • Interior to the lot: 25 feet *(minimum)*	
Building Requirements		
Building Height	• 60 feet *(maximum)*, or • 100 feet *(maximum)* if set back from streets or lot lines that do not constitute boundaries of districts with lower maximum height restrictions, a distance of at least 1 foot for each 2 feet of height that it exceeds the 60 foot limit.	**Average Minimum Height.** Buildings along "A" Streets shall have an average height of at least 7 stories (See Section 4-2406 for additional requirements). **Maximum Height** is limited by the applicable FAR (see below)
Floor Area Ratio	0.6 maximum	See Subsection 4-2201(B) • Subdistrict 1: Maximum **1.0** subject to Section 4-2406. Increases in FAR up to **1.5** are permitted by applying the Incentive Elements in Section 4-2703. An application that applies the Unmet Housing Needs incentive may exceed 1.5 FAR, for a maximum FAR of up to 1.7. • Subdistrict 2: Maximum **1.5** subject to Section 4-2406. Increases in FAR up to **2.0** are permitted by applying the Incentive Elements in Section 4-2703 . An application that applies the Unmet Housing Needs incentive may exceed 2.0 FAR, for a maximum FAR of up to 2.2.
Lot Coverage		
Lot Coverage ***(for the lot or development site)***	0.6 maximum	• "A" Streets: 0.8 maximum, up to 1.0 maximum by applying the Incentive Elements (see Section 4-2703). • "B" Streets: 0.4 minimum. *If an Incentive Element is used, lot coverage is calculated by treating all lots or development sites abutting "A" and "B" streets as an individual lot "lot," as designated on the Concept Development Plan.*

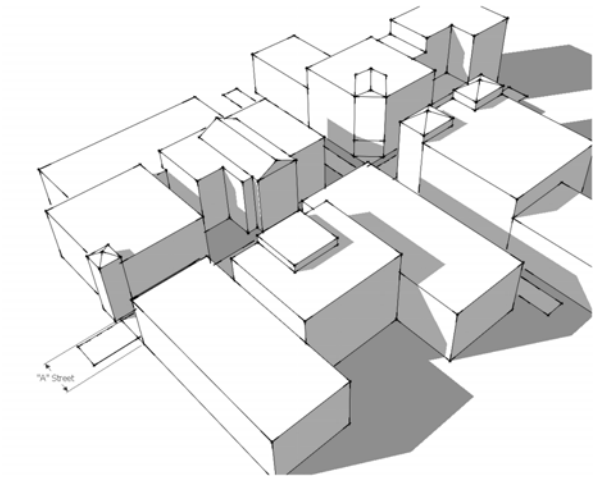
(1) Includes Agricultural and Residential Districts, and land bays allowing residential uses.

4-2406 Office Center Alternative Method.

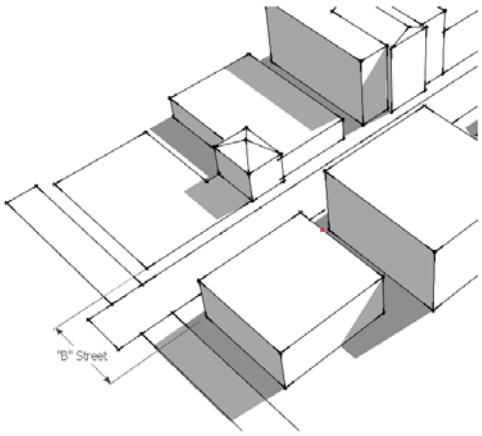
Description:

A mixed-use, primarily office or employment-based development, that is configured around a street grid. This type of development has a mix of non-residential and residential uses. The Center's design is urban and pedestrian-oriented. An Office Center shall include at least 50 and no more than 90 Buildable Acres. To implement the County's design objectives while providing market flexibility, a CDP for an Office Center shall designate "A" Streets and "B" Streets, as follows:

1. An **"A" Street** is a street with frontage that is restricted to building types and uses that promote pedestrian activity, and which benefit from pedestrian and/or transit access. A street shall be deemed to be classified an "A" Street unless otherwise designated on the CDP.



2. A **"B" Street** is a street that permits front-loaded surface parking, retail and service uses, and single-story buildings. A "B" designation may be considered an interim designation as part of a phased development plan. The aggregate length of the "B" Streets on an application shall not exceed 50 linear feet per Buildable Acre subject to the application, and shall not exceed thirty-five percent (35%) of the total length of all streets within the proposed development.



Mix of Uses: *The concept development plan shall designate uses that comply with the following land use mix ratios -*	***Minimum Square Feet Required***	***Maximum Square Feet Permitted***
Office/Research & Development	55%	70%
Retail & Services	10%	20% *Full-Service Hotels are not counted toward this limit*
High Density Residential *(this requirement is exempt from Section 1-207)*	15%	25%
Public and Civic *(see Sections 4-2407 and 4-2706 for public and civic space standards)*	5%	No maximum

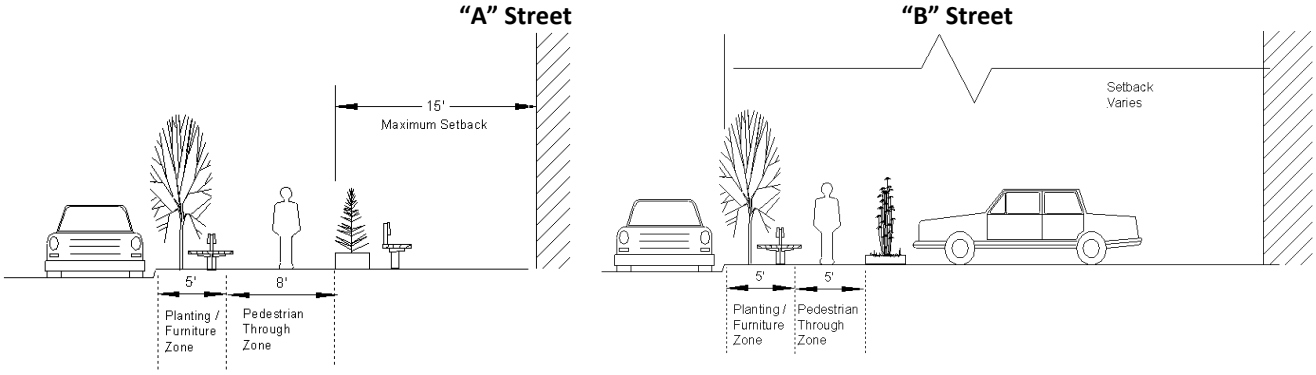
Building Standards:

1. **Orientation**. Buildings and their principal entrances shall face streets or adjacent Plazas, Squares, or Greenways (see classification system in Section 4-2706).

2. **Street Setback / Streetside Standards**.

   a. Minimum and maximum setbacks for "A" and "B" Streets are as set out in the table below.

   b. Within a Corridor Zone, the maximum setback is 50 feet from the existing or planned right-of-way. This setback supersedes Section 5-900, but is subject to Section 5-1400, Buffer and Screening. No Pedestrian Through Zone or Planting/Furniture Zone is required.



	"A" Street	"B" Street
Setback:		
Minimum *(feet)*	0 feet	0 feet
Maximum *(feet)*	15 feet	Not applicable
Streetside:		
Pedestrian Through Zone *(minimum-feet)*	8 feet	5 feet
Planting/Furniture Zone *(minimum-feet)*	5 feet	5 feet

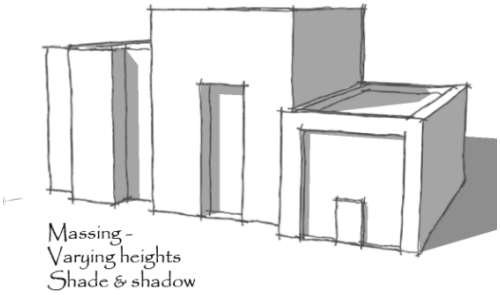
3. **Frontage Buildout** *(minimum).* Along "A" Streets, building walls shall occupy at least 75% of the lot width at the maximum Street Setback lines. This standard does not apply to "B" Streets.

4. **Height.** Single-story retail or service buildings conflict with the compact, pedestrian-oriented nature of an Office Center. They are permitted only on "B" Streets, and shall not exceed 3,000 square feet in gross floor area. No more than two single-story retail or service buildings shall be located on any single block.

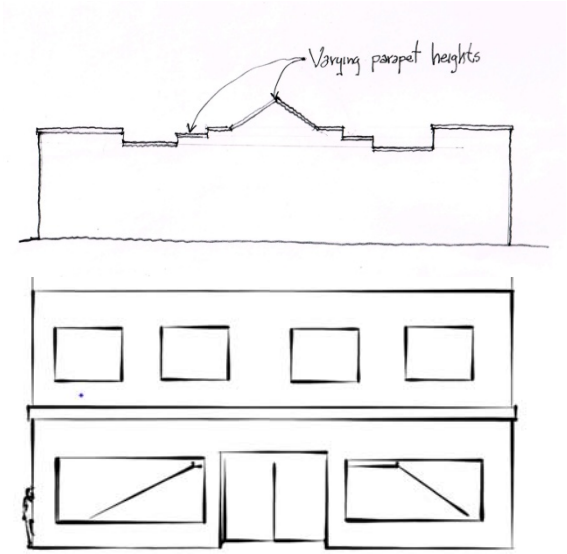
5. **Frontage Types**.
   - **Office/Research & Development Buildings** may use any of the Frontage Types listed in Section 4-2704.
   - **Retail and Service** uses may use the Shopfront, Arcade, or Courtyard frontage types.
   - Frontage Types are not required for **Residential, Civic** or **Public** uses.

6. **Massing / Façade**. For Retail and Service Uses or mixed-use buildings:

   - Buildings greater than 12 stories shall be designed to include upper story façade articulation with design details and features such as building step-backs and varying parapet heights, to reduce visual massing and mitigate impacts to adjacent properties.
   - Building facades facing a street that are longer than fifty feet (50') shall change visibly in height, wall plane projection or setback (minimum of 12 inch setback), materials, or color a maximum of every forty feet (40') along the axis facing the street.
   - At least one ground level entryway is required along every 80 feet of building frontage along an "A" Street.
   - The ground floor shall include between 65 to 90% glazing and entryways.
   - A ground floor story shall include a minimum 12 foot clear height for retail and service uses and 10 foot clear height for residential and office/research and development uses. In order to ensure that a useable amount of floor area is included under the clear height, this height shall be maintained for minimum depth of 20 feet from the front façade.



Massing of tall buildings



Façade articulation

7. **Materials.** Building walls on all sides shall comply with Section 4-2705.

8. **Uses Internal to Buildings.**

- Retail and service uses are permitted on the ground floor of multiple story buildings. Residential and office/research and development uses are permitted on the upper floors. Retail and service uses are permitted on upper floors for up to 15% of the total retail and service space designated on the site plan.
- Office/research and development uses are permitted as stand-alone buildings or on the first floor or upper floors of vertical mixed-use buildings.
- Residential uses – see paragraph 9, below.

9. **Residential Uses**

- Residential dwelling units in an Office Center shall be Attached Multi-Family Dwellings.
- Dwelling units are permitted on the upper floors of Vertical Mixed-Use Buildings, or on the ground floor of Horizontal Mixed-Use Buildings where non-residential uses occupy at least 50% of the floor space.
- Stand-alone residential buildings are permitted if they are located within 80 feet of a non-residential building, and are connected by a continuous system of sidewalks or pedestrian walkways to, a building occupied with 100% non-residential uses.

10. **Drive-Through**. Drive-through uses are permitted if they are incorporated in a Mixed-Use Building. Drive-through access shall be located only on a designated "B" Street, or in a mid-block location on an "A" Street.

11. **Phasing**. An application for a zoning map amendment shall include a phasing plan in accordance with the requirements below or alternative phasing provisions to be approved by the Board of Supervisors:

- No more than 40,000 square feet of residential use, or 40 units, whichever provides the greater number of units, may be issued occupancy permits in the initial phases until occupancy permits have been issued for at least 120,000 square feet or 12% of the total proposed (whichever is greater) of total office/research and development space and at least 30,000 square feet or 12% of the total proposed (whichever is less) of retail and service space.
- Each subsequent phase shall include at least 4,500 square feet of office/research and development space and at least 1,125 square feet of retail and service space, until the office/research and development and retail and service components are built out.
- In each phase, at least 50% of floor area in the entire development shall be in office/research and development use.

4-2407 Public & Civic Uses.

(A) At least 5% of a proposed development's **square footage** shall be developed as Public and Civic uses.

(B) At least 2% of the required amount of Public and Civic floor area shall be provided on-site.

(C) The Zoning Administrator may waive up to **60%** of the required Public and Civic Uses if contributions in the form of cash-in-lieu are provided toward those uses off-site and within the Route 28 Corridor. This subsection applies only if the County adopts a Public/Civic Facilities Plan that includes Public and Civic Uses. These contributions –

(1) Are subject to any adopted Public/Civic Facilities Plan, and

(2) Are in addition to the anticipated Capital Facilities contributions associated with the Mixed-Use Office Center.

⇨ See Section 4-2706 for a description of Public and Civic Uses.

4-2408 Parks & Open Spaces.

(A) Parks and Open Spaces shall occupy at least 10% of the land area of a **development site**.

(B) At least 50% of the Parks and Open Spaces shall be provided on-site.

(C) Up to **50%** of required Parks and Open Spaces are waived if contributions in the form of cash-in-lieu are provided toward those uses off-site and within the Route 28 Corridor. This subsection applies only if the County adopts a Public/Civic Facilities Plan that includes Parks and Open Spaces. These contributions –

(1) Are subject to any adopted Public/Civic Facilities Plan, and

(2) Are in addition to the anticipated Capital Facilities contributions associated with the Mixed-Use Office Center.

⇨ See Section 4-2706 for a description of Parks and Open Spaces.

4-2409 Roadway Standards.

(A) **Purpose**. This subsection establishes trip generation estimates for traffic impact analyses for PD-CM developments in order to –

(1) Reflect trip reductions that result from mixed uses and access to alternative travel modes, and

(2) Offset the additional development costs that result from implementing the high quality design standards required for Alternative Methods in the PD-CM zoning district.

(B) **Applicability.** This section applies to any Alternative Method located within a PD-CM zoning district. It does not apply to any development other than an Alternative Method, or an Alternative Method established without rezoning to the PD-CM district.

(C) **Trip Generation.** Applicants may reduce trip generation by the following factors:

	Factor	Description	% Trips Reduced
1	**Land Use Mix**	15-19% Residential (based on square footage)	5%
2		20-25% Residential (based on square footage)	7.5%
3	**Unmet Housing Needs Dwelling Units**	For projects subject to Row 2 above, at least 12% of all dwelling units address unmet housing needs	15%
4	**Transit Access**	At least 25% of the development includes Office or Residential uses ¼ mile of existing or planned transit (bus stops or rail stations).	25%
5	**Combination of Transit & Housing**	Rows 3 and 4 apply	35%

4-2410 Unmet Housing Needs.

(A) **Purpose**. This section implements the Housing policies of the Route 28 Corridor Plan.

(B) **Applicability**. This section applies only to the Alternative Method of development.

(C) **Definitions**. The following definitions apply to this section:

(1) **Unmet Housing Needs Unit**. A dwelling unit that is affordable for purchase or rent at one of the Unmet Housing Needs categories listed below, based on the area median income for the Washington Primary Metropolitan Statistical Area (PMSA).

(2) **Income Tiers**. The income category of Unmet Housing Needs Units, as set out below:

Income Tier	% of Total Units	% of Total Units *(Rental Only Projects)*
0 up to 30%	2	2
Above 30% up to 60%	5	10
Above 60 up to 80%	3 (For Sale Only)	-
Above 80 -100%	2 (For Sale Only)	-

(D) **Required Unmet Housing Needs Units**.

(1) All proposals for an Office Center Alternative Method shall provide at least 12% of the proposal's total dwelling units on-site to address unmet housing needs. If the percentage calculation results in a fraction, the figure shall be rounded up to the next whole number. The income categories shall be distributed in accordance with the definition of Income Tiers, above.

(2) The Board of Supervisors may adjust the percentages within the income categories at the time of rezoning when a higher proportion of units in the lowest income tier and/or a higher portion of accessible units are provided. A covenant securing affordability, in accordance with County housing policies shall be attached to each unit that addresses unmet housing needs.

Section 4-2500 Route 28 CB (Corridor Business).

4-2501 Purpose.

The Route 28 Corridor Business district provides for low to mid-density Office and Flex Uses, with limited retail or service uses that support the office and flex uses.

4-2502 [RESERVED]

4-2503 Uses.

(A) See Section 4-2800 (Use Table).

(B) This section permits the Campus Alternative Method of development (See Section 4-2710).

(C) Flex and Data Center Uses

(1) In a Campus Alternative Method, up to 100% of the Office/Research and Development allocation may be devoted to flex and data center uses.

(2) At least 20% of the gross floor area of a Flex Building (except for a data center) in the CB District shall include office/research and development.

4-2504 Dimensional Standards.

(A) The dimensional standards below are divided into those that apply to Standard Method and those that apply to Alternative Methods.

	Standard Method	Alternative Method
Lot Requirements		
Size	One (1) acre minimum, excluding major floodplains.	No minimum
Yards		
Adjacent to Roads	• Buildings, Outdoor Storage, Refuse Collection, Loading area: 35 feet *(minimum)* • Parking: 25 feet *(minimum)*	See section 4-2710
Adjacent to Agricultural & Residential[1]	• Buildings, Outdoor Storage, Refuse Collection, Loading area: 50 feet *(minimum)* • Parking: 35 feet *(minimum)*	See section 4-2710
Adjacent to Non-Other Residential Districts	• Buildings, Parking, Outdoor Storage, Refuse Collection, Loading area: 15 feet *(minimum)*	See section 4-2710
Between buildings	• On adjacent lots: 30 feet *(minimum)* • Interior to the lot: 25 feet *(minimum)*	Not applicable
Building Requirements		
Building Height	• 60 feet *(maximum)*, or • 100 feet *(maximum)* if set back from streets or lot lines that do not constitute boundaries of districts with lower maximum height restrictions, a distance of at least 1 foot for each 1 foot of height that it exceeds the 60 foot limit.	**Average Minimum Height –** All buildings within the proposed development shall have an average height of at least 2 stories. Buildings that are adjacent to a **Major Street Zone** shall have an average height of at least 4 stories *(see section 4-2710)*. [2] **Maximum Height** is limited by the applicable FAR (see below)
Floor Area Ratio	0.6 maximum	Minimum 0.4 to maximum 0.6 subject to Section 4-2505. The minimum FAR does not apply to Flex Development. Increases in FAR up to 1.0 are permitted by applying the Incentive Elements in Section 4-2703.
Lot Coverage		
Lot Coverage ***(for the lot or development site)***	0.6 maximum	In the Street and Interior Zones (see Section 4-2710): Maximum 0.8, up to 1.0 by applying the Incentive Elements (see Section 4-2703). Lot coverage requirements do not apply to the Corridor Zone. *If an Incentive Element is used, lot coverage is calculated by treating the entire development site as the "lot."*

[1] Includes Agricultural and Residential Districts, and land bays allowing residential uses.

(2) "Major Roadways" include George Washington Boulevard, Russell Branch Parkway, Waxpool/Church Road (Route 625), Loudoun County Parkway, Moran Road, Sterling Boulevard, Route 7, and Route 606 east of Route 28. For purposes of this subsection, "adjacent" means abutting or within 75 feet of the street right-of-way.

4-2505 Site Standards.

(A) The outdoor storage of materials and equipment is prohibited in the CB district.

4-2506 Public & Civic Uses / Parks & Open Spaces.

(A) Public and Civic Uses are not required. However, if Public and Civic Uses are provided, their percent floor area relative to the total development floor area shall be credited toward the percent required for Parks and Open Spaces in subsection (B), below.

- See Section 4-2706 for a description of Public and Civic Uses.

(B) Parks and Open Spaces, in combination with Public and Civic Uses, shall occupy at least 15% of the **land area** of a development site.

(C) The Zoning Administrator may waive up to one-third of the required Parks and Open Spaces and Public and Civic Uses during the site plan review process, if contributions in the form of cash-in-lieu are provided toward those uses off-site and within the Route 28 Corridor. This subsection applies only if the County adopts a Public/Civic Facilities Plan that includes Public and Civic Uses and Parks and Open Spaces. This subsection applies only if the County adopts a Public/Civic Facilities Plan that includes Parks and Open Spaces and Public and Civic Uses.

⇨ *See Section 4-2706 for a description of Public & Civic Uses / Parks & Open Spaces*.

Section 4-2600 Route 28 CI (Corridor Industrial).

4-2601 Purpose.

The Route 28 Corridor Industrial district provides for industrial, warehousing, distribution, and manufacturing activities that take advantage of access to Washington Dulles International Airport.

4-2602 [RESERVED]

4-2603 Uses.

(A) See Section 4-2800 (Use Table).

(B) A Flex use is considered an Alternative Method of development in the CI district if it conforms to the requirements for a Campus (see Section 4-2710), except as follows:

(1) The entire development may consist of Industrial, Manufacturing and Flex uses. Up to 10% of floor area may consist of supportive Retail and Service Uses.

(2) The building orientation, minimum setback, massing/façade, and open space network standards apply. The minimum height, maximum street setback, minimum frontage buildout, frontage type and building materials standards do not apply (see Section 4-2710).

4-2604 Dimensional Standards.

The dimensional standards below are divided into those that apply to the Standard Method and those that apply to the Alternative Method.

	Standard Method	Alternative Method
Lot Requirements		
Size	One (1) acre minimum, excluding major floodplains.	No minimum
Yards		
Adjacent to Roads	• Buildings, Outdoor Storage, Refuse Collection, Loading area: 35 feet *(minimum)* • Parking: 25 feet *(minimum)*	See section 4-2603
Adjacent to Agricultural & Residential[(1)]	• Buildings, Outdoor Storage, Refuse Collection, Loading area: 75 feet *(minimum)* • Parking: 35 feet *(minimum)*	See section 4-2603
Adjacent to Other Non-Residential Districts	• Buildings, Parking, Outdoor Storage, Refuse Collection, Loading area: 15 feet *(minimum)*	See section 4-2603
Between buildings	• On adjacent lots: 30 feet *(minimum)* • Interior to the lot: 25 feet *(minimum)*	Not applicable
Building Requirements		
Building Height *(subject to FAA standards)*	• 60 *(maximum)* feet, or • 100 feet *(maximum)* if set back from streets or lot lines that do not constitute boundaries of districts with lower maximum height restrictions, a distance of at least 1 foot for each 1 foot of height that it exceeds the 45 foot limit.	**Maximum Height** is limited by the applicable FAR (see below), and may be subject to FAR standards. **Minimum** height standards do not apply.
Floor Area Ratio	0.4 maximum	0.6 maximum
Lot Coverage		
Lot Coverage ***(for the lot or development site)***	0.6 maximum	In the Street and Interior Zones (see Section 4-2710): Maximum 0.8, up to 1.0 by applying the Incentive Elements (see Section 4-2703). Lot coverage requirements do not apply to the Corridor Zone. *If an Incentive Element is used, lot coverage is calculated by treating the entire development site as the "lot."*

(1) Includes Agricultural and Residential Districts, and land bays allowing residential uses.

4-2605 Open Space.

(A) Open Spaces shall occupy at least **10%** of a proposed development's land area.

(B) Up to 50% of required Open Space is waived if contributions in the form of cash-in-lieu are provided toward those uses off-site and within the Route 28 Corridor. This subsection applies only if the County adopts a Public/Civic Facilities Plan that includes Open Spaces.

⇨ See Section 4-2706 for a description of Open Spaces.

Section 4-2700 Development Standards for Route 28 Corridor Districts.

4-2701 Applicability.

(A) These development standards apply to any property that elects to proceed under a Route 28 Corridor Planned Development or Optional Overlay district. *(See Sections 4-2201(D) and 4-2201(E) for applicability and Section 4-2900 for "election to waive" procedures.)*

(B) If an application is filed under this Division D: Route 28 Corridor:

(1) Unless otherwise provided in this Division D, the use, building setback, height, parking, landscaping, and other standards of this Ordinance apply to any Standard or Alternative Method of development (including, without limitation, Section 5-900), and

(2) After an election is filed (see Section 4-2902), the property owner is subject to all requirements of the Revised 1993 Zoning Ordinance that are not otherwise regulated by this Division D.

(C) An applicant may pursue a modification(s) for a CO, CB, CI, or PD-CM district, other than the required mix of uses, in accordance with Section 6-1217(A) of the zoning ordinance. In addition to the criteria for a modification established in Section 6-1217(A), these additional criteria shall apply:

(1) The parcel is too small to completely implement the standard, and

(2) The property owner provides an alternative standard that, to the extent possible, meets the intent of the design standards, and

(3) The property owner demonstrates that the project as modified is compatible and integrated with adjacent developments.

4-2702 General Standards.

(A) **Applicability.** This sub-section applies to:

(1) Any rezoning to a PD-CM District, and

(2) Any Standard or Alternative Method of development.

(3) Any other development within a Route 28 Corridor district that requires subdivision plat, site plan, or special exception approval.

(B) **Outdoor Storage / Refuse Collection / Loading Area**.

(1) Areas used for outdoor storage, refuse collection, and loading area shall be:

(a) Screened by a building wall, or

(b) Screened by a wall consisting of brick, masonry, or primary materials that are compatible with those used by the principal buildings on the site.

(C) **Transportation and Pedestrian Amenities**

(1) All development proposals shall conform to a generally rectilinear grid system of streets.

(2) Development proposals shall include access points to the adjacent properties that allow for a continuation of the existing street network.

(D) **Utility Lines**. All new utility distribution lines shall be placed underground.

(E) **Landscaping (Alternative Method Only)**.

For purposes of this subsection, "landscaping" refers to the buffer and screening requirements of Section 5-1400. For any Alternative Method of development, individual lots that are developed in accordance with a Site Plan or Concept Development Plan –

(1) are **not** subject to landscaping (except for the requirements of Sections 5-1403(A)-(D), 5-1404, 5-1406(E)(2), 5-1410 through 5-1413) –

(a) between uses on adjacent lots developed within the Corridor, Street or Interior zones uses, or

(b) within the zoning district and differently zoned properties that are located within the Route 28 Corridor Plan area.

(2) **are** subject to landscaping if they are adjacent to a residentially zoned, residentially developed, or residentially planned portion of a planned development zoning district.

4-2703 Incentive Elements.

(A) **Generally.** The Alternative Method of development for each Planned Development and Optional Overlay zoning district in this Division allows an increase in FAR, lot coverage, and other elements by applying Incentive Elements. This section establishes a schedule of Incentive Elements that describes the incentive conditions and the FAR, lot coverage and bonuses associated with each element.

(B) **Incentive Elements**. An application for zoning amendment, site plan or special exception approval is eligible for increased FAR or other incentives by applying the following Incentive Elements. For each Incentive Element, a property owner may select only one incentive from Columns 2 and 3.

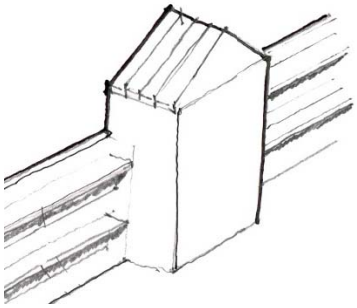
1 **Incentive**	2 **FAR Bonus**	3 **Lot Coverage Bonus**	4 **Other Incentive**
Filing an election to waive the existing 1972, 1993 or Revised 1993 Zoning Ordinance (see Section 4-2902):			
From an existing 1972, 1993 or Revised 1993 PD-OP, PD-IP, PD-RDP zoning district.	0.15	0.1	
From any other existing 1972, 1993, or Revised 1993 zoning district except PD-TC or PD-MUB.	0.1	0.1	
Transfer of Existing Industrial Property			
Terminating an existing industrial use in a CO, PD-CM, or CB district. "Terminating" means approving a discretionary approval or site plan for an Alternative Method development demonstrating demolition or redevelopment of the existing industrial use with the uses permitted in the Alternative Method Development.	0.2	0.15	
Lot Assembly (requires a minimum of 5 acres)			
Properties that combine their applications as a single plan	0.1	0.05	An additional incentive equal to 25% of the initial coverage and 50% of the initial FAR bonus applies to each additional 5 acres combined into a single plan or ownership.
Properties are combined into a single ownership for purpose of development or subdivision.	0.5	0.1	
Sustainability (see Section 4-2709)			
Percent of treated runoff captured as described in Section 4-2709(C):			
35% runoff retained onsite	0.2	0.12	
28% runoff retained onsite	0.15	0.1	
20% runoff retained onsite	0.1	0.08	
Structured Parking			
For every 100 spaces placed in structured above-grade parking.	0.1	0.05	5% reduction in required parking spaces in addition to any reduction in Section 4-2707(A).
For every 100 spaces placed in below-grade parking.	0.2	0.1	10% reduction in required parking spaces in addition to any reduction in Section 4-2707(A).
Unmet Housing Needs ***(Office Center Alternative Method only, see Section 4-2410)***			
At least 15% of the application's total residential units address unmet housing needs	0.1	--	--
The application provides more very-low income housing units (0 up to 30% of PMSA) than are otherwise required by Section 4-2410	0.1	--	--

4-2704 Frontage Types.

The following frontage types apply to the Alternative Methods described in Sections 4-2300, 4-2400, 4-2500, and 4-2710. In order to count as a required frontage, the frontage shall include a principal public access entry for the building.

Projected Entry: An entry that:

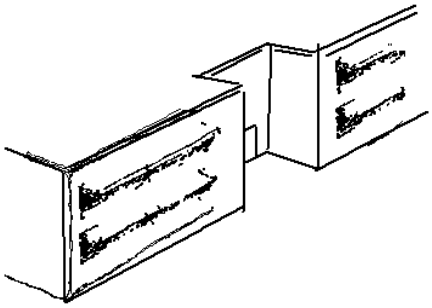
- extends exterior from the front wall plane,
- has a width that is evident as a building entrance.



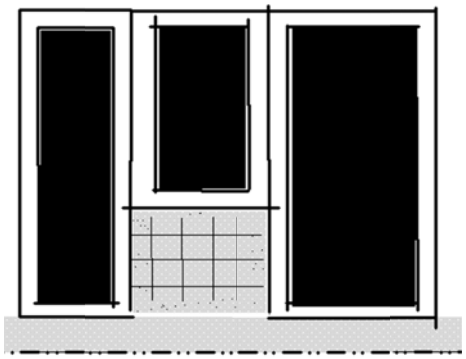
Recessed Entry: An entry that:

- Recesses into the front of the building plane, and
- extends vertically at least 15 feet or to the top of the front elevation, and
- has a continuous width of at least 12 feet at all points along the required vertical dimension.

  An Recessed Entry shall be integrated with the building's roof plane.



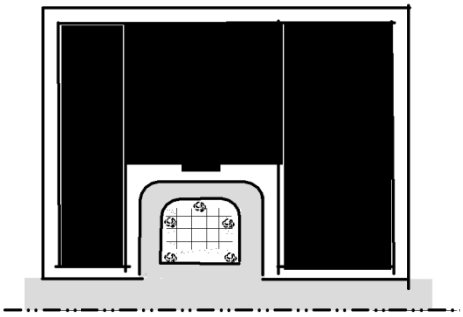
Courtyard: A pedestrian promenade, whether covered by a roof or not, within or between any structure or buildings upon which the Principal Entry is located. A "Courtyard" does not include a parking area. The Principal Entry of the buildings that surround the courtyard shall open directly on the courtyard space or a sidewalk or pedestrian pathway that directly abuts the courtyard space. The courtyard may be located at, above or below grade level. However, an above or below grade courtyard shall be accessible by steps and/or sloped surfaces or ramps, and not require vertical lifts to meet accessibility needs. The access points shall lead directly to building entrances. The courtyard shall be bounded on at least three sides by the walls of a building, and may not be completely enclosed by building walls.



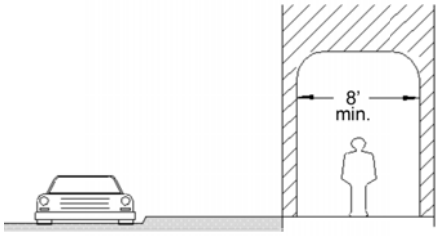
Plan view

A courtyard located on the corner of two streets or internal drives will have two (2) sides.

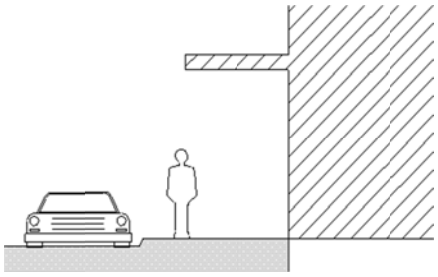
Forecourt: the facade is aligned close to the frontage line, with a central portion set back. Landscaped courts and driveways are permitted within the setback. A fence or wall at the property line may be used to define the private space of the court. The court may also be raised from the sidewalk, creating a small retaining wall at the property line with entry steps and/or sloped surfaces or ramps, and not require vertical lifts to meet accessibility needs..



Arcade. An arcade is a covered porch supported by evenly spaced columns or similar vertical elements, and that is attached to the front building façade. The upper portion of the Arcade may include either the floor of an upper floor that projects from the façade, or a colonnade that supports a roof. Arcades shall align with the grade of the adjoining public sidewalk and may encroach on the sidewalk space. Arcades may include a balcony that overlaps the sidewalk. Arcades shall have at least eight feet clearance in all directions.

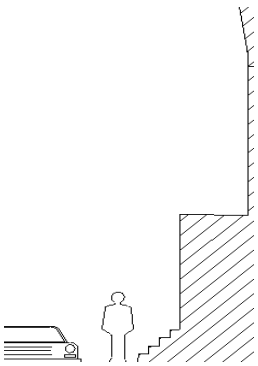


Shop front: the front facade has an entrance at sidewalk grade next to windows that allow pedestrians to view the interior space. A cantilevered awning or shed roof may cover the shopfront over the sidewalk.



Stoop: the facade is placed close to the frontage line with the ground story elevated at least 18 inches from the sidewalk. A porch may cover the stoop.

This type is suitable for ground floor residential uses at short setbacks by creating privacy for the windows.

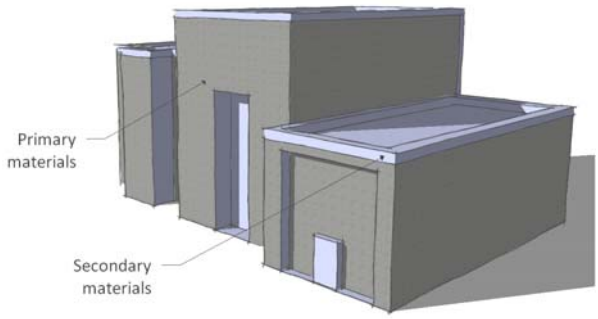


4-2705 Building Materials.

(A) **Purpose and Intent.** This ensures that building exteriors for Alternative Methods are durable and compatible with the character of development along the corridor. These standards are designed to promote these objectives in a reasonable and flexible way that avoids unreasonable cost burdens and unnecessary regulatory detail.

(B) **Applicability.** This section applies to any development that incorporates an Alternative Method described in Sections 4-2300, 4-2400, and 4-2500.

(C) **Permitted Building Materials and Configurations**. Building materials are divided into **Primary** and **Secondary** materials. Building exteriors facing and visible from Route 28 or a street shall be composed predominantly of primary materials, with any secondary materials limited to accents or subordinate elements of the façade. Additional materials not listed below are permitted if the Zoning Administrator determines that they are similar in appearance and quality to the listed materials.

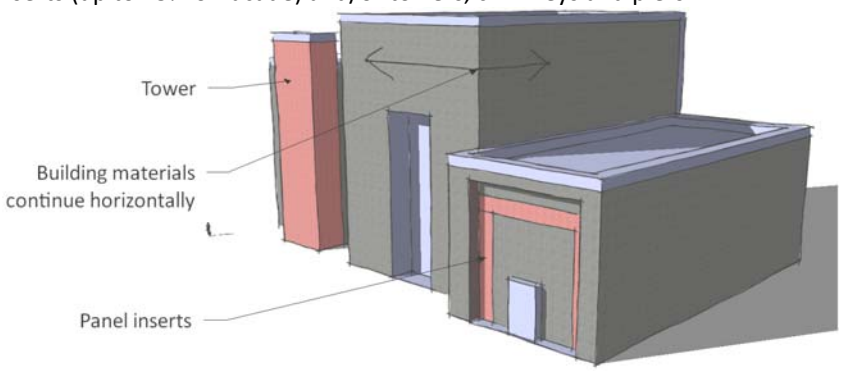


(1) Permitted primary and secondary materials are as follows:

Primary Materials	Secondary Materials
• Brick – solid or modular • Concrete masonry units – split faced, or burnished • Precast concrete[1] • Concrete tilt-wall[1] • Glass – clear • Glass – architectural panels • Metal panels • Native stone (or synthetic equivalent) • Tile masonry / terra cotta • Stucco / EIFS (reinforced)	• Brick - panel/veneer, imprint or overlay systems • Cement fiber board / cementitious siding • Concrete masonry units (flush/plain, split faced or burnished) • Gypsum Reinforced Fiber Concrete • Metal panels • Pre-cast concrete (for trim and cornice elements only) • Cast stone • Wood or cementitious siding • Composite Wood Trim • Fiber reinforced plastic

[1] Permitted only on walls that meet the articulation standards of the applicable Alternative Method development.

(2) Wall materials shall be consistent horizontally (i.e. joints between different materials shall be horizontal and continue around corners) except for panel inserts (up to 15% of facade) and/or towers, chimneys and piers.



(D) A building material not listed above is permitted if it is similar to the other materials in the same category with regard to:

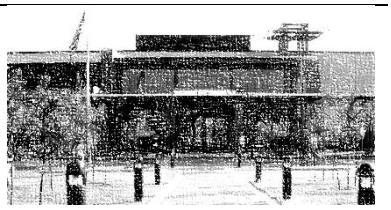
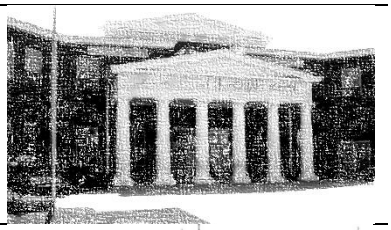
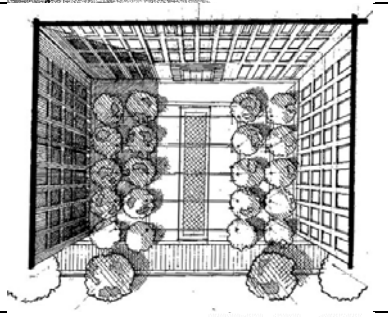
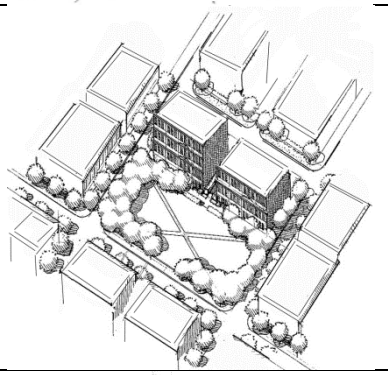
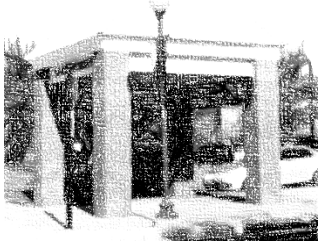
(1) Durability and quality, and

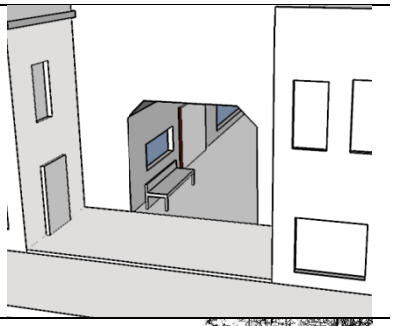
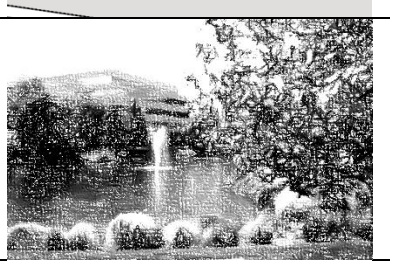
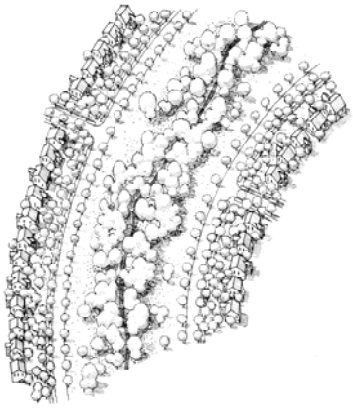
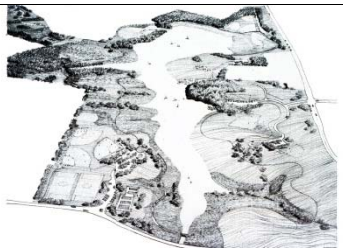
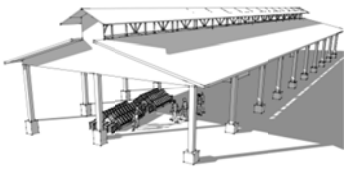
(2) Appearance, and

(3) Compatibility with the architectural style of neighboring buildings.

4-2706 Public & Civic Uses / Parks & Open Spaces.

(A) **Typologies.** The following types of Public and Civic Uses / Parks and Open Spaces apply to the Standard and Alternative Methods in the CO, PD-CM, CI and CB districts. The table indicates the ratio at which these spaces are counted for compliance with the requirements for the minimum area or ratio of Public and Civic Uses / Parks and Open Spaces that shall be provided.

Type	Ratio	Category	Description	
Civic	1.0	Civic	A single-use or shared building operated by a nonprofit group or organization that is dedicated to social, recreational, religious, educational, or charitable services. A single-use building or shared building operated for-profit for public assembly may be considered a civic use if the Zoning Administrator determines that the use is compatible with the purpose of the zoning district.	
Public	1.0	Public	Any building or structure, accessible to the general public, and held, used or controlled exclusively for public purposes by any department or branch of the federal, state, or Loudoun County government, such as post offices, motor vehicle departments, general government support offices, libraries, community centers, recreation centers, sheriff substations, fire and rescue stations, or similar facilities.	
Plaza	1.0	Parks	An open area with seating that is adjacent to, or part of, a building. A Plaza may be combined with the Courtyard frontage type. Plazas function as gathering places and may incorporate a variety of non-permanent activities such as vendors and display stands. A plaza requires a minimum depth and width of 10 feet and a minimum total area of 300 square feet.	
Square	1.0	Parks	Areas that are improved with a combination of lawn, landscaping and seating areas, and that are accessible to the public or the project's tenants or customers. A Square shall be: • bounded by streets on at least one side and pedestrian walkways on at least 2 sides, or • not bounded by streets, but accessible to the public, or • located on a rooftop. A Square requires a minimum depth and width of 30 feet and a minimum total area of 1,000 square feet.	
Transport	1.0 or 1.2 *for PD-CM*	Public	On-site transportation amenities, including bus or shuttle stops and customer pick-up/drop-off stations.	

Type	Ratio	Category	Description	
Pathways	1.0	Parks	Protected customer walkways or easily identifiable building pass-throughs that contain window displays and are intended for general public access. A Pathway shall have a minimum vertical clearance of 9 feet and horizontal clearance of 12 feet for pedestrian access. A pathway is not to be construed as a sidewalk that is parallel to an abutting street.	
Water feature	0.7	Open Space	A lake, pond, or fountain that is easily accessed by pedestrians and includes or integrates seating areas for pedestrians. A stormwater management facility may count as a water feature if it meets these standards, and is designed with a permanent pool.	
Greenways	1.0	Open Space	Natural areas (including areas protected by state or federal law) such as woodlands, floodplains, or protected tree canopy that connect buildings or gathering spaces with trail systems, or that buffer the site from streets or neighboring areas. A Greenway shall have a minimum average width of 30 feet and length of 100 feet.	
Natural Areas	0.5 for required, 1.0 for bonus	Open Space	Areas established for the protection of natural attributes of local, regional, and statewide significance, which may be used in a sustainable manner for scientific research, education, aesthetic enjoyment, and appropriate use not detrimental to the primary purpose. These areas are resource rather than user-based, but may provide some passive recreational activities such as hiking, nature study, and picnicking. Natural Areas may include the Floodplain Overlay District, Scenic Creek Valley Buffer, and Steep Slope Standards. In order to receive a credit, the application shall divide the area into Required and Bonus space. Required space includes areas that are protected by County, state or federal law, such as floodplains. Other Natural Areas such as jurisdictional waters and wetlands and riparian buffers are considered bonus space.	
Heritage Resource Spaces	1.0	Civic	Areas that are established and actively managed in a way that reflects the County's culture and heritage. These include areas that are preserved and managed as Farm Markets, Commercial Wineries, Farm Based Tourism, or Agricultural Cultural Centers in compliance with the standards established for those uses in Article 5. This type is allowed only in CO, PD-CM and CB Districts.	

(B) **Cash in Lieu of Parks & Open Spaces / Public & Civic Uses.**

(1) Where this Division allows the property owner to contribute cash in lieu of providing Parks and Open Spaces / Public and Civic Uses and the property owner elects this option, the value of the contribution shall equal:

(a) the fair market value of the land subject to the contribution; and

(b) the proportionate cost of improvements, construction or equipment subject to the contribution.

(2) The land and construction or equipment costs waived pursuant to subsection (B)(1) above shall be determined as provided in subsections (3) through (4), below.

(3) Fair Market Value of Land.

(a) The cash-in-lieu shall be based on the fair market value of the property as a whole, proportionate to the amount of the contribution, as determined by a certified property appraiser hired and paid for by the property owner.

(b) If the County rejects the property owner's appraisal, the County may hire and pay for a second appraiser to appraise the property.

(c) If either party rejects the second appraisal, a third appraisal may be performed by an appraiser chosen by the first and second appraisers, the costs of which are to be shared equally by the County and the property owner. The third appraisal is binding on both parties.

(d) All appraisals shall be consistent with generally-accepted appraisal techniques, reflect the value of comparable properties within the Route 28 corridor, and be based on the value of the property as of the date of the application review.

(4) Improvements, Construction, and Equipment.

(a) The cash-in-lieu contribution for improvements, construction, and equipment, other than land, shall reflect the proportionate costs incurred by the property owner to provide the remaining on-site required Parks and Open Spaces / Public and Civic Uses improvements.

(b) The contribution amount shall be verified through receipts, bids, and other evidence of actual costs incurred or to be incurred by the property owner to meet the remaining requirements for providing Parks and Open Spaces / Public and Civic Uses.

4-2707 Parking Requirements.

(A) For an Alternative Method of development, the number of parking spaces required by Section 5-1102 is reduced by the following percentage:

Alternative Method	Parking Reduction
Office Cluster	25%
Office Center	35%
Campus	10%

(B) The parking reductions provided above are in addition to any reductions provided by Section 5-1102(F) or Section 4-2703.

(C) A parking space located on a street may be included in the calculation of parking requirements if it is adjacent to the building site where the use is located.

4-2708 Site Standards.

(A) **Applicability**. This section applies to the Alternative Method of development in the CO, PD-CM and CB districts.

(B) **Blocks**.

(1) This subsection (B) applies to:

(a) Business Campus and Custom Campus Alternative Method development sites that are larger than 30 acres. This subsection does not apply to a Secure Office Campus.

(b) Office Cluster and Office Center development sites.

(2) The development site shall be divided into blocks.

(3) Block length within the development area shall not exceed –

(a) 600 feet for an Office Cluster,

(b) 800 feet for a Business or Custom Campus, and

(c) 400 feet for an Office Center.

(C) **Streets.**

(1) Streets interior to an Alternative Method development may be public or private, consistent with the Facilities Standards Manual.

(2) Streets shall be arranged in a generally rectilinear grid.

(3) Streets shall align with existing or planned streets on adjacent sites.

Grid Street Pattern

(D) **Parking Arrangement**. Parking spaces and parking structures shall be located internal to a block, or in the areas outside of the Frontage Buildout and separated from a road by landscaping and screening as provided in Section 5-1413.

(E) **Street Trees.**

(1) Canopy trees shall be planted at the following density along all areas dedicated for use for vehicular access in the Office Center, Office Cluster, Business or Custom Campus at a rate of one tree per 30 linear feet.

(2) Canopy trees shall have a minimum caliper of 2 (two) inch and a height at maturity of 15 (fifteen) feet or more. As part of a site plan approval, the Zoning Administrator (on the advice of the County Urban Forester/Arborist) may approve substitute plantings or substitute locations if street trees will not survive in a given location.

4-2709 Sustainability Incentives.

(A) **Applicability.** Property owners applying for the Alternative Method of Development may qualify for the sustainability incentive using the method below.

(B) **Stormwater management**. A property owner may achieve an intensity bonus for stormwater management treatment that captures and retains on-site, through infiltration, re-use, and/or other best management practices, at least 20% of site runoff volume, based on the first inch of runoff (see Section 4-2703). The property owner shall provide plans, with supporting documentation as necessary, that demonstrate how the performance targets established are met with the site plan or concept development plan approval. The plans should identify practices to be employed, such as permeable pavements, stormwater harvesting for non-potable uses, and green roofs, and be otherwise consistent with low-impact development practices consistent with Chapter 5 of the Facilities Standards Manual.

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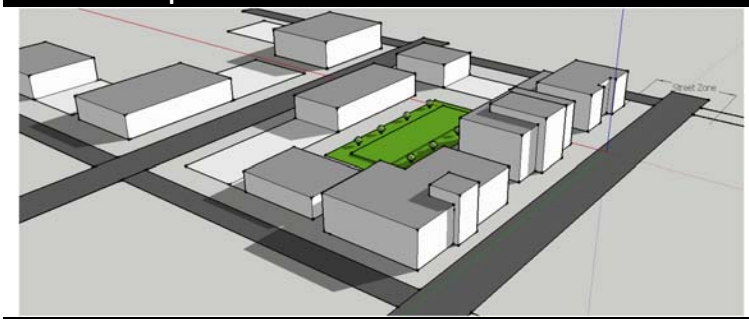
4-2710 Campus Alternative Method.

Description:

A Campus is an office-oriented development that includes a mix of uses in a park-like setting. This section establishes three types of Alternative Method Campus Developments: **Business Campus**, **Custom Campus**, and **Secure Office Campus**.

Campus type – *(the predominant use in each campus type is office and/or research-and-development)*	**Mix of Uses:** *Minimum Square Feet Required*	*Maximum Square Feet Permitted*

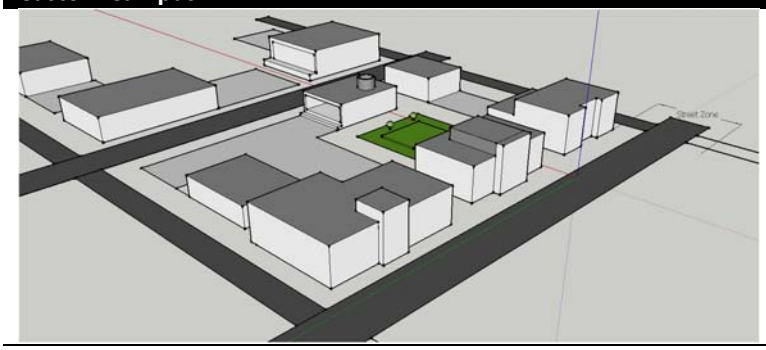
Business Campus -



An office-oriented planned development that combines office / research-and-development / flex buildings and supportive retail and service uses. This campus type does **not include manufacturing and production** uses.

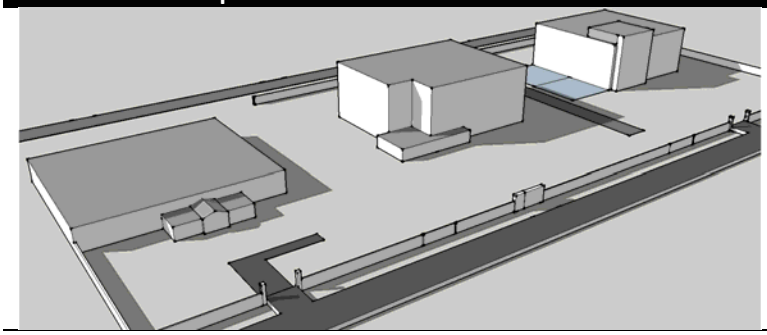
Office / Research & Development	75%	100%
Flex / Data Centers	0%	10%
Retail & Services*	0%	10%

Custom Campus -



An office-oriented planned development -that combines office, research-and-development, and **manufacturing and production** uses.

Office / Research & Development	60%	100%
Manufacturing and Production	0%	10%
Retail & Services*	0%	10%

	Definition and Mix of Uses:	
	Minimum Square Feet Required	***Maximum Square Feet Permitted***
Secure Office Campus -		
	An office-oriented planned development that includes design standards that accommodate security elements, such as greater building setbacks, secured perimeters, and controlled site access. To use this option, the applicant must demonstrate that a secured perimeter and standoff distances are required for the applicant's prospective tenants by state or federal law or regulations.	
Office / Research & Development	60%	100%
Retail & Services*	0%	10%
Generally (applicable to all campus types)		
Flex / Data Centers	• Up to **10%** of **all floor area** in **CO** • Up to **100%** of the **Office/Research & Development** allocation in **CB** • Flex uses are not permitted within a Major Street Zone. This restriction does not apply to Data Centers.	
Public & Civic Uses / Parks & Open Spaces	• Refer to the applicable Optional Overlay district standards (Sections 4-2308 or 4-2506)	

* Retail and services do not include showrooms that are accessory to flex buildings and located entirely within the flex building.

A Campus is divided into 2 or 3 subareas:

1. The **Street Zone** includes all areas located within 50 feet of the right-of-way of a public street other than Route 28. A Street Zone adjacent to the following roadways is considered a "**Major Street Zone":** George Washington Boulevard, Russell Branch Parkway, Waxpool/Church Road (Route 625), Loudoun County Parkway, Moran Road, Sterling Boulevard, Route 7, and Route 606 east of Route 28. The Street Zone does **not apply to a Secure Office Campus**.

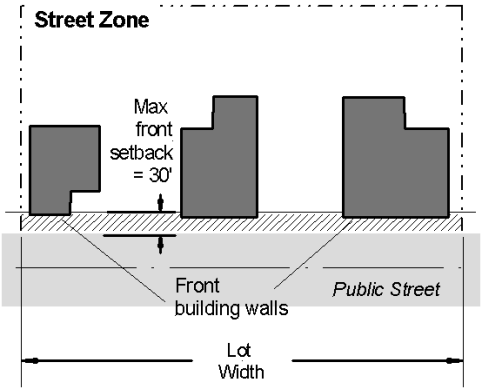
2. The **Interior Zone**, includes all areas outside of the Street Zone other than the Corridor Zone, if applicable.

3. If the Campus is adjacent to the Route 28 right of way, a **Corridor Zone** applies, and is located within 100 feet of the planned right-of-way of Route 28.

[Lot & Building Placement Standards begin on next page]

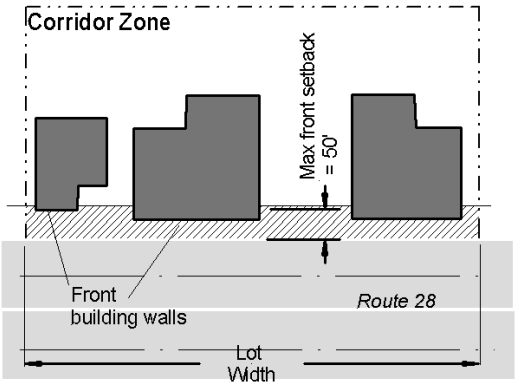
Lot & Building Placement Standards:

1. **Street Setback**. In the **Street Zone** - 0 feet (minimum) and 30 feet (maximum). No front setback applies to the **Interior Zone**. In the **Corridor Zone**, the setback is 50 feet (maximum) from the planned right-of-way of Route 28. These setbacks supersede Section 5-900 but are subject to any landscaping required by any buffer required by section 5-1400.

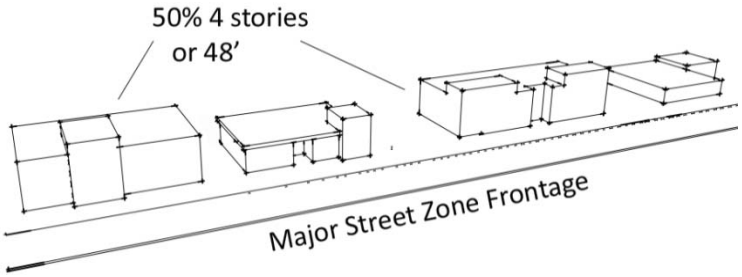


2. **Frontage Buildout (**minimum). In the **Street Zone**, **Front** building walls shall occupy at least **50%** of the lot width at the maximum **Street** Setback lines. In the **Corridor Zone**, building walls shall occupy at least **60%** of the lot width at the maximum Corridor Setback lines.

3. **Rear and Side Setbacks** are not required**.**



Building Standards:



1. **Height.** At least 50% of a **Major Street Zone** frontage setback shall be occupied by buildings that are at least 4 stories or 48 feet in height. If a Corridor Zone is present, the frontage buildout, corridor setback and height standards for the Corridor Zone in Section 4-2305 apply.

2. **Orientation**. In the **Street Zone,** front building walls shall face streets or adjacent Civic Uses (see classification system in Section 4-2706).

3. **Frontage Types**. Buildings within the Frontage Buildout of the **Street Zone** shall use the Frontage Types listed in Section 4-2704. Frontage Types are not required in the **Corridor Zone**.

4. **Massing / Façade**. In the **Street Zone**, building planes above the fifth story or 60 feet above average finished grade shall be separated by at least 60 feet.

5. **Open Space Network.** Buildings, parking areas and exterior spaces shall be connected by a continuous open space network. The open space network shall include interior paths that link buildings with pedestrian walkways, bikeways, plazas, and trails. The open space network is counted toward the required parks and open space area (section 4-2308(B)).

6. **Materials.** Building walls that face a Road or Street shall comply with Section 4-2705.

Section 4-2800 Use Table and Supplemental Regulations.

4-2801 Use Table.

The Use Table for the Route 28 Corridor Districts establishes the following categories of uses:

Notation	Category	Description
P	**By right**	Permitted if they meet the standards established in the zoning district.
S	**Special Exception**	Requires special exception approval by the Board of Supervisors (refer to Section 6-1300).
A	**Alternative Development**	Uses that are permitted only as part of an Alternative Development.
B	**"B" Streets**	Uses that are permitted only on "B" streets as designated in a concept development plan for a PD-CM rezoning.

4-2802 Land Use Allocations.

(A) The categories in the Use Table (Section 4-2801) are used to compute land use allocations.

(B) For purposes of computing land use allocations for an Alternative Method, any building square footage associated with a use listed under the Parks and Open Spaces or Utilities and Transportation is excluded.

(C) If a use is not defined in this Division or in Article 8, the Zoning Administrator shall refer to the most recent edition of Webster's Unabridged Dictionary. If a use is not defined in Webster's Unabridged Dictionary, the Zoning Administrator shall refer to the *North American Industry Classification Manual* (Executive Office of the President, Office of Management and Budget, 2012)("NAICS"). If the use is not defined in the NAICS, the Zoning Administrator shall refer to the American Planning Association, *Land-Based Classification Standards LBCS Tables* (April 1, 2001).

Table 1 Use Table

Uses	Rt 28 CO	Rt 28 PD-CM	Rt 28 CB	Rt 28 CI
Office				
Office, administrative, business, professional	P	P	P	S
Conference and training center	P	P	P	S
Medical care facility, outpatient only	P	P	P	
Office (medical, dental, and optical)	P	P	P	
Training Facility	P	P	P	P
Research & Development				
Research, experimental testing, or development activities	P	P	P	P
Medical laboratories	P	P	P	P
Flex & Data Centers				
Data centers	S		P	P
Flex building that includes manufacturing & production or industrial uses				A
Flex building as part of a Custom Campus	A		A	
Flex building	A		A	A
Retail & Services				
Adult day care center	P	P	P	P
Animal hospital / Veterinary service				S
Art gallery	P	P		
Auction house	P	S	P	P
Automobile service station	S	S/B	S	S
Bank or financial institution (5-659)	P	P	P	S
Business service establishment (5-661)	P	P	P	P
Car wash (stand-alone	S	S/B	S	S
Child care center (5-609(B))	P	P	S	S
Convenience food store	P	P	S	S
Courier and express delivery	P	P	P	
Facility for lessons in dance, gymnastics, judo and sports training	S	S	S	
Farm based tourism	A	A	A	
Farm market (off-site production)	A	A	A	
Firearm range, archery range, indoor			S	S
Health and fitness center	P	P	P	S
Heavy equipment, machinery, and specialty vehicle sales, rental, repair and accessory service				P
Kennel				S
Livestock or farm product auction or wholesale facility				S
Lodging: Hotel/Motel (5-611)	P	S	P	
Lodging: Full Service Hotel	P	P	P	
Motor vehicle rental, with outdoor vehicle storage only				S
Motor vehicle service and repair, light				P
Motor vehicle service and repair, heavy, with accessory motor vehicle sales				P
Motorcycle or ATV sales, rental, repair and associated service				P
Outdoor sales area, accessory				S
Parking lot/valet service, long-term				S
Personal service establishment	P	P	S	S
Pharmacies (Section 5-659)	P	P	P	
Pharmacies or production, fitting or selling optical or prosthetic appliances in medical office or clinic	P	P	P	S
Radio, motion picture, music and television recording studio, video production and distribution, and postproduction services	A	A	A	P
Recreation establishment, indoor	P	P	P	
Restaurant, carry-out only	P	P	S	S
Restaurant, dinner theatre	P	P	P	
Restaurant, excluding drive-through facilities	P	P	S	S
Restaurants including carry-out, with drive-through facilities	S	P/B	S	S
Retail or wholesale sales in showroom of flex use	*See "Flex" category*			
Retail sales establishment (not listed elsewhere)	S	S	S	
Retail sales establishment, restaurant or personal service use on ground floor of vertical mixed-use building	P	P	P	

Table 1 Use Table

Uses	Rt 28 CO	Rt 28 PD-CM	Rt 28 CB	Rt 28 CI
Restaurant, stand-alone building	S	P/B	S	
Theater, indoor		P		
Winery, commercial	A	A	A	
Manufacturing & Production				
Bakery, commercial				P
Light manufacturing incidental to research and development activities which serve as an ancillary and interrelated component of the development	A	A	A	P
Machinery manufacturing, machine shops				P
Manufacture of concrete block, cinderblock, or brick				P
Manufacture of pre-form concrete products				P
Manufacture, processing, fabrication and/or assembly of products (not otherwise listed)	A		A	P
Printing, paper products and printing materials manufacturing (manufacture, processing, fabrication and/or assembly)				P
Publishers, including books, newspapers, and software	A	A	A	P
Sawmill, wood processing facility, stump processing plant				S
Industrial				
Contractor service establishment (5-662)				P
Distribution facility				P
Dry cleaning plant				S
Fruit processing, storage				P
Outdoor storage, accessory up to 10% of lot area of principal use				P
Warehousing				P
Wholesale trade establishment (5-663)				P
Residential				
Dwelling, accessory to a permitted or special exception use (example: resident manager, caretaker)		A		
Dwelling, Attached Multi-Family		A		
Public & Civic				
Agricultural cultural centers	A	A	A	
Amphitheater, outdoor	S	S	S	
Church, synagogue and temple	P	P	P	S
Civic, social, fraternal association meeting place	A	A	A	S
Community Center	A	A	A	S
Commuter parking lot	P	P	P	P
Educational institution	P	P	P	
Fire and/or rescue station, emergency response	S	S	S	S
Hospital (5-610)	S	S	S	
Library	P	P	P	
Museum, cultural center, interactive science, arboretum, zoo, botanical garden, planetarium, aquarium, or technology center	P	P	P	P
Performance arts center	P	P	P	
Police station	S	S	S	S
Postal services	P	P	P	P
Recycling drop off collection center, small (5-607)	P	P	P	P
Recycling drop-off collection center, large (5-607)				S
School, private	S	S	S	S
School, elementary, middle and high	S	S	S	S
School, vocational	S	S	S	S
Winery, commercial	A	A	A	
Parks and Open Spaces				
Agriculture, horticulture, forestry, and fishery (including Virginia farm winery)	P	P	P	P
Park	P	P	P	P
Golf course	S	S	S	S
Golf driving range	S	S	S	S
Utilities & Transportation				
Airport, private or commercial, including support activities such as freight and cargo handling				S
Bus stop	P	P	P	P
Bus or truck maintenance or storage facility				S
Freight trucking, general and specialized				S

Table 1 Use Table

Uses	Rt 28 CO	Rt 28 PD-CM	Rt 28 CB	Rt 28 CI
Heliport, helistop	S	S	S	S
Mass transit facilities and stations	P	P	P	P
Public utility service center				S
Radio, radar and/or television tower	S	S	S	S
Sewage treatment plant				S
Sewer pumping station	P		P	P
Scenic and sightseeing Transportation	A	A	A	P
Telecommunications antenna (5-618(A))	P	P	P	P
Telecommunications monopole (5-618(B)(1))	P	P	P	P
Telecommunications monopole (5-618(B)(2))	S	S	S	S
Telecommunications tower (5-618(C)(2))	S	S	S	S
Telecommunications tower (5-618(C)(1))				P
Ground passenger transportation (including taxi or limousine service, employee transportation, and special needs transportation services)				S
Utility substation, dedicated	P	P	P	P
Utility substation, distribution (5-616)	P	P	P	P
Utility substation, transmission (5-616)	S	S	S	S
Water pumping station	P	P	P	P
Water storage tank	S	S	S	S
Water treatment plant	S	S	S	S

Section 4-2900 Procedures.

4-2901 Generally.

Except as provided below, all development subject to this Division D: Route 28 Corridor shall be processed as provided in Article 6.

4-2902 Election to Waive Route 28 Tax District Law.

(A) Applicants who wish to file a site plan under the Route 28 Corridor Optional Overlay regulations for property located in a commercial or industrial zoning district shall file an election as provided below.

(B) The owner(s) of any commercially or industrially zoned property with an Optional Overlay district within the Route 28 Tax District may elect to waive the protection of the state legislation establishing the Route 28 Transportation Improvement District and Section 1-103(N) of this Ordinance by filing a written notice of such election accompanied by an affidavit in recordable form indicating that all owners (i) have signed the notice of election (ii) are electing to waive the protection of the state legislation establishing the Route 28 Transportation Improvement District and Section 1-103(N) of this Ordinance; and (iii) shall request that any land use approvals for the subject property shall be reviewed and developed pursuant to the Division D Route 28 Corridor Zoning Regulations of the Revised 1993 Zoning Ordinance. The election shall not relieve the owner(s) of any obligations under previously accepted proffers.

(C) Property that is presently subject to the 1972, 1993 and Revised 1993 zoning ordinances that file an election are subject to this Division as indicated below:

Route 28 Corridor Plan Category	Optional Overlay
Core-Office Cluster *(north of Sterling Avenue)*	CO, Subdistrict 1
Core-Office Cluster *(south of Sterling Avenue)*	CO, Subdistrict 2
Business	CB
Industrial	CI

(D) After an election is filed, all land use and land development approvals sought for the subject property shall be reviewed and developed pursuant to the Division D Route 28 Corridor Zoning Regulations of the Revised 1993 Zoning Ordinance, and the property owner may file a Site Plan pursuant to such regulations.

4-2903 Site Plans.

In addition to the requirements established in the Facilities Standards Manual and Section 6-700 for a site plan, a site plan filed under the Route 28 Corridor regulations shall include the following:

(A) Names and route numbers of boundary streets and widths of existing right(s)-of-way. Delineation of existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of pavement and to the edge of the right-of-way.

(B) The location and arrangement of all proposed uses.

(C) The height, in feet, of all buildings and the number of floors both above and below or partially below finished grade

(D) Proposed building footprints and massing details.

(E) The traffic circulation system and the pedestrian and bicycle circulation system, including the location and width of all streets, driveways, entrances to parking areas and parking structures, pedestrian walkways and bicycle paths. This shall include an automobile turning analysis that demonstrates adequacy of access.

(F) Location of bus and rail stops.

(G) Landscaping plan indicating the location and type of all plantings, in accordance with the requirements of the Facilities Standards Manual, and any trees to be conserved.

(H) Location and size of parks, civic, and open space areas, specifying the proposed treatment or improvement of all such areas.

(I) Location and quantity of required number of offstreet parking and loading area provided.

(J) Architectural sketches of typical proposed structures, including lighting fixtures. The sketches shall include sufficient detail to show how buildings shall comply with building entryway, fenestration, modulation, and building material requirements of any Alternative Method.

(K) Total floor area and floor area for each use type and total floor area ratio in each subarea and land bay.

4-2904 Concept Development Plans.

(A) **Applicability.** An application to rezone to a PD-CM Planned Development District shall submit a Concept Development Plan with the application for rezoning.

(B) **Preparation of CDP**. All Concept Development Plans required by this section shall be prepared according to Section 6-1200 of this Ordinance, and in addition shall include and graphically show the following items:

(1) The type and scale of proposed uses;

(2) The proposed minimum and maximum intensity of development (i.e., proposed floor area square footage) by land use category;

(3) Site and building designs to include the integration of the built and open space environment, pedestrian streetscape design, pedestrian, bicycle and motor vehicle connections between the uses;

(4) The physical and functional integration of the proposed mix of land uses, including but not limited to pedestrian, bicycle and vehicle connections between the uses and planned or existing transit stops and transit parking.

(5) The designation of Streets as “A” Streets and “B” Streets.

4-2905 Duration of Permits.

(A) The duration of a permit or approval for an Alternative Method of development under this Division is:

(1) **Site Plan:** ten (10) years.

(2) **Special Exception**: ten (10) years.

(3) **Zoning Permit**: three (3) years.

(B) This section supersedes any provisions to the contrary in this Ordinance, including Sections 6-1003, 6-1313 of this Ordinance and 1244.02 of the Land Subdivision and Development Ordinance, but is otherwise subject to the procedures set out in those sections.

Section 4-3000 Definitions for Route 28 Corridor Regulations.

The words, terms and phrases used in this Division have the meanings assigned in Article 8 of this Ordinance and this Section. If a definition in this section conflicts with a definition in Article 8, this section controls.

Average Finished Grade: A reference plane representing the average of finished ground level adjoining the building at its exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane is established by the lowest points within the area between the building and the lot line, or where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

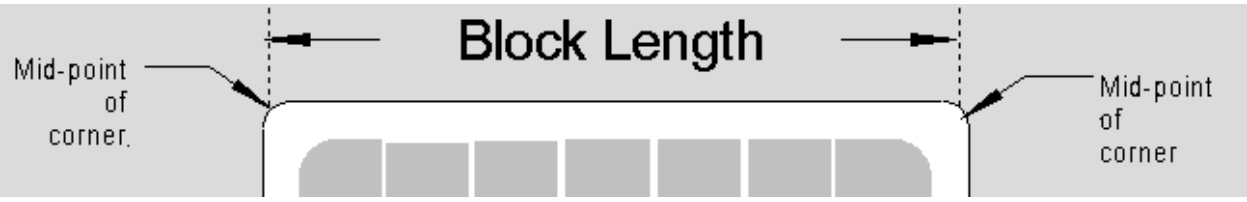
Average Height. The average height is computed as the weighted average of building height based on building frontage, as follows:

$$H = (\sum S \times W) / \sum W$$

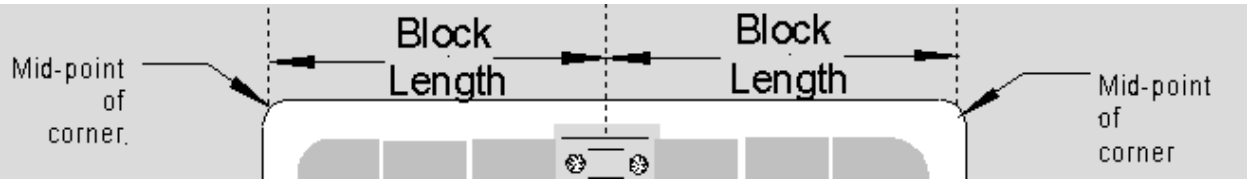
Where:

H = average building height
S = stories of each building at the front building line
W = width of each building at the front building line

Block Length. The length of a block face lying between 2 intersection streets, or between an intersection street and a pedestrian feature. Block length is measured from the mid-point of the corner along each opposite intersection if there is no pedestrian feature. If there is a pedestrian feature between the intersection streets, block length is measured from the mid-point of the intersection street corner to the mid-point of the pedestrian feature. For purposes of this definition, a "pedestrian feature" is a mid-block through alley with pedestrian access (which may permit secondary vehicle access to land uses on the block), a pedestrian way that connects land uses on both sides of the block, or another significant pedestrian gathering place such as a plaza, park, or promenade.



Option 1: Block face formed by 2 intersections.



Option 2: Block face formed by intersection and pedestrian feature.

Building Frontage. The side, or façade, of a building closest to and most nearly parallel to an abutting street.

Building Wall: A vertical element that is used to enclose space that is intended for human occupancy.

Building Wall, Front: The building wall that includes the principal entrance to a building.

Corridor Zone: the area within 100 feet of the existing or planned right-of-way of Route 28.

Discretionary Approval. For purposes of the Route 28 Corridor regulations, zoning amendment or Concept Development Plan.

Entryway. A door or similar building entry that allows entry by the general public, customers, residents, or employees. An entryway may be secured or unsecured.

Exterior Wall: A wall, bearing or nonbearing, that is used as an enclosing wall for a building, other than a fire wall, and that has a slope of 60 degrees or greater with the horizontal plane.

Flex or Flex Building. A building designed to accommodate a combination of uses, the exact proportions of each use being subject to user needs over time and the applicable district and/or Alternative Method regulations. A multiple use flex building includes office or research and development, and any of the following uses:

- Wholesale trade establishment, or
- warehousing, or
- laboratories, or
- data centers, or
- training facilities that relate to the office or research and development uses, or
- retail or commercial uses that support the uses listed above, up to 10% of the gross floor area of the building, or
- showrooms, consisting of retail or service uses but may exceed the 10% threshold listed above, or
- where allowed in the Use Table (Section 4-2801), manufacturing and production or industrial uses.

Front Building Line: the point at which a building façade is closest to the front property line.

Frontage, Development: either –

- The frontage of an individual lot that is not subject to an application that includes multiple lots as described below, or
- For a development, the combined lot frontage all of lots within an area covered by an application that includes more than one lot. An "application" includes any application for Zoning Map Amendment, Zoning Modification, Final Site Plan, or Special Exception.

Frontage Buildout: The linear percentage a line parallel to the Development Frontage that is occupied by buildings that face a road. The required percentage and the location of the parallel line is designated by regulations that apply to Alternative Methods (as designated in Sections 4-2300, 4-2400, and 4-2500) and, if applicable, the zoning district regulations.

Glazing. Placed in transparent glass. "Transparent" means capable of transmitting light in a manner that permits a person standing outside of a building to view shapes, tones, and objects inside a building. A tinted window is considered transparent if it meets the requirements of this paragraph.

Gypsum or Glass Reinforced Fiber Concrete (or "**GRFC**"). A cementitious matrix composed of cement, sand, water, and admixtures, in which short length glass fibers are dispersed. GRFC is concrete that uses glass fibers for reinforcement instead of steel. It is typically used for nonstructural façade panels.

Horizontal Mixed-Use Building: includes –

1. a building in which a compatible mixture of different use categories (such as commercial, cultural, institutional, governmental, recreational, and/or high density residential uses) are located side by side and separated by party walls, or

2. two or more buildings that have adjoining walls, and that are occupied by such different use categories.

Hotel, Full-Service. Multi-story, hotels with a minimum of 200 rooms that are targeted to business and/or leisure travelers and include large meeting facilities of 10,000 square feet or greater or are combined with a convention center, and contain amenities, including one or more restaurants, bell and valet service, room service, concierge service, 24-hour front-desk service, business services, spa service, fitness center and recreational/entertainment facilities.

Land Use Allocation. The minimum and maximum mix of uses prescribed for an Alternative Method development.

LEED. The Leadership in Energy and Environmental Design (LEED) certification program administered by the United States Green Building Council. The LEED rating is determined in accordance with the U.S. Green Building Council, LEED 2009 for New Construction and Major Renovations Rating Systems, Version 3.0 (November 2008), or the most current version of that document.

Manufacture, processing, fabrication and/or assembly. Manufacture, processing, fabrication and/or assembly of products such as, but not limited to: scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceutical, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchases glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery.

Maximum Setback. See Setback, Maximum.

Mixed-Use Building. A horizontal mixed-use building or vertical mixed-use building.

Planting/Furniture Zone. An area within a sidewalk that Provides space for landscaping, street furniture, and pedestrian amenities.

Pedestrian Through Zone. An area within a sidewalk that provides space for pedestrian through traffic, and that is located between the building front a Planting/Furniture Zone.

Proposed Development. Any use, construction activity, and related activity proposed by an application for Zoning Map Amendment, Zoning Modification, Concept Development Plan, Final Site Plan, or Special Exception.

Route 28 Corridor Regulations. Article 4, Division D of the Loudoun County Zoning Ordinance.

Setback, Corridor. A setback measured from the planned right-of-way of Route 28.

Setback, Maximum. The distance of an imaginary line measured from the following reference points and extending along a Development Frontage, and that is used to measure the Frontage Buildout:

- If sidewalks exist or are planned at the time an application is filed, from the outer edge of the sidewalk, or
- If sidewalks do not exist and are not subject to current construction plans that designate their location, from the edge of the public right of way or, if applicable, a public access easement.

Setback, Street. A setback measured from the outer edge of any Road (other than Route 28 or Route 7). For a public Road, the setback is measured from the reference points described in "Setback, Maximum" above. For a private road or driveway, the setback is measured from the outer edge of the sidewalk or, if sidewalks do not exist, the edge of the road's curb or pavement.

Street, Interior. Any street that is located interior to the boundaries of a proposed development.

Story Above Grade Plane: Any story that has its finished floor surface above the finished grade, or in which the finished surface of the floor next above is:

1. More than 6 feet above grade plane, or
2. More than 12 feet above the finished ground level at any point.

Vertical Mixed-Use Building: A building that has a compatible mixture of different use categories (such as commercial, cultural, institutional, governmental, recreational, and/or high density residential uses) occupying different floors.

ARTICLE 5
ADDITIONAL REGULATIONS AND STANDARDS

Division A: Supplemental District Regulations

Section 5-100 **Accessory Uses and Structures.** Accessory uses and structures are permitted in connection with and incidental to a permitted principal use or structure and in compliance with the restrictions of this section.

5-101 **Permitted Accessory Uses and Structures.** Permitted accessory uses and structures shall be limited to the following and any additional uses and structures the Zoning Administrator finds are similar to those listed in scope, size and impact and which are otherwise in compliance with this Ordinance:

(A) **Residential.**

(1) Above ground deck.

(2) Clothesline.

(3) Dog houses and pens.

(4) Fence or wall.

(5) Freestanding air conditioning machinery.

(6) Patio, porch, gazebo.

(7) Play equipment and playhouses.

(8) Private garage, carport.

(9) Private greenhouse.

(10) Private swimming pool.

(11) Private tennis or outdoor recreational court.

(12) Radio or satellite/TV antennas, free standing or on roof, setback from required yards a minimum of one (1) foot for each one (1) foot in height, except in Historic Districts designated by the County pursuant to Section 6-1800.

(13) Storage shed for personal, non-commercial use.

(14) Studios and workshops without outdoor display for personal use.

(15) Utility substation, dedicated.

(16) Solar power panels.

(17) Enclosed areas devoted to collection of recyclables generated by the principal use.

(18) Bus shelter or bus stand.

(19) Communications tower for public facilities, up to a maximum height of 100 feet and no closer to the property line than the height of the tower.

(B) **Commercial and Industrial.**

(1) Dumpsters and dumpster pads.

(2) Emergency power generators.

(3) Fence or wall.

(4) Freestanding air conditioning machinery.

(5) Parking uses and structures.

(6) Recycling facilities pursuant to 5-607(B).

(7) Storage sheds not exceeding 200 square feet.

(8) Stormwater management/BMP facilities.

(9) Utility substation, dedicated.

(10) Bus shelter or bus stand.

(11) Accessory living quarters for watchman, guard or custodian.

(12) Sculpture, fountain, etc.

(13) Public utility or communication tower, setback a minimum of one (1) foot for each one (1) foot in height.

(14) Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with a permitted use.

5-102 **Use Limitations.** The following limitations apply to accessory uses or structures listed in Section 5-101 above:

(A) Accessory uses or structures shall be located on the same lot as the principal structure or use.

(B) Accessory structures shall be included in the calculation required by this ordinance for the purpose of complying with height, bulk and coverage regulations.

(C) Except as permitted in Section 5-200, no accessory use or structure shall be located in a required yard.

(D) No accessory use or structure shall create a nuisance or hazard.

(E) No accessory structure referenced in Section 5-100 shall be used as a dwelling or for lodging, except as otherwise provided.

(F) Except in the case of home occupations conducted within a tenant house, an accessory use or structure shall be operated and maintained under the same ownership as the principal use.

(G) No accessory use shall be established until the principal use is established.

Section 5-200 **Permitted Structures in Required Yards and Setbacks.** The following shall be allowed in a required yard or setback, provided applicable sight distance and fire safety requirements are met and maintained:

(A) **In all yards or setbacks, including a front yard:**

(1) Fences, provided that no fence in a required residential front yard shall exceed 3 1/2 feet in height.

(2) Ground level terraces, patios or decks not over thirty (30) inches high which do not include a permanently roofed-over terrace or porch.

(3) Awnings or canopies provided they do not project more than four (4) feet from the existing building face.

(4) Bay windows and overhanging floors, eaves and gutters projecting 30 inches or less into the yard.

(5) Architectural features, chimneys or the like projecting a maximum of 24 inches into a side or rear yard or three (3) feet into a front yard provided that such projection does not reduce the width of a yard to less than three (3) feet.

(6) Covered porches, enclosed or unenclosed, may project a maximum of three (3) feet provided such projection does not reduce the width of the yard to less than three (3) feet.

(7) Arbors and trellises.

(8) Flag poles.

(9) Recreational equipment.

(10) Signs, pursuant to Section 5-1200.

(11) Bus Shelters

(12) Entry stairs or handicap ramps including rails.

(B) **In any yard or setback, except the front yard or setback.**

(1) Clotheslines.

(2) Fences shall not exceed eight (8) feet in height in residential areas.

(3) Balconies projecting a maximum of four (4) feet provided they do not reduce the width of the yard to less than three (3) feet.

(4) Air conditioners rated at 24,000 BTU or less which do not discharge air within five (5) feet of any lot line and air

conditioners over 24,000 BTU which do not discharge air within twelve (12) feet of any lot line.

(5) In conjunction with a single family dwelling only, any non-habitable, one-story accessory structure which is not within five (5) feet of a rear or side property line or a common wall in portions of required yards which are located as follows:

(a) On regular lots, at least sixty (60) feet from street rights-of-way or private access easement lines at the front of the lot, and at least twenty-five (25) feet from any street rights-of-way or private access easement lines at the side of the lot.

(b) On irregular lots, at least forty (40) feet behind the front line of any building adjacent to the lot line, and at least twenty-five (25) feet from any access easement.

(6) In conjunction with a single family detached dwelling only, an attached garage that is not within five (5) feet of a rear or side property line, subject to the following standards:

(a) In no case shall the distance between the attached garage and structures, excluding detached, non-habitable structures, on the adjacent property be less than 16 feet.

(b) No windows or doors shall be permitted on the side of the attached garage that is located within the required yard.

(c) No portion of the principal structure other than the attached garage shall be permitted within the required yard.

(d) The attached garage shall not be converted into habitable space.

(e) No second story addition over the attached garage shall be permitted which extends into the minimum required yard for the district, except as provided herein.

(7) Detached garage located at the rear of a lot which has been developed following lot requirements for the Traditional Design Option which is attached to a similar garage on a contiguous lot may be located within the side yard setback and within two (2) feet of the rear property line. No rear yard shall be required on such lots for garages which are accessed from the front of the lot.

(8) In conjunction with Section 5-500(A), temporary buildings for the storage of construction materials, subject to the following standards:

(a) The height of a temporary building shall not exceed nine (9) feet from average finished grade to the peak of the roof.

(b) The temporary building shall be setback from any property line a minimum distance equal to its height.

(c) Except for the temporary building, no outdoor storage of construction related materials may be located anywhere within a minimum required yard.

(d) With the issuance of the Zoning Permit, the Zoning Administrator may impose conditions to mitigate any adverse impact on abutting properties to include fencing and screening requirements.

(9) For single family detached houses, decks exceeding thirty (30) inches in height but no closer than five (5) feet to a rear or side lot line.

(10) For single family attached dwellings, decks exceeding thirty (30) inches in height may extend to the interior side lot line and no closer than five (5) feet to any other lot line.

Section 5-300 **Visibility at Intersections.** For protection against traffic hazards, no impediment to visibility shall be placed, allowed to grow, erected or maintained within visibility triangles described as follows:

(A) **At Street Intersections.** The apex is at the intersecting right-of-way lines, the sides are 25 feet in length, and the base runs through the lot; material impediment to visibility shall not exceed 3 1/2 feet in height.

(B) **At Driveway or Alley Intersection With Streets.** The apex of the triangle is at the intersection of the street right-of-way line with the edge of the driving surface of the driveway or alley nearest to the approaching traffic lane, the side of the triangle coterminous with the street right-of-way line is twenty-five (25) feet in length, the side of the triangle coterminous with said edge of driveway or alley is twenty (20) feet in length, and the base runs through the lot; material impediments to visibility shall not exceed two (2) feet in height.

(C) **Exceptions.** Where terrain features present substantial obstacles to provision and maintenance of such visibility triangles, the Zoning Administrator may permit the provision and maintenance of lesser visibility clearance, but such clearance shall be the maximum which is reasonably practicable to provide and maintain. The provisions of (A) and (B) above shall not apply in County designated historic districts if the HDRC finds that a waiver of said provisions is necessary to maintain the integrity of the historic district, and vehicular and pedestrian safety is maintained.

Section 5-400 **Home Occupations.** Home occupations are permitted within single family detached, duplex, multifamily and townhouse residential dwellings, or tenant dwellings permitted pursuant to Section 5-602, provided they comply with the following restrictions:

(A) Members of the family residing on the premises are permitted to be engaged in such occupation.

(B) One employee (one full-time equivalent), other than members of the family residing on premises, shall be permitted to work on site given one additional off-street parking space is provided. Such parking space shall not be located in the required front yard, unless located on an existing driveway.

(C) The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes.

(D) There shall be no change in the outside appearance of the building or lot, nor other visible evidence of the conduct of such home occupation other than signage as permitted in Section 5-1200 of this Ordinance.

(E) There shall be no retail sales, other than items handcrafted on the premises, in connection with such home occupation. Office use to support retail sales off-premises shall be permitted. Not more than 10 percent of the gross floor area of the dwelling unit nor 10 percent of said gross floor area if conducted in an accessory structure, shall be used to store merchandise for retail sales off-premises.

(F) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be met by off street parking and other than in a required front yard.

(G) No equipment or process used in such home occupation shall create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Section 5-500 **Temporary Uses/Zoning Permits.** These uses are permitted in all zoning districts, subject to the following.

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

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

(2) **Temporary Dwelling unit in conjunction with construction of a dwelling.** The erection and occupancy of a temporary dwelling for up to twelve (12) months, which may be extended by the Zoning Administrator in 6 month increments, is permitted during the construction of a dwelling on the same lot subject to obtaining a zoning permit, to be issued concurrently with or after the issuance of the building permit.

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

(4) **Model Homes.** Single family detached model homes are permitted in all districts where residential uses are allowed. Single family detached model homes may be constructed prior to record plat approval so long as zoning requirements are met for the lot on which the home is constructed and appropriate building permits have been obtained. If a model home has been constructed prior to record plat approval, it shall be depicted on the record plat. Single family attached model homes, multi-family model units, and model home courts are permitted subject to first obtaining record plat or site plan approval. In addition, if any model home incorporates features that are atypical to the ultimate residential use of the home, such as, but not limited to, utilization of the garage for a sales office without the provision of adequate on-site parking, or provision of a centralized parking area for a model court, then the use is also subject to review and approval through a site plan amendment process. Alternatively, the model unit or model court may be incorporated in the

construction plans and profiles of the applicable development subdivision or site plan. The County may require a bond as appropriate to ensure that the atypical features including temporary parking lots will be removed or brought into conformance prior to conversion of the unit for residential occupancy. Notwithstanding, nothing herein shall be construed so as to require a garage in a model home to be utilized for parking, if the unit or lot otherwise meets the parking requirements of this ordinance. A model home shall obtain an occupancy permit prior to residential occupancy.

(B) **Temporary Sales.** Temporary sales of produce, Christmas trees, fireworks, and other seasonal goods, may be permitted on application for a temporary zoning permit to the Zoning Administrator. Such permit may impose conditions necessary to alleviate any adverse impacts such as provisions for adequate parking, traffic safety, fire safety, hours of operation, provision for sewage disposal, and other health and safety concerns the Zoning Administrator may deem necessary, and the posting of a bond to ensure timely removal of structures and materials and restoration of the area. A temporary zoning permit for temporary sales shall be valid for a period not to exceed 45 days, unless extended, and shall require that all structures and materials be removed within such time period. At a minimum:

(1) Structures for temporary sales shall not exceed 400 square feet in floor area nor be closer than 35 feet to a right of way or prescriptive easement of a road.

(2) Entrances and exits to roads shall be clearly delineated.

(3) Entrances and exits shall be so located as to provide safe ingress and egress from roads and shall be channeled to prevent unrestricted access to and from the premises.

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

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

(2) **Permitted Locations.** Special events shall be permitted only when proposed to be held, in whole or in part, on any of the following properties, or a combination thereof:

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

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

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

(3) **Referral Authorized.**

(a) Upon acceptance of the application for a special event permit, the Zoning Administrator may refer the application for comments to any town, county, or state departments or agencies, as appropriate, for full and adequate review of the merits of the application.

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

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

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

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

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

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

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

(ii) Injury to persons;

(iii) Public or private disturbances or nuisances;

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

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

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

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

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

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

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

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

bond to ensure timely removal of structures and materials and restoration of the area.

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

(7) **Maximum Number of Non-exempt Special Events per Property.** Within any single calendar year, the same property may host no more than ten (10) special events pursuant to this subsection. The temporary use permits for these special events may be reviewed and approved concurrently. A minimum of 14 days shall lapse between special events on any one property, or the subsequent special event shall be a minimum of two thousand (2,000) feet from the location of the previous event.

(D) **Other Temporary Uses.** Other temporary activities for compensation not otherwise specifically addressed in this Section 5-500 may be permitted upon application for a temporary zoning permit to the Zoning Administrator. Such permit may impose conditions regarding the hours of operation, the volume of amplified music, the type and intensity of outdoor lighting, and similar matters affecting health, safety, and the public welfare, provided such conditions are necessary to alleviate any adverse impact of the activity upon neighboring roads and properties. Other temporary activities permitted by temporary zoning permits under this subsection 5-500(D) must be clearly incidental and subordinate to the permitted principal use of the property.

(E) **Generally Applicable Temporary Zoning Permit Requirements.** All applications for a temporary zoning permit for a temporary use or event under this Section 5-500 shall comply with the following minimum requirements:

(1) All temporary zoning permits shall be applied for at least thirty (30) days in advance of the event or function.

(2) Unless the temporary event is addressed and covered through a previously approved special exception permit under subsection 5-500(C)(3) above, a separate temporary zoning permit shall be obtained for each temporary use or event. The County may allow

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

Section 5-600 **Additional Regulations for Specific Uses.** The following additional regulations apply to specific uses as set forth below. These regulations 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.

5-601 **Bed and Breakfast and Rural Guest Establishments.** These establishments may be located in accord with the lists of permitted and special exception uses for the individual zoning districts subject to the following criteria:

(A) **Bed and Breakfast.**

(1) The owner or manager shall provide full-time management of the establishment at all times when the facility is occupied by guests. The owner or manager may live on the premise.

(2) The establishment shall not contain restaurant facilities but may provide food service for overnight or other transient guests attending meetings or private parties.

(3) Weddings, receptions, private parties, meetings and similar activities may be held at the Bed and Breakfast with the maximum number of attendees based on the maximum sleeping capacity of the facility. The hosting of the aforementioned gatherings in excess of the sleeping capacity of the facility may be held up to ten times per calendar year. A minimum of 14 days shall lapse between such gatherings. Written notice shall be provided 30 days in advance of the gathering to the Zoning Administrator. Such notice shall be accompanied by proof of any necessary approvals from County agencies, such as the Health Department and the Fire Department. Additional gatherings may be held in accordance with Section 5-642, Banquet/Event Facility, with the approval of a Minor Special Exception.

(4) For any establishment that is not located on a state maintained road, a copy of the deed establishing the ingress/egress easement shall be provided to the Zoning Administrator. The deed shall demonstrate that the easement may be used to support the establishment.

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

(6) **Intensity/Character.**

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

Use	**Lot Area (Minimum)**	No. of Guest Rooms
Level I- small scale	5 acres	3-7 rooms
Level II- medium scale	10 acres	8-10 rooms

(b) **Size of Use.** The floor area ratio shall not exceed 0.04.

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

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

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

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

(d) **Parking.**

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

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

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

(f) **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A). In addition, no outdoor music between 11 pm and 10 am on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, and between 10 pm and 10 am on Sunday through Thursday.

(7) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation

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

(B) **Country Inn.**

(1) The owner or manager shall provide full-time management of the premises at all times when the establishment is occupied by guests.

(2) In addition to guest rooms, the establishment may, by Minor Special Exception, contain a full-service restaurant that may provide meal service to guests and the general public. Weddings, receptions, private parties, meetings and similar activities may be held at the Country Inn with the maximum number of attendees based on the maximum sleeping capacity of the facility. The hosting of the aforementioned gatherings in excess of the sleeping capacity of the facility may be held up to ten times per calendar year. A minimum of 14 days shall lapse between such gatherings. Written notice shall be provided 30 days in advance of the gathering to the Zoning Administrator. Such notice shall be accompanied by proof of any necessary approvals from County agencies, such as the Health Department and the Fire Department. Additional gatherings may be held in accordance with Section 5-642, Banquet/Event Facility, with the approval of a Minor Special Exception.

(3) A maximum of 10% of the gross floor area of the Country inn may be comprised of accessory day treatment, spa facilities.

(4) For any establishment that is not located on a state maintained road, a copy of the deed establishing the ingress/egress easement shall be provided to the Zoning Administrator. The deed shall demonstrate that the easement may be used to support the establishment.

(5) Entrances and exits from the state-maintained road shall provide safe ingress and egress from roads, and shall be channeled to prevent unrestricted access to and from the premises.

(6) A Country Inn shall have at least four rooms for transient overnight occupancy and provide at least one of the following elements:

(a) More than 10 rooms not to exceed 40 rooms for transient overnight occupancy, such facility may include

Banquet/Event facilities with a Minor Special Exception in accordance with Section 5-642;

(b) Full service restaurant facilities may provide meals to guests and the general public. In addition, Banquet/Event facilities may be provided in accordance with Section 5-642 with a Minor Special Exception.

(7) **Intensity/Character.**

(a) **Minimum Lot Area.** The minimum lot area shall be 25 acres.

(b) **Size of Use.**

(i) The floor area ratio shall not exceed 0.04.

(ii) The restaurant and indoor Banquet/Event facilities on premises shall not exceed 49 percent of the total floor area of the country inn.

(c) **Yard Standards.** The minimum required yard setback shall be 250 feet minimum from all lot lines or 100 feet from a lot line of a property having a commercial use.

(d) **Landscaping/Buffering/Screening.**

(i) The use shall comply with the landscaping and screening standards of Section 5-653(A).

(ii) Parking areas shall be screened to comply with the standards of Section 5-653(B).

(iii) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(e) **Roads/Access.**

(i) The country inn shall comply with the road access standards in Section 5-654.

(ii) There shall be no more than two points of access for guests of the country inn.

(f) **Parking.**

(i) **General.** Parking and loading shall be provided as required by Section 5-1102.

(ii) **Surface.** All parking areas serving the use shall use a dust-free surfacing material, as provided in the Facilities Standards Manual.

(g) **Exterior Lighting.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(h) **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A). No outdoor music between 11 pm and 10 am on Friday, Saturday and any evening preceding a holiday recognized by Loudoun County, and between 10 pm and 10 am on Sunday through Thursday.

(8) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a Country Inn and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

(C) **Rural Retreats and Resorts.** Rural retreats and rural resorts shall comply with the following standards.

(1) **Parcel Size.** The minimum lot area of rural resorts and retreats shall comply with Section 5-601(D)(8)(a), except when located within the buffer area of a Planned Development-Rural Village (PD-RV) district.

(2) **Separation Requirement.** When not located within a Planned Development-Rural Village (PD-RV) district, rural retreats shall be appropriately sited so as not to infringe on the character of any existing village. At a minimum, rural retreats shall be located at least one (1) mile from the boundaries of an existing Village Conservation Overlay District or an existing PD-CV or PD-RV zoned parcel.

(3) **Setbacks.** All new buildings, active recreational areas, parking, and lighted areas shall be set back a minimum of 200 feet from adjacent properties.

(4) **Access.** All rural retreats and resorts shall comply with the road access standards in Section 5-654.

(5) **Water and Sewer.** The establishment shall be served by public water and sewer if located in a PD-RV district. Otherwise, the

establishment shall be served by a communal water system and a communal wastewater collection and treatment system. Communal water and sewer systems may be located within the open space.

(6) **Open Space.** A minimum of 75% of the site shall remain as open space. Recreational uses customarily incidental and subordinate to the rural resort or retreat permitted in the open space area may include: swimming pools and related facilities, boating facilities, tennis and other sports courts, equestrian facilities, picnic areas, golf courses and related facilities, ballfields, children's play equipment and passive recreation facilities. Driveways and parking areas supporting these recreational facilities may also be located in the open space area.

(7) **May be Open to Public.** These establishments may be open to the general public for patronage. A Rural Retreat or Rural Resort shall be entitled to treatment as an Event Facility pursuant to Section 5-642 by Minor Special Exception.

(8) **Additional Standards for AR and TR Districts.** In the AR and TR districts, rural retreats and resorts shall comply with the following additional requirements in addition to the general standards identified above. Where there is a conflict between these standards and the general standards controlling the development of rural resorts and retreats, these standards shall control.

(a) **Intensity/Character.** The minimum lot area shall be as follows.

Use	**Size of Lot (Minimum)**	Nos. of Guest Rooms
Level I – Rural Retreat small scale	40 acres	Up to 20 rooms
Level II – Rural Retreat medium scale	60 acres	21-40 rooms
Level III –Rural Retreat large scale	80 acres	41-60 rooms
Level I – Rural Resort small scale	100 acres	61-80 rooms
Level II – Rural Resort medium scale	120 acres	81-100 rooms
Level III –Rural resort large scale	150 acres	101-120 rooms
More than 120 rooms requires special exception approval pursuant to Section 6-1300		

(b) **Size of Use.**

(i) The restaurant and banquet facilities, and conference and training facilities shall be less than

fifty (50) percent of the total floor area of the rural retreat or resort.

(ii) Outdoor storage related to the rural retreat or resort facilities shall be permitted.

(iii) The floor area ratio shall not exceed 0.04.

(c) **Yard Standards.** The minimum required yards shall be as follows:

(i) Level I-Rural Retreat: 125 feet minimum from all lot lines.

(ii) Level II-Rural Retreat: 200 feet minimum from all lot lines.

(iii) Level III-Rural Retreat: 250 feet minimum from all lot lines.

(iv) Level I-Rural Resort: 300 feet minimum from all lot lines.

(v) Level II-Rural Resort: 350 feet minimum from all lot lines.

(vi) Level III-Rural Resort: 375 feet minimum from all lot lines.

(d) **Landscaping/Buffering/Screening.**

(i) The use shall comply with the landscaping and screening standards of Section 5-653(A).

(ii) Parking areas shall be screened to comply with the standards of Section 5-653(B).

(iii) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(e) **Roads/Access.**

(i) The rural retreat or resort shall comply with the road access standards in Section 5-654.

(ii) There shall be no more than two points of access to a rural retreat or resort. This requirement shall not preclude an additional access for emergency vehicles only.

(f) **Parking.**

(i) **General.** Parking and loading shall be provided as required by Section 5-1102.

(ii) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(g) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(h) **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A). In addition, outdoor music shall not be allowed after 11:00 PM.

5-602 **Tenant Dwellings.** Tenant dwellings may be located in the A-3, A-10, TR, CR and JLMA districts, in accord with the list of permitted and special exception uses for the individual zoning districts, subject to the following additional criteria:

(A) **Tenant Dwellings.** One (1) tenant dwelling shall be permitted by right subject to the following criteria:

(1) The tenant dwelling shall be located on a parcel with an area of ten (10) acres or more.

(2) One additional tenant dwelling shall be permitted for each twenty-five (25) acres of a parcel in excess of the minimum area of ten (10) acres.

(3) **Tenant Dwellings for Seasonal Labor/Special Exception.** In addition to those structures permitted under Section 5-602(A)(1) and (2) above, additional tenant dwellings for seasonal labor may be permitted by special exception.

(B) **General Standards.** Tenant dwellings shall meet the following additional criteria:

(1) **Screening.** Portable dwellings shall be screened from view from public roads and neighboring properties.

(2) **On Internal Roads/No Direct Access to Public Roads.** Structures for multi-family dwelling units shall be accessed by internal roads, shall not have direct access to public roads, and shall be screened from public roads and neighboring properties in accord with the landscaping and buffering requirements for multi-family dwellings.

(3) **Separate Dwelling.** For the purposes of 5-602(A)(1) and (2) above, each unit of a multiple dwelling structure shall constitute a separate tenant dwelling.

(4) **Home Occupations.** Occupants of tenant dwellings may conduct home occupations subject to the provisions of Section 5-400.

(5) **Size of Tenant Dwelling.** No tenant dwelling unit shall exceed 2,500 square feet in floor area.

(6) **Sanitary and Bathing Facilities.** All dwellings shall have indoor sanitary, cooking, and bathing facilities, consistent with the requirements of the Uniform Statewide Building Code.

(C) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(D) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(E) **Landscaping/Buffering/Screening.**

(1) The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) Parking areas shall be screened to comply with the requirements of Section 5-653(B).

5-603 **Farm Markets.** Farm Markets may be located in accord with the lists of permitted and special exception uses for the individual zoning districts, subject to the following additional provisions:

(A) Except as provided in subsection F below, a minimum of 25% of the products offered for sale must be derived directly from agricultural, horticultural, aquacultural, or animal husbandry products produced on site or on other property in Loudoun County owned or leased by the operator of the Farm Market. An annual report verifying this percentage shall be submitted to the Zoning Administrator upon request. A Farm Market shall be located on the site of ongoing agricultural, horticultural or aquacultural activity unless otherwise provided elsewhere in the Zoning Ordinance.

(B) Farm Markets shall be located on a hard surfaced Class I or Class II road having a minimum paved width of eighteen (18) feet. The entrance shall

have safe sight distance and may be required to have right and left turn lanes as determined by the Virginia Department of Transportation.

(C) Sales area for accessory products shall be limited to ten (10) percent of the total area devoted to sales. The calculation of total sales area shall include areas devoted to the display of items for sale.

(D) Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other items directly related to the culture, care, use of, or processing of a principal use. Products not related to the principal permitted use such as lawn mowers and tractors shall not be allowed.

(E) Retail sales areas within structures shall not exceed, in the aggregate, 10,000 square feet of floor area or a Floor Area Ratio of .02, whichever is greater.

(F) Farm Markets (off-site production), in addition to Standards (B) through (E) above, must meet the following additional standards:

(1) A minimum of twenty five percent (25%) of the products offered for sale at the Farm Market (off-site production) must be produced in Loudoun County. An annual report verifying this percentage shall be submitted to the Zoning Administrator on request.

(2) Parking spaces for Farm Markets (off-site production) shall be provided at a rate of 4/1,000 square feet of floor area of indoor and outdoor sales area, with a required minimum of 10 spaces per establishment.

(3) Landscaping/Buffering/Screening.

(a) Buffer. The use shall comply with the landscaping and screening standards of Section 5-653(A).

(b) Parking Areas. Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(c) Storage Areas. All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

5-604 **Wayside Stands.** Wayside stands are subject to the following provisions:

(A) Wayside stands are for retail sales provided the principal sales items sold are farm and garden products produced principally on-site. The term "on-site" shall be defined as all locations (separate parcels) used by the owner or tenant for farming (agriculture, horticulture or animal husbandry).

(B) Permanent retail sales areas within structures shall not exceed, in the aggregate, ten thousand (10,000) square feet in floor area or a Floor Area Ratio of 0.02, whichever is greater.

(C) Wayside stands may be located in farm structures existing prior to January 7, 2003. The sales area in an existing farm structure shall have no limitation and may be used as a sales area subsequent to compliance with the Uniform Statewide Building Code.

(D) Sales areas for accessory products shall be limited to 25% of the gross sales area.

(E) Accessory products include those products related to the care and culture of products produced on the farm, such as pottery, baskets, and garden accessories.

(F) Entrances and exits to the wayside stand from public roadways shall provide safe ingress and egress from roads, and shall be channeled to prevent unrestricted vehicular access to and from the premises.

(G) The sale of seasonal produce harvested on the farm may occur throughout the area of actual production.

(H) Signs for wayside stands shall be erected in compliance with Section 5-1200.

5-605 **Commercial Nurseries.** The following minimum requirements shall apply to all retail sales associated with production nurseries and commercial nurseries:

(A) In calculating the percentage of plants grown on-site, plants must be cultivated at the subject nursery facility for at least one (1) full season of new growth for that plant.

(B) Plant production may be certified by the County Extension Agent, if requested by the Zoning Administrator.

(C) Plants brought to the subject nursery for immediate resale are included in calculations for non-site produced plants and accessory products.

(D) Accessory products include those related to the culture and care of plant sold such as pottery, baskets, garden accessories, baked goods, and floral supplies. The sale of bulk products shall be permitted subject to screening requirements for outdoor storage in Section 5-1414(A). Propane, firewood lawn and garden tractors, or machine or other equipment sales are not accessory products.

(E) The sales area for accessory products shall be limited to twenty-five percent (25%) of the gross sales area.

(F) Twenty-five percent (25%) of the gross sales receipts of the commercial nursery must be derived from plants produced on site; or twenty-five

(25%) of the area designated as a commercial nursery shall be dedicated to the cultivation of plants to be sold on site.

5-606 **Kennels/Indoor Kennels.** Nothing herein shall relieve a kennel from complying with the provisions of Section 808 of the Codified Ordinances of Loudoun County. For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(A) **Kennels.**

(1) **General.** Kennel shall mean any place in or at which, for a fee, six or more dogs, cats, or other household pets over the age of six months are trained, boarded, including day care services, or handled.

(2) **Not Applicable to Animal Hospital/Grooming Use.** This Section shall not apply to any establishment whose principal use is grooming or any animal hospital.

(B) **Indoor Kennel.**

(1) **General.** Indoor kennel shall mean any place that is within a completely enclosed commercial facility with no outdoor activity in which dogs, cats or other household pets are confined or penned in close proximity to each other, except for the primary purpose of grooming, or wherein any owner engages in boarding, breeding, letting for hire, training for a fee, or selling dogs, cats, or other household pets.

(2) **No Opening to Outside.** Indoor Kennels shall not be housed in a structure with any opening to the outside except required ingress/egress and ventilation equipment, shall have an animal waste handling plan, and shall conform to any other requirements that the Planning Commission and/or Board of Supervisors may impose pursuant to special exception review (Section 6-1300).

(3) **Accessory Uses.** Indoor Kennels may include accessory uses to an indoor kennel: up to 10% of gross floor area for retail sales, up to 10% of gross floor area for veterinary service, up to 10% of gross floor area for animal hospital, and up to 10% of gross floor area for grooming; provided, however, that accessory uses may not exceed 25% of the total gross floor area.

(C) **Kennels in AR, TR, and JLMA Districts.** Kennels in the AR, TR and JLMA districts shall comply with the following standards.

(1) **Location on Site/Dimensional Standards.** An outdoor kennel shall be set back 100 feet from a lot line.

(2) **Roads/Access.**

(a) All kennels shall comply with the road access standards of Section 5-654.

(b) There shall be no more than one point of access from a kennel to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(3) **Landscaping/Buffering/Screening.**

(a) The use shall comply with the landscaping and screening standards of Section 5-653(A).

(b) Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(4) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(5) **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A).

(6) **Parking.**

(a) **General.** Parking and loading shall be provided as required by Section 5-1102.

(b) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standard Manual.

5-607 Recycling Drop-Off Centers and Material Recovery Facilities.

(A) **General Standards for Recycling Drop-Off Centers.** All recycling drop-off centers, public or private, shall meet the following minimum standards:

(1) Centers may be established on a site which has either a public or private school, shopping center, community center, church, park, fire station, or library, or may be established on land owned by a local government or an owners' association.

(2) A center may utilize movable containers and trailers to collect and store recyclable materials.

(3) All recycling drop-off centers shall accept only glass, metals, plastics, papers, corrugated cardboard, and other identified reusable recyclable items; hazardous or toxic materials shall not be accepted.

(4) Recycling drop-off centers shall be no larger than 3,000 square feet in area. The 3,000 square feet area shall be for the recycling containers only.

(5) All recyclable materials stored at recycling drop-off centers shall be stored in containers which are constructed and maintained of a durable waterproof and rustproof material, are secured from unauthorized entry or removal of material, and are of a capacity sufficient to accommodate material collected.

(6) Recycling containers shall be clearly marked to identify the type of material which may be deposited. Recycling drop-off centers shall be marked clearly to identify the name and telephone number of the facility sponsor and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.

(7) All public and private recycling drop-off centers shall be maintained free of litter by a responsible sponsoring organization or by Loudoun County.

(8) All recycling drop-off centers shall be screened from residential uses by an opaque fence at least 6 feet in height. When a recycling drop-off center is located on a lot with another principal use on the lot, then, in addition to the landscape/buffer requirements of the other principal use, the recycling drop-off center must be screened from adjoining residential, public or private school, shopping center, community center, church, park, fire station, or library uses. When a recycling drop-off center is a sole principal use on the lot, landscaping shall be in conformance with the requirements of Section 5-1400 of this Ordinance for commercial and light industrial uses abutting a residential use.

(9) Recycling containers shall be at least 150 feet from any residential dwelling.

(10) The recycling drop-off center shall be situated so that vehicular ingress and egress do not pose traffic hazards. A minimum of one (1) stacking or parking space per 500 square feet of the recycling drop-off center, or the anticipated peak customer load as determined by the Zoning Administrator, whichever is higher, shall be required on-site. Stacking and parking spaces shall not be located within the road right-of-way or setbacks.

(11) Occupation of any parking spaces by the recycling drop-off center may not reduce required parking spaces for the principal use below the required minimum number, unless the following conditions exist:

(a) A parking study shows that existing parking capacity is not fully utilized during the hours of operation of the principal use and the recycling drop-off center, or

(b) Hours of normal operation of the principal use do not overlap those of the recycling drop-off center.

(12) Signs may be provided as follows:

(a) Sizes of signs must be in conformity with Section 5-1200 of this Ordinance.

(b) Signs must be consistent with the character of the location.

(c) Directional signs, bearing no advertising message, may be installed with the approval of the Zoning Administrator if necessary to facilitate traffic movements on site, or if the facility is not visible from the public right-of-way.

(13) No portion of any recycling drop-off center shall be located in any major floodplain or setbacks cited herein.

(14) No noxious odors shall be emitted beyond any boundary lines of the recycling drop-off center.

(15) Operation of recycling drop-off centers shall occur during daylight hours, unless located within commercial or industrial areas which are equipped with lighting capable of illuminating the center during periods of darkness.

(B) **Specific Standards for Public Recycling Drop-Off Centers.**

(1) Public recycling drop-off centers shall be set back at least fifty (50) feet from the right-of-way of any street or as otherwise specified in Section 5-900; and at least fifty (50) feet from any lot or land bay zoned, used, or planned for residential uses, and shall not obstruct pedestrian or vehicular circulation.

(C) **Specific Standards for Private Recycling Drop-Off Centers.**

(1) The center shall meet the setback requirements for PD-GI uses adjacent to a lot or land bay zoned, used, or planned for residential use.

(2) In commercially and industrially zoned districts, a center may utilize electric power-driven processing equipment to sort, clean, or compact recyclable materials between the hours of 7AM and 7PM. Use of such equipment is not permitted in residentially zoned districts.

(D) **Specific Standards for Material Recovery Facilities (MRF).** All MRF's shall meet the following minimum standards:

(1) Neither an MRF nor the lot on which the MRF is located shall abut a property in residential land use. All processors shall operate in an entirely enclosed building except for incidental storage, except when:

(a) The operation is within an area enclosed on all sides by an opaque fence or wall not less than eight (8) feet in height and landscaped on all property lines; and

(b) The operation is located at least 300 feet from any property zoned, used, or planned for residential uses.

(2) Processing in MRF's is limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable materials, construction debris, and repairing of reusable materials.

(3) Power-driven processing equipment shall be permitted, provided that the noise level requirements of Section 5-1507 and any special exception conditions are met.

(4) All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition at all times, or shall be baled or palletized. No such storage shall be visible from any adjacent road or other property.

(5) MRF sites shall be maintained free of litter, shall be cleaned of loose debris on a daily basis and shall be secured from unauthorized entry and removal of materials when unattended.

(6) MRF sites located within 500 feet of an occupied residential dwelling shall not be in operation between the hours of 7:00 p.m. and 8:00 a.m. The MRF will be administered by on-site personnel during all hours of operation.

(7) Any containers provided for after-hours donation of recyclable materials shall be at least 500 feet from any occupied dwelling unit.

(8) If the MRF is open to the public, a minimum of ten (10) vehicle stacking spaces or the number of spaces necessary to accommodate the peak anticipated load as determined by the Zoning Administrator, whichever is higher, shall be required on-site.

(9) A minimum of one (1) parking space shall be provided for each commercial vehicle owned and operated by the MRF, unless a

greater number of spaces is required by the zoning district in which the facility is located.

(10) No dust, fumes or smoke, above ambient levels may be detectable on adjacent properties.

(11) Noise or vibration emitted or derived from the MRF shall not exceed the levels permitted by Sections 5-1505 and 5-1507 respectively.

(12) All material recovery facilities shall accept only glass, metals, plastics, papers, corrugated cardboard, construction debris, and other identified reusable recyclable items; hazardous or toxic materials shall not be accepted.

(13) No noxious odors shall be emitted beyond any boundary lines of the facility.

5-608 **Flex-Industrial Uses.** The following limitations regarding flex-industrial buildings and uses shall apply at a minimum:

(A) No building shall exceed two (2) stories in height.

(B) All buildings shall have a minimum of two (2) loading bays.

(C) All loading bays shall be located so that vehicles using such bays shall not be visible from public streets. All loading bays shall be screened from view by the building, landscaping, walls or decorative fencing. Except during the process of loading or unloading, trucks and trailers shall not be parked outside the building, unless parked in screened areas not visible from adjacent roads or properties.

(D) No more than 49 percent of the gross floor space of each building shall be used for non-accessory office uses.

(E) Office uses recognized as appropriate in flex-industrial/office buildings shall be associated with permitted and special exception uses and shall not include professional office uses with high-turnover or high intensity traffic, such as but not limited to corporate headquarters (unless associated with a permitted use), law offices, architectural offices, insurance offices, medical offices and health maintenance organizations.

(F) No outdoor storage is permitted.

(G) All sources of emission of noise and/or vibration shall meet the performance standards of Sections 5-1505.

5-609 **Child Care Facilities.** Child care homes and centers are permitted provided they comply with the following standards:

(A) **Child Care Homes:**

(1) Notwithstanding Section 5-600 of this Ordinance, this Section 5-609(A)(1) and Sections 5-609(A)(2), (4), (5) and (6) below shall not be modified by Minor Special Exception.

(2) The total number of children cared for in a child care home shall not exceed a maximum of twelve (12) children under the age of thirteen (13).

(3) When calculating the total number of children cared for in a child care home, the provider's own children, children residing on the premises, and non-resident children shall be included.

(4) The child care home shall be the principal residence of the child care home provider.

(5) The child care home shall comply with any and all requirements of the County and State Codes, including without limitation, obtaining a Zoning Permit in accordance with Section 6-1000 of this Ordinance, obtaining a County Business License, and obtaining a State Family Day Home License in accordance with the State Code, as applicable, prior to establishing the use.

(6) Prior to the issuance of a Zoning Permit for a child care home, written notice of the Zoning Permit application shall be sent to the last known address of the owner of each adjacent property as shown on the County's current real estate tax assessment records. For the purposes of this Section 5-609(A)(6) "adjacent" shall mean properties abutting the subject property and all property immediately and diagonally across the street or road from the subject property, but not including properties separated from the subject property by a roadway having more than two through lanes of travel, or, properties across such roadway that are more than 100 feet from the boundary of the subject property. Such written notice shall be sent by certified or registered mail. When such notice is not sent by the County, mail receipts or an affidavit shall be submitted to the Zoning Administrator showing that the required notice was sent. Such written notice shall include the following information:

(a) A statement that a Zoning Permit application for a child care home has been submitted to the County;

(b) The address of the property subject to the Zoning Permit application for the child care home;

(c) A statement informing the adjacent property owner that if they have any objection to the proposed child care home that they can send their objection in writing to the Zoning Administrator, which must be received within thirty (30) days from the date the notification letter was sent, and

that such written objection shall include the specific issues that are the basis for their objection. The address of the Zoning Administrator shall also be included in the notice letter.

If an objection is received in writing from an adjacent property owner within the required thirty (30) days, the Zoning Permit application cannot be approved until either (i) the Applicant obtains approval of a Minor Special Exception by the Board of Supervisors, in accordance with the provisions of Section 6-1300 of this Ordinance, or (ii) the Applicant elects in writing not to seek a Minor Special Exception, the Zoning Permit application is denied, the Applicant appeals the denial to the Board of Zoning Appeals in accordance with the provisions of Section 6-1700, and the Board of Zoning Appeals reverses the denial and approves the permit. In approving such permit, the Board of Zoning Appeals may impose such conditions and restrictions upon the location, character and other features of the proposed use as it may deem necessary in the public interest. Failure to comply with any such conditions and restrictions shall constitute a violation of this Ordinance.

(7) The Zoning Permit application for the child care home shall include a Sketch Plan, in accordance with Section 6-703 of this Ordinance, The Sketch Plan shall show the size and location of the required outdoor play area and fence required by (8) below, and the required parking spaces.

(8) Unless exempted by (9) below, an outdoor play area shall be provided on the lot where the child care home is located. The minimum size of the outdoor play area shall be seventy-five (75) square feet for each child permitted under the permit regardless of the number of children actually cared for in the child care home. Such play area shall be fenced, as per Section 5-609(B)(1)(a), and shall be located in the rear or side yard.

(9) No outdoor play area shall be required on-site when it is demonstrated that the child care home is located within 1,000 feet of an existing park or outdoor play area of at least two (2) times the size required for the child care home, providing that such park or outdoor play area may be accessed without crossing an arterial or collector road. Such park or outdoor play area shall either be a public park (neighborhood, community or regional park) or other public play area or park which is shown on the approved concept development plan, site plan, or subdivision plat for the development within which the child care home is located, and which is for the use of owners and residents of the portion of the said development where the child care home is located.

(10) Two non-resident assistants/employees shall be permitted.

(11) The hours of operation for the child care home shall be limited to five days a week between the hours of 6:00 AM and 7:00 PM.

(12) Signage for the child care home shall be as permitted in Section 5-1200 of this Ordinance.

(13) Parking spaces required by Section 5-1102 of this Ordinance shall be designed for the drop off/pick up of children and shall be designed and constructed to enhance the safety of children as they arrive and leave the child care home.

(14) For child care homes permitted to care for more than nine (9) children, including the provider's own children, children residing on the premises, and non-resident children:

The child care home shall be permitted only in a single family detached dwelling that is located on a lot that is a minimum of 5,000 square feet in size.

(B) **Child Care Centers** shall meet the criteria of Sections 5-609(A) (5), (8), and (9) above, and the following:

(1) Outdoor play areas shall meet the following standards:

(a) A fence at least three and one half (3 ½) feet in height shall completely enclose the play area so that children are safely contained inside, and that all persons entering the play area are within direct line of sight from the child care center classroom areas.

(b) Notwithstanding Section 5-200(A)(9), no play equipment shall be located within the required yard setback of any district.

(c) Outdoor play areas shall be safely segregated from parking, loading, or service areas (such as dumpster pads or delivery sites).

(2) Parking areas and vehicular circulation patterns shall meet the following standards:

(a) Parking areas shall be designed to enhance the safety of children as they arrive at and leave the facility.

(b) A designated pickup and delivery zone, providing at a minimum one (1) parking space per twenty (20) children, shall be located in proximity to the child care structure in such a way that provides safe and clearly designated access to enter or exit the center.

5-610 **Hospitals.** The following standards shall apply to the development of hospitals:

(A) **Locational Criteria.**

(1) All hospital sites shall have frontage on a public, hard surfaced road capable of accommodating the traffic generated by the site.

(2) Hospital structures shall be set back a minimum of 250 feet from County-designated Agricultural-Forestal districts.

(B) **Site Development Criteria.**

(1) Hospitals serving over one hundred (100) inpatients shall be served by public water and sewer systems.

(2) Principal structures shall be set back a minimum of 100 feet from property lines or shall meet the minimum yard setback requirements of the district within which it is located or the adjacent district setback requirements, whichever are greater.

(3) Accessory structures and parking shall be set back a minimum of 25 feet from any rights-of-way, private access easements, and property lines which adjoin agricultural or residential districts, or shall meet the minimum yard setback requirements of those adjoining districts, whichever are greater.

5-611 **Hotel/Motel.** The following standards shall apply to the development of hotel/motel:

(A) **Locational Criteria.**

(1) Hotel/Motel shall be located on, or with ready access to, collector or arterial roads.

(2) Hotel/Motel buildings and uses shall not be located in environmentally critical or sensitive areas as defined by the Comprehensive Plan.

(B) **Site Development Criteria.**

(1) Hotel/Motel uses shall be served by a public water and sewerage disposal system.

(2) Hotel/Motel uses shall be separated from agricultural, residential, or institutional uses by a landscape buffer with a minimum width of 100 feet, or the minimum width required by Section 5-1400 of this Ordinance, whichever is greater.

5-612 **Guest Houses.** Guest houses are subject to the following additional standards:

(A) Only guests or occupants of the principal residence shall use the guest house.

(B) Guest houses may not be rented, operated for gain, or otherwise used as a separate dwelling.

(C) The floor area of any guest house shall not exceed the lesser of (i) 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure or (ii) 2,500 square feet of gross floor area.

5-613 **Accessory Apartments and Dwelling Units.** Accessory units are subject to the following additional standards:

(A) No such accessory apartment or dwelling unit shall exceed the lesser of (i) 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure or (ii) 2,500 square feet in gross floor area.

(B) Accessory apartments and dwelling units shall be permitted only on lots exceeding 20,000 square feet in area. Such lot size restrictions shall not apply in Rural Villages, Rural Hamlets and Countryside Villages. Further, in R-4 and R-8 zoning districts, accessory apartments and dwelling units shall be permitted on cluster or traditional design option lots, on lots less than 10,000 square feet in area.

(C) In districts other than A-10, AR-1, AR-2, A-3, PD-RV and PD-CV, accessory apartments and dwelling units shall be located only on lots served by public sewer.

(D) Only one (1) accessory dwelling unit or apartment shall be permitted on a lot. One additional accessory apartment or dwelling unit is permitted on a parcel with an area of 20 acres or more.

(E) Accessory units may be located within an accessory building, agricultural structure, or in the principal structure.

(F) All of the use limitations of Section 5-102 shall be met.

(G) In the AR-1 and AR-2 Districts, one additional accessory dwelling shall be permitted for each 25 acres in excess of 20 acres. Additional dwellings may be permitted by special exception for seasonal labor.

5-614 **Small Businesses.**

(A) **Purpose and Intent.**

(1) **General.** The purpose of this section is to allow residents in the AR-1, AR-2, A-3, A-10, TR, CR, JLMA, PD-RV and PD-CV districts to locate and operate small-scale service and contracting businesses or lease such businesses, which preserve the rural and historic character of the districts and agriculture as an industry. It is the general intent of this Ordinance that commercial uses locate in and around existing urban areas that have adequate roads,

public facilities and utilities. However, some small businesses may locate within these districts in order to provide economical and convenient services to the rural area, to supplement farming as a source of income and to operate a home-based business where feasible. Some small businesses can operate in the rural areas with special designs and conditions that mitigate impacts on neighboring rural residential properties.

(2) **Allow Local, Small-Scale Businesses to Locate and Operate.** The intent of this Section is to allow local, small-scale businesses to locate and operate. It is not intended to permit franchises, branch facilities or other partial elements of larger enterprises that have other business facilities in other locations. Such larger scale enterprises, including expanding businesses which initially located in rural areas under the provisions of this Section, must locate in the County's industrial and commercial zoning districts where they will not adversely impact residential neighborhoods or agricultural activities.

(3) **Uses Temporary for Starting New Business.** The uses approved under the provisions of this section shall be considered temporary for the purpose of starting new businesses. Once a small business needs to expand its area, number of employees, or commercial and customer traffic beyond the capacity and character of the rural area, the business shall relocate to a location appropriately zoned for commercial, business or employment uses. The Board of Supervisors may impose appropriate conditions limiting the duration or transfer of special exceptions granted under the provisions of this Ordinance.

(4) **Adaptive Re-use of Farm Structures.** In addition to home occupations and small businesses, the adaptive re-use of farm structures for the intended use of home occupations and small businesses is allowed with respect to the use of small businesses.

(B) **Definitions.** For the purposes of Section 5-614, Small Businesses in the AR, A-3, A-10, TR, CR, JLMA and PD-CV districts, terms used are defined under "Small Business" in Article 8 of this ordinance.

(C) **Permitted Small Business Uses.**

(1) Small business uses, as listed in subsection D, which meet all of the conditions in Section 5-614(E) shall be allowed on lots of ten (10) acres or greater, subject to approval of a zoning permit/sketch plan, as defined in Section 5-614(H).

(D) **Small Business Uses Permissible by Special Exception.** Small businesses not meeting the criteria of Section 5-614(C) may be allowed by special exception, granted by the Board of Supervisors upon recommendation of the Planning Commission. Special exception

applications made pursuant to this Section are subject to the procedures and standards established in Section 6-1300 as well as to the uses, standards and restrictions that follow. The following uses may be approved as "small businesses" in the AR-1, AR-2, A-3, A-10, TR, CR, JLMA and PD-CV zoning districts:

(1) Business service occupations.

(2) Personal service occupations.

(3) Repair service occupations.

(4) Contractors and contracting.

(5) Professional office-based services.

(6) Studios for fine arts and crafts.

(7) Antique sales and the sale of any goods or items produced on the premises.

(8) Except as provided above, no retail or wholesale commercial businesses are permitted.

(E) **Small Business Site Development Criteria.**

(1) **Standards and Restrictions for Small Business Uses.**

	Acreage	**No. of Employees**	**Heavy Equip.** (On-Site)	**Business Vehicles** (On-Site)
(a)	0-3	1 maximum	none	2 maximum
(b)	3 but <10	3 maximum	none	2 maximum
(c)	10 but <50	4 maximum	2 maximum	4 maximum
(d)	50 or greater	10 maximum	5 maximum	6 maximum

(e) Business vehicle may not have more than two axles.

(2) **Regulations for Structures.**

	Acreage	**Size of Structures**
(a)	3-5	2,000 sq. ft. maximum
(b)	5 but <10	2,500 sq. ft. maximum
(c)	10 or greater	5,000 sq. ft. maximum for the initial 10 acres, plus an additional 1,000 sq. ft. for each additional 10 acres, not to exceed 15,000 sq. ft. maximum

(d) Building Height: 35 feet maximum.

(3) Notwithstanding the limitations placed on home occupations in Section 5-400, 100% of an existing farm structure may be used. An approved zoning/building permit shall be received for the change in use.

(4) **Regulations for Storage Yards.**

	Acreage	Size of Storage Yards
(a)	3-5	2,000 sq. ft. maximum
(b)	5 but <10	2,500 sq. ft. maximum
(c)	10 or greater	5,000 sq. ft. maximum for the initial 10 acres, plus an additional 1,000 sq. ft. for each additional 10 acres, not to exceed 15,000 sq. ft. maximum

(d) Storage yards shall be screened consistent with the requirements of Section 5-653(C) (Screening of Outdoor Storage and Storage Yards). Outdoor storage space must be enclosed on all sides by a fence.

(5) **Setback requirements.**

(a) All structures or storage yards of less than 2,000 sq. ft. for uses allowed under this Section shall be set back a minimum of 100 feet from all lot lines.

(b) All structures or storage yards in excess of 2,000 sq. ft. shall be set back at least 300 feet from all lot lines.

(c) All structures or storage yards used for the storage of heavy equipment shall be set back at least 300 feet from all lot lines and 500 feet from existing residential dwellings.

(6) All businesses which use, or store on site, heavy equipment shall access a paved or all-weather state-maintained road.

(F) **Sketch and Site Plans.**

(1) **Sketch Plan.** A sketch plan is required as part of a zoning permit application for permitted small businesses. Sketch plans shall include a drawing of all aspects of the business operations including the size and dimensions of the residence; the size and dimensions of areas within the residence to be used for the business; size, dimensions, and location of any structures, outdoor storage yards, and screening and buffering; size and dimensions of parking areas and signs if any; and the approximate location of any on-site major floodplain as determined from the County flood plain map. In addition, the sketch plan shall include the required off-site information needed

to illustrate conformance with the small business regulations, (Section 5-614), such as distances between storage yards, structures and adjacent residential structures and other buildings, the location and width of adjacent right-of-way, adjoining properties, and easements. The sketch plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structure to adjacent lot lines must be accurately depicted.

(2) **Special Exceptions.** Special exceptions may contain a condition for a site plan, in lieu of a sketch plan as defined herein, when the Board of Supervisors finds such a condition is necessary to mitigate potential off-site impacts of the proposed use.

(G) **Signs.** Signs for permitted and special exception small businesses approved under Section 5-614 are subject to the regulations contained in Section 5-1200 of this Ordinance for Businesses.

(H) **Applicability of District Regulations to Small Business Uses.**

(1) The AR-1, AR-2, A-3, A-10, TR, CR, JLMA and PD-CV district regulations and the general regulations which are consistent with these provisions shall apply to small business uses located in those districts.

(2) To the extent permitted by other provisions of the Loudoun County Zoning Ordinance, any use accessory and subordinate to a principal agricultural use shall not be affected by Section 5-614. In addition, nothing herein shall affect any legal nonconforming use as provided for in Article I.

(I) **Parking.**

(1) **General.** Parking shall be provided in accordance with Section 5-1102 when employees and customers are to be on the premises.

(2) **Buffering/Screening.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Location.** No parking shall be permitted in a required yard or setback.

(J) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(K) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-615 Farm Machinery Sales and Service.

(A) The establishment shall be located on a paved, state-maintained road not more than 1,000 feet from a primary state road.

(B) The structures, storage, and parking areas and/or the perimeter of the property shall have a Type Three (3) Buffer Yard to screen such areas from adjacent residential buildings.

(C) Buildings shall be set back a minimum of 75 feet from all property lines.

(D) Parking, driveways (other than entrance) and storage yards shall be set back a minimum 75 feet from the property line along any road frontage, and a minimum of 50 feet from all other property lines.

(E) Sites for such establishments shall not be less than three (3) nor more than ten (10) acres.

(F) Accessory retail sales shall be limited to farm and garden equipment parts and related tools and accessories. In no case shall the floor area devoted to the display and sale of such related tools and accessories be more than 15% of the floor area of the building site. No other non-farm equipment sales shall be permitted, including, but not limited to, lumber, hardware, building materials, or like items.

(G) No structure shall be located within 500 feet of an existing residential structure.

(H) The total Floor Area Ratio for all structures shall not exceed 0.1.

5-616 **Utility Substations.** The following standards shall apply to the development of utility substations.

(A) Utility substation, transmission.

(1) In all agricultural and residential districts, utility substations shall be located on lots of one (1) acre or more.

(2) In all commercial and industrial districts, utility substations shall be located on at least the minimum lot size of the district.

(B) Utility substation, distribution.

(1) In all agricultural and residential districts, utility substations shall be located on lots of one (1) acre or more.

(2) In all commercial and industrial districts, utility substations shall be located on lots of one (1) acre or more.

(C) All utility substations shall be located in areas consistent with the adopted Comprehensive Plan. A Commission Permit shall be required unless the utility substation is specially delineated in the Comprehensive Plan.

(D) All utility transmission and distribution substations and accessory storage yards shall have a minimum Type Four (4) Buffer Yard.

(E) Such utilities may be accessed by a private access easement.

5-617 **Freestanding Convenience Food Stores.** Except to the extent permitted on smaller lots in the Rural Commercial (RC) zoning district.

(A) Convenience food stores shall be located on lots of 50,000 square feet or greater.

(B) Convenience food store shall contain no more than 5,000 square feet of retail area.

(C) If a convenience food store is located at the intersection of two streets, the lot must have at least 200 feet of frontage on each street.

(D) Any convenience food store located within 200 feet of a residentially zoned, used, and/or planned district or land bay must provide an acoustical barrier, such as landscaping, berms, fences and/or walls, to attenuate noise to levels required by Section 5-1507.

5-618 **Telecommunications Use And/Or Structures.** The following performance standards shall be applied to telecommunication uses and/or structures.

(A) **Antennas.**

(1) **Structure Mounted and Roof Top Mounted Antennas.** Structure mounted and roof top mounted antennas and related unmanned equipment may be developed subject to the performance standards below to the extent permitted by right in the district use lists.

(a) Antennas and related unmanned equipment are permitted on an existing telecommunications monopole, telecommunications tower, or structure forty (40) feet or greater in height in all zoning districts subject to the performance standards outlined in this section.

(b) Notwithstanding the height requirements in Section 5-618(A)(1)(a), antennas and related unmanned equipment are permitted in all zoning districts on buildings and structures owned or controlled by a public use or fire and/or rescue company.

(c) Such antennas and related equipment may exceed the maximum building height limitations, provided the use is in accordance with the development criteria herein.

(d) Omnidirectional or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter and

shall be of a material or color which matches the exterior of the building or structure.

(e) Directional or panel antennas shall not exceed ten (10) feet in height or two (2) feet in width and shall be of a material or color which matches the exterior of the building or structure.

(f) Satellite and microwave dish antennas shall not exceed six (6) feet in diameter and shall be screened from public view.

(g) No commercial advertising shall be allowed on any antenna.

(h) Signals or lights or illumination shall not be permitted on any antenna, unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County.

(i) The related unmanned equipment structure(s) shall not contain more than five hundred (500) square feet of total gross floor area per user on each site. Structures shall not exceed twelve (12) feet in height. If located within the structure upon which the antennas are mounted, they may be located in the areas which are excluded from the determination of net floor area without changing the exclusion of those areas from the calculation of the density of the structure. The structure shall be of a material or color which matches the exterior of the building or structure.

(j) If the equipment structure is located on the roof of a building, the area of the equipment and structures shall not occupy more than twenty-five (25) percent of the roof area.

(k) All antennas and related unmanned equipment shall be removed within ninety (90) days after such antennas or related unmanned equipment are no longer in use.

(2) **Antennas Mounted on Existing or Replacement Utility Distribution and Transmission Poles and Streetlights.** Notwithstanding Section 5-618(A)(1) above, all antennas mounted on existing or replacement utility distribution and transmission poles and streetlights, together with related unmanned equipment connected to such antennas, are permitted in all zoning districts to the extent antennas are permitted by right in the district use lists

provided such antennas and equipment comply with the following criteria:

(a) Such antennas and related unmanned equipment may exceed the maximum building height limitations, provided the use is in accordance with the development criteria herein.

(b) Antennas mounted on existing or replacement utility distribution and transmission poles and streetlights, including related unmanned equipment, shall not be mounted at heights exceeding sixty (60) feet. All antennas mounted at heights exceeding sixty (60) feet shall be subject to the requirements of Section 5-618(B), Monopoles.

(c) Omnidirectional or whip antennas shall not exceed eight and one-half (8 ½) feet in height or three (3) inches in diameter and shall be of a material or color which matches the exterior of the structure on which they are mounted. Antennas shall be flush mounted so that the antenna with supporting mount does not extend more than one (1) foot from the structure.

(d) Directional or panel antennas shall not exceed five (5) feet in height or one (1) foot in width and shall be of a material or color which matches the exterior of the structure on which they are mounted. Antennas shall be flush mounted so that the antenna with supporting mount does not extend more than one (1) foot from the structure.

(e) Dish antennas shall not exceed two (2) feet in diameter. Antennas shall be of a material or color which matches the exterior of the structure on which they are mounted.

(f) No commercial advertising shall be allowed on any antenna.

(g) Signals or lights or illumination shall not be permitted on any antenna, unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County.

(h) No more than one (1) related unmanned equipment structure shall be located on a utility distribution pole, utility transmission pole, or streetlight. Such related unmanned equipment shall not exceed five (5) feet in height or twenty (20) cubic feet in volume.

(i) All antennas and related unmanned equipment shall be removed within ninety (90) days after such antennas or related unmanned equipment are no longer in use.

(3) **Antenna Hub Sites.** Antenna hub sites may be developed provided such sites comply with the following criteria:

(a) Related unmanned equipment at antenna hub sites shall not contain more than five hundred (500) square feet of total gross floor area and shall not exceed twelve (12) feet in height.

(b) The maximum permitted floor area ratio for the zoning district, if applicable, shall not be exceeded.

(c) Antenna hub sites shall meet the minimum yard requirements of the district in which they are located.

(d) Antenna hub sites shall be compatible with development located in the surrounding visual range regarding the setting, color, lighting, topography and materials. To the maximum extent feasible, related unmanned equipment at an antenna hub site shall be located in the interior of the property on which it is located.

(e) Related unmanned equipment at antenna hub sites shall be screened by a solid fence, wall or berm eight (8) feet in height with an evergreen hedge reaching an ultimate height of at least eight (8) feet and a planted height of at least four (4) feet. If equipment is added to an existing screened enclosure that contains telecommunication uses and/or structures, the screening requirements may be satisfied with the existing screening.

(f) Antenna hub sites that are fully enclosed within a building shall not be subject to the above criteria.

(g) Antenna hub sites shall be removed within ninety (90) days after such antenna hub sites are no longer in use.

(B) **Monopoles.** Monopoles and related unmanned equipment structure(s) may be developed as a permitted or special exception use, as listed below:

(1) **Monopoles, Permitted By Right.** Monopoles shall be permitted by right subject to the performance criteria listed in Section 5-618(B)(3), in the following situations:

(a) In all zoning districts, if located within an overhead utility transmission line right of way with existing structures greater than eighty (80) feet in height.

(b) In the PD-OP, GB, PD-GI, PD-SA, PD-IP, PD-RDP, or MR-HI zoning districts provided it is located 750 feet or greater from an adjoining residential district.

(c) In the AR, A-10, TR, JLMA-1, JLMA-2, JLMA-3, A-3, CR-1, CR-2, CR-3, CR-4, PD-TREC and RC zoning districts, when accessory to a fire or rescue station.

(2) **Monopoles, Special Exception Required.** Except as provided above, telecommunications monopoles shall be permissible subject to approval of a special exception and subject to the performance standards listed in Sections 5-618(B)(3) and 5-618(B)(4), in the following situations:

(a) In the AR-1, AR-2, A-10, TR, JLMA-1, JLMA-2, JLMA-3, A-3, CR-1, CR-2, CR-3, CR-4, PD-TREC and RC zoning districts, except as provided in Section 5-618(B)(1)(c), and in the CLI, PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-TC, PD-UC, PD-TRC, PD-MUB and PD-CV zoning districts.

(b) In the PD-OP, GB, PD-GI, PD-SA, PD-IP, PD-RDP, and MR-HI zoning districts when located 750 feet or closer from an adjoining residential district.

(c) In all zoning districts, except PD-H, R-districts, PD-AAAR, and PD-RV, as an accessory use to a fire and rescue station, except as provided in Section 5-618(B)(1)(c).

(d) In all zoning districts, within the right of way of a private toll road.

(3) **Monopoles, General Performance Criteria.** All telecommunications monopoles, whether permitted by right or permissible with the approval of a special exception application, shall be subject to the following criteria:

(a) The proposed telecommunications monopole shall be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. In addition, the facility shall be located in the interior of the property and areas of existing vegetation, if applicable, shall be used to screen the facility.

(b) New telecommunications monopoles shall be designed to accommodate at least three (3) providers, unless:

(i) Doing so would create an unnecessary visual impact on the surrounding area; or

(ii) No additional need is anticipated for any other potential user in the vicinity; or

(iii) There is some valid economic, technological, or physical justification as to why co-location is not possible.

The applicant shall identify the conditions under which future co-location by other service providers is permitted.

(c) The height of such monopole, including antennas, shall not exceed 199 feet, as measured from the natural ground elevation.

(d) Satellite and microwave dishes attached to monopoles shall not exceed two (2) feet in diameter.

(e) Except as provided in Section 5-618(B)(3)(o) and Section 5-618(B)(4)(d), telecommunications monopoles shall not be located any closer than one (1) foot for every five (5) feet in height to any property line. Structures and buildings may be constructed within the setback areas of the monopole, provided other zoning standards are met.

(f) The related unmanned equipment structure(s) shall not contain more than 500 square feet of total gross floor area per telecommunications provider on each site. Structures shall not exceed 12 feet in height.

(g) Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, monopoles shall blend with the background.

(h) No signals or lights or illumination shall be permitted on a monopole, unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the County.

(i) No commercial advertising or signs shall be allowed on a monopole.

(j) A commission permit shall be required.

(k) No monopole shall be located within a County designated historic district.

(l) No monopole shall be located within a PD-H, or PD-RV zoning district except as provided in Section 5-618(B)(1)(a) and Section 5-618(B)(2)(d).

(m) All unused equipment and facilities from a commercial public telecommunications site shall be removed within 90 days of cessation of commercial public telecommunication use and the site shall be restored as closely as possible to its original condition.

(n) Applicants for any commercial public telecommunications facility shall demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding from the FAA that the proposed facility is not a hazard or obstruction to aviation is necessary prior to the issuance of a zoning permit. If a proposed telecommunications facility is higher than 199 feet or within five (5) miles of the property boundary of either Dulles or Leesburg Airports, the applicant shall provide verification that: 1) the appropriate airport authority (Metropolitan Washington Airports Authority or the Town of Leesburg) has been notified in writing; and 2) the FAA has determined that the proposed facility is neither a hazard nor an obstruction to aviation.

(o) When locating on a Loudoun County or Loudoun County Sanitation Authority site or fire and/or rescue company site: 1) the telecommunications equipment shall not interfere with the existing telecommunications equipment of the primary use; and 2) the setback provisions of Section 5-618(B)(3)(e) shall not apply. In addition, the landscaping/buffering provisions of the Ordinance may be reduced or waived if the site has been developed in accordance with Section 5-1409(G).

(p) Applicants proposing a new telecommunications monopole within one (1) mile of a County designated historic district or a Virginia Byway shall submit a minimum of three (3) visual simulations and written justification as to why the monopole could not be sited elsewhere. This requirement shall also be applied if a telecommunications monopole is proposed on a property listed on the National Register of Historic Places.

(q) Telecommunications monopoles shall not be located along ridge lines, but downslope from the top of ridge lines, to protect views of the Catoctin, Bull Run, Hogback, Short Hill, and Blue Ridge Mountains.

(r) Applicants shall submit documentation, in written and graphic form, regarding the service area to be provided by the proposed telecommunications monopole.

(4) **Monopoles, Additional Submission Requirements.** The following additional information shall be submitted by applicants for monopoles required to be approved by special exception.

(a) The applicant shall provide photoimagery or other visual simulation of the proposed telecommunications monopole shown with the existing conditions of the site. This simulation shall be provided from a minimum of three (3) perspectives. The applicant shall address how the facility can be designed to mitigate the visual impact on area residents, facilities, and roads.

(b) Except for areas where permitted by right, an applicant for a new commercial public telecommunication monopole shall demonstrate that location on an existing telecommunications facility or structure greater than 40 feet in height is not feasible. The applicant shall evaluate telecommunications facilities and structures greater than 40 feet in height within a one (1) mile radius of the proposed facility within the Eastern Loudoun Urban Growth Area. Elsewhere in the County, the applicant shall evaluate these locations within a two (2) mile radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining infeasibility. Co-location may be determined to be infeasible in the following situations:

(i) Planned equipment would exceed the structural capacity of existing and approved telecommunications facilities, considering existing planned use of those facilities, and such facilities cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;

(ii) Planned equipment will cause interference with other existing or planned equipment for that telecommunications facility, and that interference cannot be prevented at a reasonable cost;

(iii) Existing or approved telecommunications facilities do not have space on which planned equipment can be placed so as to provide adequate service; and

(iv) Existing and approved telecommunications facilities will not provide adequate signal coverage.

(c) In addition to those entitled to notice under the provisions of Section 6-600 of this Ordinance, all owner(s), or their

agent(s), of all properties abutting or immediately and diagonally across the street or road from those properties whose owners are entitled to notice under Section 6-600, shall be provided with the same written notice. The applicant is also encouraged to meet with community and homeowners association groups in the area.

(d) Telecommunications monopoles permissible by special exception pursuant to Section 5-618(B)(2)(d) shall not be subject to the lot requirements, building requirements, and open space requirements, if applicable, of the zoning district in which they are located.

(C) **Telecommunications Towers.** Telecommunications towers with related unmanned equipment structure(s) may be developed as a permitted or special exception use as listed below, subject to the performance standards of this section.

(1) **Telecommunications Towers, Permitted By Right.** Transmission towers shall be permitted by right subject to the performance criteria listed in Section 5-618(C)(3):

(a) In the MR-HI and PD-GI zoning districts if the tower is forty (40) feet or less in height and is mounted on an existing structure.

(2) **Telecommunications Towers, Special Exception Required.** Telecommunications towers shall be permissible by special exception subject to the performance standards listed in Sections 5-618(C)(3) and 5-618(C)(4) in the following situations:

(a) In the A-25, A-10, AR-1, AR-2, TR, JLMA-1, JLMA-2, JLMA-3, A-3, CR-1, CR-2, CR-3, CR-4, RC, CLI, PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-TC, PD-TREC, PD-MUB and PD-TRC zoning districts.

(b) In the PD-OP, GB, PD-GI, PD-SA, PD-IP, PD-RDP, and MR-HI zoning districts.

(c) In all zoning districts, except PD-H, R-districts, PD-AAAR, PD-RV and PD-CV, as an accessory use to a fire and rescue station.

(3) **Telecommunications Towers, General Performance Criteria.** All telecommunications towers, whether permitted by right or permissible with the approval of a special exception application, shall be subject to the following criteria:

(a) The telecommunications tower shall be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. In

addition, the facility shall be located in the interior of the property and areas of existing vegetation, if applicable, shall be used to screen the facility.

(b) New telecommunications towers shall be designed to accommodate at least three (3) providers, unless:

(i) Doing so would create an unnecessary visual impact on the surrounding area; or

(ii) No additional need is anticipated for any other potential user in the vicinity; or

(iii) There is some valid economic, technological, or physical justification as to why co-location is not possible.

The applicant shall identify the conditions under which future co-location by other service providers is permitted.

(c) Telecommunications towers, including antennas, shall not exceed 199 feet, as measured at the natural ground elevation, unless the applicant can clearly demonstrate that the facilities of 199 feet or less cannot render needed services. At the applicant's expense, the County may have an independent analysis performed on the applicant's proposal.

(d) Satellite and microwave dishes attached to the towers shall not exceed six (6) feet in diameter.

(e) Except as provided in Section 5-618(C)(3)(o), towers shall be set back one (1) foot for every five (5) feet in height from the property line. Structures and buildings may be constructed within the setback area of the tower, provided other zoning standards are met.

(f) The related unmanned equipment structure(s) shall not contain more than 500 square feet of total gross floor area per telecommunications provider on each site. Structures shall not exceed 12 feet in height.

(g) Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, telecommunications towers shall blend with the background.

(h) No signals or lights or illumination shall be permitted on a monopole, unless required by the Federal Communications Commission, the Federal Aviation

Administration, State or Federal authorities, or the County.

(i) No commercial advertising shall be allowed on the tower.

(j) A commission permit shall be required.

(k) No transmission tower shall be located within a County designated historic district.

(l) No tower shall be located within a PD-H or PD-RV zoning district.

(m) All unused equipment and facilities shall be removed from a commercial public telecommunications site within 90 days of cessation of commercial public telecommunication use and the site shall be restored as closely as possible to its original condition.

(n) Applicants for any commercial public telecommunications facility shall demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding from the FAA that the proposed facility is not a hazard or obstruction to aviation is necessary prior to the issuance of a zoning permit. If a proposed telecommunications facility is higher than 199 feet or within five (5) miles of the property boundary of either Dulles or Leesburg Airports, the applicant shall provide verification that: 1) the appropriate airport authority (Metropolitan Washington Airports Authority or the Town of Leesburg) has been notified in writing; and 2) the FAA has determined that the proposed facility is neither a hazard nor an obstruction to aviation.

(o) When locating on a Loudoun County or a Loudoun County Sanitation Authority site or fire and/or rescue company site: 1) the telecommunications equipment will not interfere with the existing telecommunications use of the primary use; and 2) the setback provision of Section 5-618(C)(3)(e) does not apply. In addition, the landscaping and buffering provisions of the Ordinance may be reduced or waived if the site is developed in accordance with Section 5-1409(G).

(p) Applicants proposing a new telecommunications tower within one (1) mile of a County designated historic district or Virginia Byway shall provide a minimum of three (3) visual simulations and written justification as to why the tower could not be sited elsewhere. This requirement shall also be applied if a telecommunications

tower is proposed on a property listed on the National Register of Historic Places.

(q) Telecommunications towers shall not be located along ridge lines, but downslope from the top of ridge lines, to protect views of the Catoctin, Bull Run, Hogback, Short Hill, and Blue Ridge Mountains.

(r) Applicants shall submit documentation, in written and graphic form, regarding the service area to be provided by the proposed telecommunications tower.

(4) **Telecommunications Towers, Additional Submission Requirements.** The following additional performance standards shall apply to transmission towers when approved by special exception:

(a) The applicant shall provide photoimagery or other visual simulation of the proposed facility shown with the existing conditions of the site. This simulation shall be provided from a minimum of three (3) perspectives. The applicant shall address how the facility can be designed to mitigate the visual impact on area residents, facilities, and roads.

(b) Except for areas where permitted by right, an applicant for a new commercial public telecommunication monopoles shall demonstrate that location on an existing telecommunications facility or structure greater than 40 feet in height is not feasible. The applicant shall evaluate telecommunications facilities and structures greater than 40 feet in height within a one (1) mile radius of the proposed facility within the Eastern Loudoun Urban Growth Area. Elsewhere in the County, the applicant shall evaluate these locations within a two (2) mile radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining infeasibility.

Co-location may be determined to be infeasible in the following situations:

(i) Planned equipment would exceed the structural capacity of existing and approved telecommunications facilities, considering existing planned use of those facilities, and such facilities cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;

(ii) Planned equipment will cause interference with other existing or planned equipment for that telecommunications facility, and that interference cannot be prevented at a reasonable cost;

(iii) Existing or approved telecommunications facilities do not have space on which planned equipment can be placed so as to provide adequate service; and

(iv) Existing and approved telecommunications facilities will not provide adequate signal coverage.

(c) In addition to those entitled to notice under the provisions of Section 6-600 of this Ordinance, all owner(s), or their agent(s), of all properties abutting or immediately and diagonally across the street or road from those properties whose owners are entitled to notice under Section 6-600, shall be provided with the same written notice. The applicant is also encouraged to meet with community and homeowners association groups in the area.

(d) Applicants for new telecommunications towers shall demonstrate that a telecommunications monopole, of comparable transmission capabilities, cannot be utilized or cannot provide an equivalent level of service.

5-619 Rural Corporate Retreat.

(A) **Purpose and Intent.** The purpose of this section is to provide for rural agricultural corporate retreat facilities that will be compatible with, and supportive of the primary land use of agriculture, forestry, open space and/or historic preservation.

(1) The Rural Corporate Retreat is intended to promote the rural amenities of the AR, A-3, A-10, TR-10, JLMA-3 and JLMA-20 districts as an ideal work place. The Rural Corporate Retreat user is encouraged to incorporate existing structures, which could be restored and maintained into the retreat facilities to preserve the existing rural character.

(2) Rural Corporate Retreats shall be permitted in the AR, A-3, A-10, TR-10, JLMA-3 and JLMA-20 districts on the basis of land size and average daily users. Permitted Rural Corporate Retreats shall meet specific development criteria outlined in subsection 5-619(C) below. Any Rural Corporate Retreat that does not meet the criteria of subsection 5-619(C), may be permitted subject to special exception approval

(3) The Rural Corporate Retreat use shall not involve the handling or processing of hazardous or toxic materials. The Rural Agricultural Corporate Retreat use shall comply with the applicable performance standards of Section 5-1500.

(B) **Rural Corporate Retreat Development Criteria.**

(1) **Minimum Acreage.** The minimum acreage shall be 50 acres.

(2) **Open Space.** A minimum of 75% of the total property acreage shall be kept in an agricultural, forestry, open space, and/or historic preservation use.

(3) **Frontage and Access.** The property on which the Rural Corporate Retreat is located shall have frontage and access on a state-maintained road.

(4) **Floor Area Ratio.** The maximum floor area ratio shall be 0.04. The total acreage shall be used for determining the permitted floor area.

(5) **On-Site Food Services.** The retreat facilities may provide on-site food service for employees and retreat visitors, but may not contain restaurant facilities open to the general public.

(6) **Setbacks.** All retreat facilities buildings shall be set back a minimum of 200 feet from adjacent properties.

(7) **Storage Areas.** Storage areas related to the retreat facilities shall be permitted.

(8) **Programs.** The retreat facilities use may include training programs, seminars, and similar activities.

(9) **Special Events.** Special events shall receive approval pursuant to Section 5-500, unless the facility meets the requirements of Section 5-642.

(10) **Products Sold On-Site.** No products shall be sold on-site except those that are clearly incidental and integral to the purpose and program of the retreat.

(11) **One Principal Dwelling.** No more than one principal dwelling unit shall be permitted. Tenant dwellings shall be permitted in accord with Section 5-602.

(12) **On-Site Recreation.** The retreat facilities may provide on-site recreation facilities to be used solely by employees and visitors, but not by the general public.

(13) **Average Daily User and Acreage Ratio:** 100 users per 50 acres. Notwithstanding, there shall be no more than 450 users on greater than 200 acres without first securing special exception approval. The term Average Daily Users includes employees and visitors to the site. Service trips, such as food or supply deliveries, package delivery, and similar trips are in addition to the average daily users.

(14) **Exclusions.** Buildings or structures used exclusively for agricultural use, the principal dwelling unit, and tenant dwellings are excluded from these requirements and from the floor area ratio calculations.

(C) **Sketches, Site Plans, Special Exceptions and Statements of Use.**

(1) **Sketch Plan.** A sketch plan is required as a part of a zoning permit application for permitted Rural Corporate Retreats. Sketches shall include an accurate drawing of all aspects of the Rural Corporate Retreat including the size and dimensions of buildings; the size and dimensions of land area devoted to the Rural Corporate Retreat use; the size and dimensions of the land to be maintained in agricultural, forestry, open space, and/or historic preservation use; the size and dimensions of parking areas; building setbacks; the size, dimension, and location of any signs; and the approximate location of any on-site major floodplain as determined from the County flood plain map. In addition, the sketch plan shall include the required information needed to illustrate conformance with the Rural Corporate Retreat regulations of this Section 5-619.

(2) **Statement of Use.** For all Rural Corporate Retreats, a statement of use shall be filed in conjunction with the sketch or site plan. The statement of use shall define the operations of the Rural Corporate Retreat and shall outline how the use meets the development criteria.

5-620 **Manufactured Housing.** The following standards shall apply to the development of manufactured housing:

(A) Homes shall be a minimum of 900 square feet in floor area, and a minimum of 19 feet in width.

(B) Roofs shall be pitched with a minimum vertical rise of four inches for each twelve inches of horizontal run.

(C) Exterior materials shall be of a color, material and scale compatible with site-built, single family construction.

(D) Homes shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile or slate or other products as used in surrounding areas.

(E) All homes shall have a pitched roof with a minimum of either a 6" overhang and a 4" gutter or 12" overhand on the front and back and a minimum of 6" on the sides.

(F) Perimeter non-load bearing foundation enclosures shall be compatible with foundation materials on site-built residential structures, and shall be limited to masonry, stone or concrete.

(G) Homes shall have wheels, axles, transporting lights, and removable towing apparatus removed from the site, and shall be placed on a permanent foundation.

(H) Storage areas for RV unit shall be provided on a separate lot. If such lot is exterior to the development it shall be effectively buffered from the street and adjacent dwellings. If the storage area is located on an interior lot, the buffering shall not be required.

(I) Manufactured homes in the AR-1, AR-2, A-3, A-10, and TR-10 districts shall not be subject to this section.

(J) Nothing in this subsection shall be deemed to supersede valid restrictive covenants of record, except that a manufactured home built in accordance with the HUD code shall not be deemed a mobile home.

5-621 **Public Utilities.** Lot requirements for Municipal Corporations, VDOT, LCSA, Public Utilities and Public Service Corporations.

(A) In all zoning districts, public utilities shall be located on lots of one half (1/2) acre or more.

(B) All utility facilities shall have a minimum Type Four (4) Buffer Yard.

(C) Such utilities may be accessed by private access easement.

(D) Utility Substations are governed by Section 5-616 of this Ordinance.

5-622 **Magazine Contained Explosive Facilities.**

(A) **Purpose and Intent.** The intent of this section is to allow businesses with magazine contained explosives storage facilities to be located within the A-3 zoning district, while preserving the rural character of the district. A commercial business operation requiring a magazine contained explosives facility shall be located in a commercial or industrial zoning district.

(B) **Effective Control.** In order to qualify for a special exception as a magazine contained explosives facility, the applicant shall demonstrate

unified ownership/control of the parcel that is the subject of the special exception application and the commercial business operation cited in (A) above.

(C) **Site Development Criteria.**

(1) **Acreage.** The minimum gross acreage of a parcel used for storage of magazine contained explosives shall be 50 acres. A minimum of three acres shall be located outside of major floodplain. In no event shall the acreage be less than that necessary to comply with the regulations contained in the most current adopted edition of the "Virginia Statewide Fire Prevention Code" (VSFPC) and all other applicable state and local codes and ordinances whichever is more restrictive.

(2) **Setbacks.**

(a) **Adjacent to Roads.** No magazine facility or loading area shall be permitted closer than 500 feet to the right-of-way of a state maintained road or the minimum setback contained in the VSFPC, whichever is more restrictive.

(b) **Adjacent to Other Properties.** No magazine facility shall be permitted closer than 350 feet or the minimum setback contained in the VSFPC, whichever is more restrictive.

(3) **Access.** Magazine Contained Explosives Facilities may be located on lots accessed by private access easement.

(D) **Construction and Placement.** Construction and Placement of a magazine for the containment of explosives shall conform to all applicable State and Federal requirements.

(E) **Open Space.** Except for those areas established for the approved magazine facility on the special exception plat, the remainder of the parcel shall be maintained for agricultural, horticultural, and forestry uses during the term of the special exception. Uses and structures accessory to the magazine facility and an agricultural, horticultural, and/or forestry use on the property may be permitted, including security buildings, barns and one single family dwelling.

(F) **Conveyance.** Approval of a special exception or zoning permit pursuant to this section shall not convey with the transfer of the property or business which are the subject of these applications

5-623 PD-IP Private School Notification Standards.

(A) **Purpose and Intent.** Operators of a private school located within a PD-IP District must notify all applicants, at the time of application, of the potential permitted and special exception uses within such a district.

(B) **Standard Notification.** The notification document shall include a list of the uses permitted within the industrial zone. The document shall include a section that requires prospective student's parent to sign a statement stating that they have reviewed or have been offered the opportunity to review this document. Said document shall remain on file at the school for the period of the student's enrollment.

5-624 Vehicle Wholesale Auction.

(A) **Locational Criteria.**

(1) Vehicle wholesale auctions shall be located on a public, paved road capable of accommodating the traffic generated by the use.

(2) Vehicle wholesale auctions shall be located on parcels where at least a portion of the parcel is located within the noise contour areas of the Airport Impact Overlay District, as existing at the time of initial site plan approval.

(3) Vehicle wholesale auctions shall be located on a parcel with an area of 50 acres or more.

(B) **Site Development Criteria.**

(1) Any car-carrier loading/unloading area and vehicle storage areas shall be located separately from the customer parking areas, and such areas shall be identified with directional signage.

(2) The use shall be served by public sewer.

(3) Car washing associated with the use shall utilize recycled water.

(4) The sale and/or storage of vehicles that are not in operating condition shall not be permitted.

(5) Outdoor vehicle storage, parking spaces, and loading spaces shall be specifically identified on an approved site plan and shall be limited to such areas.

(6) Outdoor vehicle storage shall be setback at least 100 feet from any road right-of-way.

(7) The test driving of all vehicles shall be conducted on-site.

(8) Notwithstanding the requirements of Section 5-1400, no structure shall be required in the rear or side Type 4 Buffer Yards when adjacent to areas of Dulles Airport.

(9) Vehicle wholesale auctions shall not be conducted before 8:00 a.m., after 6:00 p.m., or on Saturdays or on Sundays.

5-625 **Winery, Commercial.** Commercial wineries in the AR, JMLA, and Route 28 CO, PD-CM and CB districts shall comply with the following standards:

(A) **Intensity/Character.**

(1) **Site Size.** The minimum lot area for a commercial winery is 10 acres.

(2) **Wine Tasting Rooms and Accessory Food Sales.** Facilities for wine tasting rooms and accessory food sales (including a kitchen) shall not exceed 49 percent of the total gross floor area of all structures at the commercial winery.

(3) **Hours of Operation.** Hours of operation shall be limited to 10:00 a.m. to 10:00 p.m.

(B) **Size of Use.**

(1) **Floor Area Ratio.** The floor area ratio for a commercial winery shall not exceed 0.04.

(2) **Storage Yards.** The total area of storage yards shall not exceed 20 percent of the total area of the principal structure.

(C) **Location on Site/Dimensional Standards.** A commercial winery shall be set back at least 125 feet from all lot lines.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking and Storage Areas.** Parking and storage areas shall be screened to comply with the requirements of Section 5-653(B).

(E) **Roads/Access Standards.**

(1) **General Access Standards.** A commercial winery shall comply with the road access standards of Section 5-654.

(2) **Driveways.** Driveways to a commercial winery shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Vehicles/Equipment.** Commercial wineries that use heavy equipment shall have direct access to a paved public road.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(H) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) Surface. All parking shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-626 Agriculture, Horticulture and Animal Husbandry.

(A) **Parcel Size.**

(1) Agriculture, Horticulture and Animal Husbandry uses shall have no minimum lot size.

(2) Animal Husbandry shall not be permitted on a parcel of less than five (5) acres in size unless such parcel has obtained an approved Conservation Farm Plan with a Best Management section as described in Section 5-626(B) below.

(B) **Conservation Farm Plan.** Prior to the establishment of an Animal Husbandry use on a property of less than five (5) acres the owner of the parcel shall be required to execute a Conservation Farm Plan (also known as a farm management plan) including a waste management plan, through and with the Loudoun Soil and Water Conservation District (SWCD) and the Virginia Cooperative Extension Service (VCES) and provide a copy of such executed Plan to the Zoning Administrator. The Plan shall indicate the types and quantity of proposed animals, location and size of existing and proposed structures, grazing areas, and location and type of wells and septic fields and reserve septic fields. A Best Management section shall be included identifying the best management practices necessary to support the proposed types and quantity of animals. Review of the Plan shall take into consideration the type and construction of any wells, septic fields and reserve septic fields and environmental features such as steep slopes, rock outcroppings and streams. The Best Management Section shall be reviewed by the Virginia Cooperative Extension Service to confirm that it is consistent with generally accepted Animal Husbandry standards and documentation indicating such confirmation shall be provided to the Zoning Administrator. After approval, no additional animals may be added to the site without an approved amendment to the Plan.

(C) **Setbacks for Certain Structures.** No structure for housing livestock including barns, run-in sheds, stables, and the like shall be located closer than 60 feet from the property line of an adjoining lot where a residential dwelling existing or under construction at the time of construction of the structure is the principal use. This setback shall not apply if such

residential dwelling is located more than 60 feet from the property line adjoining the structure.

5-627 Agriculture Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry).

(A) **Intensity/Character.**

(1) **In Association with On-Going Agriculture, Horticulture, or Animal Husbandry Use.** The agriculture support use (direct association) shall be allowed only in direct association with an on-going agriculture, horticulture, or animal husbandry use or activity.

(2) **Site Size.** The minimum lot area for any agriculture support use (direct association) shall be 5 acres.

(3) **Visitors/Customers/Parking Spaces.** The minimum lot area shall increase based on the number of visitors/customers attracted to the use, as follows:

Use	Scope of Use/Event	Lot Area (Minimum)
Level I—small scale	No more than 200 visitors on any one day; no more than 100 vehicles allowed on site at any one time.	5 acres, up to 25
Level II—medium scale	> 200 visitors on any one day, no more than 400; no more than 200 vehicles allowed on site at any one time.	>25 acres, up to 50
Level III—large scale	> 400 visitors on any one day, no more than 600; no more than 300 vehicles allowed on site at any one time, except 4 additional visitors and 2 additional vehicles allowed per acre in excess of 100 acres.	>50 acres, up to 100

(4) **Hours of Operation.** Hours of operation for any agriculture support use (direct association) shall be limited to the hours from 6:00 a.m. to 9:00 p.m.

(5) **Owner.** The agriculture support use (direct association) shall be operated or maintained by the owner or occupant of the land upon which the primary associated agriculture, horticulture, or animal husbandry use is being conducted.

(B) **Size of Use.**

(1) **Structure.** The size of structures used in the agricultural support use (direct association) shall not exceed the following gross floor area (total all structures):

Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	12,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Additional structure size allowed by right at rate of 2,400 square feet per 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size for agriculture support (direct association uses)	36,000 square feet

(2) **Storage Areas.** The total area of all storage areas used in the agricultural support use (direct association) shall not exceed the following size in square feet:

Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	5,000 square feet
An additional 1,000 square feet of storage area shall be allowed by right for each additional 10 acres, not to exceed a maximum of 20,000 square feet.		

(C) **Location on Site/Dimensional Standards.** Structures or storage areas of an agricultural support use (direct association) shall be set back from lot lines as follows:

Use	Lot Area (Min.)	Size of Structures (Max.)	Setback from Lot Lines
Level I—small scale	5 to 25 acres	12,000 square feet	60 ft.
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet	120 ft.
Level III—large scale	> 50, up to 100 acres	36,000 square feet	175 ft.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Storage Areas.** All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Road/Access Standards.**

(1) **General Access Standards.** An agriculture support use (direct association) shall comply with the road access standards of Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Vehicles/Equipment.** Any agricultural support use (direct association) that involves the use of or services heavy equipment shall have direct access to a paved public road maintained by the state. Direct access shall not be provided by a private easement.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(H) **Hazardous Chemicals, Pesticide Use.** The use and application of herbicides, pesticides, and potentially hazardous chemicals and substances such as paints and solvents shall be prohibited within the required buffer.

(I) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the agricultural support use (direct association) shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-628 **Farm Based Tourism.** Farm based tourism uses in the AR, TR, JLMA, and Route 28 CO, PD-CM and CB districts shall comply with the following standards:

(A) **Intensity/Character Standards.**

(1) **Site Size.** The minimum lot area for a farm based tourism use shall be 5 acres.

(2) **Visitors/Customers/Parking Spaces.** The lot area shall increase based on the number of visitors/customers attracted to the use, as follows.

Use	Scope of Use/Event	Lot Area Requirement
Level I—small scale	No more than 300 visitors on any one day; no more than 150 vehicles allowed on site at any one time.	>5 acres, up to 40
Level II—medium scale	> 300 visitors daily, no more than 600 visitors on any one day; no more than 300 vehicles allowed on site at any one time.	>40 acres, up to 80
Level III—large scale	> 600 visitors daily, no more than 800 visitors on any one day; no	>80 acres

Use	Scope of Use/Event	Lot Area Requirement
	more than 400 vehicles allowed on site at any one time.	

(3) **Hours of Operation.** Hours of operation shall be limited to 8:00 a.m. to 6:00 p.m.

(4) **Owner.** The farm based tourism use shall be operated or maintained by the owner, operator, or occupant of the land upon which the primary associated agriculture, horticulture or animal husbandry use is being conducted.

(5) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as for Farm Based Tourism and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

(B) **Size of Use Standards.**

(1) **Structure.**

(a) The size of structures used for the farm based tourism use shall not exceed the following gross floor areas (total all structures):

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Level I—small scale	5 acres, up to 40 acres	Up to 5,000 square feet
Level II—medium scale	>40 acres, up to 80 acres	> 5,000 square feet, up to 7,500 square feet
Level III—large scale	>80 acres	> 7,500 square feet, up to 10,500 square feet

(2) **Storage Areas.** The total area of all storage areas shall not exceed 25 percent of the total floor area of the structures used for the farm based tourism use.

(C) **Location on Site/Dimensional Standards.**

(1) **Lot Lines.** Structures for farm based tourism uses shall be set back from lot lines as follows:

Use	Size of Structures (Maximum)	Setback from Lot Lines

Use	Size of Structures (Maximum)	Setback from Lot Lines
Level I—small scale	Up to 5,000 square feet	100 ft.
Level II—medium scale	>5,000 square feet up to 7,500 square feet	150 ft.
Level III—large scale	>7,500 square feet, up to 10,000 square feet	200 ft.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Areas.** All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Road/Access Standards.**

(1) **General Access Standards.** Farm based tourism uses shall comply with the road access standards of Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-654(A) (Exterior Lighting Standards).

(G) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-629 **Sawmills.** Sawmills shall comply with the following standards.

(A) **Intensity/Character Standards.**

(1) **Site Size.** The minimum lot area for a sawmill shall be 12 acres.

(2) **Customers/Parking Spaces.** The minimum lot area shall increase based on the number of customers attracted to the use, as follows.

Use	Scope of Use/Event	Lot Area (Minimum)

Use	Scope of Use/Event	Lot Area (Minimum)
Level I—small scale	No more than 25 customers on any one day; no more than 13 vehicles allowed on site at any one time.	12 acres
Level II—medium scale	> 25 customers on any one day, no more than 100; no more than 50 vehicles allowed on site at any one time.	20 acres
Level III—large scale	> 100 customers on any one day, no more than 150; no more than 75 vehicles allowed on site at any one time.	25 acres

(3) **Hours of Operation.** Hours of operation for a sawmill shall be limited from 6:00 a.m. to 6:00 p.m.

(B) **Size of Use Standards.**

(1) **Structure.** Excluding the actual timber cutting equipment, the size of all structures used at the sawmill shall not exceed the following gross floor areas (total all structures):

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Level I—small scale	12 acres	3,500 square feet
Level II—medium scale	20 acres	5,500 square feet
Level III—large scale	25 acres	7,000 square feet

(2) **Storage Yards.** The size of storage yards used for a sawmill shall not exceed the following size in square feet:

Use	Lot Area (Minimum)	Size of Storage Yard (Maximum)
Level I—small scale	12 acres	4,500 square feet
Level II—medium scale	20 acres	9,000 square feet
Level III—large scale	25 acres	15,000 square feet

(C) **Location on Site/Dimensional Standards.**

(1) **Lot Lines.** Structures and storage yards shall be set back from lot lines as follows:

Use	Size of Structures (Maximum)	Setback from Lot Lines
Level I—small scale	Up to 3,500 square feet	225 ft.
Level II—medium scale	>3,500 square feet, up to 5,500 square feet	275 ft.
Level III—large scale	>5,500 square feet, up to 7,000 square feet	325 ft.

(2) **Sawdust and or Wood Chip Pile.** Sawdust or wood chip piles at the sawmills shall not exceed 25 feet.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access Standards.**

(1) **General Access Standards.** A sawmill shall comply with the road access standards of Section 6-564.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652 (Exterior Lighting Standards).

(G) **Noise Standards.** The maximum allowable dB(A) level of impulsive sound emitted by the use, as measured at the property line, shall not exceed 55 dB(A).

(H) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the sawmill shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-630 Agriculture Support Use (No Direct Association with Agriculture, Horticulture, Animal Husbandry).

(A) **Intensity/Character.**

(1) **Site Size.** The minimum lot area for an agriculture support use (no direct association) shall be 5 acres, except the following uses shall have the following minimum lot area:

Use	Lot Area (Minimum)
Agricultural Research Facility	25 acres
Central Farm Distribution Hub for Agricultural Products	25 acres

(2) **Visitors/Customers/Parking Spaces.** The minimum lot area shall increase based on the number of visitors/customers attracted to the use, as follows:

Use	Scope of Use/Event	Lot Area Minimum
Level I - small scale	No more than 200 visitors on any one day; no more than 100 vehicles allowed on site at any one time.	5 to 25 acres
Level II - medium scale	More than 200 visitors on any one day and less than 400; no more than 200 vehicles allowed on site at any one time.	>25 acres, up to 50
Level III - large scale	More than 400 visitors on any one day and less than 600; no more than 300 vehicles allowed on site at any one time, except that 5 additional visitors and 2 additional vehicles are allowed per acre in excess of 100 acres.	>50 to 100 acres

(3) **Hours of Operation.** Hours of operation for an agricultural support use (no direct association) shall be limited to the hours from 6:00 a.m. to 10:00 p.m.

(B) **Size of Use.**

(1) **Structure Size.** The size of structures used on the agricultural support use (no direct association) shall not exceed the following floor area ratio or gross floor area, as applicable:

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Agricultural Research Facility	25 acres	Maximum FAR: 0.02
Central Farm Distribution Hub for Agricultural Products	25 acres	Maximum FAR: 0.02
All Other Uses		
Level I—small scale	5 to 25 acres	12,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Additional structure size allowed by right at rate of 2,400 square feet per 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size for agriculture support use (no direct association)	36,000 square feet

(2) **Storage Areas.** The total area of storage areas shall not exceed 10 percent of the total area of the principal structure.

(C) **Location on Site/Dimensional Standards.** An agricultural support use (no direct association) shall be set back from lot lines as follows:

Use	Lot Area (Min)	Size of Structures (Max.)	Setback from Lot Lines
Agricultural Research Facility	25 acres	Maximum FAR (all structures): 0.02	150 ft.
Central Farm Distribution Hub for Agricultural Products	25 acres	Maximum FAR (all structures): 0.02	150 ft.
All Other Uses			
Level I—small scale	5 to 25 acres	12,000 square feet	60 ft.
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet	120 ft.
Level III—large scale	> 50, up to 100 acres	36,000 square feet	175 ft.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Areas.** All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access Standards.**

(1) **General Access Standards.** An agricultural support use (no direct association) shall comply with the road access standards in Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Vehicles/Equipment.** Any use that involves the use of or services heavy equipment shall have direct access to a paved public road.

(4) **Number of Access Points.** There shall be no more than two points of access from the use to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(H) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-631 **Animal Hospital.** Animal hospitals in the AR and JLMA districts shall comply with the following standards.

(A) **Intensity/Character.**

(1) **Site Size.** The minimum lot area for any animal hospital shall be 5 acres.

(B) **Size of Use.**

(1) **Floor Area Ratio.** The maximum floor area ratio shall not exceed 0.04.

(2) **Storage Yards.** The total area of storage yards shall not exceed 10 percent of the total area of the principal structure.

(3) **Location on Site/Dimensional Standards.** An animal hospital shall have the following minimum required yards:

(a) Structures of less than 5,000 square feet of gross floor area: 100 feet minimum from all lot lines.

(b) Structures greater than 5,000 square feet and less than 15,000 square feet of gross floor area: 150 feet minimum from all lot lines.

(c) Structures greater than 15,000 square feet of gross floor area: 200 feet minimum from all lot lines.

(C) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(D) **Roads/Access.**

(1) **General Access Standards.** An animal hospital shall comply with the road access standards of Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Number of Access Points.** There shall be no more than two points of access from an animal hospital to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(E) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(F) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(G) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-632 **Seasonal Labor Dormitory.** Seasonal labor dormitory uses in the AR and JLMA-20 districts shall comply with the following standards**.**

(A) **Intensity/Character.**

(1) **Location of Use.** The use shall be located on the site of active agriculture, horticulture or animal husbandry operations.

(2) **Dwelling Unit Size.** The minimum size of a dormitory shall be based on a rate of 100 square feet per seasonal laborer housed, up to a maximum of 2,500 square feet.

(3) **Residents.** Residents shall be employed on site at an on-going agriculture, horticulture or animal husbandry operation during their occupancy of the unit.

(B) **Location on Site.**

(1) **Located on Internal Site Roads.** Dormitories shall be accessed by internal site roads and shall not have direct access to public roads.

(2) **Setback from Single-Family Dwellings.** Dormitories shall be set back 300 feet from off-site single family detached units.

(C) **Landscaping/Buffering/Screening.** Yards, berms, vegetative screening, fences or walls shall be provided to buffer adjacent properties and public streets from dormitory structures.

(D) **Sanitary and Bathing Facilities.** All dwellings shall have indoor sanitary and bathing facilities consistent with the requirements of the Loudoun County Health Department.

(E) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(F) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(3) **Landscaping/Buffering.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

5-633 **Airport/Landing Strip.** The following standards shall apply to airport/landing strips in the AR, JLMA-20 and TR-10 districts.

(A) **Intensity/Character.**

(1) **Scope of Aviation Operations.**

(a) The airport/landing strip shall be for private aviation aircraft only, limited exclusively to the use of the landowner and guests; commercial operations, including flight training, ground school, and sales, are prohibited.

(b) Instrument-guided flight to access the airport/landing strip is prohibited.

(c) Jet-propelled aircraft shall not use the airport/landing strip.

(d) Takeoffs or landings are prohibited between the hours of 6:00 p.m. and 6:00 a.m.

(2) **Accessory Aircraft Repairs and Servicing.**

(a) Typical accessory support services for the airport landing strip are allowed, including but not limited to fueling stations, fuel tanks, and storage.

(b) Routine minor repairs and necessary maintenance of aircraft are permitted accessory uses, provided all routine repairs and maintenance occur within an enclosed structure, such as a hangar.

(B) **Site Size.** The minimum lot area for an airport/landing strip shall be 80 acres, except that a use consisting only of a landing strip with no accessory structures or facilities other than a fueling station shall be a minimum of 15 acres in size.

(C) **Structure Size.**

(1) **Structure Size.** The size of structures necessary to service the use, such as aircraft service buildings, shall not exceed the following gross floor area (total all structures): 15,000 square feet.

(2) **Storage Yards.** The maximum total area of storage yards for all lots smaller than 25 acres shall be 5,000 square feet. For lots greater than 25 acres, an additional 1,000 square feet shall be allowed for each additional 10 acres, not to exceed a maximum of 20,000 square feet.

(D) **Location on Site/Dimensional Standards.**

(1) **Aviation Structures, Storage Yards and Runway or Landing Strip.** All aviation structures, storage yards, and the runway or landing strip, shall be set back from lot lines as follows:

(a) Structures less than 2,500 square feet of gross floor area: 125 feet minimum from all lot lines.

(b) Structures greater than 2,500 and up to 15,000 square feet of gross floor area: 200 feet minimum from all lot lines.

(c) Structures over 15,000 square feet of gross floor area: 250 feet minimum from all lot lines.

(d) Runway or landing strip: 650 feet minimum from all lot lines.

(E) **Landscaping/Buffering/Screening.**

(1) **Runway Buffer Area.** A buffer area shall be provided extending from the end of all runways or landing strips. The size of the buffer shall encompass a minimum land area equal to a one-quarter mile radius measured from the edge of the end of every runway. No uses shall be allowed within this runway buffer area.

(2) **Parking.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Outdoor Services/Activities.** All tanks, storage yards, and vehicles and equipment stored outdoors shall be screened and landscaped consistent with the standards of Section 5-653(C).

(F) **Road/Access.** Any airport/landing strip use shall comply with the road access standards of Section 5-654.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(H) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-634 **Agricultural Cultural Center.** An agricultural cultural center in the AR and Route 28 CO, PD-CM and CB districts shall comply with the following standards:

(A) **Intensity/Character of Use.** The minimum lot area for an agricultural cultural center shall be 10 acres.

(B) **Size of Use.**

(1) **Floor Area Ratio.** The maximum floor area ratio shall be 0.04.

(2) **Storage Yards.** The total area of all storage yards shall be limited to 10 percent of the total gross floor area of the principal structure on the site. Outdoor exhibit space open to members of the public shall not be counted as part of the area of storage yards.

(C) **Location on Site.**

(1) **Lot Lines.** An agricultural cultural center shall be set back from lot lines as follows:

(a) Structures of less than 9,000 square feet of gross floor area: 125 feet minimum from all lot lines.

(b) Structures greater than 9,000 square feet, and up to 18,000 square feet of gross floor area: 175 feet minimum from all lot lines.

(c) Structures over 18,000 square feet of gross floor area: 225 feet minimum from all lot lines.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access.**

(1) **General Access Standards.** An agricultural cultural center shall comply with the road access standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving an agricultural cultural center of up to 5,000 square feet gross area shall use a dust-free surfacing material as provided in the Facilities Standards Manual. Parking areas in excess of 5,000 square feet of gross floor area shall provide paved parking for visitors and users.

5-635 **Fairground.** The following standards shall apply to fairgrounds in the AR and JLMA-20 districts.

(A) **Intensity/Character of Use.** The minimum lot area for the use shall be 25 acres.

(B) **Size of Use.**

(1) **Floor Area Ratio.** The maximum floor area ratio shall be 0.04.

(2) **Storage Areas.** The total area of storage areas shall not exceed 10 percent of the total area of the principal structures.

(3) **Building Height.** Building height shall not exceed 35 feet.

(4) **Location on Site.** The use shall be set back from lot lines as follows:

(a) Structures of less than 20,000 square feet of gross floor area: 150 feet minimum from all lot lines.

(b) Structures greater than 20,000 square feet, up to 40,000 square feet of gross floor area: 200 feet minimum from all lot lines.

(c) Structures greater than 40,000 square feet of gross floor area: 225 feet minimum from all lot lines.

(C) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Areas.** All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

(D) **Roads/Access.**

(1) **General Access Standards.** Fairgrounds shall comply with the road access standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than two points of access to a fairground. This requirement shall not preclude an additional access for emergency vehicles only.

(3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(E) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A)(1)-(3).

(F) **Noise.**

(1) **Location in Relation to Residential Use.** No loading/unloading activities, or other noise-producing activities shall be allowed within 250 feet of an existing adjacent single family detached use during the hours of 11:00 p.m. and 6:00 a.m.

(2) **Maximum dB(A).** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A). In addition, outdoor music shall not be allowed after 11:00 PM.

(G) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving a fairground shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-636 **Arboretum, Botanical Garden, Nature Study Area.** The following standards shall apply to the development of arboretums, botanical gardens, and nature study areas in the AR, JLMA-20 and PD-CV districts.

(A) **Intensity/Character of Use.**

(1) **Site Size.** The minimum lot area for any arboretum, botanical garden or nature study area shall be 5 acres.

(2) **Hours of Operation.** The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m., except that permitted temporary special events at an arboretum, botanical garden, or nature study area may operate beyond the 9:00 p.m. time according to the terms of the temporary special events permit.

(3) **Accessory Uses.** Accessory uses shall only permitted on lots 20 acres in size or larger. Accessory uses to an arboretum, botanical garden, or nature study area may include retail sales (e.g., gift shops), small restaurants or cafes, or visitor centers subject to the following standards:

(a) Retail sales shall be limited to the sale of items directly related to the nature and character of the principal permitted use.

(b) Accessory uses other than a visitors center shall contain no more than 1,000 square feet of gross floor area. A visitors center shall contain no more than 2,500 square feet of gross floor area.

(B) **Size of Use.**

(1) **Floor Area Ratio.** The maximum floor area ratio shall be 0.02.

(2) **Storage Areas.** The total area of storage areas shall not exceed 10 percent of the total area of the principal structure.

(C) **Roads/Access.** Uses shall comply with the road access standards of Section 5-654.

(D) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(E) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

5-637 **Cemetery, Mausoleum, Crematorium.** The following standards shall apply to the development of cemeteries, mausoleums, and crematoriums.

(A) **Intensity/Character of Use.**

(1) **Site Size.** The minimum lot area for any cemetery, mausoleum, or crematorium shall be 10 acres.

(2) **Hours of Operation.** The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m. or dusk, whichever occurs first.

(B) **Size of Use.**

(1) **Maximum Floor Area Ratio.** The maximum floor area ratio shall be 0.04.

(2) **Storage Areas.** The total area of storage areas shall not exceed 10 percent of the total area of the principal structure.

(C) **Location on Site/Dimensional Standards.**

(1) **General.** Cemetery, mausoleum, or crematorium uses shall be set back 150 feet from lot lines.

(2) **Setback from Residences without Property Owner Consent.** Cemetery, mausoleum and crematorium uses shall be set back a minimum of 250 yards from a residence if property owner consent is not received to be located closer to the residence. Cemetery, mausoleum or crematorium uses shall be set back a minimum of 300 yards from a city, town or water company well (Section 57-26 Code of Virginia).

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Areas.** All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access.**

(1) **General Access Standards.** Uses shall comply with the road access standards of Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(F) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

5-638 **Public Safety Uses (Fire/Rescue Stations, Police Station/Substation).** The following standards shall apply to the development of fire/rescue stations and police stations/substations in the AR, TR and JLMA districts.

(A) **Size of Use.**

(1) **Site Size.** The minimum lot area for any public safety use shall be two (2) acres.

(2) **Floor Area Ratio.** The maximum floor area ratio shall be 0.3.

(3) **Storage Yards.** The total area of storage yards shall not exceed 20 percent of the total area of the principal structure.

(4) **Setback from Lot Lines.** Public safety uses shall be set back from lot lines as follows:

(a) Structures of less than 4,000 square feet of gross floor area: 60 feet minimum from all lot lines.

(b) Structures greater than 4,000 square feet, and up to 8,000 square feet of gross floor area: 100 feet minimum from all lot lines.

(c) Structures greater than 10,000 square feet of gross floor area: 120 feet minimum from all lot lines.

(B) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(C) **Roads/Access.**

(1) **General Access Standards.** Uses shall comply with the road access standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than two points of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(D) **Parking.** Parking and loading shall be provided as required by Section 5-1102(B)(4). These spaces shall be in addition to vehicle storage spaces for vehicles not in use.

(E) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A)(1) and (2) (Exterior Lighting Standards).

5-639 **Religious Assembly Uses (Church, Synagogue, Temple, Mosque).** The following standards shall apply to the development of religious assembly uses in the AR, JLMA and TR-10 districts

(A) **Size of Use.**

(1) **Site Size.** The minimum lot area for a religious assembly use shall be:

(a) Religious assembly uses with seating capacity of 300 seats or less: 10 acres.

(b) Religious assembly uses with seating capacity of 300 seats or more seats, or religious assembly uses that include accessory uses (schools, day care centers, recreation facilities): 20 acres.

(2) **Maximum Floor Area Ratio.** The maximum floor area ratio, as measured utilizing all structures and the total gross acreage of the site shall be 0.20.

(3) **Storage Yards.** The total area of storage yards shall not exceed 10 percent of the total area of the principal structure.

(B) **Location on Site.**

(1) **Setbacks from Lot Lines.** A religious assembly use (including all accessory uses and structures) shall be set back from lot lines a minimum of 75 feet for buildings and other structures and a minimum of 50 feet for parking.

(C) **Child Care Facilities.** Religious assembly uses with child care facilities shall comply with the requirements of Section 5-609.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with landscaping and screening standards of Section 5-653(A).

(2) **Parking Area.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access.**

(1) **General Access Standards.** Religious assembly uses shall comply with the road access standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than two points of access to a public road from a religious assembly use. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(H) **Modification of Performance Standards.** The Zoning Administrator shall have the authority to grant modifications to any of the standards listed in this Section 5-639 in order to eliminate a substantial burden on religious exercise as guaranteed by the federal *Religious Land Use and Institutionalized Persons Act of 2000* (42 U.S.C. Sec. 2000cc), as amended. In granting such a modification, the Zoning Administrator may require conditions consistent with the federal Act that will secure substantially the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties.

5-640 **Conference and Training Centers.** Conference and training centers in the AR, JLMA-20 and TR-10 districts shall comply with the following standards.

(A) **Intensity/Character.** The minimum lot area shall be as follows.

Use	Lot Area (Minimum)	Average Daily Users
Level I-small scale	50 acres	Up to 50 users
Level II-medium scale	100 acres	>50 and up to 100 users
Level III-large scale	150 acres	>100 and up to 150 users
Level IV	Requires special exception approval pursuant to Section 6-1300	>150 users
Average daily users include the employees, trainees and conferees the conference and training center is designed to accommodate. Service trips, which are trips made to the facility for the purpose of delivering food, supplies, and related materials are in addition to the average daily users.		

(B) **Size of Use.**

(1) **Floor Area Ratio.** The maximum floor area ratio shall be 0.04.

(2) **Accessory Uses.** Dining and banquet facilities may be provided for employees, trainees and conferees. The banquet and dining facilities shall not exceed 20 percent of the total area of the principle permitted structure. The lodging facilities shall not constitute over 40 percent of the total area of the principal permitted structure.

(3) **Special Events Only by Section 5-500 or Special Exception.** Special events shall receive approval pursuant to Section 5-500, or be specifically provided for in the approval of a special exception (Section 6-1300), as applicable.

(4) **No Products Sold On-Site.** No products shall be sold on-site, except those that are clearly incidental and integral to the training programs and seminars. Shirts, glasses, golf equipment, pens and pencils, mugs and similar items with the logo of the company or firm conducting or sponsoring the conference or seminars are considered incidental and integral to the training program.

(5) **Storage Yards.** The total area of storage yards shall not exceed 10 percent of the total area of the principle structures.

(6) **On-Site Recreation Facilities.** On-site recreation facilities may be used solely by employees, trainees or conferees.

(7) **Open Space.** A minimum of 75 percent of the site shall remain as open space.

(8) **Location on Site/Dimensional Standards.** Conference and training centers shall be set back from lot lines as follows:

Use	Lot Area (Min)	Setback from Lot Lines
Level I—small scale	50 acres	150 ft.
Level II—medium scale	100 acres	200 ft.
Level III—large scale	150 acres	250 ft.

(C) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(D) **Roads/Access.**

(1) **General.** The conference and training center use shall comply with the road access standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(E) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The maximum allowable dB(A) level of impulsive sound from the site, as measured at the property line, shall not exceed 55 dB(A). In addition, outdoor music shall not be allowed after 11:00 PM.

5-641 **Teahouse; Coffeehouse.** Teahouse or coffeehouse uses in the AR districts shall comply with the following standards.

(A) **Intensity/Character Standards.** Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.

(B) **Size of Use.**

(1) **Site Size.** The minimum lot area shall be 5 acres.

(2) **Structure.** The size of structures used shall not exceed 2,500 square feet in gross floor area (total all structures).

(C) **Location on Site/Dimensional Standards.** The teahouse or coffeehouse use shall be setback 50 feet from lot lines.

(D) **Landscaping/Buffering/Screening.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(E) **Parking.** Parking and loading shall be provided as required by Section 5-1102.

(F) **Roads Access Standards.**

(1) **General Access Standards.** The use shall comply with the road access standards in Section 5-654.

(2) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A)(1), (2) and (4).

5-642 **Banquet Facility/Event Facility.** Any Banquet/Event Facility use in the AR districts shall comply with the following standards:

(A) **Intensity/Character Standards.** Hours of operation shall be limited to 9:00 a.m. to 12:00 midnight.

(B) **Size of Use.** The minimum lot area for a Banquet/Event Facility shall be 25 acres.

(C) **Location on Site/Dimensional Standards.** The Banquet/Event Facility use shall be set back 200 feet from lot lines. Outdoor areas, including parking used for the Banquet/Event Facility use shall be set back a minimum of 500 feet from all property lines. The Board of Supervisors may increase the outdoor area setback in establishing conditions associated with a Minor Special Exception for the Banquet/Event Facility use.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access Standards.**

(1) **General Access Standards.** A Banquet/Event Facility shall comply with the road access standards of Section 5-654

(2) **Number of Access Points.** There shall be no more than two points of access to a public road for the Banquet/Event Facility use. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Parking.** Parking and loading shall be provided as required by Section 5-1102.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A)(1)-(3).

(H) **Noise.** A Banquet/Event Facility shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(I) **Indoor and Outdoor Events.**

(1) **Indoor events:** weddings, meetings, private parties may be held within a building approved for the Banquet/Event Facility use. The maximum number of attendees is based on the occupancy load of the event space as determined by the Uniform Statewide Building Code.

(2) **Outdoor events:** weddings, meetings, private parties may be held outdoors. The maximum number of attendees is based on the acreage of the property as identified in the table below:

Minimum Acreage	No. of Attendees
25 acres	125 attendees
40 acres	200 attendees
75 acres	350 attendees

5-643 **Restaurant.** Any restaurant use in the AR districts shall comply with the following standards.

(A) **Intensity/Character Standards.** Hours of operation shall be limited from 6:00 a.m. to 12:00 midnight.

(B) **Size of Use.**

(1) **Site Size.** The minimum lot area shall be 20 acres except that there shall be no minimum lot size for adaptive reuse of farm structures existing as of January 7, 2003.

(2) **Floor Area Ratio.** The floor area ratio shall not exceed 0.01 except that there shall be no maximum floor area ratio for adaptive reuse of farm structures existing as of January 7, 2003.

(3) **Location on Site/Dimensional Standards.** The use shall be set back from lot lines as follows:

(a) Structures of up to 1,500 square feet of gross floor area: 100 feet minimum from all lot lines.

(b) Structures greater than 1,500 and up to 4,000 square feet of gross floor area: 150 feet minimum from all lot lines.

(c) Structures over 4,000 square feet of gross floor area: 175 feet minimum from all lot lines.

(C) **Parking.** Parking and loading shall be provided as required by Section 5-1102.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access Standards.**

(1) **General.** A restaurant shall comply with the road access standards of Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

5-644 **Educational or Research Facilities Use Related to the Agriculture, Horticulture and Animal Husbandry Uses in the District.** Any educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the AR and TR districts shall comply with the following standards.

(A) **Size of Use Standards.**

(1) **Site Size.** The minimum lot area shall be 25 acres.

(2) **Visitors/Customers/Parking Spaces.** The minimum lot area shall increase based on the number of visitors/customers attracted, as follows.

Scope of Use/Event	Lot Area (Minimum)
No more than 200 visitors on any one day; no more than 100 vehicles allowed on site at any one time. Additional visitors allowed by right at rate of 5 per acre in excess of 25 acres.	25 acres

(3) **Structure.** The floor area ratio shall not exceed 0.04.

(4) **Storage Yards.** The maximum total area of storage yards shall not exceed 10 percent of the total area of the principal structure.

(B) **Location on Site/Dimensional Standards.** The use shall be set back from lot lines as follows:

(1) Structures up to 7,000 square feet of gross floor area: 100 feet minimum from all lot lines.

(2) Structures greater than 7,000 square feet of gross floor area and up to 12,000: 150 feet minimum from all lot lines.

(3) Structures greater than 12,000 square feet of gross floor area: 200 feet minimum from all lot lines.

(C) **Parking.** Parking and loading shall be provided as required by Section 5-1102.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** Storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access.**

(1) **General.** The use shall comply with the road access standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than two points of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-645 **Camp, Day and Boarding.** Day and boarding camps in the AR, TR, JLMA and PD-CV districts shall comply with the following standards.

(A) **Intensity/Character.**

(1) **Site Size.**

(a) The minimum lot area for a day and boarding camp for less than 15 campers shall be 20 acres.

(b) The minimum lot area for a day and boarding camp for more than 15 campers shall comply with the following standards.

Use	Scope of Use/Campers	Lot Area (Minimum)
Level I—small scale	Up to 30 campers daily.	15 acres
Level II—medium scale	Up to 100 campers or borders daily.	40 acres
Level III—large scale	Up to 250 campers or borders daily.	100 acres
Level IV	> 250 campers or borders daily.	Special exception pursuant to Section 6-1300

(2) **Not Permanent Residence.** Day and boarding camps shall not be used as permanent residences, except for the owner or manager and permanent maintenance personnel.

(3) **Service Buildings.** Service buildings with restroom and other facilities shall be provided in accordance with the Loudoun County Health Department requirements.

(B) **Location on Site/Dimensional Standards.** Structures shall be set back from lot lines as follows:

Use	Setback from Lot Lines
Level I—small scale	150 ft.
Level II—medium scale	200 ft.
Level III—large scale	250 ft.
Level IV	300 ft.

(C) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(D) **Roads/Access.**

(1) **General Access Standards.** The use shall comply with the road access standards of Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Number of Access Points.**

(a) **Camp with Less Than 15 Campers/Level I Camp.** There shall be no more than one point of access to a public road from a camp with less than 15 campers or a Level I day and boarding camp. This requirement shall not preclude an additional access for emergency vehicles only.

(b) **Level II or III Day and Boarding Camp.** There shall be no more than two points of access to a road from a Level II or III day and boarding camp. This requirement shall not preclude an additional access for emergency vehicles only.

(E) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

(2) **Surface.** All parking and loading areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-646 **Campgrounds.** Campgrounds in the AR, TR, and JLMA districts shall comply with the following standards.

(A) **Intensity/Character.**

(1) **Site Size.**

(a) The minimum lot area for a campground shall be 40 acres.

(b) The minimum lot area for a campground shall increase based on the following standards.

Use	Scope of Use/Campsites	Lot Area (Minimum)
Level I—small scale	Up to 50 campsites	40 acres
Level II—medium scale	>50 up to 100 campsites	80 acres
Level III—large scale	>100 up to 150 campsites	160 acres
Level IV	> 150 campsites	Special exception pursuant to Section 6-1300

(2) **Not Permanent Residence.** Campgrounds shall not be used as permanent residences, except for the owner or manager and permanent maintenance personnel.

(3) **Camping Sites.** Camping sites shall be a minimum of 1,250 square feet and at least 25 feet in width.

(4) **Recreational Area.** Each campground shall provide a recreational area consisting of 100 square feet per campsite.

(5) **Public Telephone.** At least one (1) public telephone shall be provided for each 50 campsites.

(6) **Streets and Walks Lighted.** Streets and walks shall be lighted every 400 feet.

(7) **Service Buildings.** Service buildings with restroom and other facilities shall be provided in accordance with the Loudoun County Health Department requirements.

(8) **Groundcover.** All areas within a campground shall have sufficient groundcover to prevent erosion and blowing dust.

(B) **Size of Use.**

(1) **Structure Size.** The size of structures (excluding tent platforms) used at a campground shall not exceed the following standards:

Use	Scope of Use/Campers	Total Size of Structures (Maximum)
Level I—small scale	Up to 50 campsites	8,000 square feet
Level II—medium scale	>50 up to 100 campsites	16,000 square feet
Level III—large scale	>100 up to 150 campsites	32,000 square feet
Level IV	>150 campsites	Special exception pursuant to Section 6-1300

(C) **Location on Site/Dimensional Standards.** A campground shall be set back from lot lines as follows:

Use	Lot Area (Min)	Size of Structures (Max)	Setback from Lot Lines
Level I—small scale	40 acres	8,000 square feet	150 ft.
Level II—medium scale	80 acres	16,000 square feet	200 ft.
Level III—large scale	160 acres	32,000 square feet	250 ft.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(E) **Roads/Access.**

(1) **General Access Standards.** The use shall comply with the road access standards of Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Number of Access Points.**

(a) There shall be no more than one point of access to a public road from a Level I campground. This requirement shall not preclude an additional access for emergency vehicles only.

(b) There shall be no more than two points of access to a public road from a Level II, III or IV campground. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(H) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-647 **Cross-Country Ski Business and Eco-Tourism.** Any cross-country ski business and eco-tourism use in the AR, JLMA-20 and TR-10 districts shall comply with the following standards:

(A) **Intensity/Character of Use.** The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.

(B) **Size of Use.**

(1) **Size of Use.** The minimum lot area of an eco-tourism use shall be 5 acres.

(2) **Structure Size.** The size of structures used shall not exceed 5,000 square feet in gross floor area.

(3) **Storage Areas.** The total area of storage areas shall not exceed 1000 square feet.

(C) **Roads/Access.**

(1) **General Access Standards.** The eco-tourism use shall comply with the road access standards in Section 5-654.

(2) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(D) **Exterior Lighting.** The only exterior lighting allowed for an eco-tourism use shall be for security purposes only.

(E) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-648 **Golf Course.** Any golf course in the AR, TR, JLMA and PD-CV districts shall comply with the following standards**.**

(A) **Intensity/Character.**

(1) **Site Size.** The minimum lot area for a golf course shall be:

(a) 75 acres for 9 holes.

(b) 150 acres for 18 holes.

(2) **Hours of Operation.** The hours of operation for a golf course shall be limited to 6:00 a.m. to 9:00 p.m.

(3) **Accessory Uses.** Accessory uses to a golf course may include a club house which includes a pro shop and small restaurant or café, subject to the following standards:

(a) The golf pro shop shall be limited to sales of golf-related items.

(b) Accessory uses shall constitute no more than 25 percent of the total size of the golf clubhouse.

(B) **Size of Use.**

(1) **Structure Size.** The size of structures used at a golf course shall not exceed 25,000 square feet in gross floor area (total all structures).

(2) **Storage Yards.** The total area of storage yards shall not exceed 5,000 square feet.

(C) **Location on Site/Dimensional Standards.** A golf course shall be set back 200 feet from lot lines.

(D) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(E) **Landscaping/Screening.**

(1) **Buffer.** A minimum of the first 50 feet of setback area shall be buffered, screened and landscaped consistent with the standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(F) **Roads/Access.**

(1) **General Access Standards.** A golf course shall comply with the road access standards in Section 5-654.

(2) **Number of Access Points.** There shall be no more than two points of access to a public road from a golf course. This requirement shall not preclude an additional access for emergency vehicles only.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

5-649 **Outdoor Amphitheater.** Any outdoor amphitheater in the AR districts shall comply with the following standards.

(A) **Intensity/Character.**

(1) **Site Size.** The minimum lot area for an outdoor amphitheater shall be 50 acres.

(2) **Accessory Uses.** Accessory uses to an outdoor amphitheater may include concession facilities for the sales of drinks and food during events, and offices used solely for the purpose of operating and managing the outdoor amphitheater. The concession facilities shall constitute no more than 5,000 square feet, and be integrated into the general structure and design of the outdoor amphitheater.

(B) **Size of Use.** The seating capacity of the outdoor amphitheater shall not exceed 2,000 persons.

(C) **Location on Site/Dimensional Standards.** An outdoor amphitheater shall be set back from lot lines a minimum of 1000 feet.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(E) **Roads/Access.**

(1) **General.** The use shall comply with the road access standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than two points of access to an outdoor amphitheater. This requirement shall not preclude an additional access for emergency vehicles only.

(3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(F) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards), except that fully shielded lighting fixtures are not required around the outdoor amphitheater itself.

(H) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-650 **Antique Shop; Art Gallery or Studio; Craft Shop.** Any antique shop, art gallery or studio, or craft shop in the AR, TR-10 and PD-CV districts shall comply with the following standards.

(A) **Intensity/Character Standards.** Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.

(B) **Size of Use.**

(1) **Site Size.** The minimum lot area shall be 1 acre.

(2) **Structures.**

(a) The total size of all structures used for art galleries or studios and craft shops shall not exceed 3,000 square feet in gross floor area.

(b) The total size of all structures used for antique shops shall not exceed 10,000 square feet in gross floor area.

(3) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as for an Antique Shop; Art Gallery or Studio; or Craft shop and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

(C) **Location on Site/Dimensional Standards.** The antique shop, art gallery or studio, or craft shop shall be set back a minimum of 100 feet from all lot lines.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(E) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(F) **Roads/Access Standards.**

(1) **General Access Standards.** The use shall comply with the road access standards in Section 5-654.

(2) **Number of Access Points.** The use shall have no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(H) **Noise.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-651 **Auction House.** Any auction house in the AR districts shall comply with the following standards.

(A) **Intensity/Character Standards.**

(1) **Hours of Operation.** Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.

(2) **Sanitary Facilities.** Bathroom facilities shall be provided on site, consistent with the requirements of the Uniform Statewide Building Code.

(B) **Size of Use.**

(1) **Site Size.** The minimum lot area shall be 10 acres.

(2) **Structure.** There shall be only one structure allowed on the lot which shall not exceed 10,000 square feet in size.

(3) **Outdoor Storage.** The maximum area of outdoor storage shall not exceed 2,000 square feet.

(4) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as for an Auction House and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to Section 6-1300.

(C) **Location on Site/Dimensional Standards.** The auction house shall be set back a minimum of 100 feet from all lot lines.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Outdoor Storage.** All outdoor storage shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access Standards.**

(1) **General Access Standards.** An auction house shall comply with the road access standards in Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(H) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-652 **Exterior Lighting and Noise Standards for Specific Uses.** The following exterior lighting and noise standards shall apply to specific uses in this section when they are expressly referenced in the standards for the specific use.

(A) **Exterior Lighting Standards.**

(1) **Pole-Mounted Exterior Lighting.** The maximum height of pole-mounted exterior lighting shall be 25 feet.

(2) **Shielded Lighting/Light Element.** Fully shielded lighting fixtures shall be used in all areas. The light element (lamp or globe) of a fixture shall not extend below the cutoff shield.

(3) **Hours of Operation.** All exterior lighting shall be extinguished from 10:00 p.m. to 6:00 a.m., except for exterior lighting that is determined necessary for security purposes.

(4) **No Illuminated Signage.** Signage related to the use shall not be illuminated.

(B) **Noise Standards.**

(1) **Location in Relation to Residential Use.** No loading/unloading activities or other noise-producing activities shall be allowed within 250 feet of an existing single family residential use.

(2) **Maximum dB(A).** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line of any adjacent residential lot where the lot is designed for a single family dwelling unit as a principal use, shall not exceed 55 dB(A). In addition, outdoor music shall not be allowed after 11:00 PM.

5-653 **Landscaping Standards for Specific Uses.** The following landscaping, buffering, and screening standards shall apply to specific uses in this section when they are expressly referenced in the standards for the specific use.

(A) **Setbacks or Yards Adjacent to Certain Sized Lots.** A minimum of the first 50 feet of setback or yard area adjacent to any existing lot four (4) acres or less in size that contains a house within 300 feet of the adjacent property line shall be landscaped and screened with solid fencing and/or landscaped area that provides year-round screening and is equivalent to a Type Three (3) Buffer Yard (Section 5-1400). The use of natural topography, vegetation, and trees that provide screening at the density, depth and height of the Type Three (3) Buffer Yard shall be credited towards this Type Three (3) Buffer Yard requirement in accordance with Section 5-1409(E).

(1) In the A-3, A-10, AR-1, and AR-2 zoning districts, the Zoning Administrator may permit the required buffer to surround the proposed use, rather than to be located on the property line.

(B) **Parking Areas.** Parking areas shall be provided with 1 canopy tree per each 10 parking or 2 loading spaces for off-street parking areas and service areas for loading and unloading. The Zoning Administrator may waive, reduce and/or modify these tree planting requirements if in his/her opinion the topography or existing vegetation adequately screens such parking areas from adjacent properties.

(C) **Screening of Outdoor Storage and Storage Yards.** Outdoor storage and storage yards shall be screened to minimize visibility from adjacent public roads and adjacent single family detached uses by six (6) canopy trees per one hundred (100) lineal feet of perimeter of storage area.

5-654 **Road Access Standards for Specific Uses.** The following road access standards shall apply to specific uses in this section when they are expressly referenced in the standards for specific use. All Facilities Standards Manual provisions regarding waivers apply.

TABLE 5-654: ROAD ACCESS STANDARDS

Average Generated Daily Vehicle Trips (VTD)	Onsite Private Road Construction Standards	Public Road Access	
		Public Paved Road Standards [(1)]	Public Unpaved Road Standards [(1)]
1 - 20 VTD	FSM Chapter 4, Table 3, Type C1 Roadway	Permitted	Permitted
21 - 70 VTD	FSM Chapter 4, Table 3, Type C2 Roadway	Permitted	Permitted
71 - 250 VTD	FSM Chapter 4, Table 3, Type C3 Roadway	Permitted	Permitted
251 - 600 VTD	FSM Chapter 4, Table 1, Type A1 Roadway	Permitted	Special Exception Review required (Section 6-1300)
More than 600 VTD	FSM Chapter 4, Table 1, Type A1 Roadway	Special Exception Review required (Section 6-1300)	Special Exception Review required (Section 6-1300)

[(1)] Characteristics of the first public road accessed by project's private access road.

5-655 **Elementary or Middle School for 15 pupils or less.**

(A) **Size of Use.** The minimum lot area for an elementary or middle school for 15 pupils or less is 5 acres.

(B) **Road/Access Standards** shall comply with the road access standards of Section 5-654.

(C) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) Exterior Lighting Standards).

(D) Outdoor play space shall be provided in accordance with the standards established in Section 5-609 Child Care.

5-656 **Convent or Monastery.** In the AR, TR, and JLMA-3 districts, a convent or monastery shall comply with the following additional requirements:

(A) **Intensity/Character.**

(1) The minimum lot area shall be as follows, unless the convent or monastery is developed as an adaptive re-use pursuant to Section 5-656(A)(2):

Use	Size of Lot (Minimum)	No. of Residents
Level I – small scale	5 acres	4-10 residents
Level II – medium scale	10 acres	11-20 residents
Level III – large scale	20 acres	21-30 residents
Level IV- requires special exception approval pursuant to Section 6-1300	30 acres	31-40 residents

(2) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as for a Convent/Monastery and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

(B) **Building/Lot requirements.**

(1) **Size of use.** The floor area ratio shall not exceed 0.04.

(2) **Minimum Required Yard Standards.** The minimum required yards shall be as follows:

(a) Level I – small scale: 50 feet minimum from all lot lines;

(b) Level II – medium scale: 100 feet minimum from all lot lines

(c) Level III- large scale: 150 feet minimum from all lot lines

(3) **Landscaping/Buffering/Screening.**

(a) The use shall comply with the landscaping and screening standards of Section 5-653(A).

(b) Parking areas shall be screened to comply with the standards of Section 5-653(B).

(c) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(4) **Roads/Access.** The convent or monastery shall comply with the road access standards in Section 5-654.

(5) **Parking.**

(a) **General.** Parking and loading shall be provided as required by Section 5-1102.

(b) **Surface.** All parking areas serving the use shall use a dust-free surfacing material, as provided in the Facilities Standards Manual.

(6) **Exterior Lighting.** All exterior lighting shall comply with the standards of Section 5-652(A) Exterior Lighting Standards.

5-657 **Stockpiling of Dirt.** Any stockpiling of dirt in the AR and TR districts shall comply with the following standards:

(A) **Intensity/Character Standards.**

(1) **Size of Use.**

(a) **Minimum Lot Size.** Five (5) Acres

(b) **Pile Area.** A single stockpile of dirt pile shall not exceed an area greater than two (2) acres.

(c) **Height.** A single stockpile of dirt shall not exceed 25 feet above original natural grade. For each additional five (5) acres in lot area, the height may increase one (1) foot and in no case shall the height exceed 50 feet above original natural grade. Additionally, no stockpile shall be visible above the existing tree line as viewed from any property line.

(d) **Slope.** Slope shall not exceed a 3:1 ratio.

(2) **Siting.**

(a) No stockpile of dirt is permitted in the Mountainside Overlay District and/or FOD.

(b) To the maximum extent feasible stockpiles of dirt shall not be located in wetlands, hydric soils, or areas identified as containing endangered species or plants.

(c) Stockpiles of dirt shall only be permitted on forested sites when there is an approved forest management plan.

(3) **Location on Site/Dimensional Standards.**

(a) **Setback from Single-Family Dwellings.** No stockpile of dirt, loading/unloading activities, general stockpile of dirt

operations, or related activities shall be allowed within 500 feet of an existing residential structure.

(b) **Other setbacks.** No stockpile of dirt shall be located within 100 feet of any lot line and/or street to include ingress-egress easements.

(4) **Hours of Operation.** The hours of operation shall be limited to 7:00 AM to 6:00 PM.

(B) **Access/Vehicular Circulation.**

(1) **Access.** Access to the lot shall be from a paved, State maintained road at least twenty (20) feet in width.

(2) **Driveways/Internal Access Roads (driveways).** Driveways shall not be located within a required buffered setback area except as minimally necessary to access the site. Such driveways shall be all-weather roads negotiable by loaded transport vehicles.

(3) **Vehicular Circulation.** Adequate-stacking space shall be provided on site to accommodate anticipated traffic. Such stacking space shall be screened in accordance with the requirements in Section 5-650(B).

(4) **Debris.** To prevent the tracking of debris, mud, dirt or other material on public rights-of-way, the public rights-of-way shall be hosed off on a daily basis when the stockpile of dirt facility is in operation. During winter months the road shall be chemically treated to prevent icing conditions after hosing off the road.

(C) **Materials.** Stockpiles of dirt may be comprised only of uncontaminated dirt and naturally occurring rock. Incorporated organic material, including roots, twigs, limbs, logs, leaves, and grass may not exceed three (3) percent by volume at any location in the stockpile of dirt. Processing within the stockpile of dirt is limited to grading, sorting, and compacting of dirt and waste rock. Screening of dirt shall not be permitted.

(D) **Exterior Lighting.** Exterior Lighting shall be permitted for security purposes only and in accordance with Section 5-649. Signage for the stockpile of dirt use shall not be illuminated.

(E) **Landscaping and Screening.** Landscaping and Screening shall be provided in accordance with Section 5-650.

(F) **Noise.** Noise created by the activity at the stockpile of dirt shall comply with Section 5-649(B).

Compliance with other Ordinances. Nothing herein shall relieve the stockpile of dirt activity from complying with other Federal, State or County Codes. Where there is a conflict in the applicable ordinances, the more restrictive shall apply. A Zoning Permit is required prior to the commencement of the Stockpiling of Dirt. In addition, prior to commencing any stockpile of dirt activity, a preliminary soil report shall be provided to the County Soil Scientist in accordance with Chapter 6 of the Facilities Standards Manual.

5-658 **Funeral Homes.** Funeral homes, when located within the PD-IP zoning district, are subject to the following additional provisions:

(A) The funeral home must be located within a freestanding building and be the sole principal use on the lot.

(B) The minimum lot size for a funeral home use shall be 1.5 acres.

(C) The funeral home use shall be established on a parcel of land fronting on, and with direct access to, an existing collector or arterial road.

(D) Sufficient car stacking space shall be provided on the lot such that a collector or arterial road need not be used for the forming of funeral processions. The area of the lot used for the forming of funeral processions shall have direct, but limited, access to the collector or arterial road.

5-659 **Drive-through Facilities Associated With Banks, Financial Institutions and Pharmacies.** Drive-through facilities with up to 3 service lanes and an escape lane shall be permitted in association with banks, financial institutions and pharmacies that also provide a standard range of customer services in a building, subject to the following additional provisions:

(A) Notwithstanding the requirements of Section 5-1400(A) and (B), where the bank or financial institution or pharmacy property abuts a residentially zoned or used property a Type Four (4) Rear Yard Buffer including structure shall be provided adjacent to the residential property (Section 5-1400). Further, 70% of canopy trees and 100% of all other plants required in the buffer shall be evergreens.

(B) Stacking space shall be sufficient to avoid vehicle stacking into drive lanes, parking spaces and public streets.

5-660 **Country Club.** Country clubs in the AR-1 and AR-2 shall comply with the following standards. Throughout this section, "Lot Area" shall include the total acreage of abutting parcels under common ownership and control, or under a common development plan, and "Property Line" shall be the outer line of the properties under common ownership and control, or under a common development plan."

(A) **Intensity/Character.** The minimum lot area shall be as follows:

Use	Lot Area (Minimum)
Level I-small scale	50 acres
Level II-medium scale	75 acres
Level III-large scale	150 acres

(B) **Size of Use.**

(1) **Floor Area Ratio.** The maximum floor area ratio shall be 0.04.

(2) **Maximum Structure Size.** The maximum size of structures shall be as follows:

Use	Maximum Total Size of Permitted Principal Structures (GFA)
Level I—small scale	25,000 sq. ft.
Level II—medium scale	50,000 sq. ft.
Level III—large scale	75,000 sq. ft.

(3) **Accessory Structures.** The total area of all accessory structures shall not exceed 15 percent of the total gross floor area of the principal structures used for the Country Club use.

(4) **Distribution of Uses.**

Use	Total Maximum Gross Floor Area of the Principal Permitted Structures
Dining and Restaurant Facilities	30 percent
Banquet and Conference Facilities	25 percent
Spa and Health Facilities	15 percent

(C) **Use Limitations.**

(1) Enclosed principal structures for dining and banquet facilities, conference facilities, spa, fitness facilities, and recreational activities (such as pool and tennis) shall be sited and designed to take advantage of the topography and existing vegetation to blend into the rural landscape to the maximum extent feasible. Such principal structures shall be clustered to maximize usage of site infrastructure (i.e. parking, travelway, utilities). Principal structures that have reason to be separated from the main Country

Club complex (e.g. maintenance facilities, structures housing livestock) are not required to be clustered.

(2) Structures shall be sited to minimize visual impacts on adjacent properties and promote the rural character of the landscape. Siting on primary ridgelines or hilltops, if visible from the adjacent public roadways is prohibited; however, if, because of engineering constraints (e.g. utility easements, drainage, access easements, soil conditions, etc.) it becomes necessary to site a facility on a primary ridgeline or hilltop, then the applicant shall provide additional landscaping and buffering to mitigate the visual impact from adjacent public roadways.

(D) **Minimum Required Yards.**

(1) Principal and accessory structures shall have a minimum yard of 50 feet from all property lines (the "property line" is determined to be the outer line of the properties under common ownership and control).

(2) In order to encourage preservation of environmental resources, the yard requirements may be reduced up to 25% by the Zoning Administrator.

(3) Accessory structures, not requiring a building permit, may be located a minimum of 25 feet from all property lines.

(E) **Landscaping/Buffering/Screening.**

(1) **Buffer.** Principal or accessory structures associated with the Country Club use shall comply with the Type 3 landscaping and screening standards of Section 5-1414(B(3) where adjacent to parcels of 3 acres or less that are not part of a common development plan. In order to take advantage of natural topography, vegetation, and trees, the required yard or setback buffer area may be located anywhere between the use and the property line.

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) **Storage Yards.** All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(F) **Roads/Access.**

(1) **General.** The country club use shall comply with the road access standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than two direct points of access from a Country Club use to a public road. This requirement shall not preclude an additional access for emergency vehicles.

(3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(G) **Water and Sewer.** A Country Club shall be served by a communal water system and a communal wastewater collection and pre-treatment or treatment system.

(H) **Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** Where practicable, a pervious surface shall be provided. Where not practicable, a dust-free surfacing material shall be provided in accordance with the requirements of the Facilities Standards Manual.

(I) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(J) **Noise Standards.** The maximum allowable dB(A) level of impulsive sound from the site, as measured at the property line, shall not exceed 55 dB(A).

5-661 Business Service Establishment.

(A) Retail sales to the general public shall not exceed twenty percent (20%) of the gross floor area devoted to the business service establishment.

5-662 Contractor Service Establishment.

(A) Retail sales to the general public shall not exceed ten percent (10%) of the gross floor area devoted to the contractor service establishment.

(B) Outdoor storage of equipment, supplies, and construction trailers are permitted, provided such are fully screened from public roads and adjacent lots where contractor service establishments are permitted.

5-663 Wholesale Trade Establishment.

(A) Retail sales to the general public shall not exceed twenty percent (20%) of the gross floor area devoted to the wholesale trade establishment.

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Section 5-700 Regulations for Optional Development Types.

5-701 Transition (TR) Districts Lot Standards.

(A) **Purpose.** The purpose of the Transition (TR) Districts Lot Standards is to:

(1) Provide for development in the Transition (TR) zoned areas of the County, in ways that encourage efficient development patterns.

(2) Facilitate a transition in the scale of development from the suburban area to the rural area of the County.

(3) Facilitate the protection of the 300-foot buffer proposed along the Bull Run.

(4) Facilitate the protection of the 300-foot buffer along the Goose Creek and the Goose Creek Reservoir and the Beaverdam Reservoir.

(B) **Applicability.** The procedures and standards of this section shall apply to the subdivision of two or more lots on all lands located in the TR-10, TR-3 (TR-3UBF, TR-3LBR, TR-3LF), TR-2, and TR-1 (TR-1UBF, TR-1LF) districts.

(C) **Standards.** The standards of this section shall apply to all development subject to the TR Districts Lot Standards.

(1) **Base Density.** The maximum gross density allowed in the TR districts under these standards is:

(a) TR-10 district: 1 dwelling unit per 10 acres.

(b) TR-3 districts: 1 dwelling unit per 3 acres.

(c) TR-2 district: 1 dwelling unit per 20,000 sq. ft.

(d) TR-1 districts: 1 dwelling unit per 40,000 sq. ft.

(2) **Open Space.** A minimum percentage of the site shall consist of open space, as follows:

(a) In the TR-10 district, a minimum of 70 percent of the site shall be maintained as open space.

(b) In the TR-3 districts:

(i) In the TR-3LBR sub-district, a minimum of 70 percent of the site shall be maintained as open space.

(ii) In the TR-3UBF and TR-3LF sub-districts, a minimum of 50 percent of the site shall be maintained as open space.

(c) In the TR-2 district, a minimum of 50 percent of the site shall be maintained as open space.

(d) In the TR-1UBF and TR-1LF sub-districts, a minimum of 50 percent of the site shall be maintained as open space.

(3) **Lot and Open Space Standards.** The two elements of the subdivision are (1) the lot area(s) and (2) the open space. The site layout of these elements shall occur during the review of a preliminary plat for subdivision. Establishment of the lots and open space on the site shall comply with the following standards:

(a) **Lot Standards.** Lots shall comply with the following standards (see Table 5-701(C)(3)(a)).

TABLE 5-701(C)(3)(a): LOT STANDARDS

District	Lot Grouping	Min. Size Lot	Min. Front Yard	Min. Rear Yard	Min. Side Yard	Max. Building Height
TR-10	Minimum: 5 Maximum: No maximum Lots of less than 5 acres must be grouped in accord with Section 5-701(C)(3)(a)(ii).	None	20 feet	25 feet	10 feet	40 feet
TR-3LBR	Minimum: 5; Maximum 25	None	12 feet	25 feet	7 feet	40 feet
TR-3LF, TR-3UBF	Minimum: 5; Maximum 25	None	12 feet	25 feet	7 feet	40 feet
TR-2	Minimum: 5; Maximum 25	None	10 feet	25 feet	5 feet	40 feet
TR-1LF, TR-1UBF	Minimum: 5; Maximum 25	None	10 feet	25 feet	5 feet	40 feet

(i) **Lot Yield.** The total number of lots on a site shall not exceed the number permitted to accommodate the base density established by Section 5-701(C)(1), regardless of whether the lot is used for a residential or nonresidential use.

(ii) **Number of Lots in a Group.** Lots that are less than 5 acres in size shall be located in a contiguous group, with adjacent and fronting lots oriented toward each other, as on a street, green or paved square. The number of grouped lots shall consist of a minimum of 5 lots and a maximum of 25 lots with the exception of TR-10, except that a

contiguous group may consist of fewer than 5 lots if:

a. There will be fewer than 5 lots on the entire site that are less than 5 acres in size; or

b. It is demonstrated that a grouping of fewer than 5 lots will result in greater amounts of contiguous open space or result in less denigration of features within an environmental overlay district than residential grouping(s) of 5 lots or more.

(iii) **Number of Groups.** A single group shall contain all the lots on a site that are less than 5 acres, where the total number of such lots is 25 or fewer, except that multiple groups may be allowed where:

a. It is demonstrated that multiple groups will result in greater amounts of contiguous open space or result in less denigration of features within an environmental overlay district; and

b. None of the groups contain fewer than 5 lots, unless allowed as provided in Section 5-701(C)(3)(a)(ii).

(iv) **Dimensional Standards of Lots.**

a. In the TR districts there is no maximum or minimum lot size.

b. The yard requirements for the lots in the TR districts shall comply with the standards established in Table 5-701(C)(3)(a).

c. The maximum building height shall not exceed 35 feet.

(b) **Allowed Uses in Open Space.**

(i) The uses allowed are limited to those uses and activities for the respective protected area allowed in the environmental overlay districts or steep slope standards pursuant to Section 4-1600 (MDOD), Section 4-1500 (FOD) and Section 5-1508 (Steep Slope Standards);

(ii) The uses allowed on the open space lands shall be limited to:

i. Activities and uses allowed in open space, as defined in this Ordinance;

ii. In the TR-10 district and TR-3 districts, uses permitted in the Agriculture, Horticulture and Animal Husbandry Use Categories; and

iii. Easements and improvements for drainage, passive open space, communal sewer systems and septic systems, communal water supply systems, wells and other water supply systems.

Such uses and activities shall be subject to applicable environmental overlay district regulations and steep slope standards.

(c) **Siting of the Open Space and Building Lots.**

(i) The location of the open space on the site shall be identified consistent with the requirements of Section 5-701(C)(3)(b).

(ii) The building lots shall be located on that portion of the site that is outside the open space.

(iii) The lots and buildings within the subdivision shall be sited so as to reduce visibility of the lot groups from public rights-of-way and from other lot groups, by using existing topography, vegetation, distance and other factors to minimize impact. Options include siting lots and buildings sufficiently below ridgelines or treelines that the horizon will remain visually defined by the ridgeline or treeline rather than by the rooftops of the buildings, or placing lots and buildings at the far edge of a field as seen from a public right-of-way or other lot group.

(iv) The residential lot group(s) shall be sited so as to relate to the open space and the other lot groups on the site and on adjacent lands, by maximizing the contiguity of other open space features such as

vegetation, and natural features such as stream corridors, floodplains, wetlands, steep slopes, ridges, mountainsides, and wildlife habitat.

(D) **Homeowners' Association and Responsibilities.**

(1) If any of the following features are present, the development shall have an incorporated Homeowners' Association ("HOA"). If any of the following areas or improvements are present within the development, the HOA shall have the right and responsibility to maintain the areas or improvements:

(a) Common areas within the development, if any, that are not part of the required open space;

(b) The open space, if owned by the HOA;

(c) Any common recreational facilities;

(d) Private roads, if any, within or serving the development;

(e) Any storm water management ponds or areas;

(f) Fire protection pond(s), dry mains, or other improvements;

(g) Such other common facilities or improvements as may be designated in the bylaws of the HOA.

(2) Prior to approval of a record plat for subdivision for the development:

(a) The landowner shall submit documents for the creation of the HOA to the County for review and approval, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common areas, including a legal description of such areas and a description of restrictions placed upon the use and enjoyment of the land.

(b) The landowner shall agree that the association shall be established by the landowner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before approval of the first record plat for the property; and

(c) Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.

(E) **Recognizing Protection by Right to Farm Act.** In the TR districts, record plats and deeds authorized pursuant to this section shall include a statement that agricultural operations enjoy the protection of the Right to Farm Act (Va. Code Section 3.1-22.28 et seq.).

5-702 Rural Hamlet Option.

(A) **Purpose and Intent.** The primary purpose of the Rural Hamlet Option is to provide an alternative to conventional A-3 and A-10 district subdivision in rural areas. Such clustered development is intended to better harmonize rural development with surrounding agricultural activities recognizing that it is the County's primary goal to preserve and enhance farming and farmland in rural Loudoun by the most feasible, effective, and equitable methods available. This option is intended to conserve agricultural, forestal and open space land, historic and natural features at the time that such land realizes the development potential currently allowed in the agricultural zoning district. Such clustered development is intended to permit the compact grouping of homes located so as to blend with the existing landscape, such as the rise and fall of the topography, hedgerows and wooded areas, and to preserve to a greater extent the agricultural, forestal and visual character of the landscape.

(B) **Rural Hamlet Permitted.** Rural hamlets are permitted in the A-3 and A-10 districts. The district regulations shall apply to the extent not in conflict with the regulations contained herein.

(C) **Rural Hamlet Defined.** A rural hamlet is characterized by the configuration of all or a portion of the density permitted on a tract of land under the district regulations, into a grouping of small residential lots on a portion of the tract. More than one rural hamlet may be located on a tract. A rural hamlet may consist of the following categories of land:

(1) **Hamlet Lots.** Smaller residential lots located in a contiguous group, with adjacent and fronting lots oriented towards each other as on a street, a green or a paved square. No fewer than five (5) and no more than twenty five (25) hamlet lots may be grouped together as a rural hamlet. Hamlet lots shall have a designated building area. All land not designated as building area, private access easements, and road rights-of-way shall be placed in a permanent open space easement.

(2) **Open Space.** Residual land contiguous to a rural hamlet, which is subject to a permanent open space easement.

(3) **Hamlet Green/Square.** Land located in the interior of a rural hamlet, owned in common by hamlet lot owners and which is in a permanent open space easement.

(4) **Conservancy Lots.** A lot, excluding the hamlet lots, open space and/or hamlet green/square, which will remain as large parcel(s), the bulk of which is in permanent open space easement and a portion of which is designated a building area.

(D) **Permitted Uses.** The following uses are permitted in the various categories of rural hamlet land. These uses shall supersede the permitted or permissible uses that would otherwise apply in the underlying zoning district regulations.

(1) **Building Area of Hamlet and Conservancy Lots.**

(a) Dwelling, single family detached.

(b) Bed and breakfast homestay.

(c) Home occupation.

(d) Guest house.

(e) Child Care Home, subject to Additional Regulations in Section 5-609

(f) Water supply systems.

(g) Wastewater disposal systems.

(h) Accessory uses and structures, as per Section 5-101 of this Ordinance.

(i) Dwelling unit, accessory.

(2) **Open Space Use.** All areas of the tract of land devoted to the Rural Hamlet Option other than the building areas lots and road rights-of-way, shall be subjected to a permanent open space easement. Such open space may be used for the following uses:

(a) Agriculture, horticulture, forestry, and fishery uses including barns, stables and other structures accessory or incidental to such uses.

(b) Conservation of open land in its natural state, i.e., woodland, fallow fields, grasslands, wetlands, floodplains, and the like.

(c) Passive open space or passive recreation, including but not limited to trails, picnic areas, community gardens.

(d) Active recreation space, including golf courses.

(e) Equestrian uses of any kind.

(f) Easements and improvements for drainage, access, sewer or water lines, or other public purposes.

(g) Stormwater management facilities for the proposed development or for a larger area in compliance with a watershed stormwater management plan.

(h) Water supply systems.

(i) Accessory uses, such as swimming pools, tennis courts, and other accessory uses and structures pursuant to Section 5-101.

(j) Sewage disposal systems.

(3) **Commonly Owned Open Space Parcels.** On Open Space Parcels owned by the Home Owner's Association, the following use may be permitted by the Board of Supervisors by special exception in accordance with Section 6-1300:

(a) Child Care Center, subject to Additional Regulations in Section 5-609.

(E) **Minimum Tract Size.** A rural hamlet shall be located on a tract, or portion thereof, at least forty (40) acres in size.

(F) **Lot Requirements.**

(1) **Hamlet Lot.**

(a) **Lot Size.** 10,000 sq. ft. minimum. 3 acres maximum.

(b) **Building Area.** 5,000 sq. ft. minimum. 15,000 sq. ft. maximum.

(c) **Lot Width.** 64 feet minimum. 150 feet maximum.

(d) **Length/Width Ratio.** 6.0:1 maximum.

(e) **Front Yard.** (as defined in Article VIII) 6 feet minimum. 40 feet maximum, provided that all principal buildings shall be located so that the maximum deviation for adjacent front facades shall not exceed 15 feet, and provided further that this maximum Front Yard requirement shall not apply to lots located within subdivisions approved under the zoning ordinance in effect prior to June 16, 1993, and subject to the provisions of Section 1-103(H) of this Ordinance.

(f) **Rear Yard.** 20 feet minimum.

(g) **Side Yard.** 8 feet minimum.

(h) **Building Height.** 35 ft. maximum.

(i) **Building side yard restriction line.** Dwellings, guest houses, garages and other such structures shall not trespass into minimum side yards. However, detached garages located at the rear of a lot (i.e., behind the rear building line) and attached to a similar garage on a contiguous lot may be located within the side yard setback.

(2) **Hamlet Green/Square.** Maximum distance between building areas of cluster lots facing across a hamlet green/square: 350 feet.

(3) **Conservancy Lots.**

		A-3 District	A-10
(a)	**Lot Size.**	10 Acres min.	30 Acre min.
(b)	**Lot Width.**	300 ft. min.	500 ft. min.
(c)	**Length/Width Ratio.**	5:1 max.	5:1 max.
(d)	**Building Area.**	7,500 sq.ft. min.	15,000 sq.ft. min.
(e)	**Front and Side Yard**	25 feet min.	
(f)	**Rear Yard.**	20 feet min.	
(g)	**Building Height.**	35 feet max.	

(G) **Determination of Density.** The potential number of hamlet and conservancy dwelling units shall be based on either of the following, at the option of the landowner:

(1) In the A-3 District, one (1) dwelling unit per five (5) net acres. In the A-10 District, one dwelling unit per ten (10) acres.

(2) The number of dwelling units permitted at a minimum lot size of three (3) or ten (10) acres in the A-3 or A-10 zoning districts respectively is based on topography, floodplain and availability of septic drainfields. Drainfields shall be submitted to the Loudoun County Health Department for approval in accord with the Land Subdivision and Development Ordinance (LSDO).

(3) For each conservancy lot of fifty (50) acres or greater in size, one (1) additional dwelling unit shall be included in the determination of density.

(H) **Open Space Requirements.**

(1) **Minimum Open Space.** The minimum amount of land in a Rural Hamlet devoted to open space and subject to permanent open space easements shall be no less than eight-five percent (85%) of the total land area in the Rural Hamlet. All land not designated as building areas, private access easements, and rights-of-way for roads shall be permanent open space.

(2) **Minimum Open Space Widths Surrounding the Hamlet.** There shall be a minimum of 200 feet width of land in open space between the outside boundary of hamlet lot building areas and the tract boundary. There shall be a minimum of 800 feet between the hamlet lot building area boundaries of two hamlets on the same tract. Reduction of these dimensions may be permitted by the Board of Supervisors (see 5-702(L)), upon recommendation of the Planning Commission, based upon a finding that due to the topography, forestation, or presence of prime agricultural soils or environmentally sensitive areas, such reduction will preserve rural vistas, preserve farmland, screen dwellings from existing roads or adjacent properties, or preserve environmentally sensitive areas.

(3) **Maximum Hamlet Building Area Depth.** The outside boundaries of the building areas of hamlet lots facing one another across a street shall not exceed 300 feet. The outside boundaries of the building areas of hamlet lots facing one another across a hamlet green/square shall not exceed 550 feet.

(I) **Utilities and Public Facilities Requirements**.

(1) **Water.** Hamlet lots shall be served either by:

(a) Individual wells on or off each lot, or

(b) A communal water system constructed by the developer, or

(c) A municipal water system if located within an area designated for such connection in the Comprehensive Plan, or

(d) Connection with an existing rural village, rural hamlet or other public water system.

All water systems shall comply with applicable town, County, State, and/or LCSA standards and requirements, including a commission permit if required by applicable law. As for (a) and (b) above, the Health Department approval of both a safe and adequate water supply system and designated backup well sites based on

hydrogeological studies, shall be a precondition to recordation of a record plat establishing a rural hamlet.

(2) **Wastewater.** Hamlet lots shall be served either by:

(a) Individual septic tank drainfields located on or off the lot, or

(b) A communal wastewater treatment system constructed by the developer, or

(c) A municipal wastewater system, if located within an area designated for such connection in the Comprehensive Plan; or

(d) Connection with an existing rural village, rural hamlet or other public wastewater treatment system.

All wastewater systems shall comply with applicable town, County, State, and LCSA standards and requirements, including a commission permit if required by applicable law.

(3) **Fire Protection.** Every hamlet shall satisfy the fire protection standards set forth in the Facilities Standards Manual, or if no such standards are in effect, shall have all weather access road for a pump truck to an adequate pond with a water withdrawal main or to a water tank of sufficient capacity for fire protection.

(4) **Roads.** Seven (7) rural hamlet lots or less may be served by a private access easement. Twenty-five (25) rural hamlet lots or less may be served by a VDOT fixed generation, tertiary Class II road. All other roads shall be VDOT Class II roads. All other Rural Hamlet roads shall be built to VDOT secondary road standards. Roads serving two or more hamlets, with a combined traffic loading exceeding 250 vehicles per day, shall generally have two (2) access points to the existing rural road network.

(a) The Planning Commission may waive the two (2) access requirement upon finding special topographic or other circumstances which preclude implementation, but may in this eventuality require alternative configurations of road design, such as a divided median.

(b) Further, the Planning Commission may waive the public road standards, thereby allowing up to twenty-five (25) rural hamlet lots to be served by private access easements, should the Planning Commission find that the waiver provisions contained in this section are met. This alternative roadway design option must be requested as part of the subdivision application, and shall not be

granted for the sole purpose of circumventing the previously referenced public roadway design criteria. In reviewing any proposed waiver, the Planning Commission shall consider the following:

(i) Whether granting of the proposed waiver will adequately provide for access by public safety service (police, fire and rescue services).

(ii) Whether granting of the proposed waiver will protect to the greatest extent possible topographic or physical, natural, scenic, archaeological or historical features of significant importance.

(iii) Whether the granting of the proposed waiver will be in the public's best interest, specifically with regard to future road maintenance considerations.

(iv) Whether the granting of the proposed waiver will meet engineering standards with regard to steep slopes, storm water control, drainage, soil erosion control; mitigate floodplain impacts; assure adequate dust control measures; and will minimize, to the greatest extent possible, the impact on water and air quality on adjoining properties.

(v) Whether the granting of the proposed waiver will facilitate orderly and safe road development.

(vi) Whether the granting of the proposed waiver will minimize the impact of traffic on the existing roadway network.

(vii) Waiver requests shall be considered by the Planning Commission at a public meeting held within sixty (60) days of receipt of such request.

(5) **Parking.** Every hamlet lot shall include sufficient parking (which may or may not be paved) to accommodate four (4) cars.

(J) **Home Owner's Association.**

(1) Each rural hamlet or group of rural hamlets comprising a common development shall have an incorporated Home Owner's Association ("HOA") which shall have the right and responsibility to maintain the following areas and improvements:

(a) Common open space.

(b) Private roads, if any, within or serving the rural hamlet.

(c) Any stormwater management ponds or areas,

(d) Fire protection pond, dry mains, or other improvements; and

(e) Such other common facilities or improvements as may be designated in the HOA Bylaws.

(2) Easements for septic drainfields and wells located off of the lot shall be established at the time of the record plat for such lot, and shall run to the benefit of the lot served. The responsibility for maintaining or replacing such septic fields or wells shall be borne by the lot owner served by such easement.

(3) The permanent open space easement required in the rural hamlet shall be enforced by the County. Such easement shall be in a form approved by the County, and shall provide that, notwithstanding such easement, the eased portion of conservancy lots or hamlet lots shall be maintained by the owners of such lots, and that the County should bear no responsibility or liability for such maintenance. However, nothing contained herein shall prevent such landowners from leasing such open space for agricultural or other purposes as allowed in Section 5-702(D)(2) Open Space Use.

(4) The Home Owner's Association documents shall be submitted as part of the initial record plat application and shall provide for adequate initial funding and assessments to fund the maintenance of common property and improvements.

(K) **Plat and Deed Notations.** Record plats and deeds for rural hamlet subdivisions shall include a statement that agricultural operations enjoy the protection of the Right to Farm Act, Va. Code Section 3.1-22.28 et seq.

(L) **Modification of Regulations.**

(1) Where there are conflicts between the rural hamlet provisions herein and the general zoning, subdivision or other regulations and requirements, the rural hamlet regulations shall apply.

(2) In addition, the Board of Supervisors may allow reasonable modifications to other applicable regulations as follows:

(a) These other regulations serve public purposes to a lesser degree than the rural hamlet, or

(b) The designs or solutions proposed by the applicant, although not literally in accord with these other regulations, satisfy public purposes to a greater degree, or

(c) The strict implementation of these other regulations would prevent well designed rural hamlet development.

Such modifications may be granted by the Board of Supervisors by special exception. Such modifications may be sought prior to filing a preliminary plan of subdivision. The landowner shall include a sketch plan of the proposed hamlet as part of the application for modification and shall demonstrate the reasons for the request.

(M) **Advisory Rural Hamlet Siting and Design Guidelines.** Loudoun County recognizes that every rural hamlet design will be a custom response to the unique assets and constraints of each tract. As a consequence, the County has only incorporated in the Rural Hamlet Ordinance those siting and design rules required to preserve open space and to allow the clustering of dwellings. However, the County does wish to encourage design consistent with Loudoun's past in rural Loudoun and appends the following general design guidelines as a suggestion to rural hamlet designers.

(1) **Siting.** Rural hamlets should be sited so as to nestle, or blend in a subordinate way, into the existing landscape. Rural hamlets should not be placed on the crest of a ridge but rather should be located in a dip or depression or on the side of a hill.

(2) **Landscaping.** Rural hamlet designs should incorporate a mix of evergreen trees, generally located to the north and west for winter wind protection, and deciduous trees, located to the west and south, for summer shade. Given the time required for trees to attain maturity, existing stands of trees and hedgerows should be incorporated in the new hamlets whenever possible. New plantings of evergreen and deciduous trees should be native to the northern Piedmont, such as yellow poplar, northern red and white oak, hickory, white ash, black gum, hemlock, spruce and eastern red cedar among others.

(3) **Ground Modeling and Screening.** In those circumstances where natural contours, subsurface conditions and tract boundaries prevent discreet hamlet placement, hamlet designers should seek to reduce the development's apparent presence by locating earth berms near adjacent roadways and/or planting screens of trees adjacent to existing roads and tract boundaries.

(4) **Grouping of Structures.** Dwellings in rural hamlets should be placed in proximity to one another and to common wells or facilities.

Illustration of Hamlet Lot and Building Area

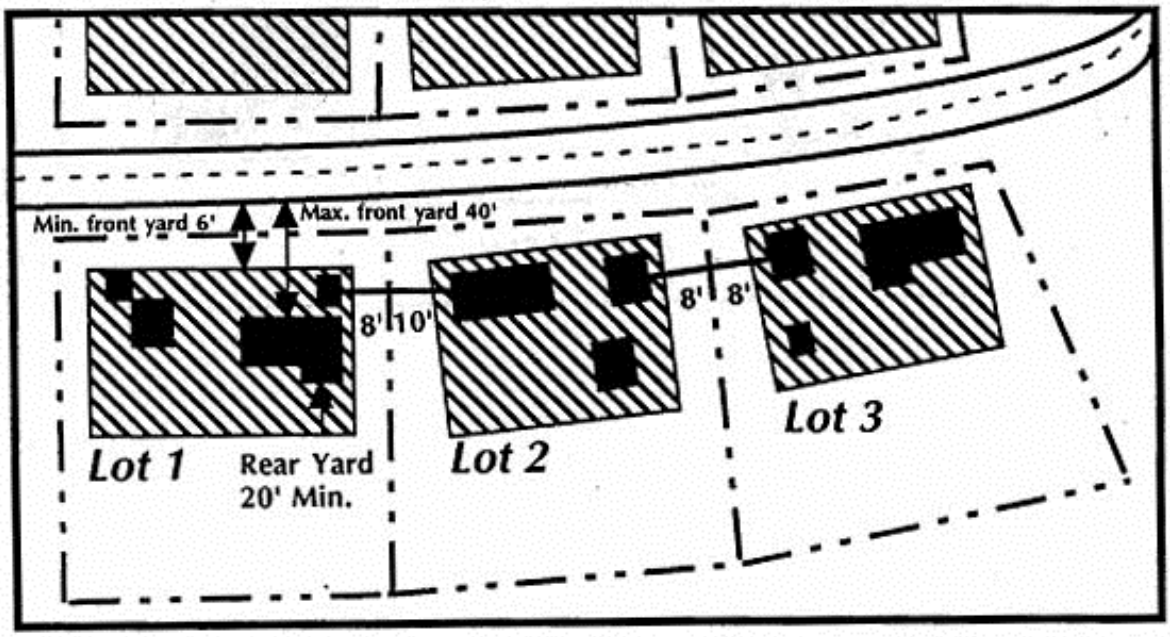
Hamlet Building Area
(min. 1/6 ac. max.1/4 acre)

Structure located on
Hamlet Lot Building Area

Hamlet Lot
Eased Open Space

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements

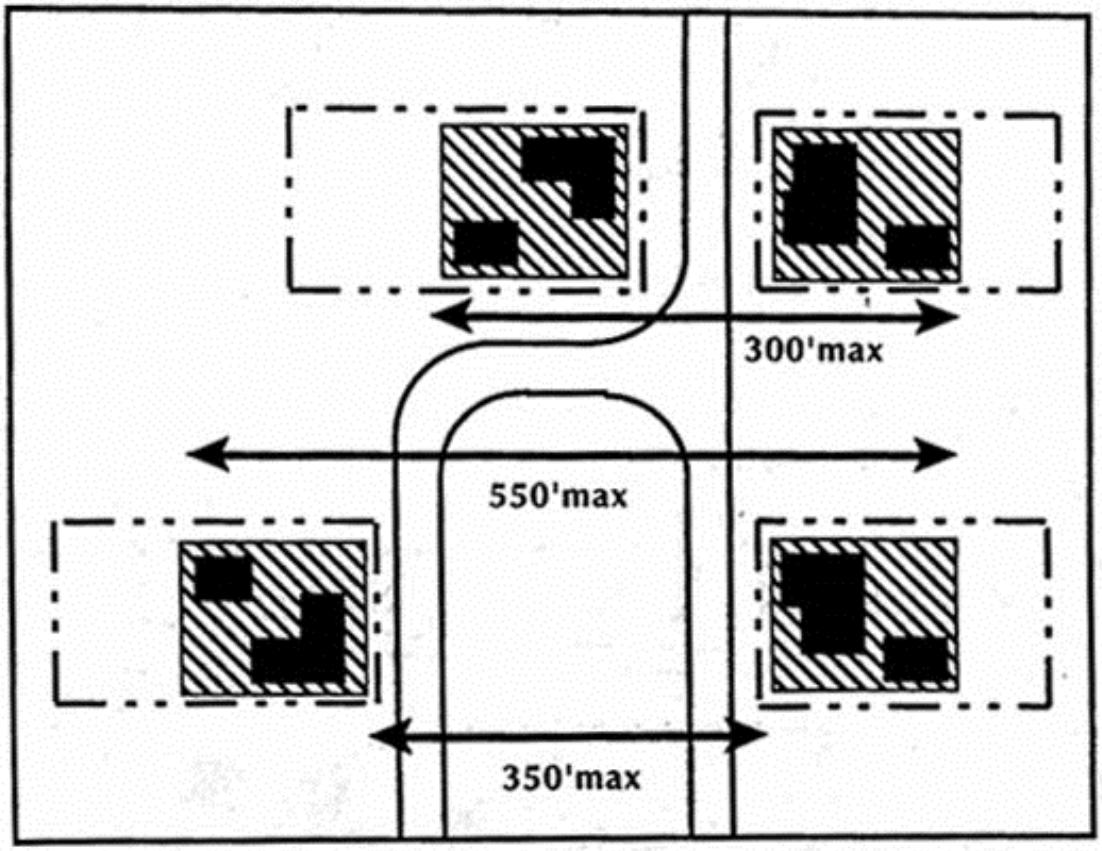


Minimum lot size 10,000 sq. ft.

Example of Maximum Widths in Rural Hamlets

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements



Example of Hamlet Calculations and Ratios

Figure 1. Hamlet Example Summary

88 ac. / 20 Hamlet and 2 Conservancy lots

90.34% All eased land

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements

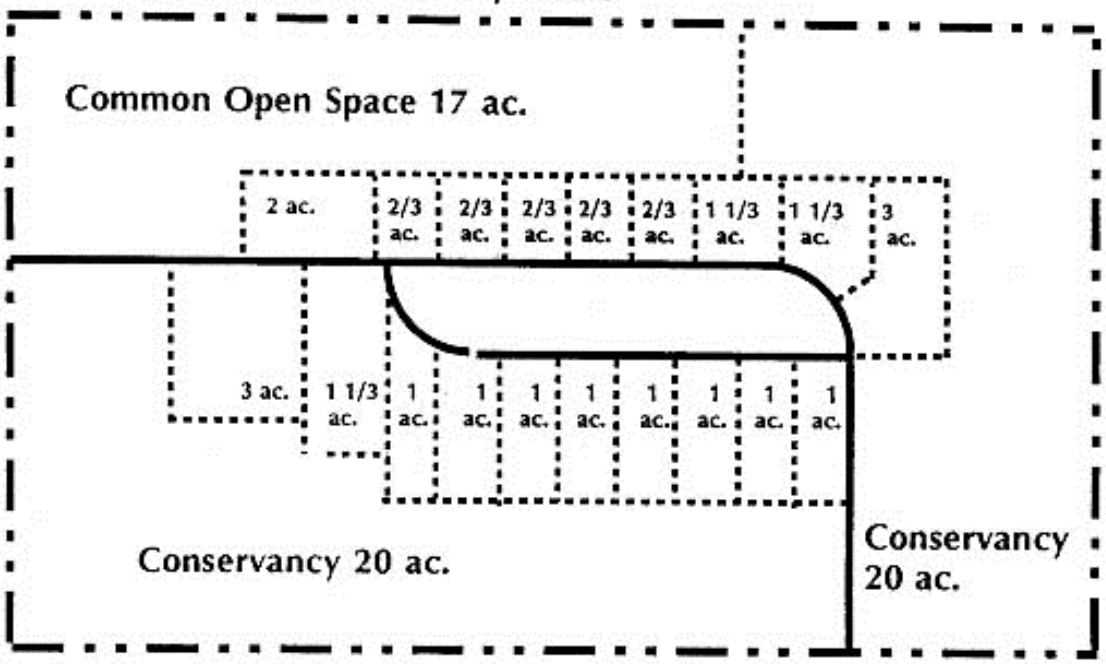


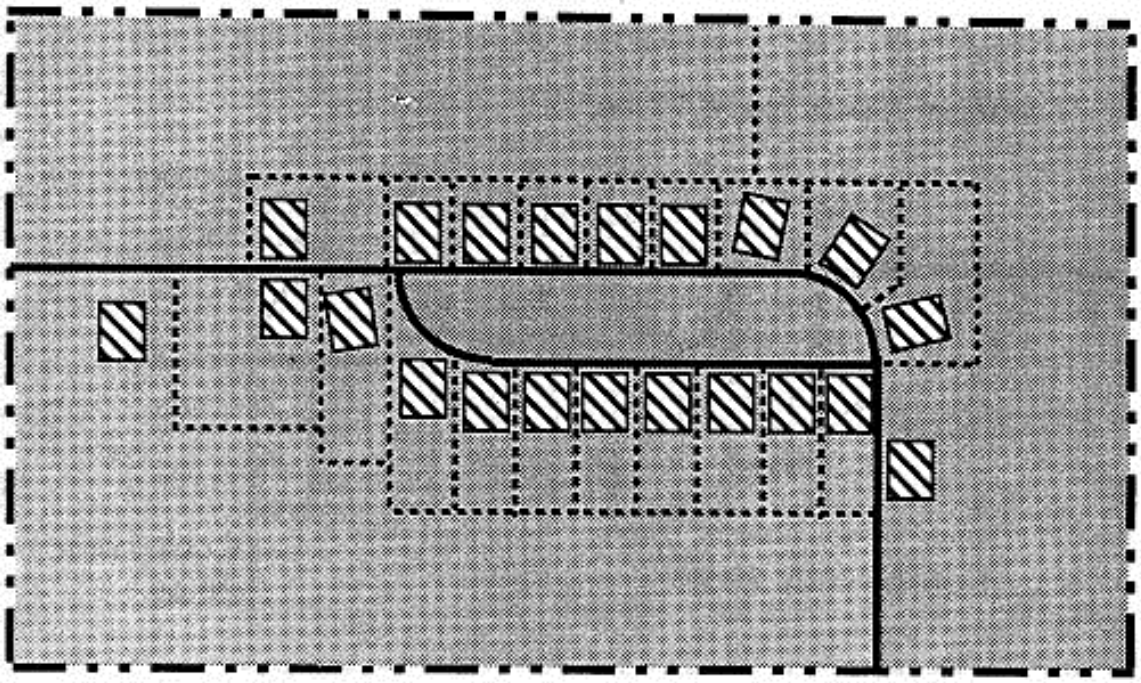
Figure 2. Illustrations of Eased Land and Building Areas in Hamlet

Eased area of Conservancy and Hamlet Lots and Common Open Space

Designated Building Areas

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements



5-703 Common Open Space for Permitted Urban Clusters as permitted in various sections contained in Article III and Article IV of this Zoning Ordinance.

(A) Common open space shall be designed to constitute a contiguous and cohesive unit of land which may be used for active or passive recreation by residents.

(B) Common open space shall be accessible to all permitted uses and all residential units within the subject development and shall be located within a reasonable walking distance of such units.

(C) All common open space shall be permanently reserved, managed, and maintained as open space by a means acceptable to the Board of Supervisors, and at no cost to the County.

(D) No major floodplain shall be included in calculating the amount of common open space required.

Section 5-800 Limitations on Vehicles in Residential Districts.

(A) **Major Recreational Equipment.** No major recreational equipment or any container constructed for the transportation or storage of such equipment shall be parked or stored on any road, lot, or dedicated open space in a residential district except in a car port or enclosed building or behind the nearest portion of a building to a street, provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours. No such equipment shall be used for living, sleeping, or housekeeping purposes.

(B) **Commercial Vehicles.** The parking or storage of a commercial vehicle, or a container constructed for the transportation of cargo is prohibited in all residential districts, except that one (1) commercial vehicle with a manufacturer's rating of less than 1-1/2 tons may be parked on any lot on which there is located a principal building, provided that such vehicle is parked in an enclosed garage, accessory building, approved off-street parking area or behind the nearest portion of buildings to streets and is used by a resident of the premises. This regulation shall not be interpreted to prohibit commercial vehicles or containers from loading and unloading in any residential district.

(C) **Inoperable Vehicles.**

(1) No repair, maintenance or restoration of motor vehicles is permitted on any residential lot or common area serving such lot located within any urban residential zoning district, as defined in Article 3 of this Ordinance, unless the vehicle is owned by and registered in the name of an occupant of the dwelling constituting the principal use for such lot.

(2) No inoperable vehicle shall be parked or stored outside a building for more than one (1) week on a lot of less than ten (10) acres in area in any residential district. Not more than one (1) inoperable vehicle may be parked outdoors at a time on any lot greater than ten (10) acres in area in any residential district. Any vehicle not displaying current license plates and inspection validation certificate as required by Virginia law shall be construed as an inoperable vehicle. Not more than one (1) inoperable item of major recreational equipment shall be parked outdoors on any lot of less than ten (10) acres in area in any residential district

(D) **Limitations on Parking and Paved Parking Surfaces Within Residential Yards.**

The following requirements shall apply to single family detached dwellings on lots in the R-1, R-2, R-3, R-4, and R-8 Zoning Districts and the portions of PD-H Zoning Districts that are administered as the R-1, R-2, R-3, R-4, and R-8 Zoning Districts.

(1) All parking for vehicles in any yard shall be on a paved parking surface, provided, however, that this shall not be deemed to preclude temporary parking on an unpaved surface in a yard for active loading and unloading.

(2) The maximum amount of paved parking surface in a front yard shall not exceed twenty-five (25) percent of the front yard area in the R-1 and R-2 Zoning Districts; thirty (30) percent of the front yard area in the R-3 and R-4 Zoning Districts; and forty (40) percent of the front yard area in the R-8 Zoning District, except that these limitations may be exceeded for a paved surface that is:

(a) Directly contiguous with, and providing primary access to, two (2) side-by-side parking spaces as long as the dimensions of the paved surface access area are not more than twenty-five (25) feet long and eighteen (18) feet wide; or

(b) Located on a lot which has its primary access from a collector or arterial road, and comprises two (2) side-by-side parking spaces and a vehicular turn-around area, as long as the dimensions of the paved surface area are not more than twenty-five (25) feet long and eighteen (18) feet wide, and the area of the turn-around does not exceed 162 square feet; or

(c) A driveway on a pipestem lot.

(3) The maximum amount of paved parking surface in a rear yard shall not exceed twenty-five (25) percent of the rear yard area in the R-1, R-2, R-3, R-4, and R-8 zoning districts.

(4) For the purposes of this Section, “paved parking surface” shall mean the area of a lot that is used for the parking of vehicles, inclusive of the driveway for accessing such parking, that is surfaced with asphalt, poured or precast concrete, brick, stone, gravel, or any other impervious surface, or grasscrete or other similar pervious surface. A fully enclosed garage shall not be considered a paved parking surface.

(5) The Zoning Administrator may modify the requirements of Section 5-800(D) if an applicant can demonstrate that the requirements of this Section cannot be met, while meeting the amount of parking required by Section 5-1100, because of (a) the exceptional size and/or shape of the lot; (b) environmental or engineering constraints on the lot; (c) special accessibility needs; or (d) other extraordinary situations or conditions of the lot. The Zoning Administrator may attach conditions to any modification to ensure that the results of the modification will be in accordance with the purpose and intent of this Section.

Section 5-900 **Access and Setbacks From Specific Roads and the W&OD Trail.** Certain roads within Loudoun County because of their function, location and capacity require that uses be set back a certain minimum distance from them. All other provisions of this Ordinance notwithstanding, all buildings and parking, except for agricultural structures and structures located within Village Conservation Overlay Districts and the Joint Land Management Area Districts, shall be set back as provided below, or the setback provided in an approved corridor study whichever setback is greater, from the existing or planned rights-of-way, whichever is greater. Residences, accessory structures, and accessory uses built before June 16, 1993 are exempt from this provision pursuant to Section 1-403(D). The following roads are subject to this provision:

(A) **Building and Parking Setbacks From Roads.**

(1) **Route 7.**

(a) Fairfax County line, west to Broad Run.

(i) Building: 50 feet

(ii) Parking: 50 feet.

(b) Broad Run west to east corporate limit of Leesburg.

(i) Building: 300 feet.

(ii) Parking: 100 feet.

(c) Route 7 Bypass from the west corporate limit of Leesburg west to Clarke County.

(i) Building: 200 feet.

(ii) Parking: 100 feet.

(2) **Route 267.**

(a) Building: 150 feet.

(b) Parking: 100 feet.

(3) **Route 50.** Rt. 659 Relocated west to Fauquier County line.

(a) Building: 100 feet.

(b) Parking: 75 feet.

(4) **Route 15.**

(a) Building: 100 feet.

(b) Parking: 75 feet.

(5) **Route 28.**

(a) Building: 100 feet.

(b) Parking: 75 feet.

(6) **Route 9.**

(a) Building: 100 feet.

(b) Parking: 75 feet.

(7) **Route 287.**

(a) Building: 100 feet.

(b) Parking: 75 feet.

(8) **Route 606.**

(a) Building: 100 feet.

(b) Parking: 75 feet.

(9) **Other Arterial Roads.**

(a) Building: 100 feet.

(b) Parking: 75 feet.

(10) **Other Major Collector Roads.**

(a) Building: 75 feet.

(b) Parking: 35 feet.

(11) **All other roads in Nonresidential Districts.**

(a) Building: As specified in applicable district regulations.

(b) Parking: 25 feet unless otherwise specified in applicable district regulations.

(12) **All other roads in Residential Districts.**

(a) Building: As specified in applicable district regulations.

(b) Parking: As specified in applicable district regulations.

(13) **Ramps at grade separated interchanges associated with the roads listed above.**

(a) Building: 75 feet.

(b) Parking: 35 feet.

(14) **Modified Building Setback for Shallow Lots.** The building setback from a road in this Subsection 5-900(A) is reduced on shallow lots to allow a building area of up to 85 feet in depth, measured forward from any rear buffer or setback, whichever is more restrictive. In no case shall the modified building setback from the road be less than the yard or setback required by the underlying zoning district. In these cases, parking setbacks shall be coterminous with building setbacks. This provision applies to lots as they existed on June 16, 1993, and no lot may be altered or reconfigured to increase the degree of its shallowness. All lots created since June 16, 1993 must comply with the unmodified Building Setbacks from Roads.

(15) **Modifications to Maintain Streetscape Consistency.** Modifications may be allowed to these setbacks to maintain consistency with adjacent properties by Minor Special Exception.

(B) **Building Setback From W&OD Trail.** 25 Feet.

(C) **Access from major roads.** New access points (private or public) to arterial or major collector roads shall be limited to locations at existing median breaks, planned median breaks or other locations approved by Loudoun County or VDOT.

Section 5-1000 Scenic Creek Valley Buffer.

5-1001 Purpose and Intent. The Scenic Creek Valley Buffer is established to govern the construction of buildings, structures, parking, and other impervious surfaces in areas adjacent to scenic rivers and all waterways draining greater than 640 acres, by providing for a setback area from the channel scar line in which construction of improvements would not occur except as set forth below. The intent is to (1) promote water quality and the preservation of significant environmental resource areas, wildlife habitat and corridors, and native vegetation areas; (2) protect and enhance water and groundwater recharge processes by protection of the natural capacity of vegetative areas along rivers and creeks to filter and purify storm water runoff; (3) protect aquatic environments from the warming effects of solar radiation by preserving riparian tree canopy cover; (4) promote tourism and high quality corporate investment by maintaining to the extent reasonably possible, existing high water quality; (5) to maintain the scenic beauty of the streams of Loudoun County; and (6) implement the Comprehensive Plan.

5-1002 Scenic Creek Valley Buffer Established. The following setbacks are established along all waterways draining greater than 640 acres in areas where the major 100 year floodplain is less than the setbacks provided below.

(A) 250 feet measured along the slope of the ground from the channel scar line on the Potomac River.

(B) 200 feet on each side of the creek measured along the slope of the ground from the channel scar line of the Scenic River designated portions of Goose Creek and Catoctin Creek.

(C) 150 feet on each side of the creek measured along the slope of the ground from the channel scar line of each creek or stream where the watershed is greater than 640 acres.

(D) The above setbacks may be reduced as follows:

(1) A reduction of 100 feet shall be allowed for the retention of an existing forested area or the creation of a forested area, as approved by the Area Forester as part of a management plan between the ultimate setback line and the channel scar line; or

(2) A reduction of 100 feet shall be allowed for the use of and retention of stormwater management/BMP practices in accordance with the FSM at time of development within any developed area on the lot or site.

(E) The above setback does not apply to agricultural, horticultural, or forestal uses where a farm plan approved by the Loudoun County Soil and Water Conservation District or other County approved agency is kept continuously in place.

5-1003 **Effect of Buffer.** The construction of buildings, structures, parking lots, or other impermeable surfaces within the Scenic Creek Valley Buffer is prohibited, except as stated herein. Existing buildings and structures within the Scenic Creek Valley Buffer are not considered nonconforming, i.e., they can be added to and, if destroyed by fire or casualty, they can be rebuilt to the same or an equivalent footprint. This buffer or setback area does not regulate uses within the setback area, although the County encourages the growth, through plantings or natural succession, of vegetative and forestal cover within the Scenic Creek Valley Buffer area. Utilities may be located within the buffer.

5-1004 **Existing Lot Criteria.** On any existing lot of record as of June 16, 1993, one (1) single family residence and its attendant unpaved driveway, unpaved parking area, and/or detached garage and incidental structures cited in Section 4-1500 shall be permitted within the setback area.

5-1005 **Development Criteria.** The Scenic Creek Valley Buffer is not intended to, and shall not, limit development density (gross floor area or units per acre) otherwise allowed on land within the Scenic Creek Valley Buffer area. The Scenic Creek Valley Buffer shall be administered like any other setback provided for in this Ordinance in allowing otherwise developable land within the setback area to be counted for density computation purposes and applied toward the construction of improvements outside the setback area. Road crossings and driveways, shall be permitted subject to applicable federal and state regulations, to this Ordinance, and to such performance standards as may be contained in the Facilities Standards Manual.

DIVISION B: Off-Street Parking and Loading

Section 5-1100 Off-Street Parking and Loading Requirements.

5-1101 Compliance Required.

(A) **General Requirement.** Except as provided elsewhere in this Ordinance, there shall be provided, at the time of the erection of any building, or at the time any principal building is enlarged or increased by adding dwelling units, guest rooms, seats or floor area, or before conversion from one type of use or occupancy to another, permanent parking and off-street loading space in the amount specified and pursuant to the requirements of this Section. Parking space may be provided in a garage and properly surfaced open area. In residential districts where streets and travelways have been designed pursuant to County and VDOT standards to accommodate on-street parking, such on-street parking can be used to meet the requirements of this section for up to one parking space per dwelling.

(B) **Application to Addition or Change in Use.** When a change in intensity of use of any building or structure would increase the required parking by ten (10) or more spaces or ten (10) percent, whichever is greater, cumulatively from the date of this Ordinance, through an addition or change in the number of dwelling units, gross floor area, gross leasable area, seating capacity, or other units of measurements specified herein, the increment of additional required parking shall be provided in accordance with this Section unless an adjustment is permitted per subparagraph 5-1102(F) below. If fewer than ten (10) spaces or ten (10) percent, whichever is greater, are required by a change or series of changes in use, the Zoning Administrator may waive up to the incremental required number of parking spaces, after determining that the granting of the waiver will not be detrimental to the public welfare and will be consistent with the County of Loudoun Comprehensive Plan.

(C) **Review of Parking and Loading Facilities Plan.** Each application for a subdivision, site plan, zoning permit, or certificate of occupancy shall include information as to the location and dimensions of parking and loading space; and the means of ingress and egress to such spaces. This information shall be in sufficient detail to determine if the requirements of this Ordinance are met and shall contain such information as is required by applicable provisions of the Land Subdivision and Development Ordinance.

(D) **Procedures for Reduction of Parking.** No existing parking or loading space, and no parking or loading space hereafter provided, which meets all or part of the requirements for parking or loading space set forth in these regulations, shall be reduced or eliminated. Reductions in parking and loading spaces may be permitted where spaces are no longer required by these regulations or alternative spaces meeting the requirements of these regulations are provided.

5-1102 Number of Parking and Loading Spaces Required.

(A) **Standards for Computation.**

(1) **Floor Area.** Gross Floor Area, GFA, as used in this section shall be as defined in Article VIII of this Ordinance.

(2) **Building Capacity.** The capacity of the building expressed in number of persons shall be determined by the Fire Prevention Code adopted by the County of Loudoun.

(3) **Fraction of a Space.** When the calculation of the number of required parking and loading spaces results in a requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and fractions of over one-half (1/2) shall be interpreted as one (1) whole parking or loading space.

(4) **Commercial Vehicles.** In addition to the requirements in the tables below, one (1) off-street parking space shall be required for each commercial vehicle which is directly associated with permitted and special exception uses, and which is to be parked on the premises during normal business hours. Required loading spaces may be credited as part of the total space needed for commercial vehicles.

(B) For the purposes of this Article only, and for calculating parking and loading requirements hereunder, uses are grouped as follows:

(1) **Residential Uses.**

(a) **Single Family Dwellings**, detached houses and duplexes, townhouses and other single family attached dwelling units.

(b) **Multi Family Dwellings**, includes condominium and apartment buildings where common vehicular entrances, parking areas etc., are provided for more than one unit.

(c) **Elderly Housing,** any multifamily building that is occupied not less than 90% by persons 60 years of age or older.

(d) **Accessory Dwelling Units**, associated with any other use, including living quarters for each caretaker, watch keeper, servant and tenant.

(e) **Sleeping Rooms**, including boarding, lodging, and bed and breakfast homestays, rectories and convents which are rented or used on an individual basis by non-family members.

(f) **Commercial Lodgings**, including hotels, motels, motorlodges and motor courts.

(g) **Congregate, Continuing Care & Nursing Homes**, where unrelated persons reside under supervision for special care, treatment, training or other purposes, on a temporary or permanent basis.

(h) **Day Care Centers**, where unrelated persons are cared for during limited periods each day in a supervised facility.

(2) **Retail/Service Uses.**

(a) **General Retail**, including antiques, art, art supplies, bicycles, books, camera and photographic supplies, china and glassware, clothing, coin and stamp, crafts/needlework, discount/mass merchandising, drapery/curtain/window coverings, dry goods, fabrics and sewing accessories, floor coverings, furriers and fur apparel, gifts/novelty/souvenirs, hobby, jewelry, linens/sheets/towels, leather/luggage/ suitcases, musical instruments, optical shops, newspapers and magazines, retail florist (no greenhouse), paint and wall coverings, pet shops, records/audio/stereo/TV, school and office supplies, second hand and resale, shoes, small electrical appliances, specialty, stationary, tobacco, toys, and other such retail uses as determined by the Zoning Administrator.

(b) **Convenience Retail**, including bakeries and confectioneries (non-manufacturing), butchers/meatshops, dairy products, eggs and poultry, fish and seafood, fruit and vegetables, frozen desserts (without tables), grocery/ supermarkets, liquor, laundry/dry cleaning (pickup station only), pharmacy/drug, not to exceed 10,000 sq. ft. GFA each.

(c) **Service Retail**, including drapery services, direct selling, appliance repair, tool and appliance rentals, mail order, merchandise vending, film/video rentals, printing/ copy, shoe repair, pawn shops, photographic studios, key and lock, tailoring and dressmaking, upholstery, optical shops.

(d) **Hard Goods Retail**, automotive parts and supplies (without repair facilities), furniture, hardware, wholesale florists, garden supply, greenhouses, lumber and building supplies, household appliances, lighting and electrical supplies, medical appliances and supplies, pool and patio furniture, and sales display and showrooms for any building product (including millwork, cabinets, plumbing,

glass and mirror, fencing, swimming pools/spas/hot tubs, etc.).

(e) **Shopping Centers**, with two or more individual stores, GFA provided in the same building or attached buildings totaling more than 10,000 square feet.

(f) **Personal Care Services**, including barber and beauty shops, cosmetology and cosmetic salons, diet counseling centers, electrolysis/hair removal salons, and fingernail salons.

(g) **Coin Operated Laundry and Coin Operated Dry Cleaning Facilities**, with or without attendant services and/or a pickup station for outside dry cleaning service.

(h) **Other Retail/Service Uses**, including animal clinics/ veterinarian offices, kennels and pounds.

(i) **Temporary Retail**, including wayside stands and outdoor markets.

(j) **Motor Vehicle Sales & Service**, including automotive sales, gasoline and/or diesel fuel stations, automotive rental agency, marine craft sales and service, engine and motor repair shops, automotive glass/muffler/ painting/tire/upholstery repair shops, recreational and sports vehicle sales and service.

(3) **Food and Beverage Services.**

(a) **Restaurant**, including restaurants, and banquet rooms, with or without dancing and entertainment facilities, which provide only seated table service.

(b) **Family Restaurant**, without a bar or lounge area, which provides seated service at tables, or counters, and only incidental carryout service.

(c) **Fast Food**, including delicatessens, carryout, drive-in, etc., which provides quickly or previously prepared foods from a counter and which may or may not have a separated indoor or outdoor seating area.

(4) **Office and Business Services.**

(a) **General Business Services**, including accounting, advertising, architectural/ engineering/urban planning, auditing, bookkeeping, business and management consulting, charitable, collection services, commodity or security broker/dealer, consumer protection, corporate,

credit reporting, currency exchanges, data processing, detective services, employment agencies, employment services, exterminating services, financial counseling, general business offices, income tax preparation, insurance agencies/brokers/ service offices, interior decorating (without furniture showrooms), loan companies, labor unions, legal offices, newspaper and news, newspaper distribution, philanthropic or professional membership business associations, publishing offices (without printing plants), public relations, real estate offices, religious, research labs, social service agencies, stenographic services, syndicator offices, title abstracting, travel agencies and window cleaning services.

(b) **Financial Institutions**, including banks, savings and loans, credit unions, with or without drive-in facilities.

(c) **Medical Offices**, dentists, physicians, chiropractors, psychiatrist/psychologist, nonresidential psychiatric alcoholic and narcotic treatment centers, dental and medical laboratories, medical clinics and outpatient surgery/treatment centers, offices for the fitting and repair of hearing aids, prosthetic appliances, etc.

(5) **Industrial/Manufacturing**, including all uses defined in the permitted and special exception use tables, including flex-industrial use.

(6) **Storage/Processing/Wholesaling**, including all uses defined in the permitted and conditional use tables, except as provided below:

(a) **Mini Warehouse**, with secured, individual storage units which are leased for a fee to individual companies or persons.

(7) **Materials Supply and Construction Uses**, including all uses defined in the permitted and special exception use tables.

(8) **Communication and Private Utility Uses**, including all uses defined in the permitted and special exception use tables.

(9) **Governmental Uses**, including all uses defined in the permitted and special exception use tables.

(10) **Educational Uses**, including all uses defined in the permitted and special exception use tables.

(11) **Cultural, Recreational, and Entertainment**.

(a) **Public Assembly**, including art galleries, auditoriums, community and recreation centers, libraries, museums, movie and drama theatres, stadiums and arenas, outdoor theatres/festival/drama, stadiums and arenas, funeral homes, mortuaries, crematoria, civic/social/fraternal association meeting places and mausoleums.

(b) **Public Recreation**, including bowling alleys, gymnasiums, health clubs, roller and ice skating, tennis, racquetball, swimming and other recreational facilities.

(c) **Places of Worship,** including churches, synagogues, temples.

(12) **Miscellaneous Uses.**

(13) **Hospitals**, including sanitariums, and residential alcoholic, psychiatric and narcotic treatment facilities.

(C) **Additional Rules for Computing Parking Requirements.**

(1) **Uses Not Listed.** The Zoning Administrator shall have the right to determine the required parking and loading facilities for uses not specifically listed in the tables herein. Such determination by the Zoning Administrator shall be in writing and shall be appealable to the Board of Zoning Appeals.

(2) **Uses listed but not shown as permitted or permissible within this ordinance.** The categories of uses set forth in Section 5-1102 are intended to be descriptive of various types of activities, but shall not be construed to allow any uses not specifically enumerated in the schedules of permitted or special exception uses for each zoning district.

(3) **Accessory Uses.** Storage, stock, kitchen, office and other areas accessory to the principle use of a building, or portion of a building, are to be included in the calculation of floor area of the principal use, unless noted otherwise herein.

(4) **Alterations, Expansions and Changes in Use.** For alterations, expansions, or changes in use, prior to the issuance of a zoning or occupancy permit, the Zoning Administrator shall determine in writing, based on information submitted by the applicant, the impact of the proposed change on the parking requirement for the building, and the adequacy of the parking provided.

(D) **Parking and Loading Requirements by Use.** The computation of the minimum off-street parking and loading requirements for each permitted use shall be based upon the standards in the following tables, subject to the adjustments and/or minimums required or allowed in this section.

(E) Such parking and loading regulations shall apply only to new construction or expansion of an existing use. In the case of an expansion of an existing use, only the expansion shall be required to meet these regulations. The existing use and parking areas shall be deemed to be exempt from said regulations.

Table 5-1102

Use	Parking Spaces Required	Loading Spaces Required
Residential		
Single Family Detached Dwelling Unit	2/dwelling unit in agricultural districts; 3.0/dwelling unit in all other districts. Garage and driveway parking spaces count towards required spaces. Tandem parking i.e. one space behind another is permissible and both parking spaces count towards such required parking spaces.	None
Single Family Attached Dwelling Unit	3.0/dwelling unit in all districts. Garage and driveway parking spaces count towards required spaces, except that at least .5 spaces/unit will be accommodated by off lot parking spaces. Tandem parking i.e. one space behind another is permissible and both parking spaces count towards such required parking spaces.	None
Multi/Family Dwelling Unit		
Studio	1.25/dwelling unit	None
1 bedroom	1.5/dwelling unit	None
2 or 3 bedrooms	2/dwelling unit	None
4 or more bedrooms	2.5/dwelling unit	None
Active Adult/Age Restricted Dwelling Unit	1.75/dwelling unit for buildings 4 stories or less in height 1.25/dwelling unit for buildings 4 stories or more in height	None
Elderly Housing/Independent Living Unit	.25/Independent living unit	None
Accessory Dwelling Unit	1/accessory apartment or dwelling unit	None
Sleeping Rooms	1/unit or room plus 2 for owners/managers	None

Use	Table 5-1102 Parking Spaces Required	Loading Spaces Required
Commercial Lodgings	2 for owners/managers plus 1/sleeping room or unit plus any spaces required for restaurant/ restaurant/banquet and meeting rooms	As required for restaurant/lounge and meeting rooms; minimum one for lodgings with 50 or more rooms.
Congregate, Continuing Care & Nursing Homes	.25/resident plus 1.5/day shift employee	One
Child Care Facilities	.2/person in licensed capacity plus one per employee not residing on the premises	None
<u>Retail/Service</u>		
General and Convenience Retail	4/1,000 sq ft of GFA; minimum of 4 spaces per establishment	None for the first 10,000 sq. ft. then one/30,000 sq. ft. up to 70,000 sq. ft. plus one/ 80,000 sq. ft. thereafter
Wayside Stands/Christmas Tree Stands	Any parking provided shall be on-site	None
Nurseries/ Farm Markets	Minimum of 10 spaces shall be provided for the first five acres of outdoor sales area with one additional space for each ten acres over five acres. Off-site parking is prohibited.	
Bed and Breakfast Homestay	2.5/dwelling unit 1/guest room	None
Bed and Breakfast Inn	2.5/dwelling unit 1/guest room 1/employee	None
Country Inn	1/guest room 15/1,000 sq. ft. of GFA for restaurants & kitchen area only	None
Service Retail	2.5/1,000 sq ft of GFA; minimum of 3 spaces per establishment	Same as general retail
Hard Goods Retail	3.5/1,000 sq ft of GFA interior sales space plus 1.5/1,000 feet of interior storage and/or exterior display/sales area; minimum of 4 spaces per establishment	Same as general retail
<u>Shopping Centers</u>		

Use	Table 5-1102 Parking Spaces Required	Loading Spaces Required
Smaller Shopping Centers (Small strip-type centers)	6/1,000 sq. ft. of GFA for centers with up to 30,000 sq. ft. 5/1,000 sq. ft. of GFA for centers between 30,000 sq. ft. and 60,000 sq. ft.	1/50,000 sq. ft. up to 100,000 sq. ft. **plus** 1/100,000 sq. ft. up to 500,000 sq. ft. **plus** 1/200,000 sq. ft. thereafter
Larger Integrated Shopping Centers (Non-enclosed centers)	4/1,000 sq. ft. of GFA for centers over 60,000 sq. ft.	
Shopping Centers (Mall-type centers)	3.5/1,000 sq. ft. of GFA for centers with up to 400,000 sq. ft. 3.8/1,000 sq. ft. of GFA for centers with 400,000 to 600,000 sq. ft. 4.25/1,000 sq. ft. of GFA for centers with over 600,000 sq. ft.	
Personal Care Services	1/treatment station but not less than 1/1,000 sq. ft. GFA	None
Coin Operated Laundries	1 space/ 2 machines	None
Other Retail/Service Uses	As determined by the Zoning Administrator	Same as general retail
Temporary Retail	As determined by the Zoning Administrator	None
Motor Vehicle Sales & Service	2.5/1,000 sq ft of GFA interior sales space plus 1.5/1,000 sq ft of external display (but not including stock areas not open to the public) plus 3/service bay	Same as industrial
<u>Food and Beverage</u>		
Restaurant	15/1,000 sq. ft. of GFA minimum of 1 space	1/40,000 sq ft of GFA;
Fast Food	20/1,000 sq. ft. of GFA kitchen, counter and waiting areas plus 0.5/seat provided	With indoor seating area, one; with no seating area; none
<u>Office and Business Services</u>		
General Offices and Medical Offices	4/1,000 sq. ft. of GFA for up to 30,000 sq. ft.; 3.3/1,000 sq. ft. of GFA thereafter	None for the first 30,000 sq ft then one/100,000 sq ft thereafter
Financial Institutions	2.5/1,000 sq. ft. of GFA; stacking space for drive-through windows to be determined by Zoning Administrator	None for the first 10,000 sq ft GFA then one/50,000 sq ft up to 10,000 sq ft plus one/ 10,000 sq ft thereafter

Use	Table 5-1102 Parking Spaces Required	Loading Spaces Required
Industrial/Manufacturing	2/1,000 sq. ft. of GFA plus any required spaces for office, sales or similar space	1/25,000 sq ft GFA up to 500,000 sq ft plus one for the next 50,000 sq ft plus one/ 100,000 sq ft there-after
Storage/Processing/Wholesaling	0.5/1,000 sq. ft. GFA plus any required spaces for office, sales, etc.	One the first 50,000 sq ft GFA plus one space/100,000 sq ft thereafter
Mini Warehouse, multi story or single entrance	3 spaces at the office plus 1 space per employee.	None
Vehicle Wholesale Auction	1/3 employees 1/60 vehicle storage space	1/25,000 sq. ft. of GFA
Materials Supply and Construction	0.5/1,000 sq. ft. GFA plus any required spaces for office, sales, etc.	1/25,000 sq. ft. GFA up to 500,000 sq. ft. plus one for the next 50,000 sq ft plus one/100,000 sq ft thereafter.
Communication and Private Utility	1/1.5 employees on the major shift.	1/25,000 sq. ft. GFA up to 500,000 sq. ft.plus one for the next 50,000 sq. ft.plus one/100,000 sq. ft. thereafter.
Governmental	4/1,000 sq. ft. of G.F.A. administrative offices; other as determined by Zoning Administrator	As determined by Zoning Administrator
Educational	1/Classroom and other room used by students plus .2/student over driving age	1/100,000 sq.ft.GFA
Cultural/Recreational/ Entertainment		
Public Assembly	.25/person in permitted occupancy approved by the Fire Marshal plus 1 space/employee	1/100,000 sq.ft. GFA
Public Recreation	.33/person in permitted occupancy approved by the Fire Marshal plus 1 space/employee	1/100,000 sq.ft. GFA
Private Club or Lodge	.33/person in permitted occupancy approved by the Fire Marshal plus 1 space/employee	1/100,000 sq.ft. GFA
Places of Worship	.25/person in permitted capacity	1/100,000 sq ft GFA
Miscellaneous		
Hospitals	1.5/employee on main shift; plus 1/doctor on staff; plus 1/2 beds for in-patient services; plus 1.5/250 square feet for out patient services	1/100,000 sq ft GFA up to 500,000 sq ft plus one/200,000 sq ft. thereafter.

(F) **Adjustments to Parking Requirements.**

(1) **Procedure.** In the specific instances set forth in Paragraphs 2 through 5 below, the Zoning Administrator may approve a reduction in required parking spaces. Applications for such a reduction shall include the following information and in the case of special exception shall also meet the requirements of Section 6-1300.

(a) A parking demand analysis which substantiates the need for a reduced number of spaces.

(b) A plan showing how the parking spaces shall be provided on the site.

(c) A covenant must be executed for a period of 20 years, guaranteeing that the owner will provide the additional spaces if the Zoning Administrator, upon thorough investigation of the actual utilization of parking spaces at the building or complex, recommends to the Board of Zoning Appeals that the approved reduction be modified or revoked. Said covenant shall meet the same requirements for covenants set forth in Section 5-1103. The Zoning Administrator will review the above completed application and make a recommendation to the Board of Zoning Appeals. The Board of Zoning Appeals may impose such additional conditions as are deemed necessary to protect and to assure compliance with the objectives of this section.

(2) **Shared Parking and Loading Facilities.** In the case of mixed uses (not qualifying as accessory or complementary uses) or two or more buildings upon a single lot or unified parcel or upon contiguous parcels, the total requirements for parking and loading facilities shall be the sum of the requirements of the various uses computed separately. However, cumulative parking requirements for mixed-use occupancies may be reduced where it can be determined by the Zoning Administrator that the peak requirement of the several occupancies occurs at different times (either daily or seasonally), and the parking demand can be provided on the premises.

(3) **Captive Market.** Parking requirements for retail and restaurant uses may be reduced where it can be determined that some portion of the patronage of these businesses comes from other uses (i.e., employees of area offices patronizing restaurants) located within the same building or a maximum walking distance of 400 feet.

(4) **Availability of Public Parking.** Parking requirements may be reduced if a property has available to it a sufficient supply of existing under-utilized public parking spaces in both off-street public parking lots and/or on-street public parking spaces, and where the applicant adequately demonstrates that such availability will continue in the future.

(5) **Alternative Transportation Reductions.**

(a) **Transit.** A reduction of up to 20% of the required parking may be granted for any use, building or complex within 1,000 feet of any regularly scheduled bus stop, equal to the substantiated and verifiable projections of use of public transportation by users of the building or complex.

(b) **Carpooling/Vanpooling.** A reduction of up to 20% of required parking, based on substantiated and verifiable projections of reduction in parking demand, may be granted for any building or complex exceeding 50,000 square feet GFA that institutes and maintains a carpooling/vanpooling program.

(c) **Shuttle Service.** A reduction of up to 10% of required parking, based on substantiated and verifiable projections of reduction in parking demand, may be granted for any building or complex that provides and maintains a regular shuttle service.

(d) **Maximum Reduction.** A combination of the reductions allowed pursuant to (a), (b), and (c) above may be granted provided that the total reduction of required parking does not exceed 35%.

(6) Any person who can present circumstances to justify a reduction in parking may apply for a special exception to the Board of Supervisors. Applications for such a reduction shall include the information required by Section 5-1102(F) above and shall also meet the requirements of Section 6-1300.

5-1103 General Location Requirements.

(A) **Parking Facilities.** All parking facilities shall be provided on the same lot or parcel of land being served, or on a separate lot or parcel of land within five hundred (500) feet of the principal entrance of the building lot being served, if the zoning classification of such separate lot or parcel of land is the same as or less restrictive than the classification of the lot upon which the use is located.

(B) **Loading Spaces.** All required loading spaces shall be located on the same lot or parcel as the uses being served.

(C) **Requirements For Multiple Property Ownership.** Wherever required off-street parking facilities are proposed to be provided elsewhere than on the lot or parcel of land on which the principal use served is located, when such facilities are collectively or jointly provided and used, and/or when the parcels or lots are owned by different parties, the facilities shall be in the same possession, either by deed or long term lease, as the property occupied by the principal use. A certified true copy of the recorded deed or long term lease must be filed with the County of Loudoun prior to site plan or subdivision approval. There shall further be a covenant on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of said principal use. Said covenant shall:

(1) Be executed by the owner of said lot or parcel of land and the parties having beneficial use thereof;

(2) Be enforceable by either the parties having beneficial use thereof or both;

(3) Be enforceable against the owner, the parties having beneficial use, and their heirs, successors and assigns or both; and

(4) Be first recorded in the Office of the Clerk of the Circuit Court.

Division C: Sign Regulations

Section 5-1200 Sign Regulations.

5-1201 **Purpose.** The visual environment has an effect on, and is an important element of, safeguarding life, health, and property, and preserving the natural beauty, historic and cultural attributes, unique character, and attractiveness of communities. Careful control of signs can protect the general welfare, safety of individuals, and property values, support economic vitality and viability, and enhance Loudoun's communities overall. The intent of this section, therefore, is to establish well-designed signage that contributes in positive ways to Loudoun County's visual environment while expressing local character and helping to develop a distinctive image of the County. The primary purposes of sign regulations are (1) to help people find a location without difficulty or confusion, and (2) to clearly identify places of business and communities. Signs shall be considered accessory components of an overall composition of architectural elements, not as dominant architectural elements by themselves. Signs shall be subordinate to the structures and land use functions that they reference. This Section establishes standards for the location, design, construction, installation, display, and safety of signs. More specifically, while not restricting freedom of expression, regulations are hereby established to: (1) Ensure the compatibility of signs with land uses, (2) Promote orderly, attractive, and effective signage, (3) Establish the type, number, physical dimensions, design, and location of signs, (4) Treat similar types of signs consistently, and (5) Minimize competing demands for visual attention to graphic messages or displays by preventing and reducing visual clutter.

5-1202 **General Provisions.**

(A) **Signs Prohibited.** Signs with any of the following characteristics are prohibited:

(1) **Other than on property or structure to which it directs attention.** Is located anywhere other than on the property or structure to which it directs attention or to which it is appurtenant, except (a) any sign erected or maintained by or under the supervision of county or other governmental authority or the Virginia Department of Transportation, and (b) any other off-site sign which is specifically provided for in this Section 5-1200.

(2) **Outlines any building or sign with exposed neon illumination or other permanent lights.** Outlines any building, sign, or part thereof with exposed neon illumination or other permanent lights, except as specifically permitted with the approval of a Sign Development Plan.

(3) **On trees, fences, public utility pole, etc.** Is fastened, placed, painted, pasted or attached in any way to, in or upon any tree, fence, public utility pole, rock, curbstone, sidewalk, lamp post,

hydrant, bridge, highway marker, or another sign, except as otherwise permitted in Section 5-1204(D), Sign Requirements Matrix, or except as may be (a) required by law, (b) so placed by a duly authorized governmental agency, (c) so placed not as an advertisement, but as a warning against hunting, fishing or trespassing, (d) a farm sign, and (e) a residential name sign.

(4) Illuminated signs which reflect or cast glare, directly or indirectly, on any public roadway or adjacent property.

(5) Balloons, banners, pennants, or inflated devices, unless otherwise permitted in Section 5-1204(D), Sign Requirements Matrix.

(6) Electronic message signs, except as specifically permitted with the approval of a Sign Development Plan.

(B) **Signs Permitted.** Only signs as listed under "Sign Category" or otherwise provided for in Section 5-1204(D), Signs Requirements Matrix, shall be permitted, and such signs shall be subject to such regulations as are specifically set forth for each category and to all other regulations in this ordinance. No other signs shall be permitted.

(C) **Nonconforming Signs and Removal.** Any sign lawfully in existence at the time of the effective date of this ordinance may be maintained although it does not conform with the provisions of this ordinance, except that any such nonconforming sign, which was required to be removed under the prior ordinance, shall be removed.

(D) **Traffic Hazards.** No sign shall be located or illuminated in such a manner as, in the opinion of the Zoning Administrator, to cause a traffic hazard.

(E) **Alternative Sign Regulations - Sign Development Plan.** Alternative sign regulations for permitted signs may be requested with the submission of a Sign Development Plan. Requests for approval of Sign Development Plans or revisions to approved Sign Development Plans (or Comprehensive Sign Packages) shall be made in accordance with the procedures for a Special Exception application as set forth in Section 6-1300, except that the Issues for Consideration shall be as set forth in Section 5-1202(E)(1).

Approval for minor revisions to approved Sign Development Plans (or Comprehensive Sign Packages) may be requested and shall be limited to 1) addition of a sign category and/or individual use/user not addressed in the approved Sign Development Plan, or 2) revision to a sign category that was addressed in the approved Sign Development Plan. Such minor revisions shall be reviewed for consistency with the approved Sign Development Plan. Requests for approval of minor revisions shall be made in accordance with the procedures for a Minor Special Exception

application as set forth in Section 6-1300, except that the Issues for Consideration shall be as set forth in Section 5-1202(E)(1).

In addition, any application for a Sign Development Plan shall include the following materials:

(1) A statement of justification, addressing whether and how each sign proposed by the Sign Development Plan would:

(a) Assist motorists, bicyclists and/or pedestrians in finding a location without difficulty or confusion;

(b) Clearly identify places of business or communities, while avoiding unnecessary redundancy;

(c) Demonstrate compatibility with, and be subordinate to, the structures and land uses referenced by the sign;

(d) Address impacts to the night sky;

(e) Incorporate energy efficient measures, where possible; and

(f) Provide a sufficient number of graphic messages or displays without creating competing demands for visual attention.

In considering a Sign Development Plan, each of the above listed factors, (a) through (f), shall be given reasonable consideration;

(2) A comparison chart of the proposed sign regulations in relation to the ordinance regulations;

(3) Each of the various sign types proposed, including directional and informational signs, if any, to include the design, materials, colors, and illumination, to be used to achieve a complementary system of signs and graphics; and

(4) A sign map, depicting the location of each of the various proposed sign types.

5-1203 Administration and Enforcement.

(A) **Sign Permits.** No sign, with the exception of "Government Signs/Official Notices", "Historical Markers", "Danger, Aviation, Railroad, Bridge, Ferry Transportation, Red Cross, and Other Similar Signs", "No Hunting, No Fishing, or No Trespassing Signs", "Residential Name Signs", "Window or Display (Non-Business) Signs", and "De Minimis Signs", shall be erected without first obtaining a sign permit from the Zoning Administrator. No such permit shall be issued unless a fee, if required, and as set by the Board of Supervisors, is paid

and unless the proposed sign conforms to the requirements of this ordinance.

(B) **Removal of Signs.** Whenever a sign becomes structurally unsafe or endangers the safety of a structure or premise or the public, or is erected or maintained in violation of this ordinance, the Zoning Administrator shall order such sign to be made safe or comply with the ordinance, as the case may be, or be removed. Only one such order shall be sent by registered mail, return receipt requested, to the owner of the land on which the sign is located and the violator who is responsible for the sign. Within five working days of the receipt or refusal of the order, the owner or violator must correct the sign based on the Zoning Administrator's order. The Zoning Administrator may grant one extension, not to exceed ten (10) working days, based on written justification for the need of an extension. Failure to comply shall constitute grounds for the Zoning Administrator to issue a civil summons pursuant to Section 6-504 and to take other appropriate actions to have the sign removed.

5-1204 Sign Requirements.

(A) **Sign Requirements Matrix Contents.** Signs shall be permitted in accordance with the Sign Requirements Matrix set forth in Section 5-1204(D) which governs the following: 1) total aggregate sign area; 2) maximum number of signs; 3) maximum area of any one sign (with special provisions for ground mounted signs and ground mounted background structures); 4) illumination permitted; 5) minimum setback from road right-of-way; 6) maximum height; 7) sign type permitted; and 8) other additional requirements.

(B) **Ground Mounted Sign Bonus Multiplier.** The Sign Requirements Matrix provides for the use of a bonus multiplier, for certain uses, allowing an increase in the maximum area of a ground mounted sign. This provision is not intended to allow an increase in the total aggregate sign area permitted by the Matrix.

(C) **Ground Mounted Sign Background Structure Bonus Multiplier.** The Sign Requirements Matrix provides for the use of a bonus multiplier, for certain uses, allowing an increase in the maximum area of the background structure of a ground mounted sign.

(D) **Sign Requirements Matrix.** See table 5-1204(D) below.

Table 5-1204(D)
Sign Requirements Matrix

SIGN CATEGORY (See Note 6)		Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Ground Mounted Background Structure			Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
					Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure					
(1) RESIDENTIAL/AGRICULTURE SIGNS														
(a)	PD-H and PD-AAAR Entrance Signs		2 / vehicular entrance	60 SF			2	120 SF	5 FT	Backlight or White Light	10 FT	Ground Mounted	5 FT	One sided only. Signs shall contain no advertising. Minimum 1000 FT between signs on same side of road or at intersection.
(b)	PD-H – Community Directional Signs - On-site or Off-site (within boundaries of approved PD-H district)	20 SF		20 SF						Backlight or White Light	5 FT	Ground Mounted	8 FT	Minimum 1000 FT between signs on same side of road or at intersection. Signs shall contain no advertising.
(c)	Non PD-H Residential Communities – Entrance Signs		1 / vehicular entrance	40 SF			2	80 SF	5 FT	None	10 FT	Ground Mounted	5 FT	One sided only. Signs shall contain no advertising.
(d)	HOA Activity Signs	20 SF	1 / development of 2500 or fewer dwellings, 2 / development of over 2500 dwellings	20 SF						Backlight or White Light	5 FT	Ground Mounted	8 FT	Signs shall be separated by a minimum half-mile radius. Signs shall contain no advertising.
(e)	Farm Signs	40 SF	2 / Farm	20 SF						None	5 FT 0 FT	Freestanding As Permitted in Section 5-1202(A)(3)	8 FT	

Table 5-1204(D)
Sign Requirements Matrix

	SIGN CATEGORY (See Note 6)	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Ground Mounted Background Structure			Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
					Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure					
(f)	Wayside Stands, Including Christmas Tree Sales, Vineyards, Wineries		6, includes up to 3 on-site signs and up to 4 off-site directional signs	12 SF on-site 4 SF off-site One on-site sign at 20 SF if setback ≥ 40 FT from the fronting ROW						None	5 FT	Freestanding Building Mounted	8 FT	Displayed when agricultural produce and livestock are available for sale on farm involved and shall be removed within 48 hours after sale is concluded. Off-site signs shall require written permission of the owner of the land on which it is displayed.
(g)	Home Occupation	2 SF	1 / lot	2 SF						None	5 FT	Freestanding Building Mounted	4 FT 8 FT	Signs may indicate more than one business.
(h)	Childcare Home	2 SF	1 / lot	2 SF						None	5 FT	Freestanding Building Mounted	4 FT 8 FT	
(i)	Residential Name Signs		1 / vehicular access, 2 for each dwelling lot or property	2 SF						None	None	Freestanding Building Mounted As Permitted in Section 5-1202(A)(3)	4 FT 8 FT	Signs shall contain no advertising.
(2) PUBLIC/QUASI-PUBLIC SIGNS														
(a)	Public or Quasi-Public Facility	6 SF	1 / use	6 SF	1.5	9 SF	2	18 SF	4 FT	None	10 FT	Freestanding	4 FT	Must be located within 100 FT from use or structure it identifies. Signs shall contain no advertising.
(b)	School, College, Library, and Publicly Owned Community Center	20 SF	1 / use	20 SF	1.5	30 SF	2	60 SF	4 FT	Backlight or White Light	10 FT	Freestanding Building Mounted	8 FT Roofline	Signs shall contain no advertising.

Table 5-1204(D)
Sign Requirements Matrix

SIGN CATEGORY (See Note 6)		Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Ground Mounted Background Structure			Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
					Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure					
(c)	Hospital		1 / vehicular entrance 1 / public entrance to building 1 building ID sign	50 SF						Backlight or White Light	10 FT	Freestanding Building Mounted Building Mounted	8 FT Roofline Roofline	Signs shall contain no advertising.
(d)	Places of Worship	20 SF	2	10 SF			1.5	15 SF	8 FT	Backlight	5 FT	Freestanding Building Mounted	8 FT Roofline	Signs shall contain no advertising.
(e)	Church Bulletin Board	15 SF		15 SF						Backlight or White Light	5 FT	Freestanding Building Mounted	8 FT	
(3) COMMERCIAL DEVELOPMENT ENTRANCE/PROJECT IDENTIFICATION SIGNS IN THE PD, CLI, GB, and MR-HI DISTRICTS														
(a)	Entrance Signs Project ≤ 10 acres Project > 10 acres; Project ≤ 40 acres Project > 40 acres		1 / vehicular entrance	50 SF 60 SF 75 SF						Yes	10 FT	Freestanding	10 FT	
(b)	Project Identification Signs Project < 20 acres Project ≥ 20 acres		1 / project 2 / project	25 SF 25 SF						Yes	10 FT	Freestanding	10 FT	

Table 5-1204(D)
Sign Requirements Matrix

	SIGN CATEGORY (See Note 6)	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Ground Mounted Background Structure			Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
					Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure					
(4) SIGNS FOR COMMERCIAL, OFFICE, AND INDUSTRIAL USES														
(a)	Tenant Signs for Businesses in CLI, GB, PD-CC(NC), PD-OP, PD-RDP, PD-CV, PD-RV, and PD-AAAR	2 SF / LF of Tenant's Building Frontage	2 / Façade; provided that each Tenant shall have no more than 4 signs total	60 SF						Yes		Building Mounted	Roofline	Sign types on building façades may include any combination of Building Mounted Signs and Awning and Canopy Signs. If 2 signs are proposed on a single façade, 1 such sign shall be no more than 10 SF.
(b)	Tenant Signs for Businesses in PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-SA, PD-TC, PD-TREC, PD-TRC, and PD-MUB	2 SF / LF of Tenant's Building Frontage	2 / Façade; provided that each Tenant shall have no more than 4 signs total	200 SF						Yes		Building Mounted	Roofline	Sign types on building façades may include any combination of Building Mounted Signs and Awning and Canopy Signs.
(c)	Building ID/Tenant Signs - Office Buildings		2 / Façade; provided that each building shall have no more than 4 signs total	1 SF / 100 SF of Building Façade / Sign						Yes		Building Mounted	Roofline	Signs shall be located at the top floor of the building. Name and message may differ.
(d)	Ground Floor Tenants in Office Buildings		1 / Tenant	20 SF						Yes		Building Mounted	Mount Below 2nd Floor Windows	Maximum height of letters is 24 Inches.
(e)	Directory Sign - Office Buildings		1 / Building Entrance	15 SF						Yes		Freestanding Building Mounted	6 FT 6 FT	

Table 5-1204(D)
Sign Requirements Matrix

SIGN CATEGORY (See Note 6)		Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Ground Mounted Background Structure			Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
					Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure					
(f)	Directory Sign in PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-SA, PD-TC, PD-TREC, PD-TRC, and PD-MUB		2 / Development	25 SF						Yes		Freestanding	7 FT	
(g)	Flex/Industrial/ Warehouse Buildings and Signs for Businesses in MR-HI, PD-IP, and PD-GI	½ SF / LF of Building Frontage	1 / Tenant	100 SF						Yes		Building Mounted	Roofline	
(h)	Auto Service Station (including convenience store, car wash & repair)	100 SF	6	30 SF						Yes	5 FT	Freestanding	15 FT Pole Mounted 8 FT Ground Mounted	Total permitted sign area excludes state mandated labeling of dispensing devices and federally mandated gasoline price posting.
												Building Mounted	Roofline	
(i)	Auto Dealer	20-120 SF (see additional requirements column)	6	20 SF	1.5	30 SF	1.5	45 SF	8 FT	Backlight	10 FT	Freestanding	15 FT	Base sign 20 SF Used car 20 SF Each new car dealership = 20 SF
												Building Mounted	Roofline	
(j)	Bed & Breakfast Inn and Homestay	4 SF	2	4 SF						Backlight or White Light	5 FT	Freestanding	6 FT	
												Building Mounted	Roofline	
(k)	Country Inn, Guest Farm or Ranch, Rural Retreat, Rural Resort, and Rural Agricultural Corporate Retreat	10 SF	2	10 SF						Backlight or White Light	None	Freestanding	6 FT	
												Building Mounted in Historic District Only		
(l)	Hotel, Motel, and Conference Center – (freestanding) Entrance Signs	100 SF	1 / vehicular entrance	50 SF						Yes	10 FT	Freestanding	10 FT	

Table 5-1204(D)
Sign Requirements Matrix

SIGN CATEGORY (See Note 6)		Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Ground Mounted Background Structure			Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
					Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure					
(m)	Hotel, Motel, and Conference Center		2 / Façade; provided that each building shall have no more than 4 signs total	1 SF / 100 SF of Building Façade / Sign						Yes		Building Mounted	Roofline	Sign must be located at top floor of building. Otherwise max. area of sign is 20 SF.
(n)	Movie Theaters – Theater Name Entrance Sign		2	20 SF	1.5	30 SF	1.5	45 SF	8 FT	Yes	10 FT	Freestanding	15 FT	
	Theater Name Building Sign		1	60 SF								Building Mounted	Roofline	
	Movie Title Building Sign		1	20 SF										
(o)	Restaurant – (freestanding Building ≤ 4000 SF floor area)	60 SF	3	20 SF	1.5	30 SF	1.5	45 SF	8 FT	Yes	10 FT	Freestanding	15 FT	Drive-through menu does not count toward sign area.
												Building Mounted	Roofline	
(p)	Restaurant - (Freestanding Building > 4000 SF floor area)	120 SF	3	20 SF freestanding	1.5	30 SF	1.5	45 SF	8 FT	Yes	10 FT	Freestanding	15 FT	Drive-through menu does not count toward sign area.
				60 SF bldg mounted								Building Mounted	Roofline	
(q)	Restaurant/Car Wash Drive-Through Menu	30 SF	2	20 SF	1.5	30 SF				Backlight		Freestanding	5 FT	Shall be screened from all roads.
												Building Mounted		
(r)	Business in A-3, A-10, AR, JLMA, TR, and CR Districts	10 SF	2 / lot	10 SF						None	5 FT	Freestanding	8 FT	
												Building Mounted		
(s)	Business in RC District	40 SF	2	20 SF						Yes	5 FT	Freestanding	8 FT	
												Building Mounted		

Table 5-1204(D)
Sign Requirements Matrix

SIGN CATEGORY (See Note 6)		Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Ground Mounted Background Structure			Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
					Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure					
(t)	Business in R Districts	4 SF for lots ≤ 10 acres; 8 SF for lots > 10 acres	1 for lots ≤ 10 acres; 2 for lots > 10 acres	4 SF						None	5 FT	Freestanding Building Mounted	8 FT	
(u)	Window or Display Sign (Business) in conjunction with Table 5-1204(D)(4) (a), (b), (o), and (p) sign categories		4 / Tenant							None				The maximum square footage of window or display signs (business) shall not exceed 25% of the total square footage of window area, or 10 SF, whichever is less.
(v)	Sidewalk Sign in conjunction with Table 5-1204(D)(4) (a), (b), (o), and (p) sign categories		1 / Tenant	6 SF						None			3 FT	Signs shall be located on the sidewalk in front of and reasonably proximate to the entrance of the business to which the sign pertains. A minimum 4-foot width of unobstructed space for passers-by shall be maintained on the sidewalk in front of the business.
(5) TEMPORARY SIGNS				(For Temporary Real Estate Signs, See Number 6 Below)										
a)	Temporary Signs – On-site	4 SF	1	4 SF						None	5 FT	Freestanding Balloons Banners Pennants Inflated Devices	4 FT	Permit limited to one (1) month from date of issuance, for no more than 3 consecutive months.

Table 5-1204(D)
Sign Requirements Matrix

SIGN CATEGORY (See Note 6)		Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Ground Mounted Background Structure			Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
					Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure					
b)	Temporary Signs – Off-Site		Reasonable number as determined by the Zoning Administrator.	4 SF						None	5 FT	Freestanding Balloons Banners Pennants Inflated Devices	4 FT	Permit limited to one (1) month from date of issuance, for no more than 3 consecutive months.
(c)	Temporary Construction Signs	20 SF Commercial	1 / contractor per job site	20 SF						None	10 FT	Ground Mounted	8 FT	Residential signs only in A-3, A-10, A-25, AR, and CR Districts. Contractor to remove sign upon completion of construction.
		10 SF Residential	1 / contractor per job site	10 SF										
(6) REAL ESTATE SIGNS														
(a)	Real Estate - Residential For Sale Sign	6 SF (lots ≤ 10 acres)	1	6 SF						None	5 FT	Freestanding	6 FT	
		12 SF (lots > 10 acres)	2	6 SF										
(b)	Real Estate - Residential Subdivision		1 / vehicular entrance to subdivision from state right-of-way	20 SF						None	5 FT	Freestanding	6 FT	Total Aggregate Sign Area of all real estate signs within the subdivision which front on a public road shall be no more than four (4) square feet per lot fronting on the road.
(c)	Real Estate - Commercial For Sale Sign		1 (upon any lot ≤ 10 acres); 2 (upon any lot > 10 acres)	20 SF						None	5 FT	Freestanding	6 FT	

Table 5-1204(D)
Sign Requirements Matrix

SIGN CATEGORY (See Note 6)		Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Ground Mounted Background Structure			Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
					Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure					
(d)	Real Estate – Temporary Open House - Off-Site		4 / property	4 SF						None	5 FT	Freestanding	4 FT	Conditions apply (see note 4).
(e)	Non-PD District Project Directional Signs - Off-Site		10 / total combined for all builders per project	2 SF						None	5 FT	Freestanding	4 FT	Conditions apply (see note 5).
(7) MISCELLANEOUS SIGNS														
(a)	Government / Official Notices													Not regulated.
(b)	Historical Markers													Not regulated.
(c)	Danger, Aviation, Railroad, Bridge, Ferry Transportation, Red Cross, and Other Similar Signs													Not regulated.
(d)	No Hunting, No Fishing, or No Trespassing Signs			2 SF						None	None	Freestanding Building Mounted As Permitted in Section 5-1202(A)(3)	5 FT	
(e)	Informational Signs		1 / use identifying locations such as restrooms, loading areas, etc.	2 SF						Backlight or White Light	5 FT	Freestanding Building Mounted	5 FT	Signs shall contain no advertising, but may include the names and/or logos associated with the business or development.

Table 5-1204(D)
Sign Requirements Matrix

	SIGN CATEGORY (See Note 6)	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Ground Mounted Background Structure			Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
					Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure					
(f)	PD-SA, PD-TC, PD-TRC, PD-TREC, PD-MUB, PD-RV, and PD-CV Residential Development Entrance Signs		2 / vehicular entrance	60 SF			2	120 SF	5 FT	Backlight or White Light	10 FT	Ground Mounted	5 FT	One sided only. Signs shall contain no advertising.
(g)	Mixed-Use Buildings - Entry Signs		1 / Building Entrance	10 SF						Yes		Building Mounted	Roofline	Signs shall only identify the entryway for residential or commercial uses located above the 1st Floor. Signs shall not contain specific tenant names or user names.
(h)	Banner Signs in PD-CC, PD-SA, PD-TC, PD-TREC, PD-TRC, and PD-MUB		1 / Lamp Post	8 SF						None		Banner		Ornamental/Seasonal banners on lamp posts shall not be placed greater than 15 feet above grade. Such banners shall not contain specific tenant names, user names, or advertising, but may include the development name and/or logo.
(i)	Private Recreation Parks	10 SF	2	6 SF						None	5 FT	Freestanding	6 FT	
(j)	Directional Signs, On-Site			4 SF						Backlight or White Light	5 FT	Freestanding	3 FT	Signs shall be located only where there is a change in direction and shall contain no advertising, but may include the names and/or logos associated with the business or development.

Table 5-1204(D)
Sign Requirements Matrix

SIGN CATEGORY (See Note 6)		Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Ground Mounted Background Structure			Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
					Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure					
(k)	Directional Signs, Off-Site		2 / use and 2 / lot	8 SF						None	5 FT	Freestanding	4 FT	Signs limited to religious assembly and civic uses located in leased facilities in Loudoun County without permanent signage. Signs shall denote only the distance to or direction of such use and a description of such use. Signs shall be posted for a period not to exceed 24 hours before and 24 hours after an assembly use.
(l)	Window or Display Signs (Non-Business)	3 SF		1.5 SF						None				
(m)	De Minimis Signs	2 SF		1 SF						Yes				Examples of De Minimis signs may include signs stating hours of operation, open/closed, accepted forms of payment, business/professional affiliations, etc.

GENERAL NOTES

1. Whenever a bonus multiplier is used for ground mounted signs, a landscaped base with a minimum depth of 3 feet on all sides must be maintained (see Figure 1).

2. All signs must be set back the minimum distance from the road right-of-way, as specified, unless a greater setback is required by the Code of Virginia.

3. The maximum height column does not apply when ground mounted bonuses are obtained. Use the maximum height column for Ground Mounted Background Structure. For the purpose of locating building mounted signs, no part of the sign shall extend above or beyond the perimeter of the wall to which it is attached.

4. The following conditions shall apply for permitted "Real Estate-Temporary Open House - Off Site" signs.
   a. Signs shall be located only at controlled intersections where there is a change in direction.
   b. Signs shall be placed on private property only.
   c. Signs shall be in place only during hours the house is open plus one hour before and two hours after the event.
   d. Signs may be used for two (2) days on the weekends and three (3) days in the case of a holiday falling on a Monday, as well as one-half (1/2) day during the week.
   e. The owner for the house or his/her designated agent must be present for the duration of the open house hours.
   f. Signs shall include a company name with direction arrow.
   g. Signs shall consist of a metal frame with composition sign of a semi-permanent type.
   h. Homeowners or their designated agent may not use "Non-PD District Project Directional Signs - Off-Site".

5. The following conditions shall apply for permitted Non-PD District Project Directional Signs - Off-Site.
   a. The location of signs must be approved by the County at the time of the sign permit application.
   b. Signs shall be located only at controlled intersections where there is a change in direction.
   c. Signs shall be placed on private property only.
   d. Signs shall not be permitted on any arterial road, nor on any road listed in Section 5-900 of this Ordinance.
   e. The signs may be installed after sundown Friday night and must be removed by sundown on Sunday. If Monday is a legal holiday, the signs may remain until sundown Monday.
   f. The signs must be made of a permanent material, signs made of paper or cardboard are hereby specifically prohibited.
   g. Builders may not use "Non-PD District Project Directional Signs - Off-Site" in combination with "Real Estate-Temporary Open House - Off-Site" signs.

6. In selecting the most appropriate sign category, the more specific listing shall take precedence.

Figure 1

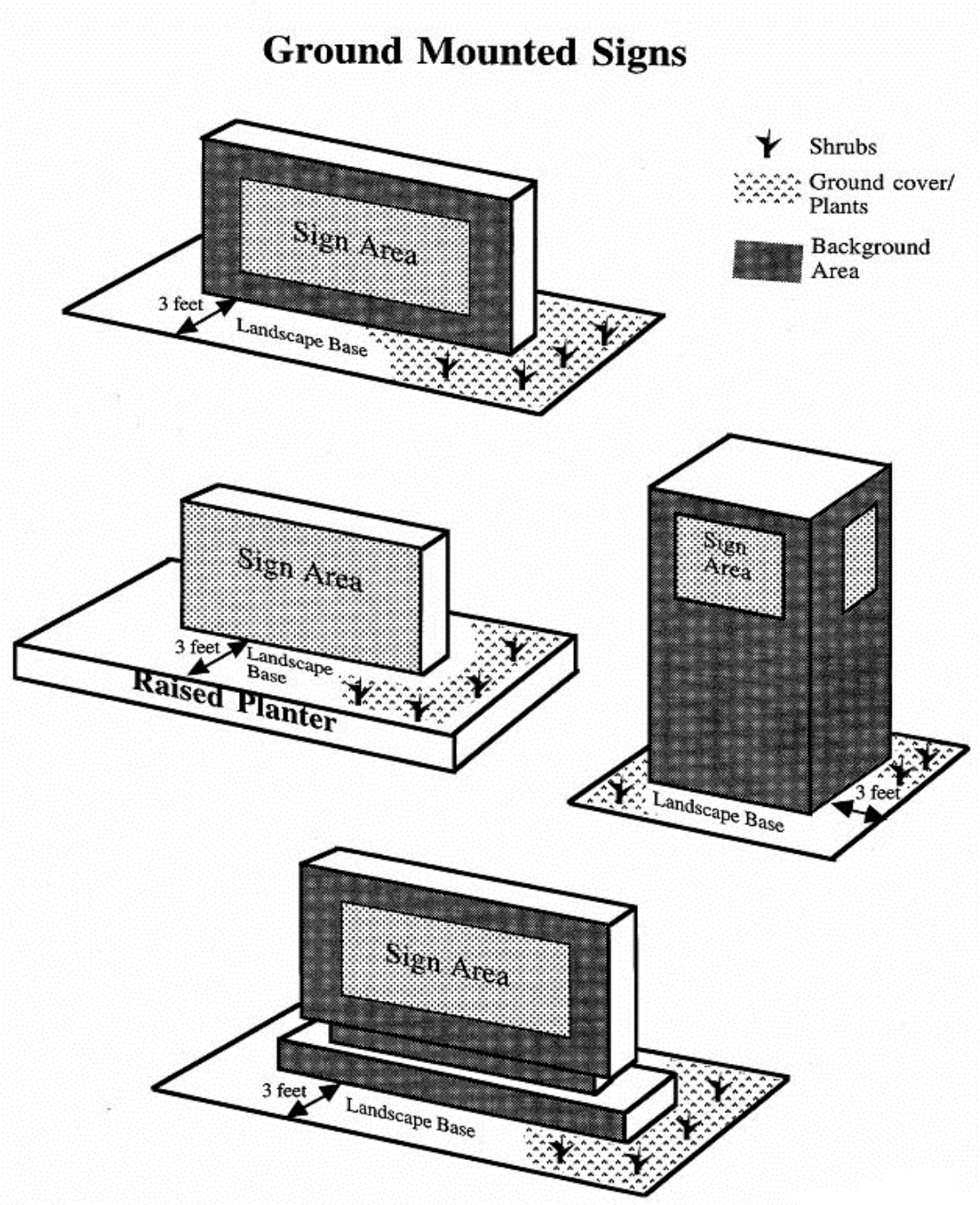

Ground Mounted Signs
Shrubs
Ground cover/ Plants
Background Area
Sign Area
3 feet
Landscape Base
Sign Area
3 feet
Landscape Base
Raised Planter
Sign Area
Landscape Base
3 feet
Sign Area
3 feet
Landscape Base

Figure 2

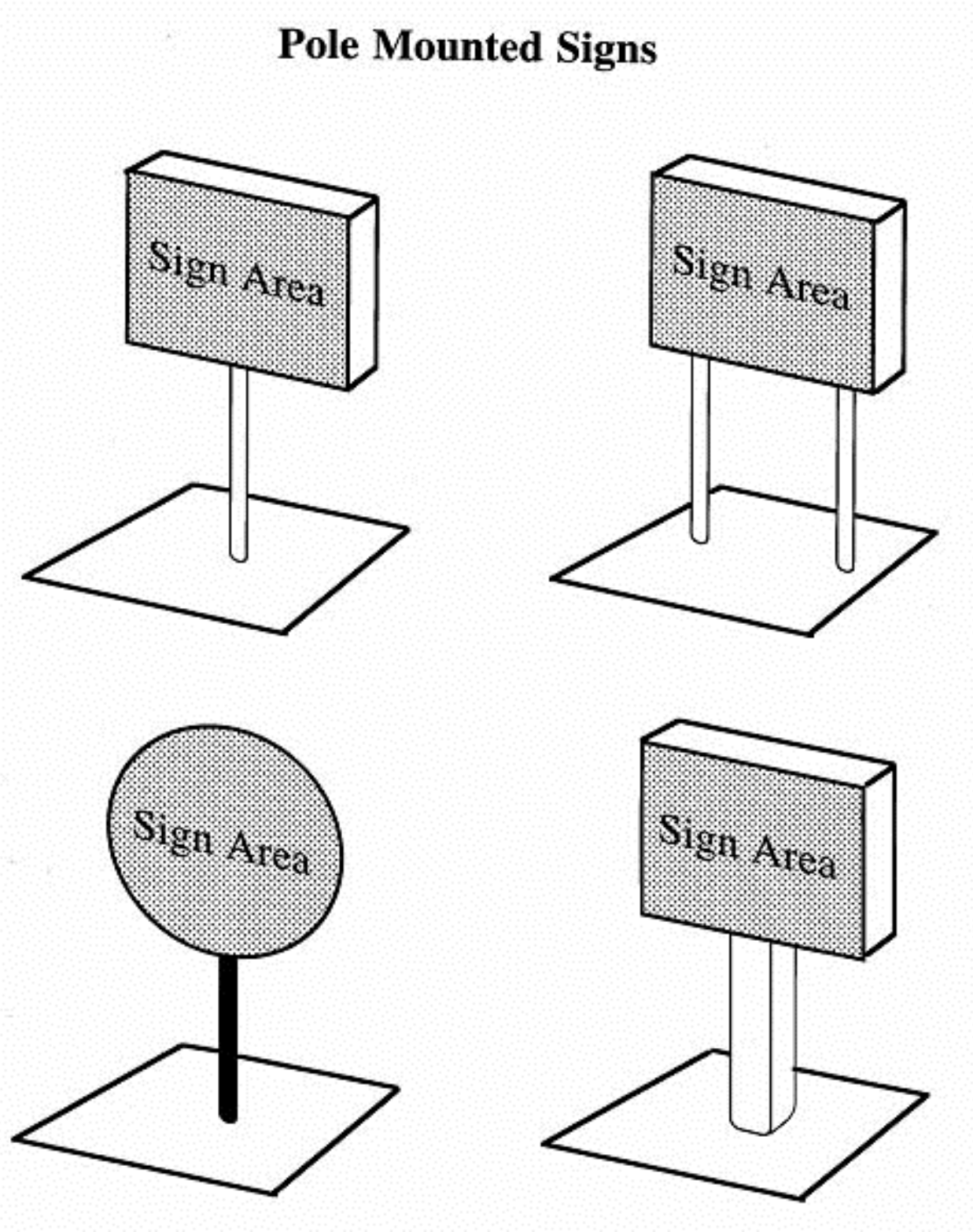


Figure 3

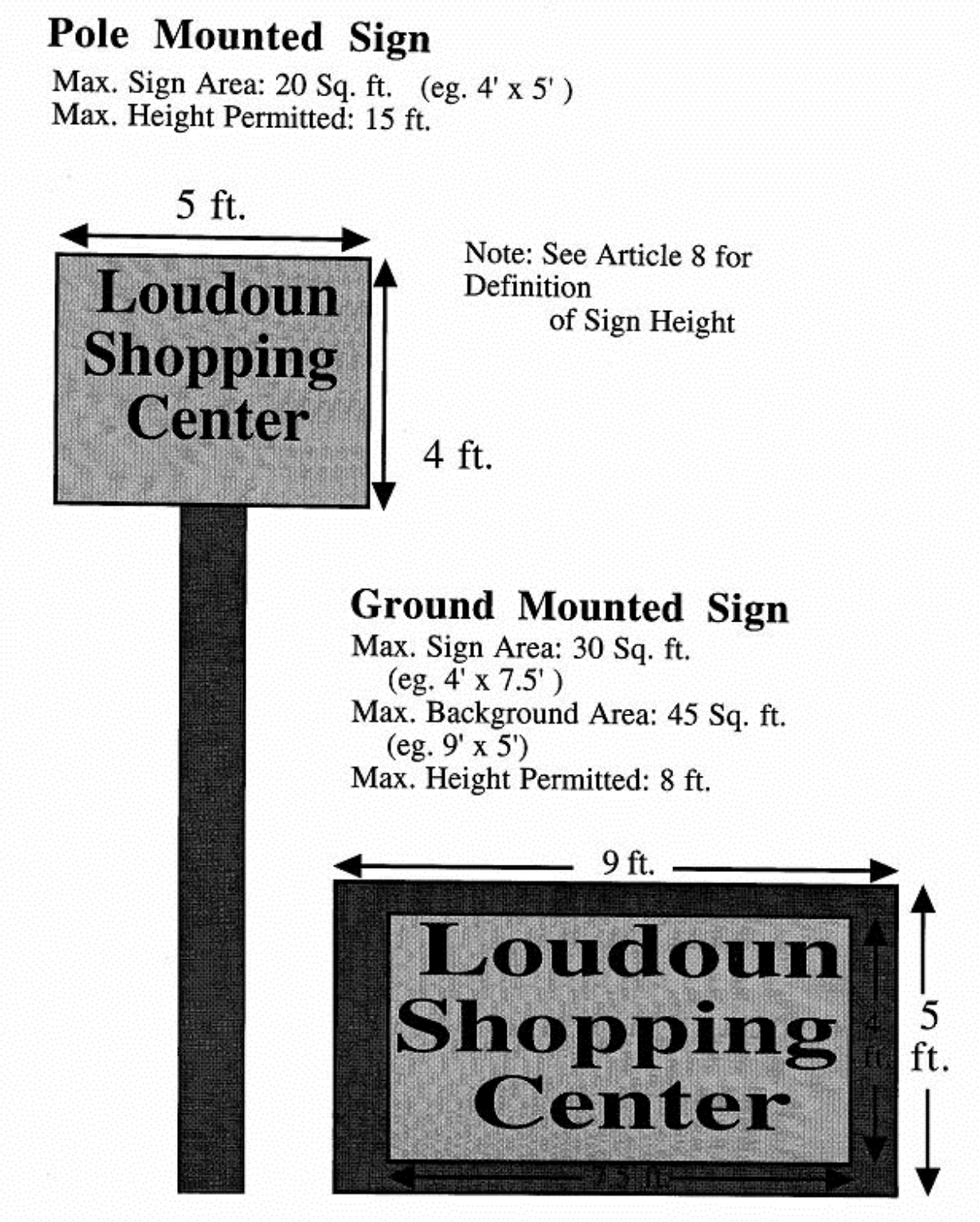

Pole Mounted Sign
Max. Sign Area: 20 Sq. ft. (eg. 4' x 5')
Max. Height Permitted: 15 ft.
5 ft.
Loudoun Shopping Center
Note: See Article 8 for Definition of Sign Height
4 ft.
Ground Mounted Sign
Max. Sign Area: 30 Sq. ft. (eg. 4' x 7.5')
Max. Background Area: 45 Sq. ft. (eg. 9' x 5')
Max. Height Permitted: 8 ft.
9 ft.
Loudoun Shopping Center
5 ft.

Figure 4

MEASURING SIGN AREA

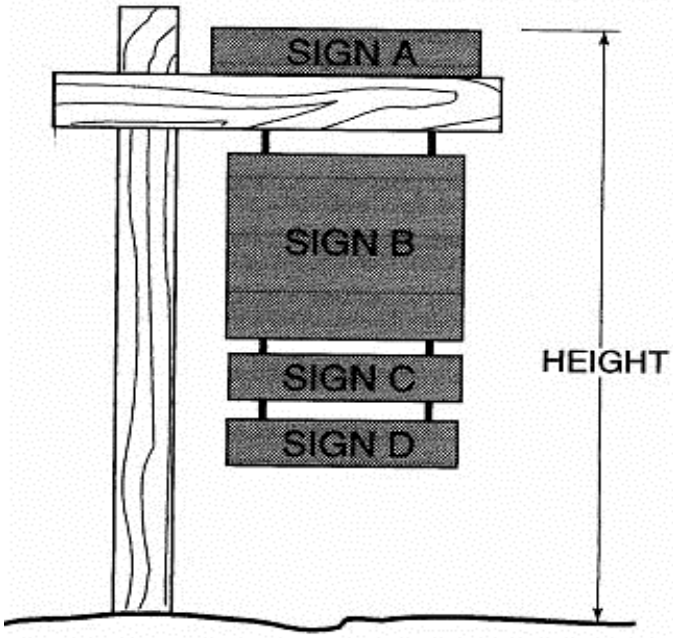
SIGN OF INDIVIDUAL LETTERS

AREA = A X B

IRREGULAR SHAPED SIGN

AREA DETERMINED BY "THE RULE OF 8," MEANING THE AREA OF THE SIGN IS DETERMINED BY THE AREA OF THE SHAPE CREATED BY OUTLINING THE SIGN WITH A MAXIMUM OF *8 CONNECTING LINES.

AREA = AREA OF TWO RECTANGLES FORMED BY 8 CONNECTING LINES



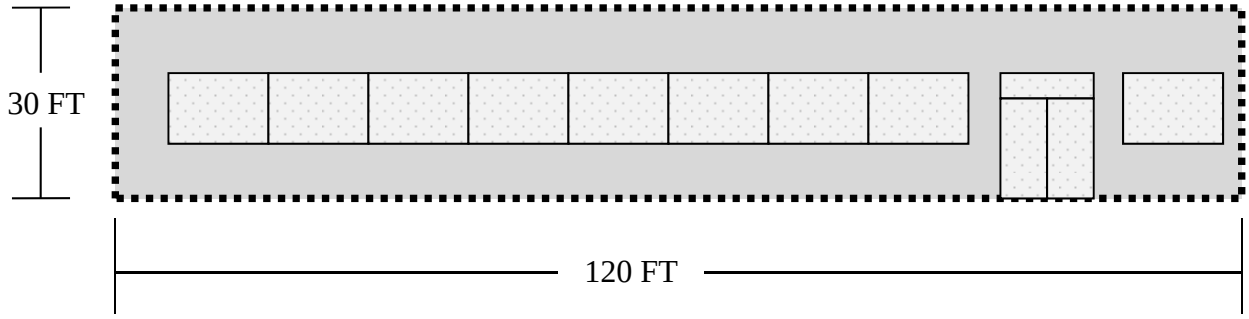
REAL ESTATE FOR SALE SIGN

AREA = AREA OF SIGN A +
AREA OF SIGN B +
AREA OF SIGN C +
AREA OF SIGN D

Figure 5

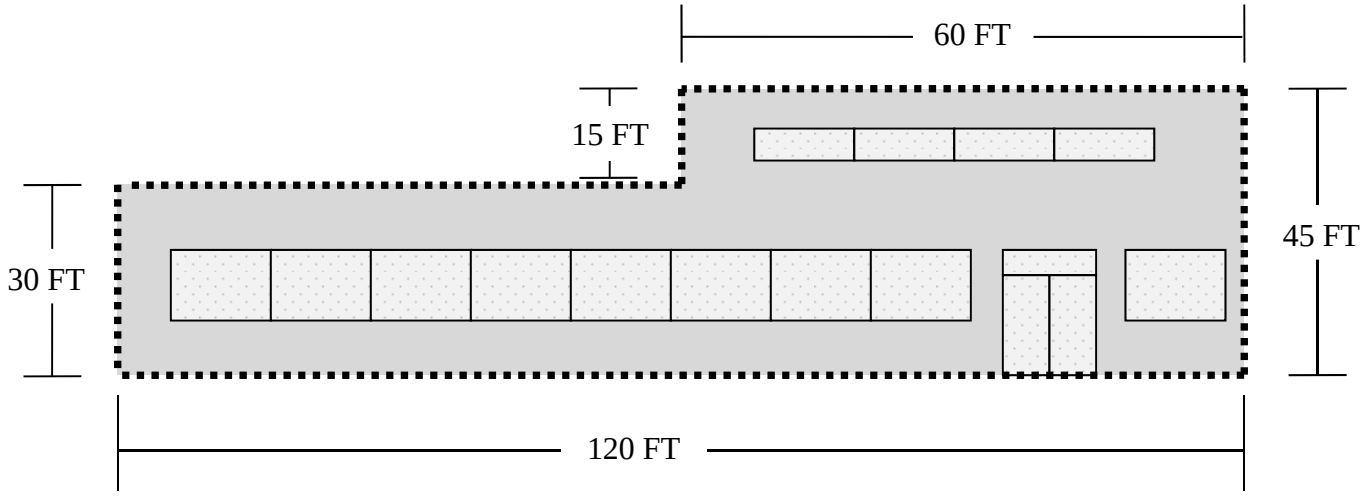
Sign, Building Façade for Determining Size of

Building 1



Building Façade is equal to the entire area of an exterior wall of a building within a continuous perimeter (depicted with a dashed line). The Building Façade area for Building 1 is 3600 SF.

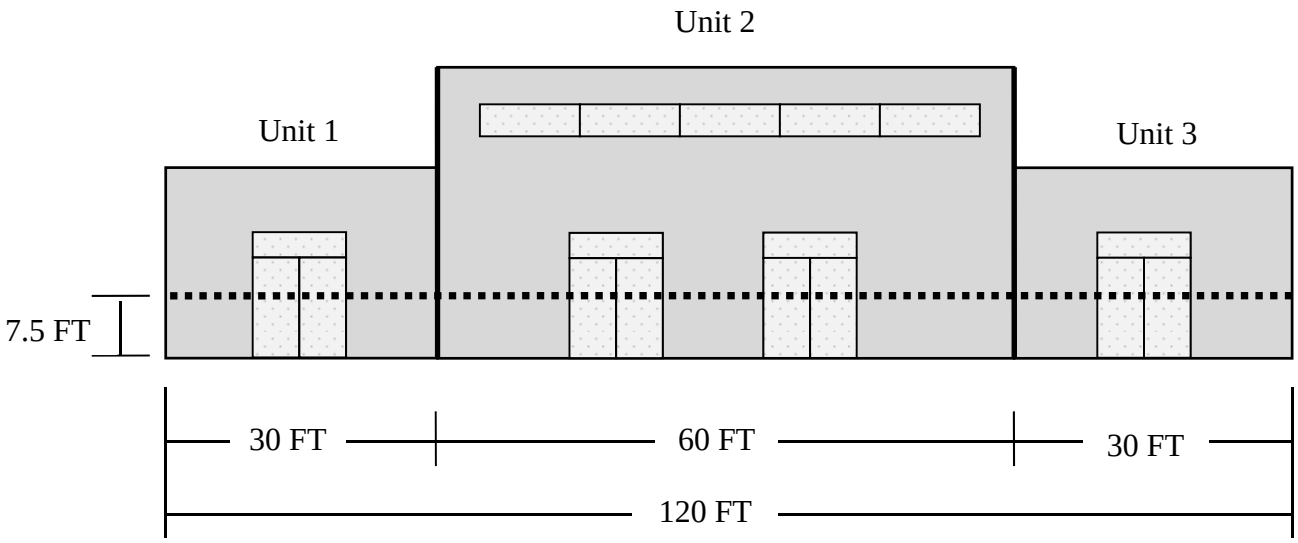
Building 2



Building Façade is equal to the entire area of an exterior wall of a building within a continuous perimeter (depicted with a dashed line). The Building Façade area for Building 2 is 4500 SF.

Figure 6

Sign, Linear Foot (LF) for Determining Size of



Linear Foot (LF) is equal to the length of a wall of a building which physically encloses usable interior space. Said frontage shall be measured at a height not greater than ten feet above grade. In this example, the Linear Foot (LF) of Units 1 and 3 is 30 feet, the Linear Foot (LF) of Unit 2 is 60 feet, and all lengths have been measured at 7.5 feet above grade (depicted with a dashed line).

Division D: Landscaping, Buffering and Tree Preservation

Section 5-1300 Tree Planting and Replacement.

5-1301 **Purpose.** The purpose and intent of this Section is to promulgate regulations for the planting and replacement of trees destroyed or damaged during the development or redevelopment process, pursuant to Section 15.2-961 of the Code of Virginia.

5-1302 **General Standards.**

(A) All trees to be planted shall meet the specifications of the American Association of Nurserymen.

(B) The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nurserymen's Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects, or the road and bridge specifications of the Virginia Department of Transportation. The County shall maintain current copies of these specifications available to the public.

(C) The minimum caliper of all deciduous trees planted shall be one (1) inch, and the minimum height of all evergreen trees shall be six (6) feet.

5-1303 **Canopy Requirements.**

(A) **Site Planning.** A Final Site Plan, or Construction Plans and Profiles for single family attached units in those districts where applicable, required under Section 6-701, shall include the planting and replacement of trees on site to the extent that, at maturity of twenty (20) years, minimum tree canopy shall be provided as follows:

(1) Ten (10) percent tree canopy for sites zoned business, commercial, or industrial in the GB, PD-MUB, PD-IP, PD-OP, PD-GI, MR-HI, PD-CC, PD-RDP, PD-SA, PD-TRC, PD-TREC, PD-TC, CLI, RC, and PD-H Districts.

(2) Ten (10) percent tree canopy for sites zoned PD-H and R-24 with densities of twenty (20) or more units per acre.

(3) Fifteen (15) percent tree canopy for sites zoned PD-H and R-16 for multi-family and single family attached

units with densities of eleven (11) to nineteen (19) units per acre.

(4) Twenty (20) percent tree canopy for sites zoned PD-H and R-8 for multi-family and single family attached units with densities of three (3) to ten (10) units per acre.

(B) **For development requiring a plan of subdivision, but not a site plan, property not zoned A-3, A-10, AR-1, AR-2, i.e. single family and duplex dwellings.** When a plan of subdivision is required under the Land Subdivision and Development Ordinance and the property is not zoned A-3, A-10, AR-1, AR-2, a landscape plan shall be included at Record Plat or construction drawings, whichever shall occur first, that provides for the planting or replacement of trees on the site to the extent that, at maturity of twenty (20) years, minimum tree canopies will be provided as follows:

(1) If the site has a tree canopy coverage of 20% or more, the plan shall provide for the preservation, or planting and replacement of trees on site so as to result in a tree canopy of at least 20%, calculated at 10 years maturity.

(2) If the site has a tree canopy coverage of less than twenty (20%) prior to recordation of the subdivision, the plan shall provide for the preservation or planting and replacement of an equivalent percentage of tree canopy coverage as existed prior to development, calculated at 10 year maturity.

(3) Every platted lot shall have a minimum tree canopy coverage of 2.5%, or 3,000 square feet, whichever is less, calculated at 10 years maturity, exempting lots for which no permits for new structures will be sought and the designated parent tract. Such trees shall be counted toward the minimum tree canopy requirements in (1) and (2) above.

(4) Trees shall be planted at a density of one tree per 50 linear feet along all areas dedicated for use for vehicular access. Such trees shall have a minimum caliper of 1" and a height at maturity of 15 feet or more. Such trees shall be counted toward the minimum tree canopy requirements in (1), (2) and (3) above.

(C) **Exclusions.** For the purpose of calculating the area of a site, to determine tree canopy coverage requirements, the following areas shall be excluded:

(1) Properties reserved or dedicated for future street construction or other public improvements.

(2) Ponds and unwooded wetlands.

(3) Properties reserved or dedicated for school sites, playing fields and other non-wooded recreation areas, and other facilities and areas of a similar nature.

(4) Portions of a site which contain existing structures that are not the subject of a pending application.

(D) **Existing Conditions.** Existing trees which are to be preserved may be included to meet all or part of the canopy requirements, and may include wooded preserves, if the site plan or record plat, or construction plans and profiles, identifies such trees and the trees meet standards of desirability and life-year expectancy established by the Zoning Administrator.

5-1304 **Variations.** Reasonable exceptions to or deviations from the requirements in this Section to allow for the reasonable development of farmland or other areas devoid of woody materials, including the preservation of wetlands, or when the strict application of the requirements would result in unnecessary or otherwise unreasonable hardship to the developer, shall be considered by the Zoning Administrator upon application by the owner.

5-1305 **Enforcement.** Penalties for violations of the requirements of this Section shall be the same as those applicable to violations of other provisions of this Ordinance.

Section 5-1400 Buffering and Screening.

5-1401 **Purpose.** The purpose and intent of this Section is to facilitate the creation of a convenient, attractive and harmonious county; to conserve natural resources including adequate air and water; to preserve the character of an area by preventing or mitigating the harmful effects of one use on another use; and to preserve and promote the health, safety and general welfare to the public. More specifically, this Section is intended to mitigate the effects of uses on adjacent uses by requiring a screen and/or buffer between the uses in order to minimize the harmful impacts of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use. Also, this Section is intended to require the landscaping of parking lots in order to reduce the harmful effects of heat and noise and the glare of motor vehicle lights; to preserve underground water reservoirs and to permit the return of precipitation to the ground water strata; to enhance the natural drainage system and ameliorate storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent soil erosion; and to provide shade.

5-1402 **Applicability.**

(A) The provisions of this Section shall apply to all development where site plans and/or subdivisions are filed in accordance with the provisions of Section 6-700 of this Ordinance or the Land Subdivision and Development Ordinance.

(B) The provisions of this Section are intended to complement the regulations of Section 5-1300 of this Ordinance. Trees planted to fulfill the Canopy requirements of Section 5-1300 may also fulfill the Buffering and Screening requirements of this Section. However, where any provision of this Section imposes restrictions or standards different from those of Section 5-1300 or any other County ordinance or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control, unless the intent is clearly otherwise.

5-1403 **Standards.** The following standards shall apply to the installation and maintenance of all landscaping and screening required by the provisions of this Section.

(A) The planting and maintenance of all trees and shrubs shall be in accordance with the provisions of Facilities Standards Manual, and the following requirements:

(1) The installation of all landscaping shall be done following the procedures established by the American Association of Nurserymen.

(2) At the time of planting, all canopy trees shall have a minimum caliper of one (1) inch diameter at breast height (d.b.h., measured at 4 and ½ feet above ground level), and all understory trees shall have a minimum height of six (6) feet. Evergreen trees shall be a minimum of six (6) feet in height. Evergreen shrubs shall have a minimum height of thirty (30) inches. Dwarf deciduous shrubs shall have a minimum height of eighteen (18) inches.

(B) Existing vegetation which is suitable for use in compliance with the requirements of this Section, when supplemented by new vegetation, if needed, so as to provide buffering and screening in accordance with the purpose and intent of this Section, may be used as required planting.

(C) The Board of Supervisors or the Board of Zoning Appeals may modify the requirements of this Section as part of an approval action of a special exception, variance, or as part of proffered conditions. In such event, the requirements of such approval shall govern.

(D) Any landscaping required by this Section that would fall within the area of a recorded sight distance easement granted to the County of Loudoun or the Commonwealth of Virginia shall be eliminated or reduced to meet the standards of such sight distance easement. This plant material must be located elsewhere on site in areas that provide room for viable plant growth.

(E) Except where a Type 5 Buffer is required, any property with frontage on an existing or planned four-lane divided roadway shall provide, in lieu of otherwise applicable landscaping, buffering and tree planting along such roads, a Type 3 Front Yard Buffer along the property's frontage on such road, regardless of the present or planned future use on properties on the other side of such road.

5-1404 Landscaping Plan.

(A) Except as permitted by the provisions of Section 5-1405 below, a landscaping plan meeting the requirements of the Facilities Standards Manual, including a parking lot landscape and

screening plan, shall be submitted as part of every final site plan required by the provisions of Section 6-701.

(B) Such landscaping plans shall be drawn to scale, including dimensions and distances, and shall delineate existing and proposed buildings, parking spaces or other vehicle areas, access aisles, driveways, and the location, size, and description of all landscaping materials and the installation schedule if materials are to be installed in phases extending beyond 90 days from the date of occupancy of the building or structure to which they are appurtenant.

(C) The landscaping required by this Section and depicted on such landscaping plan shall be completed or bonded in accordance with current County requirements prior to approval of any Certificate of Occupancy.

5-1405 Buffer Yards and Screening, General Provisions.

(A) Buffer yards and screening shall be provided in accordance with the Buffer Yard and Screening Matrix set forth in Section 5-1414(A), and in accordance with the provisions of this Section and Section 5-1406, 5-1407 and 5-1408 below.

(B) Buffer yards and screening shall be provided on the lot whose use is indicated in the left column of the matrix where it is contiguous to or across the street from land used or zoned for uses indicated across the top of the matrix, except as provided for in Section 5-1403(E) above.

(C) Where the structure or lot or development is to contain more than one use or category of uses as presented in the matrix, the more stringent requirements of the matrix shall apply; provided, however, that the Zoning Administrator may reduce and/or modify the requirements of the matrix upon a finding that the need for the more stringent requirements has been partially mitigated or eliminated by the arrangement of uses.

(D) The uses in the matrix are listed in abbreviated form. Other similar uses, as may be included in a listing presented in the district regulations, shall be subject to the same regulations as are presented for a use listed on the matrix.

(E) In those instances where a proposed use and/or an existing use on the abutting property is not listed in the matrix, the Zoning Administrator, using the matrix as a guide, shall determine to what extent buffering and screening shall be provided.

(F) In addition to the standards set forth herein for a particular use, all uses allowed by special exception, or variance in a given district, shall be required to provide buffer yards as determined by the BZA or Board of Supervisors, as the case may be, using the matrix as a guide. In such event, the requirements of such special exception, variance, or proffered rezoning shall govern over the requirements of this Section.

5-1406 **Determination of Buffer Yard Requirements.** To determine the type of buffer yard required between two (2) adjacent parcels or parcels separated by public streets, refer to the buffer yard and screening matrix, and identify the buffer yard required pursuant to one of the following procedures:

(A) **Proposed development adjacent to an improved property that is a pre-existing use.**

(1) If the proposed use is in the same land use category or is a more intensive than the pre-existing use, the proposed use must provide the buffer yard type as required by the Buffer Yard and Screening Matrix.

(2) If the proposed use is less intensive than the existing use, the proposed use must provide the buffer yard type that would have been provided by the existing more intensive use as if it were subject to the requirements herein.

(3) The Zoning Administrator may waive reduce and/or modify the requirement if it presents a substantial hardship or is considered unnecessary as identified in Section 5-1409.

(B) **Proposed development adjacent to a use developed subsequent to January 7, 2003.** The proposed use must install plant units in order to bring the total buffer yard required between the two uses into conformance with the Buffer Yard and Screening Matrix.

(C) **Proposed Development Adjacent to a Vacant Property.** The buffer yard type for a proposed development which will be constructed adjacent to vacant land, shall be based on the probable future use of the adjacent vacant land, using the Comprehensive Plan, Zoning Ordinance and Zoning District Map.

(1) If the proposed use is more intensive than the probable future use of adjacent vacant land, then the proposed

use must provide a buffer as required by the Buffer Yard and Screening Matrix.

(2) If the subsequent use of the adjacent vacant land is more intensive than the probable use and the subsequent use is required to provide a buffer prescribed in the Buffer Yard and Screening Matrix, the buffer yard installed by the first use may be taken into consideration in considering a reduction of required buffer.

(3) If the subsequent use of the adjacent vacant land is less intensive than the probable use the subsequent use must install the difference between the plant units installed by the pre-existing adjacent use and the number of plant units required by the Buffer Yard and Screening Matrix.

(4) If the proposed use is less intensive than the probable future use of the vacant land, no buffer yard shall be required of the proposed use.

(D) **Contractual Reduction of Buffer Yard Abutting Vacant Land.** When a land use is proposed adjacent to vacant land, the owners of both parcels may enter into a contractual relationship to provide for a buffer yard equivalent to the buffer yard which shall ultimately be required. Such a contract shall include:

(1) A statement by the owner of the vacant land of an intent to develop at no greater than a specified land use category consistent with reduced buffer yards.

(2) An agreement that the owner of the vacant land assumes all responsibility for additional buffer yards required by the development of his parcel with a more intense use than had been agreed upon.

(3) The contract shall be in the form of a covenant or deed restriction, recorded in the Office of the Clerk of the Circuit Court of Loudoun County, Virginia, which shall run with the land.

(E) **Special Situations.**

(1) When the adjacent land is used for a wayside stand or other temporary use, the buffer yard type shall be

determined as if the adjacent property were vacant as provided in Section 5-1406(C).

(2) If any property adjoins any existing or planned arterial road, except in the A-3, A-10, AR-1, AR-2 or Village Conservation Overlay Districts or where the Buffer Yard Type 5 is required by this Section, the required buffer yard shall be in accordance with Buffer Yard Type 3. This requirement may be waived, modified, and/or reduced by the Zoning Administrator, where necessary to preserve existing mature trees. No buffer yard shall be required for the A-3 and A-10 districts where such property adjoins any existing or planned arterial road.

(3) If any adjoining property is located within a zoned municipality, the applicant shall provide information regarding the applicable municipal zoning district regulations governing such adjoining property, so that the Zoning Administrator may determine which use established by this Ordinance is most equivalent. Requirements for buffer yards shall then be the same as if the adjoining property were zoned in the equivalent County zoning district.

(4) Notwithstanding the buffering and screening requirements of Sections 5-1414(A) and 5-900(C) - for any property that adjoins Route 50 between the Fairfax County line and Lenah Farm Lane on the north side and Lenah Road on the south side, the required buffer yard adjacent to Route 50 shall be in accordance with Buffer Yard Type 5.

5-1407 Buffer Yard and Screening Requirements.

(A) **Location.** Buffer yards shall be located along the perimeter of a lot or parcel. Where a parcel extends into the center line of an existing road, the buffer yard shall begin at and extend inward from the ultimate right-of-way line of said road. Buffer yards shall extend to the lot line, parcel boundary or rights-of-way line, except where easements, covenants or natural features may require the buffer yard to be set back from the property line, in which event the buffer yard shall be in addition to such easements, covenants or natural features. Buffer yards shall be provided within the required minimum yard setback areas. If the minimum buffer width is larger than the yard setback, the minimum buffer width must be provided.

(1) In the case of driveways, parking areas, and accessory structures permitted within required yard setbacks, at least fifty (50) percent of the area of the required minimum yard setback area shall consist of permeable materials.

(2) If parking and/or loading is permitted within the required minimum yard setback area, then Section 5-1413 "Parking Lot Landscaping and Screening Requirements" shall prevail.

(B) **Buffer/Screening Requirements in Buffer Yards.**

(1) Buffer yard requirements are stated in Section 5-1414(B).

(2) Those plant materials identified in Section 5-1414(C) or their equivalents shall satisfy the requirements of this Section.

(3) Whenever a wall, fence, and/or berm is required within a buffer yard, they shall be provided in addition to the plant units required.

5-1408 **Use of Buffer Yards.** A buffer yard may be used for passive recreation and it may contain pedestrian, bicycle or equestrian trails, provided that: a) the elimination of plant materials is minimized, b) the total width of the buffer is maintained, and c) all other regulations of this Ordinance are met. Utility easements may be included within buffer yards provided that the utility requirements and buffer yard requirements are compatible and canopy trees are not planted within said easement. Vehicular entrances may cross a buffer yard. Signs, pursuant to Section 5-1200, may be located in the buffer yards.

5-1409 **Buffer Yard Waivers and Modifications.** Buffer yard requirements may be waived or modified by the Zoning Administrator in any of the following circumstances. The Zoning Administrator may attach conditions to any waiver or modification in order to assure that the results of the waiver or modification will be in accordance with the purpose and intent of this Section.

(A) Where the strict provisions of this Section would reduce the usable area of a lot configuration or size to a point which would preclude a reasonable use of the lot, buffer yards may be waived, reduced and/ or modified by the Zoning Administrator, upon showing that the building and/or the yard has been designed to minimize adverse impact through a combination of architectural, landscape and/or other design techniques.

(B) The Zoning Administrator may waive, reduce and/or modify buffer yard requirements if in his opinion the topography of the lot providing the buffer yard and the lot being protected is such that the required buffer yard would not be effective.

(C) The Zoning Administrator may waive, reduce and/or modify buffer yard requirements for single family attached dwelling units where a six (6) foot permanent fence has been provided to enclose a privacy yard (for rear yards and side yards) and such fence is architecturally designed and coordinated with landscape techniques to minimize adverse impact to adjacent properties.

(D) The Zoning Administrator may waive, reduce or modify buffer yard requirements for any public use when such use has been specifically designed to minimize adverse impact on adjacent properties.

(E) Buffer Yard Exceptions. When a land use is proposed adjacent to a lake, wetland, or other natural area, which is to remain undeveloped, and which is at least three hundred (300) feet in width, the Zoning Administrator may waive, reduce, and/or modify the buffer requirements provided the intent of these regulations are preserved.

(F) The Zoning Administrator may waive, reduce and/or modify buffer yard requirements for side and rear yards where lots zoned MR-HI, GB, PD-IP, PD-GI, PD-OP, PD-RDP or CLI abut, upon finding that such waiver, reduction and/or modification is designed to complement proposed development of existing or proposed uses.

(G) The Zoning Administrator may waive, reduce and/or modify buffer requirements for a telecommunications monopole which is co-located on a facility which is owned or controlled by a public use or fire and/or rescue company, or in areas planned or zoned for employment and industrial uses where such use is permitted by right, provided the site is architecturally designed and coordinated with landscape techniques to minimize adverse impacts to adjacent properties.

(H) The Zoning Administrator, upon recommendation by the Loudoun County Sheriff's office with respect to public uses, or to meet requirements of the United States Government or agencies thereof relating to security or homeland defense, may waive, reduce or modify the screening requirements upon

finding that the screening requirements create a security concern.

(I) In the A-3, A-10, AR-1, and AR-2 zoning districts, the Zoning Administrator may permit the required buffer to surround the proposed use, rather than to be located on the property line as required by Section 5-1407(A).

5-1410 Maintenance.

(A) The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all required landscape materials and screening and buffering as may be required by the provisions of this Section.

(B) All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris.

(C) Fences and walls shall be maintained in good repair. Openings within the barriers may be required by the Zoning Administrator for accessibility to an area for necessary maintenance.

5-1411 Bond/Cash Deposit Requirements. In lieu of installation of the landscape materials prior to occupancy, the applicant may post a bond acceptable to the County, conditioned upon satisfactory installation of the landscaping proposed in the landscape plan.

5-1412 Appeals. Any person aggrieved by a decision of the Zoning Administrator may appeal such decision in accordance with the provisions of Section 6-1700.

5-1413 Parking Lot Landscaping and Screening Requirements.

(A) **General.** Parking lot landscape and screening plan shall comply with the standards in Section 5-1403 and 5-1404.

(1) Existing vegetation which is suitable for use in compliance with the requirements of this Section when supplemented so as to provide planting and screening in accordance with the purpose and intent of this Section, may be used as required planting. Additionally, vegetation which fulfills the requirements set forth herein for exterior parking lot screening may also be counted toward fulfilling the requirements for buffer yards set forth in other sections of these regulations.

(2) When non-residential parking lots, travelways, alleys, loading spaces and like uses adjoin land zoned or planned for residential use, there shall be an opaque barrier constructed to provide a separation between the two uses. This can be achieved by a solid type fence no less than six (6) feet in height, or with densely planted shrubs and berms to provide a visual barrier. Berms shall not exceed a slope of 2:1.

(B) **Interior Parking Lot Landscaping.**

(1) Any parking lot, excepting single bay parking lots of twenty (20) spaces or less, shall be provided with landscaped open space along the perimeter of the parking area or areas, in the minimum rate of one (1) canopy tree per ten (10) spaces which shall be so located that no parking space is more than eighty (80) feet from a portion of the landscaped open space or parking island more than eighty (80) feet from a canopy tree. Landscaped areas between parking areas and buildings shall not be considered as parking lot landscaping.

(2) The primary landscaping materials used in parking lots shall be canopy trees. Where possible, grouping of such trees is encouraged. Shrubs and other live planting materials may be used to complement the tree landscaping, and shall count towards the required landscaping.

(3) The landscaping areas shall be reasonably dispersed throughout the parking lot, and shall have a minimum width of six (6) feet. There shall be a minimum six (6) foot wide landscape island at the end of every row of parking - equal in length to the adjoining parking space.

(4) There shall be a minimum of one (1) canopy tree per required landscape island. Where more than one island is combined in a linear configuration, canopy trees shall be provided at a minimum equal to the number of required landscape islands.

(5) The interior dimensions of any planting area shall be sufficient to protect all landscaping materials planted therein.

(6) Areas used principally for storage of vehicles do not require interior islands if such areas are screened from adjacent properties and public streets in accord with Section 5-1406 and 5-1407.

(C) **Peripheral Parking Lot Landscaping.** Except where parking areas adjoin a buffer yard required by this Ordinance, if any parking lot contains twenty (20) or more spaces, peripheral parking lot landscaping shall be required as follows:

(1) **When the property line abuts land other than street right-of-way.**

(a) A landscaping strip ten (10) feet in width measured from the edge of pavement, shall be located between the parking lot and the abutting property lines, except where driveways or other openings may necessitate other treatment. Where abutting parcels share a common access drive or parking lot circulation travelway, no such landscaping strip shall be required, provided that equivalent planting materials are provided elsewhere on the development site.

(b) Parking and vehicular traffic circulation lanes shall be screened with either berming, landscaping, or a combination of both to a minimum height of thirty (30) inches. Berming height of thirty inches shall not exceed a minimum slope of 2:1.

(c) All service areas shall be screened from view through the use of evergreen plant materials and screen walls, compatible with the building design. Service area screen walls, solid fences or fences shall be softened with climbing vines, shrubs, or other plant materials. Plantings shall be a minimum height of six (6) feet and totally screen at least 75% of any one wall surface (exclusive of gates).

(d) All utility equipment (i.e. meters, pedestals, transformers, etc.) not within the screened service area shall have a natural evergreen planting screen provided, but such plantings shall be planned and installed so as not to hinder

the installation or maintenance of such utility equipment.

(e) Peripheral plantings shall include six (6) shrubs per forty (40) linear feet of abutting land, and one of, or a combination of the following, which need not necessarily be installed on center:

(i) One understory tree per fifteen (15) linear feet;

(ii) One canopy tree per thirty-five (35) linear feet.

(2) **Where the property line abuts the street right-of-way.**

(a) A landscaping strip ten (10) feet in width, exclusive of a required sidewalk or trail, shall be located between the parking lot and right-of-way line.

(b) Parking and vehicular traffic circulation lanes shall be screened with either berming, landscaping, or a combination of both to a minimum height of thirty (30) inches. Berming shall not have a slope steeper than 2:1.

(c) All service and loading areas shall be screened from view through the use of evergreen plant materials and six (6) foot solid fences or screen walls compatible with the building design. Service and loading area screen walls or fences shall be softened with climbing vines, shrubs, or other plant materials. Plantings shall be a minimum mature height of six (6) feet at time of installation and totally screen at least seventy five percent (75%) of any one wall surface (exclusive of gates).

(d) All utility equipment (i.e. meters, pedestals, transformers, etc.) not within the screened service area shall have a natural evergreen planting screen provided, but such planting shall be planned and installed so as not to hinder the installation or maintenance of such utility equipment.

(e) At least one (1) tree for each twenty-five (25) linear feet of land abutting any right-of-way shall be planted in the landscaping strip; however, this requirement shall not be construed as requiring the planting of trees on twenty-five (25) foot centers.

(f) Where peripheral landscaping required by this Section conflicts with street planting regulations of the Virginia Department of Transportation, the more restrictive standards shall apply.

(D) **Requirements for Parking Lots in Residential Districts.** Where parking lots for more than ten (10) cars are permitted or required in residential districts, the following provisions shall be complied with:

(1) The lot may be used only for parking and not for any type of commercial loading, sales, dead storage, repair work, dismantling or servicing.

(2) A ten (10) foot wide landscaped open space area adjoining any street line or any lot zoned or planned for residential uses shall be provided, guarded with wheel bumpers or curb and gutter and planted in grass and/or shrubs.

5-1414 Buffer Yard and Screening Matrix.

(A) **See Table 5-1414(A) below.** Note: Also, please see Section 5-1406(E), Special Situations, which requires a specific Buffer Yard Type in certain situations.

Table 5-1414(A)

PROPOSED LAND USE GROUPS	ADJACENT LAND USE GROUPS												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Group 1 Dwelling, Single Family Detached	N/A	1	1	2	2	2	3	3	4	4	3	4	2
Group 2 Dwelling, Single Family Attached	1	N/A	1	2	2	2	3	3	4	4	3	4	2
Group 3 Dwelling, Multi-Family Congregate Housing Facility Continuing Care Facility Orphanage or other similar institutions	1	1	N/A	1	1	1	1	2	4	4	3	4	2

Table 5-1414(A)													
PROPOSED LAND USE GROUPS	ADJACENT LAND USE GROUPS												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Group 4 Day Care Center Church, Chapel Nursery School Elementary School	2	2	1	N/A	1	1	2	2	3	4	3	4	2
Group 5 Middle and High School Community & Recreation Center, and Library Auditorium, Performing Arts Center and Assembly Hall, and Theater (indoor) Municipal and Governmental Building and Structure Fire, Police, and Rescue Station Medical Care Facility Hospital	2	2	1	1	N/A	1	1	2	3	4	3	4	N/A
Group 6 Financial Institution Office Business Service Establishment Retail Sales Establishment Health & Fitness Center Funeral Home, Mortuary, Crematory Personal Service Establishment	2	2	1	1	1	N/A	N/A	N/A	3	4	2	4	N/A
Group 7 Restaurant Hotel/Motel	3	3	1	2	1	N/A	N/A	N/A	3	4	N/A	4	N/A
Group 8 Drive-in Bank Facility Fast Food Restaurant Drive Through Restaurant Auto Service Station Car Wash Mobile Home Sales and Service Motor Vehicle Sales and Service Parking Lot/Valet Service Flex Industrial Warehousing & Storage Facility	3	3	2	2	2	N/A	N/A	N/A	N/A	2	2	4	N/A
Group 9 Utility Transmission Facility Public Utility Service Center, Storage Yard Telecommunication Facility Radio & Television Broadcasting Station, including Recording Studio Municipal or Governmental	4	4	4	3	3	3	3	N/A	N/A	N/A	2	3	N/A

Table 5-1414(A)													
PROPOSED LAND USE GROUPS	ADJACENT LAND USE GROUPS												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Storage Yards & Related Facility Water Treatment and Distribution Facility Kennel, outdoor													
Group 10 Bus, Rail, and Truck Terminal Outdoor Storage, Vehicles Newspaper Offices and Distribution Service Lumber & Building Material Yard and Storage Facility Wholesale Trade Office and Storage Facility Heavy Equipment Sale, Rental, and Service Sand, Gravel, Coal & Earth Sales and Storage Facility Boat Sales, Storage and Service Recycling Center Vehicle Wholesale Auction	4	4	4	4	4	4	4	2	3	N/A	N/A	2	N/A
Group 11 Wholesale Printing Laundry, Cleaning, and Dyeing Plant Facilities for Manufacturing, Processing, Assembly, Packaging, Bottling, and Canning	3	3	3	3	3	2	N/A	2	2	N/A	N/A	3	N/A
Group 12 Asphalt or Concrete Mixing Plant General Construction Company, including Hauling, Road Paving, Roofing, and Sewer Metal Fabrication Shop Metal Salvage and Open Storage Yard and Operation Agriculture Processing Facility Outdoor Movie Theater Wood Processing Facility or Sawmill Forging Plant Rifle and Pistol Range, outdoor Sewage Treatment Facility Sanitary Landfill Rendering or Tanning Plants Petroleum or Chemical Refining or Production Ship Yards and Boat Manufacture	4	4	4	4	4	4	4	4	3	2	3	N/A	N/A

Table 5-1414(A)													
PROPOSED LAND USE GROUPS	ADJACENT LAND USE GROUPS												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Junk Yard Fuel Sales													
Group 13 Farming, including livestock and horticultural activity Fur Bearing Animal Raising Stable and Equestrian Center	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

(B) **Buffer Yard.**

Table 5-1414(B) Required Plantings per 100 Lineal Feet of Property Line					
Buffer Yard Type	**Canopy Trees**	**Understory Trees**	**Shrubs**	**Evergreen Trees**	**Other Requirements**
(1) Type 1					
Front	2	0	0	0	10’ minimum width 25’ maximum width
Side/Rear	1	4	0	0	10’ minimum width 25’ maximum width
(2) Type 2					
Front	3	2	10	0	15’ minimum width 25’ maximum width
Side/Rear	2	4	10	2	20’ minimum width 30’ maximum width
(3) Type 3					
Front	3	3	20	0	20’ minimum width 30’ maximum width
Side/Rear	2	5	10	4	25’ minimum width 30’ maximum width
(4) Type 4					
Front	4	3	20	0	20’ minimum width 30’maximum width
Side/Rear	2	5	10	8	25’ minimum width 30’ maximum width A Six foot high fence, wall, or berm providing a minimum opacity of 95%

(1) **Buffer Yard Type 5.**

(a) BUFFER YARD WIDTH: 100' Minimum

(b) REQUIRED PLANT UNITS PER 100 LINEAR FEET:

4 Canopy Trees
2 Understory Trees
50 Shrubs
2 Evergreen Trees

(See Section 5-1414(C)(5) below for permitted plants)

(c) PLANTING SIZE: Notwithstanding the plant sizes specified in Section 5-1403(A)(2), the plants for the Type 5 Buffer Yard shall be the following minimum sizes at the time of planting:

Canopy trees: 2.5 inch dbh caliper
Understory trees: 8 foot height
Evergreen trees: 8 foot height
Shrubs: 30 inch height

(d) PLANT LOCATION. The plants required in Section 5-1414(B)(1)(b) above shall be installed on the parcel as follows:

(i) The plants shall be located within the first fifty feet of the required 100 foot Buffer Yard immediately adjacent to the right of way of Route 50.

(ii) Each 100 foot segment of frontage shall contain the plants required per 100 linear feet.

(iii) The plants shall be located in front of the linear element required in Section 5-1414(B)(1)(f) below.

(iv) The plants and the linear element shall be configured to align with the plants and the linear element on adjacent parcels, thereby creating a uniformly landscaped frontage along the right-of-way, where feasible.

(e) BOULEVARD PLANTINGS. The first 50 feet of the required 100 foot wide Buffer Yard immediately adjacent to the right-of-way shall consist of boulevard plantings as specified in the Type 5 Buffer Yard Plant List in Section 5-1414(C)(5) below.

(f) LINEAR ELEMENT. A linear element of not less than 40% of a parcel's frontage shall be provided within the Buffer Yard and shall consist of a stone faced feature and may also include a fence and/or hedgerow.

(i) The stone faced feature (i.e. wall, pillar, sign, and the like) shall be faced with materials having characteristics similar to native stone. Notwithstanding the Section 5-200 height limitation for fences in front yards, the stone faced feature shall be a minimum of 3 feet in height. If combined with a fence or hedgerow, the stone faced feature shall have a minimum length equal to 10% of a parcel's frontage.

(ii) Notwithstanding the height limitation of Section 5-200 for fences in front yards, the fence shall be a maximum height of 4.5 feet, as measured from the ground to its highest point, to include posts or other supporting structures. The fence shall be constructed of wood or a wood-like polymer in a rail, paddock, or horizontal board design and shall have a minimum opacity of 50%.

(iii) The hedgerow shall consist of a minimum of 10 shrubs planted in a continuous row, planted 36 inches on center and at a minimum height of 30 inches. The shrubs shall be chosen from the Type 5 Buffer Yard Plant List in Section 5-1414(C). The shrubs used in the hedgerow do not count towards fulfilling the required plant units in Section 5-1414(B)(1)(b) above.

(iv) The linear element is not required to be a continuous element. However, if any portions of the linear elements overlap, then for the length of the overlapping elements – only one element can be counted towards satisfying the required length.

(v) Areas of existing vegetation used to meet the Type 5 Buffer Yard plant requirements shall be excluded for the purposes of calculating the frontage length for determining the required minimum length of the linear element.

(vi) The linear element does not have to be located parallel to the road, however, the required length is measured parallel to the road.

(vii) The linear element can be used towards fulfilling the Peripheral Parking Lot Landscaping requirements in Section 5-1413(C).

(g) USE OF TYPE 5 BUFFER YARD. In addition to the uses specified in Section 5-1408, the following uses are permitted in the Type 5 Buffer Yard:

(i) Storm water management and BMP facilities. Such facilities may not be located within the first 50 feet adjacent to the right-of-way, unless the facility is designed as a water feature in accordance with Section 5-1414(B)(1)(g)(ii) below.

(ii) A water feature, defined as a permanent aqueous element to include a fountain, stream, waterfall, and/or cascade; a wet pond that includes a fountain, waterfall and/or cascade; or a bioretention facility and/or wetland. In the case where a water feature is incorporated in the design of the Type 5 Buffer Yard and located within the first 50 feet

immediately adjacent to the right-of-way, the following variations are permitted:

a. The number of shrubs required by Section 5-1414(B)(1)(b) above may be reduced by 50% for the total amount of linear feet of frontage that is occupied by the water feature; and

b. Notwithstanding Section 5-1414(B)(1)(d) above, regarding required plant locations, for the frontage occupied by the water feature, the required canopy trees are to be located between the right-of-way and the water feature and the required understory trees, evergreen trees and shrubs may be located around and behind the water feature

(h) REDUCTION. Notwithstanding Section 5-1409, the Buffer Yard width may be reduced to 50 feet subject to the approval of the Zoning Administrator at the time of site plan or preliminary subdivision application. An application for Buffer Yard reduction shall include a demonstration by the applicant that adherence to the 100-foot Buffer Yard requirement would unreasonably constrain development due to topography or lot dimensions. Moreover, evidence shall be provided that all other methods available to alleviate the constraint have been exhausted. The request shall include a plan depicting the Buffer Yard reduction and the quantity, type and location of the plants units required in Section 5-1414(B)(1)(b) above and the linear element required in Section 5-1414(B)(1)(f) above.

(i) OTHER LANDSCAPING AND SCREENING. Where the Ordinance requires the screening of parking, service and loading areas, and utility equipment from roads, such screening as may be

necessary shall be in addition to the Type 5 Buffer Yard plantings and shall be provided within the Type 5 Buffer Yard, but outside of the first 50 feet of the required 100 foot wide Buffer Yard as measured from the right-of-way.

(C) **Plant Types.**

(1) **Canopy Tree.** A deciduous tree, usually single trunked, with a definitely formed crown of foliage, which attains a mature height of at least 30 feet. Preferred species include, but are not limited to:

Common Name	Botanical Name
American Sycamore	Platanus occidentallis
Bradford Pear	Pyrus calleryana bradford
Crimson King Maple	Acer plantanoindes Crimsom King
English Oak	Quercus robur
Ginkgo (Male)	Ginkgo bilboa
Japanese Pagoda	Sophora japonica
Japanese Zelkova	Zelkova serrata
Japonica Regent	Sophora japonica regent
Littleleaf Linden	Tilia cordata
London Plane	Plantanus acerifolia
Norway Maple	Acer platanoides
Pin Oak	Quercus palustris
Red Oak	Quercus borealis
Red Maple	Acer rubrum
Silver Linden	Tilia tomentosa
Sugar Maple	Acer saccharum
Sweet Gum	Liquidambar styraciflua
Thornless Honey Locust	Gleditsia triacanthos inermis
Willow Oak	Quercus phellos
Yellowwood	Cladrastis lutea

(2) **Evergreen Trees.** A non-deciduous tree used for the purposes of screening, weather barrier, or accent planting. Preferred species include, but are not limited to:

Common Name	Botanical Name
American Holly	Llex opaca
Austrian Pine	Pinus nigra
Dark American Arborvitae	Thuja occidentalis nigra
Eastern Red Cedar	Juniperus virginiana
Norway Spruce	Picea abies
White Pine	Pinus strobus

(3) **Understory Tree.** A deciduous or evergreen tree which attains a mature height of no greater than 30 feet. Understory trees often times prefer shade and grow naturally under a canopy of larger trees. Preferred species include, but are not limited to:

Common Name	Botanical Name
American Plum	Prunus americana
Amur Maple	Acer griseum
Dogwood	Cornus florida
Downy Serviceberry	Amelanchier arborea
Flowering Cherry	Prunus (various species)
Flowering Crabapple	Malus (various species)
Golden Raintree	Koelreuteria
Golden Chain	Laburnum Vossi
Purple Leaf Plum	Prunus cerasifera bliricana
Red Bud	Cercus canadensis
Shadblow	Amelanchier canadensis
Washington Hawthorne	Crataegus plaenopyrum

(4) **Shrub.** An evergreen multi-trunked woody plant that usually attains a mature height of no greater than 10 feet. Preferred species include, but are not limited to:

Common Name	Botanical Name
Azalea	various species
Cotoneaster	various species
Chinese Holly	Llex cornuta
English Yew	Taxus baccata
Euonymus	various species
Japanese Holly	Llex crenata
Japanese Yew	Taxus cuspidata
Photinia	various species
Rhododendron	various species
Viburnum	various species
Winged Euonymus	various species

(5) **Permitted Type 5 Buffer Yard Plants.**

(a) **General Requirements.**

(i) For the purpose of reducing the monoculture disease risk, no one plant species can be used for more than 300 linear feet of frontage.

(b) **Boulevard Plants – Permitted Canopy Trees.**

Botanical Name	**Common Name**	**Acceptable Varieties & Cultivars**	**Suitability**	**Comments**
Acer rubrum cvs.	Red Maple	'Brandywine' 'Red Sunset' 'October Glory'		
Acer saccharum cvs.	Green Mountain Sugar Maple	'Green Mountain'		
Aesculus hippocastanum	Horsechestnut			
Fagus grandifolia	American Beech			
Fagus sylvatica cvs.	European Beech	Various		
Liquidambar styraciflua cvs.	Sweetgum	Various		
Platanus x acerifolia cvs.	London Plane Tree	'Bloodgood'		
Platanus occidentalis	American Sycamore			
Quercus falcata	Southern Red Oak			
Quercus phellos	Willow Oak			
Quercus shumardii	Shumard Oak			
Ulmus Americana cvs.	American Elm	'New Harmony'		
Ulmus parvifolia cvs.	Lacebark Elm	Various		

(c) **Boulevard Plants – Alternative Canopy Trees.**

The following canopy trees can be used as a substitute to the required canopy trees if approved by the Zoning Administrator.

Botanical Name	**Common Name**	**Acceptable Varieties & Cultivars**	**Suitability**	**Comments**
Betula nigra	River Birch	'Heritage'	Best adapted to moist soils; suitable for areas that are wet for a portion of the year, yet dry in summer and fall	
Carya spp.	Hickory			1" caliper allowed
Gleitsia triacanthos var. inermis cvs.	Thornless Common Honeylocust	'Skyline' 'Moraine'		Some disease and insect problems
Populus deltoides cvs.	Eastern Cottonwood	Various	Riparian areas only	
Quercus bicolor	Swamp White Oak		Moist bottomlands and streambanks	
Salix nigra	Black Willow		Riparian areas only	
Taxodium distichum cvs.	Baldcypress	Various	Both wet areas and upland sites	Deciduous conifer

(d) **Non- Boulevard Plants – Permitted Canopy Trees.**

Botanical Name	**Common Name**	**Acceptable Varieties & Cultivars**	**Suitability**	**Comments**
Aesculus flava	Yellow Buckeye			
Betula lenta	Black Birch			
Celtis occidentalis cvs.	Hackberry	Various		
Fraxinus Americana cvs.	White Ash	Various		
Fraxinus pennsylvanica cvs.	Green Ash	Various		
Nyssa sylvatica & cvs.	Black Gum	Various		Deep tap root; large calipers not recommended
Ostrya virginiana	Eastern Hophornbeam			
Prunus serotina	Black Cherry			
Quercus acutissima	Sawtooth Oak			
Quercus alba	White Oak			
Quercus coccinea	Scarlet Oak			
Quercus laevis	Turkey Oak			
Quercus nuttallii	Nuttall Oak			
Quercus palustris	Pin Oak		Open areas	
Quercus prinus	Chestnut Oak			
Quercus rubra	Northern Red Oak			
Quercus robur	English Oak			
Quercus stellata	Post Oak			
Quercus virginiana	Live Oak			

(e) **Boulevard Plants – Permitted Evergreen Trees.**

Botanical Name	**Common Name**	**Acceptable Varieties & Cultivars**	**Suitability**	**Comments**
Cedrus deodara & cvs.	Deodara Cedar	Various		
Cryptomeria japonica cvs.	Lobbii Japanese Cryptomeria	'Lobbii'		
Ilex x attenuatta cvs.	Foster's Hybrid Holly	'Fosteri' (Foster's # 2)		
Ilex x 'Nellie Stevens'	Nellie R. Stevens Holly			
Ilex opaca	American Holly			
Juniperus virginiana & cvs.	Eastern Redcedar	Various		
Magnolia grandiflora cvs.	Southern Magnolia	'Claudia Wannamaker' 'Edith Bogue'		
Magnolia virginiana var. australis	Sweetbay Magnolia			
Picea abies	Norway Spruce			
Picea orientalis & cvs.	Oriental Spruce	Various		
Pinus taeda	Loblolly Pine			
Pinus virginiana	Virginia Pine			

(f) **Boulevard Plants – Permitted Understory Trees.**

Botanical Name	**Common Name**	**Acceptable Varieties & Cultivars**	**Suitability**	**Comments**
Acer buergerianum	Trident Maple			
Aesculus sylvaticum	Painted Buckeye			
Amelanchier canadensis cvs.	Shadblow Serviceberry	'Autumn Brilliance'		
Amalanchier laevis	Allegheny Serviceberry			
Asimina triloba	Pawpaw			
Carpinus caroliniana	American Hormbeam			
Castanea pumila	Allegheny Chinkapin			
Cercis canadensis cvs.	Eastern Redbud	Various		
Cornus kousa cvs.	Kousa Dogwood	Various		
Crataegus viridis cvs.	Green Hawthorn	'Winter King'		
Diospyros virginiana	Persimmon			
Halesia carolinanum & cvs.	Silverbell	Various		
Koelreuteria paniculata & cvs.	Golden Raintree	Various		
Magnolia x 'Ballerina'	Ballerina Magnolia			
Oxydendron arboretum	Sourwood			
Parrotia persica & cvs.	Persian Perrotia	Various		
Sassafras albidum	Sassafras			
Stewartia pseudocamellia	Japenese Stewartia			
Styrax japonicus cvs.	Japenese Snowbell	Various		

(g) **Boulevard Plants – Permitted Hedgerow Shrubs**

Botanical Name	**Common Name**	**Acceptable Varieties & Cultivars**	**Suitability**	**Comments**
Buxus microphylla cvs.	Littleleaf Box	Various		
Buxus sempervirens cvs.	Common Box	Various		
Calycanthus floridus cvs.	Sweetshrub	Various		
Ilex glabra cvs.	Inkberry	'Nigra' Various		
Myrica cerifera cvs.	Southern Waxmyrtle	Various		
Prunus laurocerasus cvs.	Cherrylaurel	'Otto Luyken' 'Schipkaensis'		'Schipkaensis' planted 48 inches on center

(h) **Boulevard Plants – Permitted Non-Hedgerow Shrubs.**

Botanical Name	**Common Name**	**Acceptable Varieties & Cultivars**	**Suitability**	**Comments**
Aronia arbutifolia cvs.	Red Chokeberry	'Brilliantissima'		
Buddleia davidii cvs.	Butterfly Bush	'Black Knight' 'Nanho Blue'		
Callicarpa dichotoma cvs.	Purple Beautyberry	Various		
Caryopteris x clandonensis cvs.	Bluebeard	'Heavenly Blue'		
Chimonanthus praecox	Fragrant Wintersweet			
Clethra alnifolia cvs.	Summersweet Clethra	'Hummingbird'		
Cornus alba cvs.	Tatarian Dogwood	Various		
Cornus sericea cvs.	Redosier Dogwood	Various		
Corylopsis pauciflora	Buttercup Winterhazel			
Corylopsis spicata	Spike Winterhazel			
Cotinus coggygria cvs.	Common Smoketree	Various		
Cotinus obovatus	American Smoketree			
Fothergilla gardenia cvs.	Dwarf Fothergilla	Various		
Fothergilla major cvs.	Large Fothergilla	Various		
Hamamelis mollis cvs.	Chinese Witchhazel	Various		
Hamamelis vernalis cvs.	Vernal Witchhazel	Various		
Hamamelis virginianan cvs.	Common Witchhazel	Various		
Hamamelis x intermedia cvs.	Witchhazel Hybrid	Various		
Hydrangea macrophylla cvs.	Bigleaf Hydrangea	'All Summer Beauty'		
Hydrangea quercifolia cvs.	Oakleaf Hydrangea	'Snow Queen'		

Ilex verticillata cvs.	Winterberry	‘Red Sprite’ ‘Sparkleberry’		
Itea virginica cvs.	Virginia Sweetspire	“Little Henry’		
Juniperus conferta cvs.	Shore Juniper	‘Blue Pacific’		
Juniperus chinensis cvs.	Chinese Juniper	Var. sargentii ‘Henry’		
Kalmia latifolia cvs.	Mountain Laurel	Various		
Rosa cvs.	Rose	‘Elsie Mae’ ‘Knock Out’ ‘Pink Knock Out’		
Spiraea x bumalda cvs.	Bumald Spirea	‘Limemound’ ‘Norman’		
Viburnum carlesii cvs.	Koreanspice Viburnum	Various		
Viburnum dilatatum cvs.	Linden Viburnum	‘Erie’ ‘Iroquois’ ‘Catskill’		
Viburnum nudum cvs.	Smooth Witherod	‘Winterthur’		
Viburnum plicatum var. tomentosum cvs.	Doublefile Viburnum	‘Mariesii’ ‘Shasta’		
Vibernum setigerum cvs.	Tea Viburnum	Various		
Viburnum sieboldii cvs.	Siebold Viburnum	‘Seneca’		
Viburnum x burkwoodii cvs.	Burkwood Viburnum	‘Mohawk’		
Viburnum x ‘Conoy’	Conoy Viburnum			
Virburnum x ‘Eskimo’	Eskimo Viburnum			
Viburnum x juddii	Judd Viburnum			
Viburnum x pragense	Prague Viburnum			
Vitex agnus-castus cvs.	Chastetree	Various		

DIVISION E: Performance Standards

Section 5-1500 Performance Standards.

5-1501 **Purpose.** It is the intent of these regulations to prevent land or buildings, including those permitted by right or by special exception from being used or occupied in any manner so as to create any dangerous, injurious, or noxious activity such as fire, explosive, radioactive or other hazardous condition; noise or vibration; smoke, dust, odor or other form of air pollution; electrical or other disturbance; glare or heat; liquid or solid refuse or waste condition, conducive or elements, (all referenced to herein as "dangerous or objectionable elements") in a manner or amount as to adversely affect the surrounding area. It is also the intent of these regulations to prevent the disturbance of land on steep slopes in a manner that creates erosion, slippage, slope failure, or other conditions that adversely impacts the environment.

5-1502 **Zoning Districts Regulated.** All permitted and special exception uses, whether such uses are permitted as a principle use or an accessory use, shall operate in conformance with the performance standards set forth in this Division.

5-1503 **Applicability.**

(A) **Existing Uses.** All uses shall comply with the performance standards set forth in this Ordinance. However, any use which did not comply with these standards when enacted may be permitted to continue so long as the degree of nonconformity is not increased.

Any use which is a lawful nonconforming use, and which on the effective date of this Ordinance complies with the applicable performance standards of this Division, shall continue to so comply. If, at such time, the operations of such lawful nonconforming use violate the standards specified herein, such operations shall not be varied or changed in such a way as to increase the degree of such violation.

(B) **Agricultural Uses.** The standards contained in this Division shall not apply to any lawful agricultural operation.

5-1504 **Light and Glare Standards.**

(A) **General Requirements.** All sources of glare (direct or reflected artificial light) from any source (other than in connection with operating motor vehicles, lighting at publicly owned facilities utilized for athletic competition, and/or street lighting) must not cause illumination in excess of 0.25 foot candles above background light levels measured at the boundary of any commercial or industrial use abutting any residential use or at the lot line with any residential district, or, in residential or agricultural districts, at the lot line of any adjacent lot. In addition, in the A-3, A-10, AR-1, AR-2, and CR

districts, lights shall be shielded so that the direct glare of the bulb is not visible beyond the property line of the parcel. Publicly owned facilities utilized for athletic competition as exempted above shall use cut-off and fully shielded lighting fixtures that 1) are aimed downward and inward toward the athletic field or interior of the property, and 2) are shielded in directions away from the athletic field to minimize glare and light trespass onto adjacent properties. Publicly owned athletic competition facilities must not cause illumination in excess of ten foot candles above background light levels measured at the boundary of any residential district, or, in residential or agricultural districts, at the lot line of any adjacent lot.

(B) **Method of Measurement.** Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the Internal Commission on Illumination

(C) **Special Exception Review for Lighting that does not Comply with Standards.** Lighting that does not meet the standards of Section 5-1504(A) may be permitted by special exception, pursuant to Section 6-1300, upon a finding that the proposed alternative lighting is appropriate.

5-1505 Earthborn Vibration Standards.

(A) **Required Performance Level.** No use, operation or activity shall cause or create earthborn vibrations in excess of the peak particle velocities prescribed below.

(B) **Method of Measurement.**

(1) Measurements shall be made at or beyond the adjacent lot line, the nearest residential district boundary line, or the nearest district boundary line as indicated below. Ground transmitted vibration shall be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in three (3) mutually perpendicular directions.

(2) The maximum particle velocity shall be the maximum vector sum of three (3) mutually perpendicular components recorded simultaneously. Particle velocity may also be expressed as 6.28 times the displacement in inches multiplied by the frequency in cycles per second.

(3) For the purpose of this Ordinance, steady state vibrations are vibrations which are continuous or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete

impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

(C) **Light Intensity Land Uses.**

(1) Light intensity land use standards apply to all residential districts, all industrial districts, excepting the PD-GI and the MR-HI district(s).

(2) Uses subject to these standards shall not cause steady state vibrations to exceed the maximum permitted particle velocities described below. Where more than one set of vibration levels apply, the most restrictive shall govern. Readings may be made at points of maximum vibration intensity.

(3) Maximum Permitted Steady State Vibration Levels:

Table 5-1505(C)(3) Area of Measurement		
Type of vibration	At residential district boundaries	At other lot lines within district
Continuous	.003	.015
Impulsive (100 per minute or fewer)	.006	.030
Fewer than 8 pulses per 24 hours	.015	.075

(4) Between the hours of 8 p.m. and 7 a.m., all of the permissible vibration levels indicated above at residential district boundaries shall be reduced to one-half (+) the indicated values.

(D) **Heavy Intensity Land Uses.**

(1) Heavy intensity land use standards apply to the MR-HI and PD-GI district(s).

(2) Uses subject to these standards shall not cause steady state vibrations to exceed the maximum permitted particle velocities described in the table below. Where more than one set of vibration levels apply, the most restrictive shall govern. Readings shall be made at points of maximum vibration intensity.

(3) **Maximum Permitted Steady State Vibration Levels.**

Table 5-1505(D)(3) Area of Measurement		
Type of vibration	At residential district boundaries	At other lot lines within district

Continuous	.003	.030
Impulsive (100 per minute or fewer)	.006	.060
Fewer than 8 pulses per 24 hours	.015	.150

(4) Between the hours of 8 p.m. and 7 a.m., all of the permissible vibration levels indicated above at residential district boundaries shall be reduced to one-half (+) the indicated values.

5-1506 **Stone Quarrying, Extraction and Mining Standards.** In addition to the performance standards set forth in this Division, all stone quarrying extraction and mining uses, whether in the Mineral Resource/Heavy Industrial District (MR-HI) or otherwise, shall satisfy the following additional performance standards:

(A) No permit for an extraction and mining use shall be issued for any tract of land containing less than fifty (50) acres. This requirement, however, shall not preclude the approval of a permit to enlarge or extend an existing extraction and mining use onto contiguous parcels.

(B) All blasting shall be limited to the hours of 7 a.m. to 6 p.m. or such lesser time as may be established by special exception.

(C) All vehicles used to transport excavated material shall be required to be loaded in such manner that the material may not unintentionally be discharged from the vehicle. Trucks shall be cleaned of all material not in the load-bed prior to entering the public streets.

(D) **Landscaping and Screening Requirements.**

(1) All areas within 100 feet of an adjacent public road or a zoning district on land bay allowing or planned to allow residential uses shall meet the standards of Section 5-1400, and shall be landscaped, bermed, screened and maintained with natural vegetation to buffer and screen such areas.

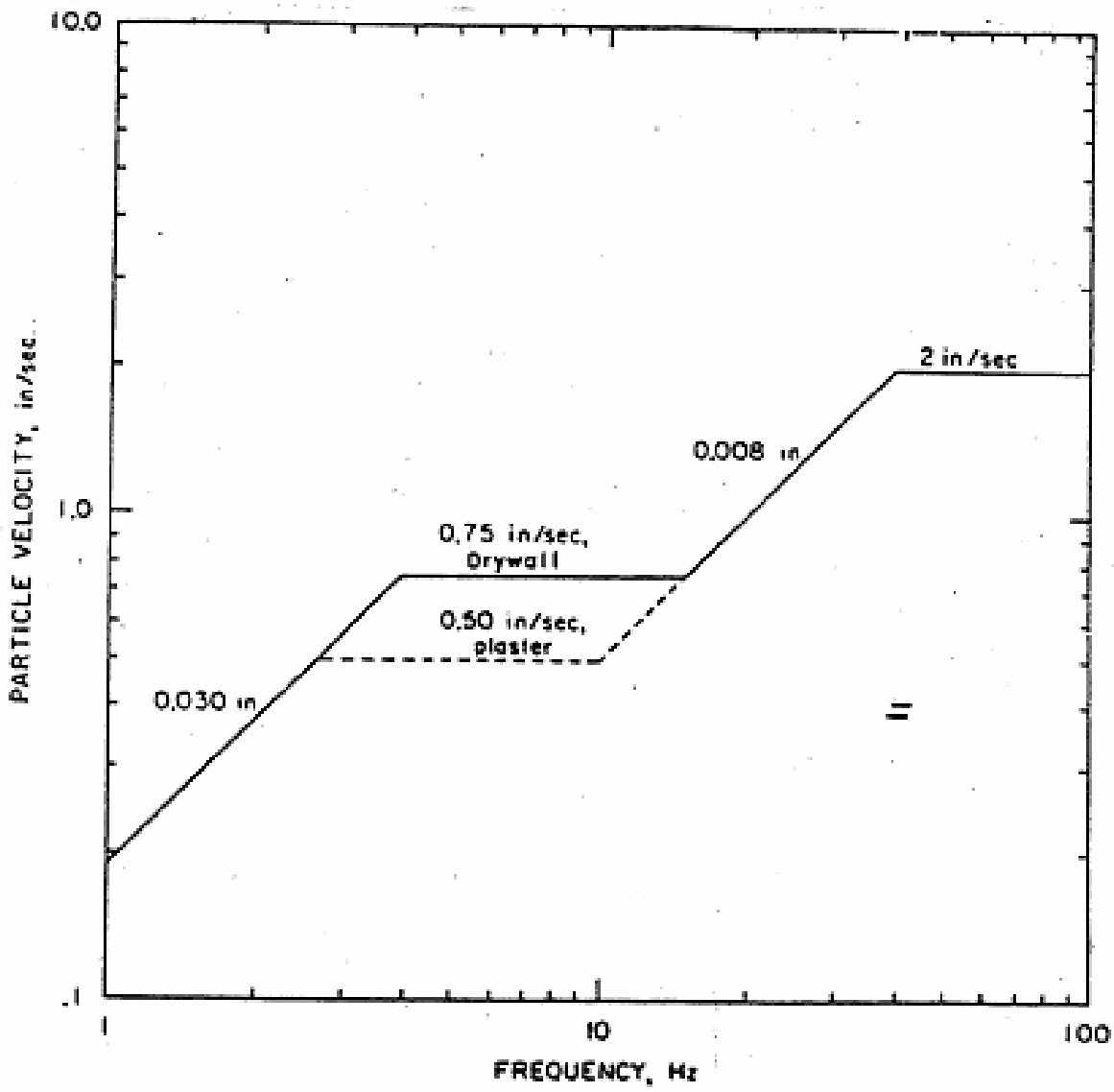
(2) In addition to Section 5-1400 existing trees and ground cover along all other boundary lines shall be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and other ground cover for the depth of the setback.

(3) The type, time of planting, design and spacing of planting screen shall be in accordance with Section 5-1400. Approval of maintenance of landscape areas by the Zoning

Administrator shall be required for zoning permit extension and zoning permit renewal.

(E) Notwithstanding the provisions of Sections 5-1505 and 5-1507 of this Division, all extraction and mining special exception operations shall be subject only to the following performance standards as they relate to noise and earthborn vibrations:

(1) Blasting vibration shall be limited to peak particle velocity* for a corresponding frequency level, as shown in the chart below:



*Peak particle velocities shall be recorded in three mutually perpendicular directions. The maximum peak particle velocity shall be the largest of any of the three measurements.

(2) Earth vibration produced from sources other than blasting shall not exceed a maximum resultant peak particle velocity of .03 inches per second.

(3) The peak over pressure (noise) from any blast shall be limited to 129 dB, as measured at 5 or 6 Hz high pass system.

(4) Airborne noise produced from extractive operations other than blasting shall not exceed the following limit, as measured at the lot line of the extractive industry: 80dBA maximum, continuous noise.

(5) For noise and vibrations induced by blasting, measurement shall be taken at the nearest off-site occupied building, measured in a straight line distance from the point of the blast.

(6) For noise and vibrations induced by sources other than blasting, measurement shall be taken at the property line of the extractive industry.

(F) In addition, the Board of Supervisors, as a condition of a special exception, may further limit vibration and noise levels where, in the Board's opinion, the existing and proposed surrounding land use or proximity of population in the area warrants additional protection.

5-1507 **Noise Standards.** It shall be unlawful for any person to operate or permit to be operated any stationary noise source in such a manner as to create a sound level which exceeds the limits set forth in the following tables, except for extraction and mining special exception operations otherwise regulated herein. In addition, before 7 a.m. and after 7 p.m., the permissible sound levels, at residential district boundaries where they adjoin nonresidential districts, shall be reduced by 5 dba in the table for impact noises.

(A) **Methods of Measurement.**

(1) Noise levels shall be measured with a sound level meter and shall meet or exceed performance standards for a "Type Two" meter, as specified by the American National Standards Institute.

(2) Noise levels shall be recorded as A-weighted sound pressure level. The level so read shall be postscripted dBA.

(B) **Maximum Sound Levels (dBA).** Measurements of noise levels shall be taken at the property boundary of the noise source. Where differing zoning districts abut, the more restrictive limit shall apply.

(1) **Maximum dBA, Continuous Noise.**

Residential	55
Commercial	60
Industrial	70

Continuous noise shall be measured using the slow meter response of the sound level meter.

(2) **Maximum dBA, Impact Noise.**

Residential	60
Commercial	70
Industrial	80

Impact noise shall be measured using the fast meter response of the sound level meter. Impact noises are intermittent sounds of a single pressure peak or a single burst (multiple pressure peaks) for a duration usually less than one second. Examples of impact noise sources are a punch press, drop forge hammer, or explosive blasting.

(C) **Exemptions.**

(1) The limitations stated above shall not apply within any district nor within any area subject to a Noise Exposure Forecast in excess of the 30 level as indicated on the "Noise Exposure Forecast (NEF) Areas in the Vicinity of Dulles International Airport for 1975 Operations, September 1969" as prepared by FAA. The boundaries of such noise areas within Loudoun County are indicated on the Zoning Map.

(2) Sound created by the operation of power equipment, such as power lawn mowers, chain saws, and similar equipment, between the hours of 7 a.m. and 9 p.m. shall not be regulated by these noise standards.

5-1508 Steep Slope Standards.

(A) **Purpose and Intent.** Improper uses and disturbances in steep slope areas cause erosion, result in structural failure of structures and roads, and lead to downstream flooding and other hazards. Development in these areas also requires higher volumes of cut and fill and greater removal of vegetation than on flatter lands. The provisions in this Section 5-1508, including a prohibition of development on very steep slope areas greater than 25% and performance standards for development on moderately steep slope areas from 15% to 25%, are intended to specifically promote the following:

(1) Undertake development in a manner that will protect life and property from hazards due to slope, unstable and erodible soils, earth movement, and other geologic and hydrologic hazards;

(2) Reduce potential for increased erosion, sedimentation, and surface runoff, and the resulting adverse impacts on water quality;

(3) Promote a safe means of ingress and egress for vehicular and pedestrian traffic in sloped areas;

(4) Preserve the visual quality of steep slope areas, which are a valuable natural and economic resource; and

(5) Encourage innovative and imaginative building techniques to create structures and site plans that are suited to sloped terrain.

(B) **Applicability and Exemptions.**

(1) **Applicability.**

(a) **General Rule.** Except as exempted in (2) below, this section shall apply to all land disturbing activity, including new development and subdivision, proposed on areas of properties containing steep slopes as those terms are defined in Section 5-1508(C)(1) below.

(b) **Steep Slopes in the MDOD—Conflicting Provisions.** This Section 5-1508 shall apply to steep slope areas, as defined in Section 5-1508(C)(1) below, that are located within the Mountain Development Overlay District and subject to the standards in the MDOD, Section 4-1600. However, to the extent that the standards in this Section 5-1508 conflict with provisions in the MDOD (Section 4-1600), the standard that affords the steep slopes the greater level of protection shall apply.

(2) **Exemptions.**

(a) **Single Family Dwelling on Existing Legal Lot.** Construction of a single residential use on a legal lot existing as of June 16th, 1993, is exempt from the requirements of Section 5-1508(D). Such exemption shall not apply to non-residential uses. Development on such lot shall be subject to all standards in Sections 5-1508(E) and 5-1508(F).

(b) **Agricultural Operations.** Agricultural operations shall be conducted only in accordance with the Facilities Standards Manual and a Conservation Farm Management Plan approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service that includes best management practices. Structures associated with agricultural operations are not exempt from these provisions.

(c) **Timber Harvesting.** Timber harvesting shall be conducted only in conformance with a Forest Management Plan approved by both the Virginia Department of Forestry and the County.

(3) **Modifications.** Administrative modifications of standards are allowed, in accordance with Section 6-408, "Modifications," of the Zoning Ordinance.

(C) **Establishment of Steep Slope Areas.**

(1) **Identification of Steep Slope Areas.** Steep slope areas are classified into one of the following two categories:

(a) **Very Steep Slope Areas.** This category of steep slope areas includes land areas with slopes greater than 25%.

(b) **Moderately Steep Slope Areas.** This category of steep slope areas includes only land areas with slopes from 15% to 25%.

(2) **Minimum Size of Steep Slope Area.** Steep slope standards do not apply to isolated steep slope areas that are less than 5,000 square feet in land area. For purposes of this provision, the entire contiguous area of the steep slopes shall be included in the minimum size calculation, regardless of the number of individual lots or different land ownerships involved.

(D) **Permitted Uses and Activities.**

(1) **Very Steep Slope Areas.**

(a) **Applicability.** This subsection (D)(1) applies to lands with very steep slope areas, as defined in subsection (C)(1)(a), above.

(b) **General Prohibition on Land Disturbance.** Land disturbing activities, including but not limited to clearing, excavation, grading, construction,

reconstruction, and investigative land disturbing activities such as test wells, are prohibited on any very steep slope area, except as allowed under subsection (c) below.

(c) **Permitted Uses and Activities.** The following uses are permitted on very steep slope areas, subject to the applicable development standards in Section (E) below:

(i) Passive recreation uses, including trails for non-motorized use only;

(ii) Open space, and other conservation uses;

(iii) Limited land-disturbing activity not to exceed 5,000 square feet in the aggregate on any property for the sole purpose of surveying and land investigation. No heavy equipment shall be used to conduct or undertake such limited land-disturbing activity; and

(iv) Minor utilities, roads and driveways, subject to standards in the Facilities Standards Manual and in subsection (E)(4), below.

(v) Municipal drinking water supply reservoir subject to obtaining an approved "Location Clearance Permit" from the Zoning Administrator or his/her designee, accompanied by as much information as the Zoning Administrator deems pertinent and such additional information as the Zoning Administrator may require to approve such "Location Clearance Permit."

(vi) Sanitary Sewer lines, pursuant to Section 5-1508(E)(7) below.

(vii) Water lines located within or directly adjacent to the right-of-way of existing or approved roads, pursuant to Section 5-1508(E)(8) below.

(2) **Moderately Steep Slope Areas.**

(a) **Applicability.** This subsection (D)(2) applies to lands with moderately steep slope areas, as defined in subsection (C)(1)(b), above.

(b) **Permitted Uses and Activities.** All uses and activities allowed by right in the underlying zoning district, subject to the review procedures and standards in this ordinance.

(c) **Special Exception Uses on Moderately Steep Slope Areas.** The County may permit all special exception uses allowed in the underlying zoning district, subject to Section 6-1300, "Special Exceptions."

(E) **Development Standards - Very Steep Slopes.** Development and uses on very steep slope areas shall be planned to minimize disturbance to soil geology, hydrology, and environmental features. At a minimum, development on very steep slope areas shall comply with the guidelines in the Facilities Standards Manual, and except for the development of municipal drinking water supply reservoirs, development on very steep slope areas shall comply with the following standards:

(1) **Grading Standards.** The applicant shall preserve natural landforms and minimize grading and other land disturbance.

(a) **Cutting to Create Benches.** Cutting and grading to create benches or pads for additional or larger building sites shall be avoided to the maximum extent feasible.

(b) **Limits on Changing Natural Grade.** The original, natural grade of a lot shall not be raised or lowered more than four (4) feet at any point for the construction of any structure or improvements, except:

(i) The lot's original grade may be raised or lowered a maximum of six (6) feet if retaining walls are used to reduce the steepness of man-made slopes, provided that the retaining walls comply with the requirements set forth in this Section.

(ii) As necessary to construct a driveway from the road to a garage or parking area, grading changes or retaining walls up to six (6) feet may be allowed

(iii) These standards limiting change of natural grade shall not apply to grading required to construct or excavate a foundation or basement.

(iv) The Zoning Administrator may approve modifications to this standard if he/she finds that the application:

a. Is consistent with the intent of this Section 5-1508; and,

b. results in less total site disturbance than would compliance with the maximum limits on changing natural grade stated in this subsection.

(c) **Grading for Accessory Building Pads Prohibited.** Separate building pads for accessory buildings and structures other than private garages, such as tennis courts, swimming pools, outbuildings, and similar facilities, shall be prohibited on moderately steep slope areas.

(2) **Excavation.** To the maximum extent feasible, excavation for footings and foundations shall be limited to lessen site disturbance and ensure compatibility with sloped terrain.

(3) **Retaining Walls.** Use of retaining walls is encouraged to reduce the steepness of man-made slopes and to provide planting pockets conducive to vegetation, with adherence to the following standards:

(a) Retaining walls shall not exceed four (4) feet in height from the finished grade, except for:

(i) A structure's foundation or basement wall (i.e., a retaining wall may be part of a permitted dwelling unit);

(ii) As necessary to construct a driveway from the street to a garage or parking area; and

(iii) As otherwise expressly allowed by this Section.

(b) In no case shall a retaining wall exceed six (6) feet in height.

(c) Terracing shall be limited to two tiers, except that the County may approve more than two tiers when a greater number of tiers will result in less land disturbance and less steep man-made slopes.

(i) The width of the terrace between any two vertical retaining walls shall be at least five (5) horizontal feet.

(ii) Terraces created between retaining walls shall be permanently landscaped or revegetated pursuant to Landscaping Standards in Section 5-1300.

(d) Retaining walls shall be faced with stone or earth-colored materials similar to the surrounding natural landscape.

(4) **Roads, Driveways, and Minor Utility Standards.**

(a) All roads and driveways shall follow natural contour lines to the maximum extent feasible.

(b) No roads, driveways, and minor utilities shall cross very steep slopes greater than 50%.

(c) Roads shall not be constructed on very steep slopes greater than 25%, unless no other alternative exists to access a legal lot of record approved prior to the effective date of this Section.

(d) Driveways and minor utilities shall not be allowed to cross very steep slopes greater than 25%. However, a short run of no more than 100 feet or 10% of the driveway and/or minor utility's entire length, whichever is greater shall be allowed to cross very steep slopes between 25% and 50%, based on a geotechnical study and findings that:

(i) Such driveway and minor utility will not have significant adverse visual, environmental or safety impacts, or appropriate engineering or other measures will be taken by the developer to substantially mitigate any such adverse impact; and

(ii) No alternative location for access and minor utility is feasible or available.

(e) Shared driveways shall be required to the maximum extent feasible where their use will minimize or eliminate land disturbance, provided that shared driveways are subject to a common access easement.

(f) The centerline grade of private roads and driveways shall comply with applicable standards stated in the Loudoun County Facilities Standards Manual.

(g) Storm drainage and culvert design shall conform to the requirements of the Loudoun County Facilities Standards Manual.

(5) **Revegetation Required.** Any slope exposed or created in new development on steep slope areas shall be revegetated or landscaped, except that Section 5-1300 shall not apply to agricultural uses.

(6) **Stormwater Best Management Practices.** The applicant shall incorporate stormwater management best management practices and erosion and sediment control practices, as required by Chapter 5 of the Facilities Standards Manual and such practices shall be approved by the Department of Building and Development prior to issuance of a zoning permit.

(7) **Sanitary Sewer Line Standards.**

(a) Where directional drilling can be utilized to install sanitary sewer lines across very steep slope areas and the drilling start and end locations do not result in land disturbance to very steep slopes, the crossing by means of directional drilling is permitted and the development standards in this section do not apply.

(b) While determining the alignment of gravity sanitary sewer lines, every effort must first be made to avoid impacts to very steep slopes.

(c) For the purpose of these development standards, the steep slope designations are based on the Loudoun County Steep Slopes Map.

(d) Sanitary sewer lines may not cross more than 200 feet of any one contiguous very steep slope area. This maximum distance may be increased by the Zoning Administrator, up to an additional 300 feet, provided the longer crossing distance is found to minimize impacts to other environmentally sensitive areas (streams, wetlands, riparian buffers, etc.), as demonstrated by applicable information and/or reports/studies requested by the Zoning Administrator, including, but not limited to: 1) geotechnical study, 2) geophysical study, 3) preliminary soils review, 4) U.S.

Army Corps approved wetland delineation, 5) tree cover inventory, 6) Phase 1 archeological study, and 7) rare, threatened, and endangered species survey. If the proposed crossing exceeds 200 feet and the Zoning Administrator finds that the crossing does not minimize impacts to other environmentally sensitive areas or the proposed crossing exceeds a total of 500 feet, a special exception application is required in accordance with Section 6-1300 of this Ordinance.

(e) If blasting is required for sanitary sewer line installation, a blasting plan that describes measures that will be utilized to minimize impacts on environmentally sensitive areas must be attached as part of the grading plan.

(f) No sanitary sewer lines shall cross steep slopes greater than 50 percent.

(g) Sanitary sewer lines shall be aligned in a manner that minimizes disturbance to very steep slopes with existing tree cover. In situations where sanitary sewer lines result in the clearing of vegetative cover other than open grassland/pastureland, stabilization plans for temporary construction easements must include reforestation and tree preservation techniques to be reviewed and approved by the County Urban Forester.

(h) Where very steep slopes cannot be avoided, construction methods that minimize easement widths and limits of disturbance shall be employed to the greatest extent feasible.

(i) Prior to submission of grading plans to the County, the public entity responsible for the maintenance and operation of the proposed sanitary sewer line must conduct a field visit and certify that the grading plan minimizes impacts to very steep slope areas and shows practical limits of construction.

(j) Limits of disturbance shall be a sufficient distance from jurisdictional streams and wetlands so as to avoid negative impacts on such streams and wetlands, except as permitted by the U.S. Army Corps of Engineers and Virginia Department of Environmental Quality.

(k) To minimize control failure associated with sliding debris and the operation of machinery within a

confined area, two rows of super silt fence shall be installed as a perimeter control on the downslope side of the disturbed area. The inside row may be installed without filter fabric. The minimum spacing between the rows shall be 2-3 feet to allow for maintenance.

(l) At a minimum, stabilization of disturbed areas shall consist of Treatment 1 as described in Standard and Specification 3.36 (Soil Stabilization Blankets & Matting) in the Virginia Erosion and Sediment Control Handbook. In problem areas, as determined by the County, Treatment 2 can be required.

(8) **Water Lines Standards.**

(a) Where directional drilling can be utilized to install water lines across very steep slope areas and the drilling start and end locations do not result in land disturbance to very steep slopes, the crossing by means of directional drilling is permitted and the development standards in this section do not apply.

(b) Where water lines cannot be located within or directly adjacent to the right-of-way of existing or approved roads or directional drilling is not an option, a special exception application is required in accordance with Section 6-1300 of this Ordinance.

(F) **Development Standards - Moderately Steep Slopes.** No zoning permit shall be issued for any use, structure or activity on any parcel of land which includes within its boundaries moderately steep slopes unless and until the following standards have been met:

(1) The applicant shall obtain a locational clearance from the Department of Building and Development. The applicant shall submit a map, plan, or plat showing the location and extent of moderately steep slopes within the area to be disturbed, as well as the location and extent of land disturbing activities and mitigation measures including the proposed building sites, paved areas, drainfields, well locations, and other uses.

(2) The applicant shall obtain a grading permit in accord with the Codified Ordinance for all land disturbing activities on all slopes.

(3) The applicant shall incorporate storm water management Best Management Practices and erosion and sedimentation control practices as defined by the Facilities Standards Manual into

the permit application, and such practices shall be approved by the Department of Building and Development.

5-1509 Administration of Performance Standards.

(A) **Zoning Permit Procedure.** Before the Zoning Administrator issues a zoning permit, the applicant shall furnish sufficient information to enable the Zoning Administrator to ensure that all performance standards and site development standards set forth in this ordinance can and will be complied with. The Zoning Administrator, in order to determine whether or not the applicant will meet such standards, may require the applicant to submit the following information:

(1) A plot plan signed by the applicant and drawn to scale showing the location of all existing and proposed structures, drives, parking lots, waste disposal areas, bulk storage areas, streets, streams, or other significant features on or within two hundred (200) feet of the proposed site, not including public right-of-ways or easements.

(2) A description of the activity to be conducted regarding waste products, external effects or other conditions which are regulated herein; provided however, that the applicant shall not be required to reveal any trade secrets or sufficient detail with regard to a process which would cause any secret process or manufacturing procedure for a closely guarded proprietary compound or product to become public knowledge and be available to competitors.

(3) The type and location of abatement devices to control, or recording instruments to measure, conformance with required standards, not including devices and instruments which are inherent in the manufacturing process.

(4) Such other data and certification as may reasonably be required, in addition to the informational requirements of Section 6-1000, by the Zoning Administrator to reach a determination.

(B) All information and evidence submitted in applications to indicate conformity to performance standards shall constitute a certification and an agreement on the part of the applicant that the proposed use can and will conform to such standards at all times.

5-1510 Enforcement of Performance Standards.

(A) **Intent Concerning Determinations Involved in Administration and Enforcement of Performance Standards.** Determinations necessary for administration and enforcement of performance

standards set forth in this article range from those which can be made by a reasonable person using normal senses and without the need for any equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this ordinance that:

(1) Where determinations can be made by the Zoning Administrator or other County employee using equipment normally available to the County or obtainable without extra-ordinary expense, such determinations shall be so made before notice of violation is issued.

(2) Where technical complexity or extraordinary expense makes it unreasonable for the County to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for protecting individuals from arbitrary and capricious administration and enforcement of performance standard regulations and for protecting the general public from unnecessary costs for administration and enforcement.

(B) **Simple Determinations.** If the Zoning Administrator finds that determinations of the nature indicated in Section 5-1510(A)(1) are adequate to demonstrate violations of performance standards in particular cases and if such violations exist, he shall take, or cause to be taken, such lawful action as is appropriate to cause correction of such violations. Failure to obey lawful orders concerning correction of such violations shall be punishable as provided generally for violations herein and in other laws or regulations affecting the case.

(C) **Complex Determinations.** If the Zoning Administrator finds that determinations of the nature indicated in Section 5-1510(A)(2) are required to make precise measurements regarding potential violations of performance standards set forth herein and, if in his considered judgment, he believes there is violation of such performance standards, the following procedures shall be followed:

(1) **Notice and Answer.** The Zoning Administrator shall give notice by registered mail or other means insuring a signed receipt for such notice to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator within a time limit set by him, but not to exceed 60 days. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the time

limit set constitutes cause for the Zoning Administrator to proceed with enforcement, as provided in Section 6-500. The notice shall further state that, upon request of those to whom it is directed, technical determinations, as described in this ordinance, will be made and that if violations, as alleged, are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate. However, if it is determined that no violation exists, the cost of the determination will be paid by the County.

(2) **Correction of Violation.** If there is no reply within the time limit set, but the alleged violation is corrected to the satisfaction of the Zoning Administrator, he shall note "violation corrected" on his copy of the notice, shall retain it among his official records and shall send a copy to the alleged violator, in addition to taking such other action as may be warranted.

(3) **Action--Continuation of Violation.** If there is no reply within the time set (thus establishing admission of violation, as provided in Section 5-1510(C)(1)) and the alleged violation is not corrected to the satisfaction of the Zoning Administrator within the time limit set, he shall proceed to take, or cause to be taken, such action as is warranted by continuation of a violation after notice to cease.

(4) **Time Extension.** If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Zoning Administrator but requesting additional time, the Zoning Administrator may grant an extension if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health, or property. If the extension is not granted, the Zoning Administrator shall proceed to bring legal action, as provided in Section 6-500 of this Ordinance.

(5) **Costs of Determinations--Responsibility.** If a reply is received within the time limit set requesting technical determination, as provided in this Ordinance, and if the alleged violations continue, the Zoning Administrator may call in properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards, the costs of the determinations shall be assessed against the properties or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Section 6-500. If no violation is found, the costs of the determinations shall be paid by the County without assessment against the properties or persons involved.

ARTICLE 6
DEVELOPMENT PROCESS AND ADMINISTRATION

Division A: Boards and Commissions

Section 6-100 Planning Commission.

6-101 Purpose. The Planning Commission shall advise the Board of Supervisors on all matters relating to the orderly growth and development of Loudoun County.

6-102 Establishment. The Planning Commission heretofore established pursuant to the provisions of the Code of Virginia shall continue as the Planning Commission for the purpose of this Ordinance.

6-103 Membership.

(A) The Planning Commission shall consist of not fewer than five (5) nor more than fifteen (15) members, appointed by the Board of Supervisors, all of whom shall be residents of the County, qualified by knowledge and experience to make decisions on questions of community growth and development; provided that at least one-half (½) of the members so appointed shall be freeholders.

(B) Members shall be appointed for four (4) years and terms of appointment shall run concurrently with those of the Board of Supervisors. Members of the Commission may receive such compensation as may be authorized by the Board of Supervisors.

(C) Any vacancy in the membership shall be filled by appointment by the Board and shall be for an unexpired term only.

(D) Members may be removed by the Board of Supervisors for malfeasance in office.

6-104 Meetings.

(A) Regular meetings of the Planning Commission shall be held at least once every two (2) months or as otherwise set by the Commission as its work may require, at a time and place to be designated by the Commission.

(B) Special meetings of the Commission may be called by the Chairman or by two (2) members upon written request to the Secretary.

(1) The Secretary shall cause to be mailed or delivered to all members, in writing at least five (5) days in advance of a special meeting, a written notice fixing the time and place and purpose of the meeting.

(2) Notice of a special meeting shall not be required if the time of the special meeting has been fixed at a previous regular meeting or if all members are present at the special meeting or if they file a written waiver of the required notice.

(C) A majority of the membership of the Commission shall constitute a quorum.

(D) No action of the Commission shall be valid unless a quorum is present and the action is authorized by a majority vote of those present and voting.

(E) The Planning Commission may, by resolution adopted at a regular meeting, fix the day or days to which any meeting shall be continued if the chairman, or the vice chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and, notwithstanding any other provision of this Ordinance, no further advertisement is required.

6-105 **Records.** The Planning Commission shall keep minutes of all its proceedings, showing evidence presented, the names and addresses of all persons giving testimony, findings of fact by the Commission, and the vote of each member upon each question, or if absent or failing to vote, such fact.

6-106 **Duties.** The Planning Commission shall have the duty and authority to do the following:

(A) Prepare and recommend a comprehensive plan for the physical development of the County, and review said plan at least once every five (5) years.

(B) Prepare and recommend amendments to the Zoning Ordinance.

(C) Prepare and recommend amendments to the Land Subdivision and Development Ordinance.

(D) Prepare and recommend amendments to the Capital Improvement Program.

(E) Review and make recommendations on all proposals for amendments to the Zoning Ordinance including, but not limited to; map amendments, text amendments, and proposals for rezoning specific properties.

(F) Review and make recommendations on applications for special exceptions.

(G) Approve or disapprove applications for commission permits.

(H) Elect officers from its own membership.

(I) Exercise general supervision of and make regulations for the administration of its own affairs.

(J) Adopt rules, bylaws and procedures, consistent with the ordinances of the County and the general laws of the State, for the administration of its affairs.

(K) Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the Board.

(L) Conduct public hearings on specific items.

(M) Hear and decide all matters referred to and upon which it is required to pass by the ordinances of the County and the Code of Virginia.

(N) Prepare, publish and distribute reports, ordinances, and other material relating to its activities.

(O) Prepare and present to the Board of Supervisors an annual report concerning the operation of the Commission and the status of planning within the County.

(P) Establish advisory committees when deemed advisable to perform specific functions.

Section 6-200 Board of Zoning Appeals.

6-201 **Purpose.** The Board of Zoning Appeals is established to perform those duties as set forth in Subtitle II, Chapter 22, Title 15.2 of the Code of Virginia.

6-202 **Authority and Establishment.** The Board of Zoning Appeals heretofore established shall continue as the Board of Zoning Appeals for the purpose of this Ordinance. Such body shall be known by the abbreviation "BZA".

6-203 **Membership.**

(A) The BZA shall consist of five (5) residents of the County, appointed by the Circuit Court of Loudoun County, Virginia.

(B) The term of office of the membership shall be for five (5) years, with the term of one (1) member expiring each year.

(C) The Secretary of the BZA shall notify the court at least thirty (30) days in advance of the expiration of any term of office and shall also notify the court promptly of any vacancy. Appointments to fill such vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves.

(D) A member whose term expires shall continue to serve until his successor is appointed and qualifies.

(E) Members of the BZA shall hold no other public office in the County, except that one (1) member may be a member of the Planning Commission.

(F) Any BZA member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause by the court which appointed him, after a hearing held on at least fifteen (15) days notice to the member sought to be removed.

(G) Any member of the BZA shall be disqualified to act upon a matter before the BZA with respect to their own property, pursuant to Section 2.1-636.11 of the Code of Virginia.

6-204 **Officers.**

(A) The BZA shall elect, from its own membership, a Chairman who shall serve an annual term and who may succeed himself.

(B) The Secretary to the BZA shall prepare minutes of meetings, keep all records and conduct official correspondence. A court stenographer may be employed to record such proceedings as the Board of Zoning Appeals may direct.

6-205 Meetings and Hearings.

(A) Meetings or hearings of the BZA shall be held at the call of the chairman, or acting chairman, or at the request of any two (2) members, provided that notice thereof has been mailed or delivered to each member of the BZA at least seven (7) days before the time set, or that a waiver or notice is obtained from each member.

(B) For the conduct of a hearing, the taking of any action, or the transaction of any official business, a quorum shall be necessary. No less than a majority of all members of the BZA shall constitute a quorum.

(C) The Zoning Administrator may not vote on matters before the BZA.

(D) The presiding chairman may administer oaths, for the benefit of the BZA, and compel the attendance of witnesses.

(E) Every person before the rostrum shall abide by the order and direction of the chairman or acting chairman. Discourteous or disorderly or contemptuous conduct shall be regarded as a breach of the privileges extended by the BZA and shall be dealt with as the chairman deems proper.

(F) All hearings of the BZA shall be open to the public.

(G) A request for a rehearing of a BZA decision shall be in writing, shall be delivered to the Zoning Administrator within fifteen (15) days after the date of the relevant decision, and shall recite the reasons for the rehearing. A rehearing may then be granted by the chairman or upon the affirmative vote of any two (2) members. If granted, the rehearing shall stay the finality of the decision until a decision is rendered on rehearing.

(H) All witnesses and speakers presenting facts and evidence before the BZA, including the Zoning Administrator when a party, shall give oath or affirmation regarding the truth of their statements.

(I) The BZA may, by resolution adopted at a regular meeting, fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and, notwithstanding any other provision of this Ordinance, no further advertisement is required.

6-206 **Powers and Duties.** The BZA shall have the following powers and duties:

(A) To hear and decide appeals as provided in Section 6-1700 of this Ordinance.

(B) To authorize upon application in specific cases variances from the terms of this Ordinance as provided in Section6-1600 of this Ordinance.

(C) To hear and decide appeals from decisions of the Zoning Administrator regarding interpretation of the official Zoning Map where there is uncertainty as to the location of a zoning district boundary. After notice to the owners of the property affected by any such interpretation, and after a public hearing thereon, the BZA shall interpret the map in such a way as to carry out the purpose and intent of this Ordinance for the particular district in question and shall be guided by the provisions of Section 1-300 of this Ordinance. The BZA shall not have the power, however, to rezone property or to change the location of zoning district boundaries as established by this Ordinance.

(D) To hear and approve special exceptions for errors in building location in accordance with Section 6-1612 of this Ordinance, including, but not limited to, structures erroneously erected within required yards, setbacks and open space.

(E) To hear and decide all other matters referred to and upon which it is required to pass by this Ordinance.

(F) To make, alter and rescind rules and forms for its procedures, consistent with the ordinances of the County and the general laws of the State.

(G) To prescribe procedures for the conduct of public hearings that it is required to hold.

(H) To hear and approve special exceptions for Errors in structure location within Very Steep Slope Areas, pursuant to Section 6-1613, where the total area of land-disturbing activity within the Very Steep Slope Area does not exceed 2,000 square feet, and where the encroaching structure is a structure or use listed in Section 5-101(A) and is attached to a principal residential structure, and no portion of the principal structure is located within the Very Steep Slope Area, as defined in Section 5-1508(C)(1)(a).

6-207 **Records.** The BZA shall keep written records and minutes of all its proceedings, showing evidence presented, findings of fact by the BZA, and the vote of each member upon each question, or if absent or failing to vote,

such fact. All such records shall be filed in the office of the Zoning Administrator.

6-208 **Periodic Report.** The BZA shall report to the Board of Supervisors periodically, at intervals of not greater than twelve (12) months, summarizing all appeals and applications made to it since its last previous report and summarizing its decisions on such appeals and applications. At the same time that each such report is filed with the Board, copies thereof shall also be filed with the Zoning Administrator, the Planning Commission, the County Attorney, and the Planning Director.

6-209 **Limitations.** All provisions of this Ordinance relating to the BZA shall be strictly construed. The BZA, as a body of limited jurisdiction, shall act in full conformity with all provisions and definitions in this Ordinance and in strict compliance with all limitations contained therein.

6-210 **Decisions Subject to Judicial Review.** All decisions and findings of the BZA shall be final decisions, and shall, in all instances, be subject to judicial review in the following manner:

(A) Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board or bureau of the County, may present to the Circuit Court of Loudoun County a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the BZA.

(B) Upon the presentation of such petition, the court shall allow a Writ of Certiorari to review the decision of the BZA and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the BZA and on due cause shown, grant a restraining order.

(C) The BZA shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(D) If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings

upon which a determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

(E) Costs shall not be allowed against the BZA, unless it shall appear to the court that the BZA acted in bad faith or with malice in making the decision appealed from. In the event the decision of the BZA is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making a return of the record pursuant to the Writ of Certiorari.

Section 6-300 Historic District Review Committee.

6-301 **Purpose.** The purpose of the Historic District Review Committee (HDRC) shall be to administer the provisions of this ordinance relating to Historic Districts and to advise the Board of Supervisors in its efforts to preserve and protect historic places and areas in the County.

6-302 **Authority and Establishment.** The Historic District Review Committee (HDRC) established heretofore pursuant to Section 15.2-2306 of the Virginia Code shall continue as the Historic District Review Committee for the purposes of this Ordinance. Such body shall also be known by the abbreviation "HDRC."

6-303 **Membership.**

(A) The HDRC shall be composed of a minimum of five (5) voting members who shall be residents, at least three (3) of whom shall be freeholders, of the County with a demonstrated knowledge of and interest in the preservation of historical and architectural landmarks.

(B) Members shall be appointed by the Board of Supervisors and should include, if possible, an architect with experience dealing with historic structures, an architectural historian, an owner of property listed on either the state or national register of historic landmarks, or owners of property within an historic district established pursuant to Section 6-1800 of this Ordinance.

(C) Members shall be appointed to serve a term of three (3) years or until their successor has been appointed. Terms shall be staggered such that two (2) members shall be appointed every year. An appointment to fill a vacancy shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves.

(D) Members shall exempt themselves from voting on any action in which their financial interests or those of their immediate family are directly involved.

6-304 **Officers.** A chairman, secretary and any other officers of the HDRC shall be elected by majority vote of the entire membership.

6-305 **Meetings.**

(A) Meetings of the HDRC shall be held on a regular basis as the work of the HDRC may require and shall be held at a time and place to be designated by the Chairman.

(B) The presence of a quorum of the members of the HDRC is required for consideration of any matter, and any action taken shall require the affirmative vote of a majority of the members present and voting.

6-306 **Records.** The HDRC shall keep records of all its proceedings, and such records shall be made available upon request for public inspection.

6-307 **Powers and Duties.** The HDRC shall have the following powers:

(A) To hear and decide applications for Certificates of Appropriateness, and appeals, pursuant to Section 6-1900 et seq. of this Zoning Ordinance.

(B) To adopt Historic District Guidelines for any Historic District in regard to the design criteria to be employed in assessing applications for Certificates of Appropriateness.

(C) To review and make recommendations on all applications for rezoning, special exception, variance, and any site plan or subdivision plat in any Historic District.

(D) To review and make recommendations on the establishment of new Historic Districts, or any addition to, or removal from, any existing Historic District.

(E) To assist and advise the Board of Supervisors, the Planning Commission, and other County departments and agencies in matters involving historically significant sites, buildings, and areas, such as land usage, parking facilities, and signage.

(F) To advise owners of historic landmarks, buildings, or structures on issues of preservation.

(G) To make recommendations concerning the establishment of a system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers.

(H) To cooperate with and enlist assistance from the local historical societies, the Virginia Department of Historic Resources, the National Trust for Historic Preservation, and other interested parties, both public and private, in its efforts to preserve, restore, and conserve historic landmarks, buildings, sites, or areas of the County.

(I) To make annual reports to the Board of Supervisors reviewing the activities of the previous year, and upon request, to disseminate these reports to other agencies within the State and nearby states which are responsible for historical preservation activities. At the same time that each such report is filed with the Board, copies thereof shall also be filed with the Zoning Administrator, the Planning Commission, the County Attorney, and the Director of Planning.

Division B: Administration and Enforcement of Ordinance and Notice of Public Hearings

Section 6-400 Administration.

6-401 **Zoning Administrator.** It shall be the responsibility of the Zoning Administrator to administer, interpret and enforce the provisions of this Ordinance. The Zoning Administrator shall be guided in all of his actions pursuant to this Ordinance by the terms, purposes, intent and spirit of this Ordinance. The Zoning Administrator may be assisted in the enforcement of this Ordinance by the Health Officer, Sheriff and all other officials of Loudoun County, Virginia, pursuant to their respective fields. Specifically, his duties and powers shall include:

(A) To receive and/or review:

(1) Applications for variances.

(2) Notices of appeal to the BZA.

(3) Applications for certificates of occupancy.

(4) Applications for zoning permits.

(5) All other applications, certifications, or materials required by this Ordinance to be submitted to the Zoning Administrator.

(B) To issue zoning permits where the requirements of this Ordinance have been met.

(C) To issue interpretations of this Ordinance upon proper application. Such interpretations shall be binding as to the applicant and as to the specific facts presented in the application for interpretation after the completion of the thirty (30) day appeal period. In administering this Ordinance and rendering determinations as to the uses permitted or allowed by special exception in the various zoning districts, the Zoning Administrator shall have the power and authority to render decisions as to whether a specific proposed use, although not listed as permitted or allowed by special exception, is so substantially similar in substance and effect to a permitted use or a use allowed by special exception, that it should be allowed as if expressly permitted or allowed by special exception. Such interpretations shall include notification of appeal procedures and timelines.

(D) To conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this Ordinance.

(E) To maintain accurate records of proffered conditions as required by Section 6-1209 of this Ordinance.

(F) To enforce the provisions of this ordinance, the decisions of the BZA and conditions and proffers subject to which approvals of the BZA, Planning Commission and Board of Supervisors were made.

(G) To perform such other duties and functions as may be required by this Ordinance and the Board of Supervisors.

(H) To maintain the inventory of buildings and structures within an Historic Site or Historic and Cultural Conservation district as required by Section 6-1808.

(I) To maintain and make available for public inspection and copying the official Zoning Map, the Zoning Ordinance, and the minimum submission requirements adopted by Board of Supervisors resolution.

(J) To maintain a compilation of the interpretations and opinions of the Zoning Administrator for public review.

6-402 **Fees.** The County Administrator shall recommend and the Board of Supervisors shall adopt a schedule of fees to be paid upon the filing of each application specified in this Ordinance. Application fees are hereby waived for the following:

(A) Applications for a requested amendment from any district to an Historic Overlay district.

(B) Applications for requested amendment from any district to an AR-2 district.

(C) Applications for amendment, special exception, or commission permit sought by the following governmental agencies:

(1) Loudoun County School Board.

(2) Loudoun County Sanitation Authority.

(3) Fire and rescue companies serving Loudoun County.

(4) Any agency, board or division acting in the name of the Board of Supervisors of Loudoun County.

6-403 Submission Requirements.

(A) **Submission Requirements.** The Board of Supervisors shall adopt by resolution regulations enumerating those materials required to be included with each application provided for in this Ordinance, which materials shall constitute the minimum submission requirements for such application and be consistent with the requirements of this Ordinance. Such submission requirements shall include but not be limited to:

(1) A letter signed by the applicant and by the owner of the property granting the right of entry upon the property to the Zoning Administrator, law enforcement agents, and County inspectors for the purpose of inspecting, and bringing law enforcement to the property, during the term of any permit which may be issued.

(2) In the case of an application for Zoning Map Amendment, Zoning Concept Plan Amendment, Zoning Ordinance Modification, Special Exception or Variance, a statement signed by the property owner and the applicant consenting to the application being "Dismissed Deemed Withdrawn" if so determined pursuant to section 6-405.

(3) In the case of an application for Zoning Map Amendment, Zoning Concept Plan Amendment, Zoning Ordinance Modification, Special Exception or Variance, a completed Disclosure of Real Parties In Interest Form disclosing the equitable ownership of the real estate to be affected including, in the case of corporate ownership, the name of stockholders, officers and directors and in any case the names and addresses of all of the real parties of interest. However, the requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. In the case of a condominium, the requirement shall apply only to the title owner, contract purchaser, or lessee if they own 10% or more of the units in the condominium.

(B) **Revisions to Submission Requirements.** Revisions to the list of those materials required that are necessitated by an amendment to this Ordinance shall be attached to such amendment for concurrent consideration and adoption by resolution of the Board of Supervisors.

6-404 **Speakers at Public Hearings.** All witnesses and speakers presenting facts and evidence at any public hearing shall provide their name and address and affiliation, if any, for the record. At the discretion of the person presiding over the hearing, witnesses or speakers may be required to give oath or affirmation regarding the truth of their statements.

6-405 **Inactive Applications.**

(A) Any Zoning Map Amendment application, Zoning Modification application, or Concept Plan Amendment application officially accepted by the County for processing prior to September 2, 2013 but which has had processing suspended either by request of the applicant or by having no contact or activity occur in regards to the application by the applicant for a period of twelve (12) months or any Special Exception or Minor Special Exception application officially accepted by the County for processing prior to September 2, 2013 but which has had such processing suspended either by request of the applicant or by having no contact or activity occur in regards to the application by the applicant for a period of six (6) months may be placed on inactive status if approved by the Planning Commission, which approval shall establish the period of time of such inactive status not to exceed three (3) years. Unless the Planning Commission approves inactive status, such application shall be processed to final decision, or withdrawn by the applicant, in accordance with the requirements of Article 6.

An application that has been approved for such inactive status may remain inactive for no longer than the period of time approved by the Planning Commission, at the end of which period it will be returned to active status without notice and processed to a final decision in accordance with the requirements of Article 6.

An applicant may reactivate an inactive application prior to the end of said period by notifying the Director of Planning in writing of its intent to proceed with said application and granting the County an appropriate timeline extension, and paying a reactivation fee as established by the Board of Supervisors. Once returned to active status or reactivated, the application shall not be eligible to become inactive and shall be processed to final decision in accordance with the requirements of Article 6.

(B) If an applicant for a Zoning Map Amendment application, Zoning Modification application, or Zoning Concept Plan Amendment application officially accepted by the County for processing after September 2, 2013 refuses or neglects to diligently pursue such application either by request of the applicant or by the applicant initiating no contact with County staff and engaging in no activity in regards to the application for a period of thirty-six (36) months; or if an application for a Special Exception, Minor Special Exception, Sign Development Plan application, or Variance application officially accepted by the County for processing after September 2, 2013 refuses or neglects to diligently pursue such application either by request of the applicant or by the applicant initiating no contact with County staff and engaging in no activity in regards to the application for a period of twelve (12) months, then the Board of Supervisors may, declare such application "Dismissed Deemed Withdrawn". The Board of Supervisors shall hold a public hearing prior to declaring such an application "Dismissed Deemed Withdrawn". Notwithstanding any other provision in this Ordinance, the only notice required for such public hearing shall be (i) newspaper notice pursuant to Section 6-601(C) and (ii) written notice sent by certified mail with return receipt requested to the address or addresses, stated on the original application of the persons listed as "applicant" and "owner" or at such address of the owner and/or applicant as provided to the Director in writing.

(C) For the purposes of this Section 6-405, "activity" shall mean submitting to County staff any response to County staff comments or Planning Commission or Board of Supervisors requests, submitting any reports or other materials in support of the application, or submitting or posting required materials or notices for public hearings.

(D) Notwithstanding the foregoing provisions, the Planning Commission or Board of Supervisors may at any time, take appropriate actions to have any application processed to final decision in accordance with the requirements of Article 6.

6-406 **Full Disclosure of Development Plans.** Prior to the execution of an offer to buy a new home, sellers of new homes, or their agents, shall provide to home buyers access to current copies of the following:

(A) Approved or proposed subdivision record plat;

(B) All development plans approved for the property as part of a Zoning Map Amendment, Zoning Concept Plan Amendment, Zoning Ordinance Modification, or Special Exception;

(C) All proffered conditions accepted by the Board of Supervisors as part of the zoning approval for the development; and

(D) The applicable Comprehensive Plan for the area of the County including a copy of the portion of the adopted Countywide Transportation Plan (CTP) map showing future road improvements planned in the vicinity of the new home.

Such documents shall be located on the site of the property encompassed by the subdivision, plat, or development in which the property for sale is located. The sellers of the new home, or their agents, shall notify the prospective home buyers of the location of these documents and provide a reasonable opportunity for such prospective buyers to inspect these documents. Prospective home buyers shall sign a statement stating that they have reviewed or have been offered the opportunity to review these documents. Said statements shall be kept on file with the builder for a period of three years.

6-407 Map Interpretations and Boundary Determination.

(A) The environmental overlay districts and steep slope maps are intended to show the location of environmental resources in the County, including the following:

(1) Mountainside Development Overlay District (MDOD) Map, described in Section 4-1600;

(2) Floodplain Overlay District; described in Section 4-1500; and

(3) Loudoun County Steep Slopes Map, described in Section 5-1508.

(4) Limestone Overlay District; described in Section 4-1900.

The Zoning Administrator, in consultation with the Department of Building and Development, is charged with making necessary cartographic interpretations of those maps at the request of the applicant or on his/her own initiative. The Zoning Administrator is authorized to interpret the exact location of the boundaries if there appears to be a conflict between mapped resource

boundary, elevations, and actual physical conditions. The Zoning Administrator may require information from the applicant, including, but not limited to a topographic survey and/or engineering studies in conformance with the provisions of the Facilities Standards Manual.

In the case of the Limestone Overlay District the applicant shall be required to submit a report based upon geologic logs from borings completed to a minimum depth of 45 feet and such borings shall be sufficient in number and lateral spacing to accurately define the geologic characteristics of the area sought for exclusion from the LOD requirements. Borings shall include, at a minimum, at least three borings, with one boring required for each geologic formation, as identified on United States Geologic Survey Maps, and one boring required for each land form. All borings must be properly abandoned with either bentonite or neat cement. Geophysical testing may be used to supplement the boring data. The report shall include a map (1" = 200' minimum scale) showing the area requested for exclusion, locations of test borings and geophysical survey lines (if used), and the extent of the area, if any, where carbonate rocks or calcereous material is found to be absent. The report shall be prepared and sealed by a Virginia Certified Professional Geologist and state that, based on their professional experience of karst geology and their observations of site characteristics and field data, the area proposed for exclusion from the LOD requirements is not underlain by carbonate rocks or calcereous material to the tested depth.

(B) The applicant may appeal interpretations to the Board of Zoning Appeals in accordance with the provisions of Section 6-1700, "Appeals," of the Zoning Ordinance.

Section 6-500 Enforcement and Penalties.

6-501 Zoning Administrator. The Zoning Administrator shall have the authority and the duty to ensure that all buildings and structures and the use of all land complies with the provisions of this Ordinance.

6-502 General Provisions.

(A) Any building or structure erected contrary to any of the provisions of this Ordinance and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this Ordinance or the provisions of any approval granted by the County under this Ordinance shall be a violation of this Ordinance and the same is hereby declared to be unlawful.

(B) Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building, structure or land in violation of the provisions of this Ordinance or the provisions of any approval granted by the County under this ordinance shall be subject to the enforcement provisions of this Section.

(C) In addition to the remedies provided in this Section, the Zoning Administrator may initiate injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove any unlawful building, structure or use.

(D) Upon his becoming aware of any violation, the Zoning Administrator shall serve notice of such violation on the person committing or permitting the same, and the land owner, and if such violation has not ceased within such reasonable time as the Zoning Administrator has specified in such notice, he shall institute such action as may be necessary to terminate the violation.

(E) If the person responsible for the alleged violation denies that a violation exists, he may appeal the decision of the Zoning Administrator pursuant to the provisions of Section 6-1700 of this Ordinance.

(F) Whenever a violation occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record

such complaint, investigate, and take action thereon as provided by this Ordinance.

(G) The zoning administrator or his agent may present sworn testimony to a magistrate or court of competent jurisdiction and, if such testimony establishes probable cause that a zoning ordinance violation has occurred with respect to the use or occupancy of a dwelling, may request that the magistrate or court grant the zoning administrator or his agent an inspection warrant to enable the zoning administrator or his agent to enter the subject dwelling for the purposes of determining whether violations of the zoning ordinance exist. The zoning administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant.

6-503 Criminal Violations.

(A) Any violation of the provisions of this Ordinance that results in physical harm or injury to any person shall be deemed a criminal misdemeanor and, upon conviction thereof, punishable by fines as provided in Va. Code § 15.2-2286, as that section may be amended or recodified. Each day during which the violation is found to have existed shall constitute a separate misdemeanor offense. If the violation is uncorrected at the time of conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by fines as provided in Va. Code § 15.2-2286, as that section may be amended or recodified.

(B) The designation of a particular violation of this Ordinance as a civil violation shall preclude criminal prosecution or sanctions; provided, however, that after civil penalties for violations rising from the same set of operative facts total $5,000: (i), the violation may be prosecuted as a criminal misdemeanor punishable by fines as provided in Va. Code § 15.2-2286, as that section may be amended or recodified; (ii) each day during which the violation is found to have existed shall constitute a separate misdemeanor offense; (iii) if the violation is uncorrected at the time of conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court; and (iv) failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor

offense punishable by fines as provided in Va. Code § 15.2-2286, as that section may be amended or recodified.

6-504 Civil Violations.

(A) Any violation of the provisions of this Ordinance other than those set forth in Section 6-503(A) shall be deemed a civil violation and, upon an admission of liability or finding of liability, shall be punishable by a fine of $200.00 for the first charge and $500.00 for each additional charge. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall specified violations arising from the same operative set of facts be charged more frequently than once in any ten (10) day period, and in no event shall a series of specified civil violations rising from the same operative set of facts result in civil penalties which exceed a total of $5,000.00. After such civil penalties total $5,000, violations rising from the same operative set of facts may be prosecuted as a criminal misdemeanor under§ 6-503. Nothing in this subsection shall be construed as to prohibit the Zoning Administrator from initiating civil injunction procedures in cases of repeat or continuing offenses.

(B) After the Zoning Administrator or his Deputy has issued a notice of violation on any person committing or permitting a violation of the Zoning Ordinance provisions enumerated in Section 6-504(A) and if such violation has not ceased within such reasonable time as is specified in such notice, the Zoning Administrator or his Deputy shall issue a summons and/or ticket to be issued personally upon such person or posted in a conspicuous location at the site of the violation. If a person complies in writing to a notice of violation, and agrees to cease said violation, no further fines shall be levied after the date of such agreement, provided such agreement is complied with.

(C) The summons shall provide that any person summoned for a violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the County Treasurer's office at least 72 hours prior to the time and date fixed for trial and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such summons shall provide that a signature to an admission of liability shall have the same force and effect as a judgment of court, however, an admission shall not be deemed a criminal conviction for any purpose.

(D) If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law. A finding of liability shall not be deemed a criminal conviction for any purpose.

Section 6-600 Notice Required For Public Hearings.

6-601 **Required Notice.** Each public hearing involving planning and zoning matters before the Planning Commission, the Board of Supervisors and the Board of Zoning Appeals, requires notice as set forth below.

(A) **Written Notice.**

(1) **Cases Involving 25 or Fewer Tax Map Parcels.**

Notice. For a zoning map amendment, special exception, variance, appeals pursuant to§15.2-2301 or §15.2-2311 of the Code of Virginia, as amended, or commission permit that involves 25 or fewer tax map parcels, the Planning Commission, Board of Supervisors or Board of Zoning Appeals, or designee as appropriate, shall provide written notice of the public hearing to the owner or owners, or their agent, of each parcel involved and to the owner or owners or their agent, of all abutting property and all property immediately and diagonally across the street or road from the property affected including those parcels which lie in other localities of the Commonwealth. In addition, if any portion of the property which is the subject of the zoning map amendment is within a planned development district then, written notice of a public hearing shall also be given to such incorporated property owners' association existing within the planned development district that has members owning property within 2,000 feet of the subject property. However, when a proposed amendment to the zoning ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract. Notice shall be sent by registered or certified mail to the last known address of the registered agent, as listed by the State Corporation Commission, of such incorporated property owners' association. Such notice must be mailed at least ten (10), and no more than thirty (30) calendar days before the hearing and shall be made by registered or certified mail. Notice sent to the last known address of the owner as shown on the County's current real estate tax assessment records shall be deemed adequate compliance with this requirement. For a comprehensive

plan amendment, zoning map amendment, or special exception application, notice of application will be given to adjoining counties or municipalities inside the Commonwealth and within one-half mile of the subject property. Such notice must be mailed at least ten (10) and no more than thirty (30) calendar days before the hearing.

(2) **Cases Involving 25 or More Tax Map Parcels.**

Notice. For a zoning map amendment that involves a change in the zoning map classification of more than 25 tax map parcels, or for a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of any parcel of land, and for a special exception, variance, appeals pursuant to Section 15.2-2301 or Section 15.2-2311 of the Code of Virginia, as amended, or commission permit that involves more than 25 tax map parcels, the Planning Commission, Board of Supervisors or Board of Zoning Appeals or its designee shall provide written notice of the public hearing to the owner or owners, or their agent, of each parcel of land involved and to the owner or owners or their agent, of all abutting property and all property immediately and diagonally across the street or road from the property affected provided, however, that written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners, or their agent of lots shown on a subdivision plat approved and recorded pursuant to the Land Subdivision and Development Ordinance where such lots are less than 11,500 square feet. Such notice must be mailed at least ten (10) and no more than thirty (30) calendar days before the hearing and shall be made by first class mail. Notice sent to the last known address of the owner as shown on the County's current real estate tax assessment records shall be deemed adequate compliance with this requirement. Nothing in this Subsection 6-601(A) shall be construed as to invalidate any subsequently adopted amendment, special exception or variance because of the inadvertent failure by the representative of the local Commission to give written first notice to the owner or owners, or their agent, of any parcel involved. For a comprehensive plan amendment, zoning map amendment, or special exception application, notice of application will be given to adjoining counties or municipalities inside the

Commonwealth within one-half mile of the subject property. Such notice must be mailed at least ten (10) and no more than thirty (30) calendar days before the hearing.

(3) **Contents of Written Notice.** All required written notice shall contain:

(a) The time, date and place of hearing;

(b) A brief description of the matter being heard; and

(c) Identification of the land subject of the application (including the tax map number of the property and complete street address of the property).

(4) **Second Notice Remailed If Hearing Continued.** If a public hearing is continued, then the second notice required in such case shall be remailed.

(5) **Landowner Initiated Cases.** In any case involving a zoning map amendment, special exception appeal or variance which is initiated at the request of a landowner, such landowner shall be designated by the Planning Commission, Board of Supervisors or Board of Zoning Appeals, as appropriate, as responsible for sending any notice required by this Section.

(6) **Notice by County.** Notwithstanding any other provisions of this section, whenever the notices required under this Section are sent on behalf of an agency, department or division of the County, such notice shall be sent by the Zoning Administrator and may be sent by first class mail; however, the Zoning Administrator shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

(7) **Certification.** At least five (5) calendar days prior to the hearing, an affidavit, prepared by the person or persons, or their representative providing notice, shall be filed with the Director of Planning certifying that first and second notices have been sent and such affidavit shall include a list of names of those to whom notice was sent. A counterpart of such affidavit shall be

presented at the beginning of the public hearing on the application.

(8) **Failure to Receive Notice.** Failure to receive any notice of a hearing required by this Section, in and of itself, shall not invalidate any action taken at or subsequent to the hearing.

(9) **Condominium Ownership.** In the case of a condominium, written notice may be sent to the unit owner's association instead of to each individual unit owner.

(B) **Placard Notice.** Each application, except for zoning map amendment cases involving 500 or more tax map parcels, shall be posted by the applicant, using a form of placard approved by the Board of Supervisors, at least twenty-one (21) and no more than thirty (30) calendar days prior to each public hearing. Certification of posting shall be provided to the Director of Planning, except that such certification shall be provided to the Zoning Administrator for public hearings before the Board of Zoning Appeals.

(1) **Location of Placards.** Placards shall be affixed to a pole, post, fence or other structure to be clearly visible from each public road abutting the property. If no public roads abut the property, then the placard shall be posted so as to be clearly visible from at least two abutting properties and at the access points to said property. Placards shall be weatherproof.

(2) **Contents of Placards.** Placards shall contain:

(a) The time, date and place of the hearing;

(b) A brief description of the matter being heard; and

(c) Identification of the land that is the subject of the application including the tax map number and complete address of the property.

(3) **Maintenance and Removal of Placards.** The applicant shall maintain all placards up to the time of the hearing and shall remove all posted placards no later than fifteen (15) calendar days after the public hearing has been closed.

(4) **Penalties.** It shall be unlawful for any person to destroy, deface or remove such placard notice. Any person taking such action shall be subject to the penalties set forth in Section 6-504 of this Ordinance.

(C) **Newspaper Notice.** The County shall give newspaper notice prior to each public hearing.

(1) **Type of Newspaper.** Notice shall be published in a newspaper or newspapers of general circulation in the County.

(2) **Contents of Newspaper Notice.** The notice shall contain:

(a) The time, date and place of the hearing;

(b) A brief description of the matter being heard;

(c) If the matter is one for which an additional public hearing is necessary and has been scheduled before the BZA or Board of Supervisors, the time, date and place of the scheduled BZA or Board of Supervisors hearing; and

(d) Identification of the land that is the subject of the application including the tax map number and complete address of the property.

(e) In the case of a zoning map amendment, including an amendment to an approved concept plan, or a modification of ordinance regulations, the general usage and density range of the proposed zoning amendment, and the general usage and density range, if any, set forth in the Comprehensive Plan shall be included within the notice.

(3) **Time of Newspaper Notice.** The notice shall appear at least once a week for two (2) successive weeks and with the second advertisement no more than 21 and no fewer than five (5) calendar days prior to the public hearing.

(D) **Zoning Map Amendment Cases Involving 500 or More Tax Map Parcels.** For a zoning map amendment case involving 500 or more tax map parcels, notice in such cases shall

conform in all respects to the provisions of Section 15.2-2204 of the Code of Virginia, 1950 as amended, and no placard notice shall be required in such cases.

(E) **Zoning Text Changes.** When a proposed amendment to the text of the zoning ordinance would decrease the allowed dwelling unit density of more than twenty five parcels of land, then, in addition to the advertising required pursuant to Section 6-601(C), above, written notice shall be given by the County or its designated representative, at least five days before the hearing to the owner, owners, or their agents of each parcel of land involved, provided, however, that written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners or their agents of lots shown on a subdivision plat approved and recorded pursuant to the Loudoun County Land Subdivision and Development Ordinance where such lots are less than 11,500 square feet.

6-602 **Notice Requirement for Adoption of Submission Checklist.** A resolution to be presented to the Board of Supervisors pursuant to Section 6-403 shall be advertised in a newspaper of general circulation in the County at least thirty (30) days before consideration of the resolution by the Board.

6-603 **Cost of Notice.** The cost of all notice required by this Section shall be paid by the applicant.

6-604 **Additional Notice Required.**

(A) **Deferral.** If an item is not heard at the time for which it was noticed but is deferred at that time to another date, all notice required by this Section shall be given of the deferred public hearing.

(B) **Recessed Public Hearings.** If a public hearing is begun but the agenda not completed, thereby requiring the meeting to be recessed, no additional notice is required as long as the date(s) for completion of the public hearing agenda is announced at the hearing which has been recessed.

Division C: Required Development Approvals

Section 6-700 Site Plan Review.

6-701 **Site Plan Required.** Site plan approval is required prior to the development of any land when the development or land falls within the following categories:

(A) All uses in the commercial districts.

(B) All uses in the industrial districts.

(C) All nonresidential uses in the AR-1 and AR-2 Districts, but excluding permitted uses within the "agriculture support and services related to agriculture, horticulture, and animal husbandry" use category that do not involve access by the public as a part of such use.

(D) All permitted uses in the residential districts, except for agricultural structures and single family attached and detached dwellings, or those uses requiring a Sketch Plan as identified in Section 6-703, and accessory uses and structures allowed under Section 5-101.

(E) Those special exception uses and structures which require a site plan.

(F) Any development in which any required off-street parking space is to be used by more than one establishment.

(G) When an alteration or amendment is proposed to the site improvements or design of a previously approved site plan.

(H) When an existing residential use is proposed for a change to a commercial, industrial, or multi-family residential use.

(I) All public buildings and institutions.

(J) All other uses involving a building required to be reviewed by the Planning Commission under Section 15.2-2232 of the Code of Virginia, as amended.

(K) Above-ground structures associated with a public utility, utility substation, water or sewer pumping station, water or sewer treatment facility or commercial communication tower.

(L) Temporary or permanent parking uses and parking structures.

(M) Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Sketch Plan as identified in Section 6-703 do not require a site plan.

6-702 **Site Plan Requirements.** The requirements for submission, review and approval of all types of site plans shall be pursuant to the Land Subdivision and Development Ordinance and the Facilities Standards Manual.

6-703 **Sketch Plan.**

(A) A Sketch Plan is required as part of a zoning permit application for the following permitted uses: Animal Care Business, Child Care Home, Farm Market (but not including the use Farm Market (off-site production), which shall require a site plan), Stable (Private or Neighborhood), and Wayside Stand.

(B) A Sketch Plan shall include a drawing of all aspects of the business operations including the location, size and dimensions of buildings, the size and dimensions of areas within existing structures to be used for the business; size, dimensions, and location of any accessory structures, outdoor storage yards, and screening buffering; quantity and dimensions of parking spaces; location of proposed signs, if any; location of wells and septic systems; and the approximate location of any on-site floodplain as determined from the County map. In addition, the Sketch Plan shall include the location and width of entrances and adjacent right-of-way, adjoining properties, and easements.

(C) The Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.

Section 6-800 **Subdivision Approval.** Subdivision approval is required in the circumstances specified in the Land Subdivision and Development Ordinance.

Section 6-900 **Additional County, State and Federal Approvals Required For Development.** Approvals obtained pursuant to this Ordinance shall not relieve any person from the requirement to obtain any other necessary approvals under Federal, State or local law.

Section 6-1000 **Zoning Permits.** No building permit or certificate of occupancy shall be issued, building or structure shall be erected or occupied, no use (except for agricultural uses as provided in the definition of Agriculture), or change in use or non-residential tenancy commenced, and no excavation or grading commenced relating thereto unless a zoning permit therefore has been issued by the Zoning Administrator and is still valid; except that a conditional grading permit may be obtained prior to construction plans and profiles or site plan approval in accord with the Facilities Standards Manual (FSM). In addition, zoning permits shall be required prior to erection or occupation of an accessory structure or use listed below.

(A) Residential accessory uses and structures including above ground deck; porch, gazebo; private garage, carport; private greenhouse; private swimming pool; storage shed for personal, non-commercial, use; studios and workshops without outdoor display for personal use; bus shelter/bus stand.

(B) Commercial and industrial accessory uses and structures including emergency power generators; parking structures; recycling facilities pursuant to Section 5-607(B); storage sheds not exceeding 200 square feet; bus shelter/bus stand.

6-1001 **Application for Zoning Permit.** An application for a zoning permit, signed by the property owner, or authorized agent or representative upon the presentation of an Affidavit from the property owner permitting the agent or representative to sign on their behalf, shall be filed with the Zoning Administrator and shall be accompanied by as much of the following information as the Zoning Administrator deems pertinent and such additional information as the Zoning Administrator may require to determine whether the proposed use or structure will be in compliance with the provisions of this Ordinance.

(A) Certificate from the Health Official that the proposed location complies with Chapters 1066 and 1040 of the Codified Ordinances and/or applicable state laws regarding sewage disposal and/or water supply or, where a public water and/or sewerage system approved by a health official is involved, a statement from the system permittee that all applicable regulations and requirements have been complied with.

(B) A grading permit, if required by State law or County ordinance; to be issued by the Director of Building and Development.

(C) The intended use.

(D) If a dwelling, the number of families.

(E) An approved site plan or a plot plan signed by the applicant drawn to scale showing dimensions of any structures and their location with respect to property lines and public roads.

(F) A locational clearance for property located in the River and Stream Corridor Overlay or Mountainside Overlay Districts.

(G) Number, size, location and lighting of signs, if any.

(H) Number, size, and location of off-street parking lots or spaces.

6-1002 **Standards for Issuance.** No zoning permit shall be issued where the structure to be constructed or the use contemplated would be in violation of the provisions of this Ordinance or any other applicable County law, ordinance or regulation. In addition, no permit shall be issued if the proposed use violates the terms of approval of a rezoning, subdivision, special exception, proffer, variance, or other approval. The issuance of such zoning permit, however, shall not afford protection to any owner who is found to be violating this or any other applicable law, ordinance or regulation.

6-1003 **Duration of Valid Zoning Permit.** Any zoning permit issued shall become invalid if the authorized work is not commenced within one (1) year of the date of issuance, or is suspended or abandoned for a continuous period of one (1) year. The Zoning Administrator may, upon good cause shown, extend a permit with or without charge for an additional period not exceeding one (1) year.

6-1004 **Zoning Permit Fees.** Fees established by the Board of Supervisors shall be paid at the time of application and are non-refundable.

Section 6-1100 Commission Permit.

6-1101 Permit Required.

(A) No street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan.

(B) Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless involving a change in location or extent of a street or public area.

(C) Any public area, facility or use which requires a permit under (A) above which is identified within, but is not the entire subject of, an application for approval of subdivision or site plan or both may be deemed to be a feature already shown on the Comprehensive Plan if the County has defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to Section 6-1209. In such case, application for a commission permit is not necessary.

(D) Application for a commission permit is not necessary in such instances where the public area, facility or use is deemed to be a feature already shown on the Comprehensive Plan.

6-1102 **Application.** An application for a commission permit shall be filed with the Planning Commission through the Department of Planning and shall meet the minimum submission requirements prescribed pursuant to Section 6-403.

6-1103 Planning Commission Action.

(A) The Planning Commission shall review the application to determine if the feature for which approval is sought is substantially in accord with the adopted Comprehensive Plan.

(B) The Planning Commission shall hold a public hearing on the matter, with notice provided in accordance with Section 6-600.

(C) The Planning Commission shall communicate its findings to the Board, indicating its approval or disapproval with written reasons therefore.

(D) Failure of the Planning Commission to act within sixty (60) days of acceptance of an application, except as provided in (E) below, shall be deemed approval, unless such time shall be extended by the Board of Supervisors.

(E) On application for a telecommunications facility, failure of the Planning Commission to act on such application within ninety (90) days of such submission shall be deemed approval of the application by the Planning Commission unless the Board of Supervisors has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The Board of Supervisors may extend the time required for action by the Planning Commission by no more than sixty additional days. If the Planning Commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the Planning Commission.

6-1104 **Board of Supervisors.** Within sixty (60) days after the Planning Commission has acted or failed to act, the Board of Supervisors may overrule the action of the Planning Commission by a vote of a majority of the membership thereof.

6-1105 **Appeal.** Within ten (10) days of the decision of the Planning Commission, the owner or owners or their agents may appeal the Commission's decision to the Board of Supervisors by filing a written petition with the Planning Commission through the Department of Planning setting forth the reasons for the appeal. The appeal shall be heard by the Board of Supervisors and determined within sixty (60) days from its filing.

Division D: Special Development Approvals

Section 6-1200 Zoning Amendment.

6-1201 **Authority.** The Board of Supervisors may, by ordinance, amend, supplement, change or repeal the provisions of this Ordinance or the boundaries of zoning classifications established in the official Zoning Map.

6-1202 **Initiation of Amendment.** Either a zoning map or text amendment may be proposed by resolution of the Board of Supervisors or Planning Commission. In the case of a zoning map amendment, an application may be filed by a person who owns or has a legal interest in or is a duly authorized representative of the owner. In the case of an application by a person who has a legal interest in the property or is a duly authorized representative of the owner, the application must exhibit the consent of those with a legal ownership interest in the property under consideration. In the case of a zoning text amendment, a landowner may file a petition for a resolution of intent to amend the ordinance text to be acted upon by the Board of Supervisors. The Board shall either adopt such resolution, initiating the text amendment requested, or deny such petition.

6-1203 **Review of Application.** An application for a zoning map amendment shall be filed pursuant to, shall contain such material as required by, and be processed pursuant to the following:

(A) **Pre-Application Conference.** Prior to filing an application, an applicant shall meet with the Director of Planning and appropriate staff to discuss the applicant's intentions with regard to a given application and questions regarding the procedures or substantive requirements of this Ordinance. The Director of Planning may waive the pre-application conference requirement in cases where the Director finds that such waiver is not anticipated to affect the submission or review of the proposed application.

A request for a pre-application conference, or to waive the pre-application conference, shall be made in writing to the Director of Planning and shall be accompanied by a sketch map(s) of the site illustrating the location of proposed uses, a description of the proposed project or use, and a list of the issues to be discussed at the conference or justification for the waiver. No matters discussed at said meeting shall be binding on either the applicant or the County. The Director of Planning shall respond to each written request for a pre-application conference or waiver within (5) business days.

(B) **Acceptance of Complete Application (Checklist review).** Only a complete application shall be accepted for review pursuant to Section 6-1203(B)(1). A complete application is one which the Director of Planning has determined includes all minimum submission materials, studies and documents as may be established pursuant to Section 6-403, except that an application may be deemed complete if it contains documentation from the Department of Planning that a waiver of the submittal requirement has been granted with respect to any required item that has not been submitted. The County shall maintain a current log of all pending applications.

(1) Within fifteen (15) calendar days of receipt of an application, the Director of Planning shall complete checklist review and either:

(a) Accept the application, if it is complete, and send notice to the applicant of acceptance; or

(b) Notify the applicant that the application is incomplete, specifying the submission materials, studies, corrections or documents required in order for the application to be complete. The applicant may resubmit the same application, which shall include all documents with the deficiencies corrected, in which event the application will be reviewed in the same schedule as the original submittal.

(2) If neither a notice of acceptance nor incompleteness is sent within fifteen (15) calendar days, the application shall be deemed accepted for the purposes of beginning the time limits of this Ordinance.

6-1204 Staff Review of Application.

(A) **Referrals.** Upon acceptance of the application for zoning amendment, the Director of Planning shall forward a copy of the application to any town and any county or state agencies whose comments are necessary or desirable for full and appropriate review of the merits of the application. The agency reviews and referral reports shall be completed in accord with the schedules in 6-1204(C), Table 1.

(1) **Initial Referral Responsibilities.** Each county reviewing agency shall prepare and each town and State agency will

be requested to prepare, a referral report which sets out in writing its comments and recommendations regarding the application and shall forward such referral report to the Director of Planning.

(2) **First Referral Report to Applicant.** Referral comments and recommendations from county agencies received by the Director of Planning shall be forwarded to the applicant.

(3) **Applicant Requested Meeting.** Staff may, if requested by the applicant, meet to discuss the First Referral Report. The running of the decision deadline time period for the application will be suspended from the date of the applicant's request for the meeting until the date of the meeting,

(4) **Second Referral Responsibilities.** A second round of referral reports may be requested from the reviewing agencies based upon the applicant's response to the first referral report. The second referral reports shall be completed and a report from such reviewing agencies forwarded to the Director of Planning.

(5) **Second Report to Applicant.** The Director of Planning shall forward the referral reports to the applicant. Following the transmittal of the second referral reports, if there are unresolved issues, a meeting will be scheduled with the applicant and those referral agencies with remaining issues, if requested by the applicant.

(6) **Decision Deadline.** The running of the decision deadline time period for the application will be suspended until the date of receipt by the Director of Planning of either the applicant's response to all of the issues identified in the second referral report and the meeting, or a written request from the applicant to proceed to public hearing without further response.

(B) **Applicant Response.**

(1) The applicant shall respond in writing to all of the issues identified in the referral reports. Such response shall be subject to the provisions of Section 6-1205.

(2) The applicant's written responses to referral reports shall be completed in accord with the schedules in 6-1204(C), Table 1. Failure on the part of the applicant to respond

within the timeframe specified in Table 1, Review Schedule, shall result in the suspension of the running of all time deadlines for any action on such application until the date of receipt of the applicant's response to all of the issues identified in the referral reports or the applicant's request to proceed to public hearing without further response.

(3) Should the applicant's response to issues in the referral reports result in any additional application(s) (for example, a new special exception or modification), a materially revised traffic statement or an increase in the ultimate proposed build out of land uses, the application shall be sent to agencies for review in accordance with the provisions of Sections 6-1204(A) through (C).

(C) **Rezoning Review Schedule.** The staff reviews outlined in Sections 6-1204(A) and (B) shall be completed in accord with the schedule in Table 1, Rezoning Review Schedule.

Table 1. Rezoning Review Schedule

Action	Schedule
Initial referral review	Application acceptance plus 45 calendar days
Referral reports to applicant	Referral due date plus 10 calendar days
Applicant Response to initial referral reports	Referral reports transmittal date plus 30 calendar days (see Note 1)
Second referral review (if needed)	Date of receipt of applicant response plus 30 calendar days
Second referral reports to applicant	Second referral due date plus 10 calendar days
Applicant response to second referral reports	All time deadlines for any action on the application is suspended until receipt of the applicant's response
Staff-applicant issues meeting (if requested)	Second referral due date plus 20 calendar days

Note 1: Should the applicant choose not to respond within the timeframe specified for applicant responses in **Table 1, Rezoning Review Schedule**, the running of all time

deadlines for any action on such application shall be suspended until the date of receipt of the applicant's response to all of the issues identified in the referral reports or the applicant's request to proceed to public hearing without further response.

(D) **Public Hearing Scheduled.** Upon receipt of the applicant's response to all of the issues identified in the second referral report, or subsequent referral report if required, or the applicant's request to proceed to public hearing, the Director of Planning shall proceed to prepare the report as specified in Section 6-1204(F), and shall schedule the application for a duly noticed public hearing with the Planning Commission.

(E) **Required Action By Other Board.** In the event this Ordinance requires that an application not be granted until acted upon by some government board or agency other than the Planning Commission or Board of Supervisors, then the Director of Planning shall forward the application for amendment to such board or agency for appropriate action prior to the notification to an applicant that an application is ready to be presented to the Board of Supervisors or Planning Commission. If they deem it appropriate, the Planning Commission may recommend, and the Board of Supervisors may approve, an application contingent on required action by the other board.

(F) **Report and Notice to Applicant.** The Director of Planning shall compile the referral reports and applicant responses and any other necessary information, prepare a written staff report with proposed findings and a recommendation, and notify the applicant that the report is complete and the application is ready to be presented to the Board of Supervisors or Planning Commission, as appropriate, for hearing.

6-1205 Amendment to Application.

(A) **Changes to Application Prior to Public Hearing.** If an applicant submits additional, unsolicited information or proposes changes to an application after it has been accepted, such as, without limitation, a significant change to the traffic analysis, additional environmental studies including but not limited to lighting and noise studies, the addition of new uses or roads, or the addition of a new application, the Director of Planning shall review such additional information or proposed changes within five (5) business days of receipt and determine whether such additional information or proposed change is a substantial change to the application. If such information or proposed change is determined to be substantial, the

application will be considered to be an amended application and the applicant will be deemed by the submission of such additional information or proposed change to have requested and consented to an extension of the decision deadline required by law. If the application is determined to be an amended application, then within five (5) business days following such determination, the Director of Planning will send a written notice to the applicant that the additional information or proposed changes will result in an automatic extension of the application decision deadline prescribed by law and such notice shall specify the date of such decision deadline. The applicant will then have five (5) business days to provide the Director with a written request to withdraw the additional information or proposed changes which necessitated the extension. If the applicant chooses to withdraw the additional information or proposed change, then the application will proceed based on its original timeline.

(B) **Changes to application After Public Hearing.** Any unsolicited, new information submitted by the applicant after the Board of Supervisors public hearing shall be subject to the provision of Section 6-1205(A) above. In addition, any unsolicited information submitted by the applicant after the Board of Supervisors public hearing shall result in a fifteen (15) calendar day automatic extension of the application decision deadline, unless such extension is reduced by the Director of Planning.

6-1206 **Withdrawal of Application.** An application may be withdrawn upon written request by the applicant any time prior to the beginning of the Board of Supervisors public hearing on the application; provided, that if the request for withdrawal is made after such deadline, such withdrawal shall be permitted only with the consent of the Board of Supervisors. No new application concerning any or all of the same property which is substantially the same as the one withdrawn shall be filed within twelve (12) months of the date of withdrawal, unless the Board of Supervisors specifies at the time it consents to withdrawal that said time limitation shall not apply.

6-1207 **Limitation on Application After Denial.** After the official denial of an application, no new application concerning any or all of the same property, which is substantially the same as the one denied shall be filed within twelve (12) months of the date of denial.

6-1208 **Conditional Zoning.** As part of classifying land within the County into areas and districts by legislative action, the County may adopt reasonable conditions governing the use of such property when proffered by the landowner in conformance with Section 6-1209, such conditions being in addition to, or modification of, the regulations provided for a particular zoning district by this Ordinance.

6-1209 **Proffered Conditions.** As part of an application for a rezoning, a property owner may proffer in writing the provision of reasonable conditions to apply and be part of the rezoning sought to be approved by said application. Proffered conditions may include written statements, development plans, profiles, elevations, or other demonstrative materials and shall be subject to the following procedures and regulations:

(A) **When Proffers Are Made.**

(1) If there are any proffered conditions which the applicant wishes to have considered with the application, they shall be submitted for staff review prior to, or as part of the applicant's response to the written report required by Section 6-1204(B).

(2) In no event shall the applicant's proposed statement of proffered conditions be submitted later than forty-five (45) calendar days prior to the scheduled public hearing before the Board of Supervisors. The signed statement of proffered conditions, executed in accordance with Section 6-1209(B), shall have been submitted in writing in advance of the public hearing before the Board of Supervisors.

(3) Nothing in this paragraph shall prevent the Board of Supervisors from approving an application subject to proffers amended by an applicant after the public hearing has begun so long as the amended proffers impose a more restrictive standard and do not materially affect the overall proposal, and the ordinance adopted accurately reflects such changes.

(B) **Contents of Proffer.** Proffered conditions shall be signed by all persons having an ownership interest in the property and shall be notarized. Proffered conditions shall contain a statement that the owners voluntarily enter into the conditions contained therein.

(C) **Filing and Notice Of Accepted Proffers.** If the amendment to the Zoning Map is adopted subject to proffered conditions, then the property in question shall be appropriately annotated on the Zoning Map and the proffers shall be placed in the Zoning Administrator's official proffer file.

(D) **Proffers Govern Development.** Proffered conditions shall become a part of the zoning regulations applicable to the property unless subsequently changed by an amendment to the Zoning Map, which amendment is not part of a comprehensive implementation of a new or substantially revised zoning ordinance, and such conditions shall be in addition to the specific regulations set forth in this Ordinance for the zoning district in question.

(E) **Substantial Conformance Required.** Upon approval of a rezoning with proffers, any site plan, subdivision plat, development plan or other application for development thereafter submitted shall be in substantial conformance with all proffered conditions. No development shall be approved by any County official in the absence of said substantial conformance.

(F) **Substantial Conformance Defined.** For the purpose of this Section, substantial conformance shall be determined by the Zoning Administrator and shall mean that conformance which leaves a reasonable margin for adjustment due to final design or engineering data but conforms with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations, and other demonstrative materials proffered by the applicant.

(G) **Enforcement of Proffers.** The Zoning Administrator shall be vested with all necessary authority on behalf of the Board of Supervisors to administer and enforce proffered conditions. Such authority shall include the ability to order, in writing, the remedy of any noncompliance with a proffered condition and the ability to bring legal action to ensure compliance including injunction, abatement, or other appropriate action or proceedings, as provided for in Section 6-500 of this Ordinance. Any person, group, company, or organization aggrieved by an interpretation of the Zoning Administrator may appeal such interpretation in accordance with Section 6-1209(J) of this Ordinance.

(H) **Guarantee for Construction of Improvements.** A guarantee, satisfactory to the Board, may be required by the Zoning

Administrator in an amount sufficient for and conditioned upon the construction, installation, provision or performance of any public improvements, site improvements, facilities or obligations required by the proffered conditions. This guarantee may be reduced or released by the Board or agent thereof, upon satisfactory evidence that the construction, installation, provision or performance of such improvements, facilities or obligations has been completed in whole or in part. Said guarantee shall be required prior to the approval of the applicable site plan or subdivision.

(I) **No Permits Shall Be Approved Not In Compliance With Proffers.** Failure to meet or comply with any proffered conditions shall be sufficient cause to deny the approval of any site plan or subdivision, grading permits, zoning permits, building permits, or certificates of occupancy as may be determined appropriate by the Zoning Administrator. In addition to the other penalties appropriate for violations of this Ordinance, failure to meet or comply with any proffered condition shall be sufficient cause to deny the issuance of any development approvals or permits relating to the land area which was the subject of the conditional zoning. To this end, each application for a development approval or permit shall include an affidavit by the applicant that all applicable proffers have been or will be complied with as agreed upon at the time of rezoning. The burden shall be on the applicant to verify that proposed development complies with any and all proffered conditions.

(J) **Appeal of Proffer Decision.** Any person aggrieved by a decision of the Zoning Administrator regarding any proffered condition may appeal such decision to the Board of Supervisors. Such appeal shall be filed within thirty (30) calendar days from the date of the decision appealed by filing a notice of appeal with the Zoning Administrator. Such notice shall be a written statement specifying the grounds on which aggrieved and the basis for the appeal and shall include the materials specified in Section 6-1209(K). Upon receipt of the appeal notice, the Board of Supervisors shall take such testimony as it deems appropriate and shall render its decision within ninety (90) calendar days after receipt of the appeal notice and following a public hearing. The Board of Supervisors may reverse or affirm wholly or partly or may modify the decision of the Zoning Administrator.

(K) **Proffer Appeal Submission Materials.** Any appeal presented in accordance with the provisions of Section 6-1209(J) of this

Ordinance shall include the following materials within the thirty (30) calendar day filing time frame. The ninety (90) day timeline set forth in Section 6-1209(J) above shall not commence until all of the following are received by the Zoning Administrator and the Chairman of the Board of Supervisors:

(1) Two copies of an application form, signed by the appellant or appellant's representative, accompanied by the following information:

(a) A copy of the decision or proffer determination which is the subject of the appeal.

(b) The date upon which the decision or determination being appealed was made.

(c) The grounds for the appeal.

(d) Specification as to how the appellant is an aggrieved person (for example, owner of property affected by the determination or adjacent owner affected by the determination, etc).

(e) Any additional supportive data such as plats, plans, drawings, charts or other related material desired to be included in the record.

(2) An application fee in the amount set forth by resolution of the Board of Supervisors.

(L) **Proffer Amendment.**

(1) Once accepted and incorporated into an approved amendment to the zoning map, there shall be no amendment or variation of any such proffered conditions until after public hearings in accordance with the same process that applied to the review and approval of the original amendments to the zoning map. However, the Director of Planning may modify the schedule for agency referral reports required pursuant to Section 6-1204(A) based on the complexity, scope or nature of the proffer amendment.

(2) Notwithstanding subsection (L)(1), above, when an amendment to such proffered conditions is requested, the Board of Supervisors may waive the requirements for public hearing before the Planning Commission and

Board provided that the requested amendment to the proffered conditions does not affect conditions of use or density. In such cases, the requested amendment shall be referred to the Planning Commission for review. Staff and Planning Commission recommendations shall be provided to the Board of Supervisors within such period of time as specified by the Board of Supervisors at the time it approves the waiver. In granting the waiver, the Board may require written notice be provided to adjacent property owners prior to Board consideration of the amendment; may establish a schedule for staff and Planning Commission review; and may approve a reduced fee reflecting the modified schedule.

6-1210 Report by Planning Commission.

(A) **Hearing Before Planning Commission.** Unless waived as provided in Section 6-1209 (L), the Planning Commission shall hold a duly noticed public hearing regarding an application for a zoning amendment and thereafter report its recommendations to the Board of Supervisors.

(B) **Planning Commission Recommendation.** The Planning Commission need not confine its recommendation to the proposed amendment as set forth in the application. If the proposed amendment consists of a change in the text of this ordinance, it may recommend a revision to the proposal. If the proposed amendment consists of a change in zoning district boundaries, it may reduce or enlarge the extent of land that it recommends be rezoned; or it may recommend that the land be rezoned to a different zoning district classification than that requested if, in either case, the Commission is of the opinion that such revision is in accordance with sound zoning practice and the adopted Comprehensive Plan, and is in furtherance of the purposes of this ordinance. Before recommending a larger extent of land or a rezoning to a more intensive classification than was set forth in the application, the Commission shall hold an additional duly noticed public hearing on the matter.

(C) **Planning Commission Report.** In recommending the adoption of any proposed amendment to this Ordinance, the Planning Commission may state its reason for such recommendation, describing any changes in conditions, if any, that it believes make the proposed amendment advisable and specifically setting forth the manner in which, in its opinion, the proposed amendment

would be in harmony with the adopted comprehensive plan and would be in furtherance of the purpose of this Ordinance.

(D) **Text Amendments.** If the request is for an amendment of the text of this Ordinance, the Planning Commission shall consider the following matters:

(1) Whether the proposed text amendment is consistent with the Comprehensive Plan.

(2) Whether the proposed text amendment is consistent with the intent and purpose of this Ordinance.

(E) **Zoning Map Amendments.** If the application is for a reclassification of property to a different zoning district classification on the Zoning Map, the applicant shall address all the following in its statement of justification or plat unless not applicable and the Planning Commission shall give reasonable consideration to the following matters:

(1) Appropriateness of the proposed uses based on the Comprehensive Plan, trends in growth and development, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies and the encouragement of the most appropriate use of land throughout the locality.

(2) The existing character and use of the subject property and suitability for various uses, compatibility with uses permitted and existing on other property in the immediate vicinity, and conservation of land values.

(3) Adequacy of sewer and water, transportation, and other infrastructure to serve the uses that would be permitted on the property if it were reclassified to a different zoning district.

(4) The requirements for airports, housing, schools, parks, playgrounds, recreational areas and other public services.

(5) Potential impacts on the environment or natural features including but not limited to wildlife habitat, wetlands, vegetation, water quality (including groundwater), topographic features, air quality, scenic, archaeological, and historic features, and agricultural and forestal lands and any proposed mitigation of those impacts.

(6) The protection of life and property from impounding structure failures.

(F) **Planning Commission Deadline.** Failure of the Planning Commission to report to the Board within one hundred (100) calendar days after the first meeting of the Commission following the date the proposed amendment has been referred to the Commission or such shorter period as the Board may direct shall be deemed a recommendation of approval by the Commission.

6-1211 **Hearing Before Board of Supervisors.** Except as provided in 6-1209(L), the Board of Supervisors shall hold a duly noticed public hearing regarding an application for a zoning amendment as soon as practicable following the Planning Commission hearing.

6-1212 **Action by Board of Supervisors.** The Board of Supervisors need not confine its action to the proposed amendment as set forth in the application. If the proposed amendment consists of a change in the text of this ordinance, it may act on a revision to the application. If the proposed amendment consists of a change in zoning district boundaries, it may reduce or enlarge the extent of land that it rezones or it may rezone the land to a different zoning district classification than that requested if, in either case, it is of the opinion that such revision is in accordance with sound zoning practice and the adopted Comprehensive Plan and is in furtherance of the purposes of this Ordinance. Before rezoning a larger extent of land or rezoning the land to a more intensive classification than was set forth in the application, the Board shall hold a further duly noticed public hearing on the matter.

6-1213 **Evidentiary Matters Before Board of Supervisors.** All information, testimony or other evidence presented by an applicant for zoning amendment shall be presented to the Planning Commission in conjunction with its review and hearing on the application. If the Board of Supervisors determines that an applicant is presenting evidence which is substantially or materially different from that presented to the Commission, the Board may refer the application back to the Commission for such additional consideration and action as the Board may deem appropriate.

6-1214 **Concept Development Plan.** An application for rezoning shall include a Concept Development Plan and such additional information as the applicant may deem necessary to provide a detailed understanding of the proposed development. The Concept Development Plan shall be sufficiently detailed to be evaluated with respect to the criteria of 6-1210.

6-1215 **Contents of a Concept Development Plan.** The approved Concept Development Plan shall contain the following information, which shall apply to the project as a whole and to land bays within the project:

(A) **Nonresidential Uses.** (a) the floor area ratio or ratios; (b) the maximum gross floor area for the project as a whole and for land bays within the project for each use type (retail, office, industrial, institutional); (c) a notation or depiction of the setbacks, height, and bulk restrictions for the project as a whole and for land bays within the project; (d) any applicable performance standards that are imposed and restrictions regarding the location and nature of nonresidential activities.

(B) **Residential Uses.** (a) The maximum number of each dwelling unit type for the project, (b) a notation or depiction of applicable lot and building restrictions for the project as a whole and for land bays within the project; (c) maximum residential densities for the project and individual land bays within the project; and (d) any applicable performance standards that are imposed and restrictions regarding the location and nature of residential activities.

(C) **Civic Uses.** (a) The floor area ratio or ratios; (b) the maximum gross floor area for the project as a whole and for land bays within the project and the location of civic facilities provided, if not otherwise provided in the proffers.

(D) **Public Uses.** (a) The floor area ratio or ratios; (b) the maximum gross area for the project as a whole and for land bays within the project; and (c) the location of public land and facilities provided.

(E) **Transportation/Access.** The approved location and general design of transportation improvements and ingress and egress to the project, along with such access restrictions imposed to promote and ensure the integrity and function of the County's thoroughfare system, the safe and efficient circulation of vehicles and pedestrians within the district and consistency with the Countywide Transportation Plan.

(F) **Open Space Areas.** The location and nature of environmentally or historically sensitive areas, active and/or passive recreation areas, perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties and other areas that are to remain as open space.

(G) **Modifications.** The location, text and a clear description of any approved modifications to any provisions of this Ordinance, the Land Subdivision and Development Ordinance, or any other applicable County ordinance, which would otherwise be applicable to the development.

6-1216 Changes to Concept Development Plan After Approval.

(A) **Administrative Change.** Any of the following modification(s) to an approved Concept Development Plan shall be considered an administrative change and may be permitted if approved by the Zoning Administrator:

(1) Decreases by five percent (5%) or less the area approved for public and private open space.

(2) Relocates or modifies approved circulation elements as a result of more detailed engineering or changes requested by county staff or VDOT.

(3) Alters the orientation or relocates approved uses within the same land bay unless such modification would decrease the ability of such elements to function efficiently; adversely affect their relation to surrounding lands and uses; or unless otherwise prohibited or limited elsewhere in the proffers.

(B) **Minor Zoning Concept Plan Amendment Change.** The following change(s) to an approved Concept Development Plan may be made by Zoning Concept Plan Amendment pursuant to the special exception review schedule outlined in 6-1300:

(1) Changes by five percent (5%) or less the total number of units or the floor area to be devoted to any specified residential or nonresidential use.

(2) Changes the arrangement of approved land uses, structures, or relocates approved uses between land bays, unless such modification would decrease the ability of such elements to function efficiently or adversely affect their relation to surrounding lands and uses, or unless such change is otherwise prohibited or limited elsewhere in the proffers.

(3) Changes the arrangement of land bays.

(4) Modifies the regulations applicable to the Concept Development Plan in accordance with Section 6-1217.

(C) **Zoning Concept Plan Amendment Change.** Other than those changes authorized by Section 6-1216(A) or (B) any other changes to an approved Concept Development Plan shall be reviewed pursuant to the procedures established by this Section for its original approval unless waived pursuant to 6-1209(L)(2). The minimum submission requirements for such change(s) to an approved Concept Development Plan shall be the same for either a new or an amended plan. Such proposed change(s) made may be shown only for those areas affected, and need not show the entire Concept Development Plan.

6-1217 Modifications.

(A) The regulations of the Planned Development district sought shall apply after rezoning is approved unless the Board of Supervisors approves a modification to the zoning, subdivision or other requirements that would otherwise apply.

(1) No modifications shall be permitted which affect uses, density, or floor area ratio of the district.

(2) Modifications to an approved Concept Development Plan may be approved as set forth in Section 6-1216.

(3) No modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation.

(4) No modification will be granted for the primary purpose of achieving the maximum density on a site.

(5) An application for modification shall include materials demonstrating how the modification will be used in the design of the project.

(B) The regulations for a Suburban Zoning District (Article 3) sought shall apply unless the Board of Supervisors, as part of a rezoning application, approves a modification to the zoning, subdivision, or other requirements that would otherwise apply.

(1) No such modifications shall be permitted that affect uses, density, or floor area ratio of the district.

(2) No modifications to the Affordable Dwelling Unit Developments regulations of Article 7 shall be permitted except in accord with Section 7-108.

(3) Such modifications shall be set forth on a Concept Development Plan as set forth in Section 6-1215.

(4) No such modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation.

(5) No such modification will be granted for the primary purpose of achieving the maximum density on a site.

(6) No such modification shall be approved unless the Board of Supervisors finds that it is applicable to an entire development or to a defined portion of a development that is proposed to contain multiple lots.

(7) An application for such modification shall include materials demonstrating how the modification will be used in the design of the project. Modifications to an approved Concept Development Plan may be approved as set forth in Section 6-1216.

(C) In approving any such modification the Board of Supervisors may impose such conditions, safeguards and restrictions upon the premises benefited by such modification as may be necessary to avoid or minimize any potentially adverse or injurious effect of such modification upon other property in the neighborhood and to carry out the general purpose and intent of this Ordinance.

Section 6-1300 Special Exception.

6-1301 **Purpose.** The special exception procedure is designed to provide the Board of Supervisors with an opportunity for discretionary review of requests to establish or construct uses or structures which have the potential for a deleterious impact upon the health, safety, and welfare of the public; and, in the event such uses or structures are approved, the authority to impose conditions that are designed to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure. Any special exception or minor special exception approval granted by the Board of Supervisors shall be implemented in strict accordance with the conditions of approval of the special exception.

6-1302 **Authorized Special Exception Uses.** Only those special exceptions or minor special exceptions that are expressly authorized as such in a particular zoning district, or elsewhere in this Ordinance may be approved. Further, no existing use shall hereafter be changed to another use that is designated as a special exception use in such district, and no approved special exception use shall be enlarged or expanded unless approval of a new special exception has been granted by the Board of Supervisors.

6-1303 **Authorized Temporary Special Events.** An applicant for a special exception use or minor special exception use may include in the application a request for authorization of temporary special events that the applicant expects to regularly occur during the life of the special exception use. The applicant shall be specific about the expected types of special events, the expected number of events per calendar year, the expected duration of such special events, and the expected number of attendees per event. In addition, the applicant shall include all pertinent information necessary to show compliance with the standards and criteria set forth in Section 5-500(C) (Temporary Special Events) of this Ordinance. Review of the requested temporary special events shall occur concurrently with the review of the special exception or minor special exception use according to the procedures set forth in this Section 6-1300. All requested temporary special events that are submitted as part of a special exception or minor special exception use application shall be reviewed for compliance with the standards and criteria set forth in both this Section 6-1300 and Section 5-500(C). Temporary special events approved as part of a special exception use or minor special exception application are exempt from the procedural requirements for a temporary zoning permit stated in Section 5-500(C), but shall be subject to all other applicable standards in Section 5-500(C) including without limitation the minimum standards and criteria in Section 5-500(C)(6), limits on the duration of special events,

and the maximum number of special events allowed in one calendar year.

6-1304 **Review of Application.** The Board of Supervisors may permit a special exception or minor special exception as part of a zoning map amendment or by special exception procedures at any time after a zoning map amendment. An application for a special exception shall be filed; contain such material as may be required; and be processed pursuant to the following:

(A) **Pre-Application Conference.** Prior to filing an application, an applicant shall meet with the Director of Planning and discuss the applicant's intentions with regard to a given application and questions regarding the procedures or substantive requirements of this Ordinance. The Director of Planning may waive the pre-application conference requirement in cases where the Director finds that such waiver is not anticipated to affect the submission or review of the proposed application. No matters discussed at said meeting shall be binding on either the applicant or the County. The Director of Planning shall respond to each written request for a pre-application conference or to waive the pre-application conference within five (5) business days.

(B) **Request to Waive Pre-Application Conference.** A request for a pre-application conference, or to waive the pre-application conference, shall be made in writing to the Director of Planning and shall be accompanied by a sketch map(s) of the site illustrating the location of proposed uses, a description of the proposed project or use, and a list of the issues to be discussed at the conference, or justification for the waiver.

(C) **Acceptance of Complete Application (Checklist Review).** Only a complete application shall be accepted for review. A complete application is one which the Director of Planning has determined includes all minimum submission materials, studies and documents as may be established pursuant to Section 6-403 except that an application may be deemed complete if it contains documentation from the Director of Planning that a waiver of the submittal requirements has been granted with respect to any required item that has not been submitted. The County shall maintain a current log of all pending applications.

(D) **Notice to Applicant.** Within fifteen (15) calendar days of receipt of an application for a minor special exception or special exception, the Director of Planning shall complete checklist review and either:

(1) Accept the application if it is complete and send notice to the applicant of acceptance; or,

(2) Notify the applicant that the application is incomplete or deficient, and send notice to the applicant and owner specifying the submission materials, studies or documents required in order for the application to be complete. The applicant may resubmit the same application, which shall include all documents with deficiencies corrected, in which event the application will be reviewed in the same schedule as the original submittal.

(3) If neither a notice of acceptance nor rejection is sent within fifteen (15) calendar days of submittal, the application shall be deemed accepted for the purposes of beginning the time limits of this Ordinance.

6-1305 Staff Review of Application.

(A) **Referral.** Upon acceptance of the application for special exception or minor special exception, the Director of Planning shall forward a copy of the application to any town, any county, or any state agencies whose comments are necessary or desirable for full and appropriate review of the merits of the application.

(B) **Referral Responsibilities.** Each county reviewing agency shall prepare and each town or state agency shall be asked to prepare a referral report which sets out in writing its comments and recommendations regarding the application and forward such referral report to the Director of Planning.

(C) **Report to the Applicant.**

(1) Referral reports received by the Director of Planning shall be forwarded to the applicant

(2) If new information is received as part of the applicant's response to the initial referral reports, a second round of referrals may be requested by the Director of Planning from the reviewing agencies based on the applicant's response to the first referral reports. The referrals shall be forwarded to the Director of Planning.

(3) The running of the decision deadline time period for the application will be suspended from the date of transmittal of the second referral reports until the date

of receipt by the Director of Planning of the applicant's response to all of the issues identified in the second referral reports or a written request from the applicant to proceed to public hearing without further response.

(D) **Applicant Response and Subsequent Review.** The applicant shall respond in writing to all of the issues identified in the referral reports.

(E) **Review Schedule.** The staff reviews outlined in Sections 6-1305(A) through (D) shall be completed in accord with the schedules in Table 2, Special Exception Review Schedule and Table 3, Minor Special Exception Review Schedule.

Table 2. Special Exception Review Schedule	
Initial referral review	Application acceptance plus 30 calendar days
Referral reports to applicant	Referral due date plus 10 calendar days
Applicant Response to initial referral reports	Referral reports transmittal date plus 15 calendar days (see Note 1)
Second referral review (if needed)	Date of receipt of applicant response plus 30 calendar days
Second referral reports to applicant	Second referral due date plus 5 calendar days
Applicant response to second referral reports	All time deadlines for any action on the application are suspended until receipt of the applicant's response

Note 1: Failure on the part of the applicant to respond within the fifteen (15) calendar day timeframe specified above shall result in the suspension of the running of all time deadlines for action on such application until the date of receipt of the applicant's response to all of the issues identified in the referral reports or a written request to proceed to public hearing without further response.

Table 3. Minor Special Exception Review Schedule	
Initial referral review	Application acceptance plus 15 calendar days
Referral reports to applicant	Referral due date plus 5 calendar days
Applicant Response to initial referral reports	Referral reports transmittal date plus 15

	calendar days (see Note 1)
Second referral review (if needed)	Date of receipt of applicant response plus 15 calendar days
Second referral reports to applicant	Second referral due date plus 5 calendar days
Applicant response to second referral reports	All time deadlines for any action on the application are suspended until receipt of the applicant's response

Note 1: Failure on the part of the applicant to respond within the fifteen (15) calendar day timeframe specified above shall result in the suspension of the running of all time deadlines for action on such application until the date of receipt of the applicant's response to all of the issues identified in the referral reports or a written request to proceed to public hearing without further response.

(F) **Applicant Response.** Upon receipt of the applicant's response to all of the issues identified in the second referral reports, the Director of Planning shall proceed to prepare the report as specified in Section 6-1305(H), and shall schedule the application for a duly noticed public hearing with the Planning Commission or Board of Supervisors, whichever is appropriate.

(G) **Required Action by Other Board.** In the event this Ordinance requires that an application not be approved until acted upon by some government board or agency other than the Planning Commission or Board of Supervisors, then the Director of Planning shall forward the application to such board or agency for appropriate action prior to the notification to an applicant that an application is ready to be presented to the Board of Supervisors or Planning Commission.

(H) **Staff Report and Notice to Applicant.** The Director of Planning shall compile the referrals and any other necessary information, prepare a written staff report with proposed findings and a recommendation, and notify the applicant that the report is complete and the application is ready to be presented to the Board of Supervisors or Planning Commission, as appropriate, for hearing.

6-1306 **Withdrawal of Application.** An application may be withdrawn upon written request by the applicant at any time prior to the beginning of the Board of Supervisors public hearing on the application provided that if the request for withdrawal is made after such deadline, such

withdrawal shall be only with the consent of the Board of Supervisors. No new application, concerning any or all of the same property, which is substantially the same as the one withdrawn shall be filed within twelve (12) months of the date of withdrawal, unless the Board of Supervisors specifies at the time it consents to withdrawal that said time limitation shall not apply.

6-1307 **Limitation on Application After Denial.** After the official denial of an application, no new application concerning any or all of the same property, which is substantially the same as the one denied, shall be filed within twelve (12) months of the date of denial.

6-1308 **Hearings.** Applications for minor special exception or special exception shall be reviewed, considered, and approved, approved with conditions, or disapproved following public hearing as follows:

(A) **Minor Special Exception.** A duly noticed public hearing on an application for a minor special exception shall be held by the Board of Supervisors and a decision made by it within ninety (90) calendar days of the date on which the application was accepted. The County will use its best efforts to achieve an expedited review and decision time of less than (90) days for minor special exception applications, provided the applicant adheres to the minimum time frames described in this Section 6-1300.

(B) **Special Exception.**

(1) The Planning Commission shall hold a duly noticed public hearing regarding an application for special exception and thereafter report its recommendation to the Board of Supervisors.

(2) The Board of Supervisors shall hold a duly noticed public hearing regarding an application for a special exception as soon as practicable following the Planning Commission public hearing and not later than one hundred and twenty (120) calendar days of the date on which the application was accepted.

6-1309 **Issues for Consideration.** In considering a minor special exception or special exception application, the following factors shall be given reasonable consideration. The applicant shall address all the following in its statement of justification and plat unless not applicable, in addition to any other standards imposed by this Ordinance:

(1) Whether the proposed minor special exception or special exception is consistent with the Comprehensive Plan.

(2) Whether the level and impact of any noise, light, glare, odor or other emissions generated by the proposed use will negatively impact surrounding uses.

(3) Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and on adjacent parcels.

(4) Whether the proposed special exception or minor special exception adequately protects and mitigates impacts on the environmental or natural features including, but not limited to, wildlife habitat, vegetation, wetlands, water quality including groundwater), air quality, topographic, scenic, archaeological or historic features, and agricultural and forestal lands.

(5) Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.

(6) Whether the proposed special exception can be served adequately by public utilities and services, roads, pedestrian connections and other transportation services and, in rural areas, by adequate on-site utilities.

6-1310 **Conditions and Restrictions.** In approving a special exception or minor special exception, including any requested temporary special events, the Board of Supervisors may impose such conditions, safeguards and restrictions upon the premises benefited by the special exception or minor special exception as may be necessary to avoid, minimize or mitigate any potentially adverse or injurious effect of such special exception or minor special exception upon other property in the neighborhood, to address the issues for consideration listed in 6-1309, and to carry out the general purpose and intent of this Ordinance. Conditions and restrictions may include, but are not limited to, those related to fencing, planting or other landscaping, additional setbacks from property lines, location and arrangement of lighting, setting of reasonable time limitations, size, height and location of signs, and other reasonable requirements deemed necessary to safeguard the interest of the general public. The Board may require a guarantee or bond to ensure that conditions imposed will be complied with. All

conditions of approval shall be set out in the documentation approving the special exception or minor special exception permit.

6-1311 **Effect of Approval of a Special Exception or Minor Special Exception.** The approval of a special exception or minor special exception shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals which may be required by the codes and ordinances of the County, including, but not limited to, a zoning permit, building permit, certificate of occupancy, and site plan and/or subdivision approval. Temporary special events approved as part of a special exception or minor special exception application are exempt from the requirements for a temporary use permit stated in Section 5-500(C).

6-1312 **Period of Validity.**

(A) **Period of Validity.** Unless a longer period of validity is specifically approved as a part of such application, no special exception or minor special exception permit shall be valid for a period longer than five (5) years from the date on which the special exception was granted, unless within such five (5) year period: (1) a building permit is obtained and the erection or alteration of a structure is started and diligently pursued, and (2) an occupancy permit is obtained and a use commenced. Such period of validity may be extended for good cause shown, provided that an application for such extension is submitted to the Board of Supervisors a minimum of thirty (30) calendar days before the expiration date. The special exception or minor special exception approval shall remain valid while such extension is being processed. Notice or hearing may but shall not be required for such Board action. Failure to request the extension in a timely manner shall cause the special exception or minor special exception to expire, without notice, on the expiration date. After expiration, the applicant may submit the application for the same special exception or minor special exception use as had been previously approved provided that such subsequent application shall comply with and be subject to the current application submittal requirements for a special exception or minor special exception, as applicable.

(B) **Request For Extension of Period of Validity.** As a condition of approval, a special exception or minor special exception permit may be granted for a specific period of time less than five (5) years with expiration of the approval to occur at the termination of said period. In such case, an extension may be

granted prior to expiration by the Board of Supervisors provided that an application for such extension is submitted to the Board of Supervisors a minimum of thirty (30) calendar days before the expiration date. Notice or hearing may but shall not be required for such Board action. The special exception or minor special exception approval shall remain valid while such extension is being processed. Failure to request the extension in a timely manner shall cause the special exception or minor special exception to expire, without notice, on the expiration date. After expiration, the applicant may submit the application for the same special exception or minor special exception use as had been previously approved provided that such subsequent application shall comply with and be subject to the current application submittal requirements for a special exception or minor special exception, as applicable.

(C) **Compliance With All Conditions Required.** If upon considering such request for extension, it is determined that the use is not in compliance with all conditions and restrictions previously imposed by the Board of Supervisors, the request for an extension made pursuant to (A) or (B), above, shall be denied or the remedy of any violation shall be required within a specified time. If the request for extension is denied or the Zoning Administrator determines that the applicant has failed to correct the noncompliance within the time frame specified by the Board of Supervisors, the special exception or minor special exception shall expire and the approval of a new special exception or minor special exception, as applicable shall be required prior to any subsequent reinstatement of the use. If it is determined that the use is no longer allowed as a special exception use in the zoning district in which located, the request shall be denied and the special exception or minor special exception shall expire.

6-1313 **Status of Special Exception Uses.** Once a special exception or minor special exception has been approved, any application for approval of a site plan, subdivision plat, building permit, or occupancy permit thereafter submitted for the development or use of the property in accordance with the special exception or minor special exception shall be in substantial conformance with the approved special exception or minor special exception, and no development or use shall be approved by any County official in the absence of such conformance. Once established, the use, including any approved temporary special events, shall be conducted in substantial conformance with any conditions or restrictions imposed by the Board and all other requirements of this Ordinance.

(A) **New Special Exception Required.** Except as provided in Section 6-1314, no use shall be enlarged, expanded, increased in intensity or relocated and no condition of the special exception or minor special exception shall be modified unless an application is made and approved for a new special exception or minor special exception.

(B) **Accessibility Improvements.** Notwithstanding the above, any modification to an approved and currently valid special exception or minor special exception necessary to provide an accessibility improvement, as required by the Americans with Disabilities Act or the Commonwealth of Virginia, shall be permitted and shall not require a new special exception or minor special exception provided that the Zoning Administrator finds the proposed modification is necessary to comply with said Act.

6-1314 Modifications to Approved Special Exceptions.

(A) **Minor Modifications.** The Zoning Administrator may permit minor modifications to an approved special exception or minor special exception when it is determined by the Zoning Administrator that such minor modifications are reasonably necessary to address issues related to topography, drainage, underground utilities, structural safety, final engineering, vehicular circulation, or requirements of government agencies. Such modifications may also permit:

(1) The addition of accessory buildings clearly subordinate to the approved special exception or minor special exception use(s);

(2) Realignment of principal buildings and parking areas within an approved building envelope; or

(3) Minor additions to principal buildings and corresponding additions to parking areas; provided that the cumulative total of all building additions shall not exceed five (5) percent of the existing gross floor area of the approved special exception or minor special exception use(s); and shall not exceed the maximum permitted FAR for the zoning district.

(B) **Notice Requirements.** Any request for a minor modification to an approved special exception or minor special exception other than pursuant to Section 6-1313(B) shall require that written notice:

(1) Be sent to the last known address of the owners (as shown in the Loudoun County real estate assessment records), of all property abutting and across the street from the site, or portion thereof, which is the subject of the request. If the subject property is included within an incorporated owners' association, then such notice shall also be sent to such owners' association (at the address on file with the State Corporation Commission.) Such notice shall be delivered by hand or sent by certified mail;

(2) Such notice shall include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and whom to call at the County for additional information; and

(3) Prior to approval, of such minor modification an affidavit that the required notice as set forth in this subsection has been sent shall be filed with the Zoning Administrator.

Section 6-1400 Cluster Developments in Suburban Residential Districts.

6-1401 **Authority.** Where cluster development is listed as a permitted use in zoning districts, the approval for a cluster development proposal is pursuant to the provisions of this Section.

6-1402 **Purpose.** The purpose of cluster development is to promote flexibility of subdivision layout and design, with attendant cost savings and open space preservation.

6-1403 **Cluster Development Limitations.**

(A) Cluster approval may be applied only to residential uses.

(B) No deviation from the overall allowed density or height specified in the applicable zoning district is permitted.

(C) Cluster developments shall consist of at least ten (10) dwelling units except that cluster developments that are found by the Planning Commission to be an extension of an existing or approved cluster development may contain fewer dwelling units.

(D) Cluster developments shall not be permitted in the R-16, or R-24 Districts.

(E) Only those modifications and variations of yard, lot size, lot width and lot coverage requirements will be permitted as are shown on the preliminary subdivision and record plat.

(F) All dwellings and other habitable buildings shall be served with public sewer and water facilities.

6-1404 **Cluster Open Space Requirements.**

(A) In each district in which cluster development is allowed, the lot requirements may be reduced to the extent provided in the applicable district. All land not included within lots or required for public or private streets shall be maintained as common open space.

(B) Common open space shall generally be designed to constitute a contiguous and cohesive unit of land which may be used for active or passive recreation by residents and shall be reasonably accessible to all permitted uses and all residential units within the development.

(C) All common open space shall be permanently reserved, managed, and maintained as open space by a means acceptable to the Board of Supervisors.

(1) Open space or common areas within cluster residential developments may be offered for dedication to the public at the time of application. The Board of Supervisors or other appropriate public body acceptable to the Board of Supervisors may accept such dedication upon a finding that the size, location, type of development or cost of development or maintenance of such open space or common area or the availability of public open space would make public use desirable or necessary.

(2) Common open space not dedicated to public use shall be protected by legal arrangements satisfactory to the Board of Supervisors sufficient to assure its maintenance and preservation for its intended purpose. Covenants or other legal arrangements shall specify ownership of the common open space; method of maintenance, responsibility for maintenance, taxes and insurance, compulsory membership and compulsory assessment provisions, guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Board of Supervisors, and any other specifications deemed necessary by the Board of Supervisors.

(D) No land considered to be major floodplain shall be considered in calculating the amount of common open space provided in a cluster.

6-1405 **Considerations of Review.** In reviewing an application for cluster development, consideration shall be given to the following goals:

(A) That individual lots, buildings, streets, and parking areas are designed and situated to maximize open space minimize alteration of natural site features, and reduce the construction of roads and other impervious surfaces.

(B) That cluster open space shall include and retain, to the extent feasible, natural features located on the tract such as, stream beds, significant stands of trees, and individual trees of a significant size.

(C) That cluster open space intended for a recreation or public use is accessible to pedestrians.

(D) The relationship of the cluster and cluster open space to surrounding properties.

Section 6-1500 Rezoning to Planned Development (PD) Districts.

6-1501 **Authority.** By ordinance duly enacted by the Board of Supervisors, the rezoning of land to Planned Development districts may be approved subject to the procedures and considerations in this Section for approval of a Concept Development Plan as they may supplement those of Section 6-1200.

6-1502 **Purpose.** The provisions of this Section establish special procedures for approving Concept Development Plans for planned development districts. The procedures herein established are in recognition of the fact that traditional density, bulk, spacing and use regulations, which may be useful in protecting the character of substantially developed areas, may impose inappropriate and unduly rigid restrictions upon the development of parcels or areas which lend themselves to a unified, planned approach. A Planned Development should be designed to ensure that the following general goals will be achieved.

(A) The proposed development shall be of such design that it will promote achievement of the stated purposes of the Comprehensive Plan and is consistent with the Plan as well as other adopted plans and policies of the County.

(B) The development will efficiently use available land and will protect and preserve, to the extent possible, natural features of the land such as trees, streams and topographic features.

(C) The development will be located in an area in which transportation, police and fire protection, schools and other public facilities and public utilities, including water and sewerage, are or will be available and adequate for the uses proposed. The applicant may, where appropriate, make provision for such facilities or utilities which are not presently available.

6-1503 **Application.** An application for rezoning to a planned development district shall be filed, contain such information, and be processed pursuant to the provisions of Section 6-1200 of this Ordinance, as that Section may be supplemented by this one.

6-1504 **Optional Joint Approvals.** At the applicant's option, an application for site plan and/or preliminary subdivision plat approval may be submitted in conjunction with an application for a rezoning to a Planned Development district. In such case, the applications shall be reviewed together pursuant to their respective standards, the time limits for rezoning shall apply to the joint application, and no approval of a site plan or preliminary subdivision plat shall be effective unless

and until the application for rezoning to planned development has been approved by the Board of Supervisors. The application for site plan and/or subdivision approval may be for the entire planned development site or for a phase thereof which is consistent with the phasing plan ultimately adopted by the Board.

6-1505 **Building and Other Permits.** After approval of a Concept Development Plan and other required approvals, and upon application by the applicant, appropriate County officials may issue land development, building, zoning and other permits for development, construction and other work in the area encompassed by the Approved Concept Development Plan. No such permit shall be issued unless the County is satisfied that the requirements of all applicable codes or ordinances of the County have been satisfied.

Division E: Procedures Before Board of Zoning Appeals

Section 6-1600 Variances.

6-1601 **Jurisdiction and Authority.** Upon application, the Board of Zoning Appeals (BZA) shall exercise the jurisdiction and authority to grant a variance from the literal terms of this Ordinance in accordance with the procedures, standards, and limitations contained in this Section. This authorization shall not be construed to grant the BZA the power to rezone property.

6-1602 **Authorized Variances.** Variances, defined as reasonable deviations from the regulations and restrictions contained in this Ordinance, may be granted by the Board of Zoning Appeals only in the following instances and in no others:

(A) A variance from those provisions regulating the size or area of a lot or parcel of land.

(B) A variance from those provisions regulating the size, area, bulk, setback, open space, yards, or location of a building or structure.

6-1603 **Unauthorized Variance.** The BZA shall not be empowered to grant a variance from any of the provisions of this Ordinance relating to the use or density of land, buildings or structures. Nor shall the BZA grant a variance for any use or activity within the floodway portion of the Floodplain Overlay district if any increase in the hundred (100) year flood elevations would result.

6-1604 **Application for Variance.** Any person owning property, or having a possessory or contract interest in property and the consent of the owner, may file an application for variance in regard to such property with the Zoning Administrator for one or more of the variances authorized above. The application shall contain the following information and such additional information as the Board of Zoning Appeals may, by rule, require or as may be required by Section 6-403:

(A) The particular provisions or requirements of this Ordinance which prevent the proposed construction on, or use of, the property.

(B) The existing zoning of the property, including any previously approved modifications, conditions, or proffers.

(C) The special conditions, circumstances or characteristics of the land, building or structure that prevent the use of the land in compliance with the requirements of this Ordinance.

(D) The particular hardship which would result if the specified provisions or requirements of this Ordinance were to be applied to the subject property.

(E) The extent to which it would be necessary to vary the requirements of this Ordinance in order to permit the proposed construction on, or use of, the property.

(F) An explanation of how the requested variance conforms to each of the applicable standards set out in Section 6-1607.

(G) A plat of the property that has been prepared by a licensed, certified land surveyor, or other licensed professional operating within the scope of his or her license. For properties containing one acre or more, the applicant may petition the Zoning Administrator to request that this requirement be reduced to a survey of the portion of the property for which the variance is sought.

6-1605 **Decision on Variance Application.** Upon receipt of a complete application for a variance, the Zoning Administrator shall notify the BZA which shall, within ninety (90) days, hold a duly noticed public hearing thereon. Such public hearing shall be advertised in the manner provided by Section 15.2-2204 of the Code of Virginia, and in addition, the property shall be posted in conformity with Section 6-601(B). The BZA shall, after such hearing, either approve, deny or approve with conditions the application for a variance. Its decision shall be supported by findings of fact and conclusions with respect to the standards of Section 6-1607. No such variance shall be granted by the BZA unless it makes all of the following required findings:

(A) The strict application of this Ordinance would produce undue hardship to the property owner.

(B) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

(C) Such variance is not contrary to the public interest nor to the intended spirit and purpose of this Ordinance.

(D) The granting of such variance will not be substantial detriment to adjacent property nor change the character of the zoning district in which the property is located.

(E) Such variance would result in substantial justice being done.

(F) The condition or situation of the property which gives rise to the need for such variance is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.

6-1606 **Planning Commission Recommendation.** The Zoning Administrator may transmit a copy of the application to the Planning Commission which may send a recommendation to the BZA or appear as a party at the hearing.

6-1607 **Standards for Variances.** The Board of Zoning Appeals shall base its required findings upon the particular evidence presented to it in each specific case where the property owner can show that:

(A) The strict application of the terms of this Ordinance would effectively prohibit or unreasonably restrict the utilization of the property because of:

(1) The exceptional narrowness, shallowness, size, or shape of the property at the time of the effective date of this Ordinance, or

(2) The exceptional topographic conditions or other extraordinary situations or condition of the property, or

(3) The condition, situation, or development of property immediately adjacent thereto;

(B) The granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.

(C) The property was acquired in good faith.

(D) Satisfactory evidence exists to support all of the required findings of Section 6-1605.

6-1608 **Burden of Applicant.** The applicant for a variance shall bear the burden of producing evidence to support the required findings of Section 6-1605 and to establish that the requested variance satisfies the Standards for a Variance of Section 6-1607.

6-1609 **Conditions and Restrictions.** The BZA may impose such conditions and restrictions upon the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Failure to comply with any such conditions and restrictions shall constitute a violation of this Ordinance.

6-1610 **Withdrawal of Application.** A variance may be withdrawn by the applicant at any time prior to the deadline for cancellation of the newspaper advertisement for the public hearing on the application. After said deadline, an application may be withdrawn only with the permission of the BZA.

6-1611 **Re-Application.** If a variance is denied by the BZA on the merits, no application requesting the same relief with respect to all or part of the same property shall be considered by the BZA within twelve (12) months after the date of such denial.

6-1612 **Special Exceptions for Errors in Building Location.** As provided in Section 6-206(D) of this Ordinance, the BZA may hear and approve special exceptions for errors in building location, to include encroachments into minimum yard requirements, setbacks and other requirements herein regulating building location, in the case of any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected.

(A) The special exception may be approved if the BZA finds that:

(1) The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in location of the building subsequent to the issuance of a building permit, if such was required; and

(2) Such reduction will not impair the purpose and intent of this Ordinance; and

(3) It will not be detrimental to the use and enjoyment of the other property in the immediate vicinity; and

(4) It will not create an unsafe condition with respect to both other property and public streets, and

(5) To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner, and

(6) The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

(B) In approving such a reduction under the provision of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and, as deemed advisable, may prescribe such conditions, to include landscaping and screening measures to assure compliance with the intent of this Ordinance.

(C) Upon the approval of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.

(D) The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

6-1613 **Special Exceptions for Errors in Very Steep Slope Areas.** As provided in Section 6-206(H) of this Ordinance, the BZA may hear and approve special exceptions for Errors in structure location within Very Steep Slope Areas, when such error is an encroachment that does not exceed 2,000 square feet of land-disturbing activity within the Very Steep Slope Area, as defined in Section 5-

1508(C)(1)(a), and is associated with a structure or use listed in Section 5-101(A) that is attached to a principal residential structure, and no portion of the principal structure is located within the Very Steep Slope Area.

(A) The special exception may be approved if the BZA finds that:

(1) Activities associated with the removal of the attached building, structure, or use would result in a net negative environmental impact, as demonstrated by applicable information and/or reports/studies requested by the Zoning Administrator, such as, but not limited to: 1) geotechnical study, 2) geophysical study, 3) preliminary soils review, 4) site plan, 5) grading plan, 6) structural analysis, 7) U.S. Army Corps of Engineers approved wetland delineation, 8) tree cover inventory, 9) Phase 1 archeological study, 10) rare, threatened, and endangered species survey, and 11) mitigation plan; and

(2) The noncompliance was done in good faith, or through no fault of the property owner, or was the result of a good faith error in location subsequent to the issuance of a building permit, if such was required; and

(3) The noncomplying structure was constructed in a manner that will protect life and property from hazards due to slope, unstable and erodible soils, earth movement, and other geologic and hydrologic hazards; and

(4) The noncomplying structure was constructed in a manner that does not increase the potential for increased erosion, sedimentation, and surface runoff, and the resulting adverse impacts on water quality; and

(5) The noncomplying structure was constructed in a manner that preserves the visual quality of steep slope areas; and

(6) The noncomplying structure will not be detrimental to the use and enjoyment of other property in the immediate vicinity.

(B) In approving such encroachment under the provision of this Section, the BZA may prescribe conditions to assure compliance with the intent of this Ordinance, such as, but not limited to: 1) reforestation, 2) stabilization treatment, 3) landscaping and screening measures, and 4) water quality measures.

(C) Upon the approval of a special exception pursuant to this section for a particular structure or use attached to a principal residential structure in accordance with the provisions of this Section, the same shall be deemed to be lawful.

(D) The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

Section 6-1700 Appeals.

6-1701 **Appeals from Administrative Ruling.** The Board of Zoning Appeals is authorized to hear appeals from any order, requirement, decision or determination made by the Zoning Administrator in the administration or enforcement of this Ordinance. In this capacity the Board exercises appellate jurisdiction as a quasi-judicial body, and its task is to determine what the Ordinance means and how the Ordinance applies to a particular fact situation.

6-1702 **When Appeals May Be Taken.** Appeals to the BZA may be taken by any person aggrieved or by any officer, department, board or agency of the County affected by any decision of the Zoning Administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this Ordinance. Appeals shall be taken within thirty (30) days after the decision has been rendered, with the exception that appeals shall be taken within ten (10) days after the issuance of a Notice of Violation for any violation of this Ordinance classified as a short term, recurring zoning violation. Appeals shall be taken by filing with the Zoning Administrator from whom the appeal is taken and with the chairman of the BZA a notice of appeal specifying the grounds of the appeal, to include the materials set forth in Section 6-1707 below. The Zoning Administrator shall forthwith forward to the chairman of the BZA all the papers constituting the record upon which the action appealed from was taken.

6-1703 **When Appeals to Stay Proceedings.** A notice of appeal properly filed as herein provided shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the BZA that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the BZA or by a proper court order on notice to the Zoning Administrator and for good cause shown.

6-1704 **Decisions on Appeal.** Within ninety (90) days after the notice of appeal has been filed, the BZA shall hold a public hearing, give public notice thereof required by Section 15.2-2204 of the Code of Virginia as well as due notice to the parties in interest, decide the appeal, and file with the Zoning Administrator its findings of fact and conclusions with respect to the appeal. The Zoning Administrator shall serve a copy of the decision on the appellant and upon each other person who was a party of record at the hearing. In exercising its powers, the BZA may reverse or affirm, wholly or partly, or may modify the decision appealed from. The concurring vote of a majority of BZA members shall be necessary to reverse a decision.

6-1705 **Withdrawal of Application.** An appeal may be withdrawn by the appellant at any time prior to the deadline for cancellation of the newspaper advertisement for the public hearing on the application. After said deadline, an appeal may be withdrawn only with the permission of the BZA.

6-1706 **Proceedings to Prevent Construction of a Building.** Where a building permit has been issued and the construction of the building for which such permit was issued is subsequently sought to be prevented, restrained, corrected or abated as a violation of the zoning ordinance, by suit filed within fifteen days after the start of construction by a person who had no actual notice of the issuance of the permit, the court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the Zoning Administrator to the Board of Zoning Appeals.

6-1707 **Submission of Appeal.** Any appeal submitted in accordance with the provisions of Section 6-1702 of this Ordinance must include the following materials within the thirty (30) day filing time frame before the appeal is considered to be filed. The ninety (90) day timeline set forth in Section 6-1704 above shall not commence until all of the following are received by the Zoning Administrator and the Chairman of the Board of Zoning Appeals:

(A) Two copies of a completed application form signed by the appellant or appellant's representative, accompanied by the following information:

(1) A copy of the order, requirement, decision, determination or notice of violation which is the subject of the appeal.

(2) The date upon which the decision being appealed was made.

(3) The grounds for the appeal.

(4) Specification as to how the appellant is an aggrieved person (for example, owner of property affected by the determination or adjacent owner affected by the determination, etc).

(5) Any additional supportive data such as plats, plans, drawings, charts or other related material desired to be included in the record.

(B) An application fee in the amount set forth by resolution of the Board of Supervisors.

Division F: Historic District Procedures

Section 6-1800 Historic Districts.

6-1801 **Authority.** The Board of Supervisors may establish Historic Districts pursuant to Sections 15.2-2306 and 15.2-2283 of the Code of Virginia of 1950, as amended, and to this Section, and by amendment of the Zoning Ordinance as provided in Section 6-1200. The term "Historic District" shall include, without limitation, the following: Historic Site (HS) Districts; Historic and Cultural Conservation (HCC) Districts; Historic Roadway (HR) Districts; Historic Access Corridor (HAC) Districts; and such other Historic Districts as the Board of Supervisors has the power to and shall specifically establish. For the purposes of Section 6-1800 et seq. and Section 6-1900 et seq., the term "contributing" shall mean helping, assisting, or adding to the historical integrity, historic architectural qualities, or archaeological qualities of the subject Historic District and/or the said Historic District's historic associations; and the term "non-contributing" shall mean not helping, not assisting, nor adding to the historical integrity, historic architectural qualities, or archaeological qualities of the subject Historic District and/or the said Historic District's historic associations.

6-1802 **Intent.** Historic Districts may be established in furtherance of the following public purposes, which are hereby found to be in the interest of the health, safety, prosperity, and welfare of the County and its residents:

(A) To effect and accomplish the protection, enhancement, perpetuation and use of improvements and areas of special character or special historic interest or value which represent or reflect elements of the County's cultural, social, economic, political, architectural, and archaeological history.

(B) To foster civic pride and preserve an appreciation for the historic values on which the County and the Nation were founded.

(C) To maintain and improve property values.

(D) To protect and enhance the County's attraction to tourists and visitors.

(E) To provide for the education and general welfare of the people of the County.

(F) To protect against destruction of or encroachment upon historic areas.

(G) To otherwise accomplish the general purposes of this Zoning Ordinance, the Comprehensive Plan, and the provisions of Chapter 22, Title 15.2, Code of Virginia of 1950, as amended.

6-1803 **Criteria for Establishment of Historic Districts.** Historic Districts shall be established as an overlay zoning district and, as such, shall be in addition to existing zoning designations and the regulations appropriate thereto.

(A) **Historic Site Districts.** The Board of Supervisors may establish Historic Site (HS) districts provided that such districts meet one or more of the following criteria, as well as one or more of the purposes set forth in Section 6-1802:

(1) Such district contains a historic landmark, building, or structure listed in the National Register of Historic Places or the Virginia Landmark Register; or

(2) Such district meets one or more of the following local determination criteria:

(a) Is closely associated with one or more persons, events, activities, or institutions that have made a significant contribution to local, regional, or national history; or

(b) Contains buildings, structures, or archaeological resources whose exterior design or features exemplify the distinctive characteristics of an historic type, period or method of construction, or which represent the work of an acknowledged master; or

(c) Have yielded, or are likely to yield, information important to local, regional, or national history or prehistory.

(B) **Historic and Cultural Conservation Districts.** The Board of Supervisors may establish HCC districts provided that such districts meet the definition of "historic area" in Section 15.2-2201, Code of Virginia of 1950, as amended; meet one or more of the purposes set forth in Section 6-1802; and meet one or more of the following criteria:

(1) Is closely associated with one or more persons, events, activities, or institutions that have made a significant contribution to local, regional, or national history; or

(2) Contains buildings or structures whose exterior design or features exemplify the distinctive characteristics of one or more historic types, periods, or methods of construction, or which represent the work of an acknowledged master or masters; or

(3) Has yielded, or is likely to yield, information important to local, regional, or national history or prehistory; or

(4) Possesses an identifiable character representative of the architectural, archaeological, and cultural heritage of Loudoun County.

(C) **Historic Roadway Districts.** The Board of Supervisors may create HR districts provided that such districts meet the definition of "historic area" in Section 15.2-2201, Code of Virginia of 1950, as amended; meet one or more of the purposes set forth in Section 6-1802; and meet one or more of the following criteria:

(1) Is closely associated with one or more persons, events, activities, or institutions that have made a significant contribution to local, regional, or national history; or

(2) Contains buildings or structures whose exterior design or features exemplify the distinctive characteristics of one or more historic types, periods, or methods of construction, or which represent the work of an acknowledged master or masters; or

(3) Has yielded, or is likely to yield, information important to local, regional, or national history or prehistory; or

(4) Possesses an identifiable character representative of the architectural, archaeological, and cultural heritage of Loudoun County.

(D) **Historic Access Corridor Districts.** The Board of Supervisors may create HAC districts provided that such districts meet the standards of Section 15.2-2306, Code of Virginia of 1950, as amended; meet one or more of the purposes set forth in Section 6-1802; and meet one or more of the following criteria:

(1) Encompasses parcels of land, or portions thereof, that are located adjacent to an arterial street or highway (as designated pursuant to Title 33.1, Code of Virginia of 1950, as amended) that is closely associated with one or more persons, events, activities, or institutions that have made a significant contribution to local, regional, or national history;

(2) Encompasses parcels of land, or portions thereof, contiguous to an arterial street or highway which together possess an identifiable historic character representative of the architectural, archaeological, and cultural heritage of Loudoun County; or

(3) Encompasses parcels of land or portions thereof adjacent to an arterial street or highway which is a significant historic route of tourist access of the County or municipality.

6-1804 Boundaries of Historic Districts.

(A) **Historic Site Districts.** The boundaries of HS districts shall be drawn to include those lands which are adjacent to the landmarks, buildings, or structures for which the HS district was established and which are reasonably related to the essential historic character of said district.

(B) **Historic and Cultural Conservation Districts.** The boundaries of HCC districts shall be drawn to include all such land therein that is necessary to achieve the purposes and criteria of Sections 6-1802 and 6-1803.

(C) **Historic Roadway and Historic Access Corridor Districts.** The boundaries of HR and HAC districts shall be drawn to include the roadway or access corridor which is the focus of the district, and to run roughly parallel to each side of said roadway or access corridor for such distance, and to such depth, that is necessary to achieve the purposes and criteria of Section 6-1802 and Section 6-1803.

6-1805 Minimum Yard and Setback Modifications in Historic Districts. The Zoning Administrator shall grant modifications of minimum yard and setback standards for buildings and structures located within Historic Districts upon a finding by the Historic District Review Committee (HDRC) that the proposed yard and/or setback modification is consistent with the existing streetscape and adopted Historic District Guidelines for said Historic District, unless such modification of yard and/or setback standards violates sight distance regulations of Section 5-300 and of the Virginia Department of Transportation.

6-1806 Procedures for Establishment of New Historic Districts and Additions to Existing Historic Districts.

(A) The establishment of a new Historic District, or the addition of a parcel (or parcels) to an existing Historic District, shall be treated as an amendment to the Zoning Map, and shall be initiated in accordance with Section 6-1200 et seq., and subject to recommendation by the HDRC. No fee shall be required.

(B) **Application.** In addition to the submission requirements of Section 6-403, the following information shall be submitted with an application for the establishment of a new Historic District, or an addition to an existing Historic District, and shall be considered by the Planning Commission, HDRC, and Board of Supervisors.

(1) An inventory which lists each historic landmark, site, building, or structure located within the proposed new Historic District, or proposed addition to an existing Historic District, which itself has historic merit or which contributes to the overall historic character of said Historic District.

(2) A graphic representation of the boundaries of the proposed new Historic District, or proposed addition to an existing Historic District, and the location of all landmarks, sites, buildings, or other structures of particular historic value located within said Historic District.

(3) A written statement documenting the particular historical attributes of the area to be located within the proposed new Historic District, or proposed addition to an existing Historic District.

6-1807 Removal from Existing Historic Districts.

(A) The removal of a parcel from an existing Historic District shall be treated as an amendment to the Zoning Map and shall be initiated in accordance with Section 6-1200 et seq., and subject to recommendation by the HDRC. No fee shall be required.

(B) The HDRC shall make a recommendation to approve the removal of the parcel only if all of the following criteria are met:

(1) The parcel no longer meets the criteria of Sections 6-1802 and 6-1803;

(2) No contributing historic landmark, site, building, or structure is located on the parcel;

(3) The removal of the parcel would not have a negative impact on the surrounding streetscape within the Historic District because the parcel is surrounded by other non-contributing structures; and

(4) The parcel is located on the edge of the Historic District such the removal of the parcel would not cause a void within the Historic District.

6-1808 Maintenance of Inventory of Buildings and Structures. Following the establishment of a new Historic District, the Zoning Administrator, or the Zoning Administrator's designee, shall keep an inventory of the historic landmarks, sites, buildings, and structures of particular historic value located within said Historic District. Following an addition to, or removal of a parcel from, an existing Historic District, the Zoning Administrator, or the Zoning Administrator's designee, shall update the inventory for said Historic District.

6-1809 Recordation of Resolutions Creating Historic Districts. Following the establishment of each new Historic District, or an addition to, or removal of a parcel from, an existing Historic District, a copy of the resolution establishing, or authorizing the addition to, or removal of a parcel from, such Historic

District, and a boundary survey and legal description of such Historic District, or the addition to, or removal from, such Historic District, shall be filed by the Zoning Administrator, or the Zoning Administrator's designee, with the Clerk of the Circuit Court for Loudoun County.

6-1810 **Appeals.** Any person aggrieved by the final decision of the Board of Supervisors in regard to the establishment of a new Historic District, or the addition to, or removal of a parcel from, an existing Historic District, may appeal such decision to the Circuit Court of the County of Loudoun in accordance with Section 15.2-2306 of the Code of Virginia of 1950, as amended.

Section 6-1900 Historic Districts Regulations.

6-1901 **Authority.** In order to promote the general welfare through the preservation and protection of historic places and areas of historic interest in the County, Historic Districts shall be regulated in accordance with the provisions of this Section, Section 6-300 et seq., and Section 6-1800 et seq., and Sections 15.2-2306 and 15.2-2283 of the Code of Virginia of 1950, as amended, and the individual Historic District Guidelines for any established Historic District which are hereby incorporated into, and adopted as part of, this Zoning Ordinance. For the purposes of Section 6-1800 et seq. and Section 6-1900 et seq., the term "contributing" shall mean helping, assisting, or adding to the historical integrity, historic architectural qualities, or archaeological qualities of the subject Historic District and/or the said Historic District's historic associations; and the term "non-contributing" shall mean not helping, not assisting, nor adding to the historical integrity, historic architectural qualities, or archaeological qualities of the subject Historic District and/or the said Historic District's historic associations.

6-1902 **Certificate of Appropriateness (CAPP).** The Historic District Review Committee (HDRC) shall have the authority to issue Certificates of Appropriateness for the following purposes. Any CAPP approved by the HDRC shall become invalid if the authorized work is not commenced within five (5) years of the date of approval. For the purposes of Section 1902, commencement of the authorized work is defined as the placing of construction materials in a permanent position and fastened in a permanent manner and work carried on diligently, or, where excavation for, or demolition or removal of, an existing building has been substantially begun prior to building or rebuilding, such excavation or demolition or removal shall be deemed to be actual commencement of the work, provided that work shall be carried on diligently.

(A) **Erection, Reconstruction, Alteration, Moving, or Restoration.** No building or structure, including signs, shall be erected, reconstructed, altered, moved, or restored within a Historic District unless and until a CAPP has been approved by the HDRC, except as otherwise provided below. In addition, within all Historic Roadway Districts, fences and walls cannot be altered, erected, reconstructed, moved or restored unless and until a CAPP has been approved by the HDRC.

(1) **Exemption.** Ordinary repairs and/or maintenance of an exterior feature which do not involve a significant change in design, material, or outer appearance thereof.

(2) **Exceptions.** The following uses and activities shall not require a CAPP approval by the HDRC, unless otherwise so required by the Zoning Administrator, or the Zoning Administrator's designee.

(a) **Farm Building or Structure**. The work to be done is to a bona fide farm building or structure and the Zoning Administrator, or the Zoning Administrator's designee, determines, in conjunction with the application for a

zoning permit, that the proposed work would not have a clear and substantial detrimental impact on the character of the Historic District. For the purposes of Section 6-1902, a "bona fide farm building or structure" shall mean a building or structure primarily used for agricultural, horticultural, or animal husbandry purposes as defined in this Zoning Ordinance, and that is located on a parcel that is subject to a farm plan approved by the Loudoun County Soil and Water Conservation District; or that is classified by the Office of the County Assessor under the land use tax assessment program as Agriculture.

(b) **Certificate of Appropriateness-Administrative for Minor Actions (CAPA).** The following minor actions shall require review by only the Zoning Administrator, or the Zoning Administrator's designee, and shall be approved if in conformance with the Historic District Guidelines.

(i) Minor amendments to a previously approved CAPP where the work authorized by the previously approved CAPP has not been completed and the proposed modification is in substantial conformance with the previously approved CAPP.

(ii) Fences and gates.

(iii) Signs, pursuant to Section 5-1200.

(iv) Removal of non-contributing material.

(v) Minor alteration of non-contributing structures.

(vi) Construction of accessory structures of 250 square feet or less.

(vii) Window and door replacement.

(viii) Storm window and storm door installation.

(ix) Replacement of siding.

(x) Roof replacement.

(xi) Minor alteration to small architectural details, to include, without limitation, shutters, lighting fixtures, gutters, and downspouts.

(xii) Screening of utilities, trash cans, and dumpsters.

(xiii) Demolition of non-contributing accessory structures.

(B) **Razing or Demolition.** No permit to raze or demolish a building or structure within a Historic District shall be approved without a CAPP being approved by the HDRC, except as otherwise provided in Sections 6-1902, 6-1906, or 6-1907. Further, no fences, walls or signs located within HR Districts shall be razed or demolished without a CAPP being approved by the HDRC, except as otherwise provided in Sections 6-1902, 6-1906, or 6-1907.

6-1903 Applications and Procedures.

(A) All applications for Certificates of Appropriateness shall be made to the Zoning Administrator, or the Zoning Administrator's designee, and shall be referred to the HDRC.

(B) The HDRC shall hold at least one public meeting before approving or denying a CAPP, at which time any interested party, including, without limitation, the applicant or the applicant's representative, shall be heard.

(C) All approvals by the HDRC shall include findings stating those aspects of the application which are in conformance with the Historic District Guidelines. All denials by the HDRC shall include findings stating those aspects of the application which are not in conformance with the Historic District Guidelines and recommendations whereby the application could be brought into conformance with the Historic District Guidelines.

(D) No reapplication for essentially the same purpose shall be reviewed by the HDRC within one (1) year of denial of any applications hereunder except in cases where the application has been brought into compliance with the Historic District Guidelines pursuant to the recommendations set forth by the HDRC in an earlier denial of said application.

6-1904 Criteria for Certificate of Appropriateness. The HDRC shall base its decision to approve or deny a CAPP on whether the proposals therein are architecturally compatible with the other buildings, structures, sites, or landmark located within the subject Historic District. In applying such standard, the HDRC shall not consider interior arrangement, but shall consider factors to include, without limitation, the following:

(A) Exterior architectural features, including all signs.

(B) General design, scale, and arrangement.

(C) Texture and material.

(D) The relationship of (A), (B), and (C), above, to other structures and features of the subject Historic District.

(E) The purposes for which the subject Historic District was created.

(F) The relationship of the size, design, and siting of any erected, reconstructed, altered, moved, or restored structure to the landscape of the subject Historic District.

(G) The extent to which the denial of the Certificate of Appropriateness would constitute a deprivation to the owner of a reasonable use of his property.

(H) The extent to which the proposal adheres to the Historic District Guidelines for the subject Historic District

6-1905 Required Maintenance and Demolition by Neglect.

(A) The owner or the person in charge of any building or structure located within a Historic District shall:

(1) Maintain such building or structure in accordance with Chapter 1410 of the Codified Ordinances of Loudoun County, as amended; and

(2) Prevent any deterioration to such building or structure that may result in a loss of its structural integrity, cause any unsafe or hazardous condition, or produce a detrimental effect upon the character of the Historic District or the life and character of the building or structure, such deterioration to include, without limitation, the following:

(a) Deterioration of any exterior appurtenance or architectural feature.

(b) Deterioration of exterior walls or other structural supports.

(c) Deterioration of roofs or elements of the roof support system.

(d) Deterioration of chimneys.

(e) Deterioration or crumbling of exterior stucco, plaster, or mortar.

(f) Ineffective waterproofing of, or lack of a protective coating on, exterior walls, roofs, and foundations, to include, without limitation, broken windows and doors.

(g) Poorly maintained landscaping or plant overgrowth, to include, without limitation, dead overhanging trees or limbs, or roots, or invasive tendrilled climbing vines, causing, or which may cause, damage or deterioration.

(B) The owner or the person in charge of any fence, wall, or sign within a HR District shall maintain such fence, wall, or sign in good condition, and reasonably protected against decay and deterioration.

(C) The County may institute appropriate procedures for the acquisition of any building or structure which remains in a substantially deteriorated or deteriorating condition following notice to the owner thereof that he is in violation of Section 6-1905(A) of this Ordinance.

6-1906 Right to Raze or Demolish.

(A) **Conditions and Procedures.** The owner of any historic landmark, building, or structure located within a Historic District shall, as a matter of right, be entitled to raze or demolish such historic landmark, building, or structure provided that:

(1) The owner has submitted an application for a CAPP to raze or demolish such historic landmark, building, or structure;

(2) The owner has, for a period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such historic landmark, building, or structure and the land pertaining thereto to any person, firm, corporation, government, or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it will preserve and restore the historic landmark, building, or structure and the land pertaining thereto.

(3) No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such historic landmark, building, or structure, and the land pertaining thereto, prior to the expiration of the applicable time period as set forth in the time schedule below. Any appeal which may be taken to the Court, in accordance with Section 6-1909 of this Zoning Ordinance shall not affect the right of the owner to make a bona fide offer to sell. No offers to sell shall be made more than one year after a final decision by the HDRC, but thereafter the owner may renew their request to the HDRC to approve the razing or demolition of the historic landmark, building, or structure. The time schedule for offers to sell shall be as follows:

Offering Price	**To Sell Period**
Less than $25,000	3 months
$25,000 or more but less than $40,000	4 months
$40,000 or more but less than $55,000	5 months
$55,000 or more but less than $75,000	6 months
$75,000 or more but less	7 months

than $90,000	
$90,000 or more	12 months

(B) **Bona Fide Offer to Sell; Procedures for Filing Notice of Offer and Questioning Price.** Before making a bona fide offer to sell as provided for in this Section, an owner shall first file a notice with the Zoning Administrator, or the Zoning Administrator's designee. The notice shall identify the property, state the offering price, the date the offer of sale is to begin and name and address of the listing real estate agent, if any. The notice shall provide reasonable assurances that the historic landmark, building, or structure shall be preserved. No time period set forth in the time schedule contained in this Section shall begin to run until said notice has been filed. Within five days of receipt of a notice, copies of the notice shall be delivered to the HDRC.

(C) **Question as to Price.** The fact that a historic landmark, building, or structure has been offered for sale at a price reasonably related to its fair market value may be questioned, provided there is filed with the HDRC on or before 15 days after the offer of sale has begun, a petition in writing signed by at least five persons owning real estate in the vicinity of property offered for sale. Alternatively the HDRC may question said price on its own motion. Upon receipt of such petition, or upon its own motion, the HDRC shall, at the expense of the County, appoint three disinterested real estate appraisers, familiar with property values in Loudoun County, who shall forthwith make an appraisal of the historic landmark, building, or structure in question and file a written report with the HDRC stating whether or not the offer to sell the historic landmark, building, or structure is at a price reasonably related to its fair market value. The concurring opinion of any two of the three appraisers shall be final and binding. In the event the opinion is to the effect that the offer to sell the historic landmark, building, or structure is at a price reasonably related to its fair market value, the owner may continue to offer the property for sale pursuant to this Section. In the event the opinion is to the effect that the offer to sell the historic landmark, building, or structure is not at a price reasonably related to its fair market value, the date of the offer to sell first established pursuant to this Section shall be void and the owner, if he wishes to take advantage of the right provided in said Section, must re-file the notice provided for above.

Notwithstanding an adverse opinion by the appraisers if an owner has entered into a binding bona fide contract as provided in this Section 6-1906 prior to the date the appraisers have filed their report with the HDRC, the price shall be deemed reasonably related to the fair market value.

6-1907 Hazardous Conditions

(A) **Landmarks, Buildings, or Structures.** Nothing in this section shall prevent the razing or demolition of any historic landmark, building, or

structure within a Historic District which is in such an unsafe condition that it would endanger life or property as determined, in writing verifying the conditions necessitating such action, by the Building Official, in accordance with Chapter 1410 of the Codified Ordinances of Loudoun County, as amended.

(B) **Walls, Fences, and Signs.** Walls, fences, and signs within a Historic District may be razed or demolished without approval by the HDRC, if it is in such unsafe condition that it would endanger life or property as determined by the Zoning Administrator, or the Zoning Administrator's designee.

6-1908 **Enforcement.** In addition to the remedies provided in Section 6-500 et seq. of the Zoning Ordinance, the Zoning Administrator, or the Zoning Administrator's designee, shall have the authority to order that work be stopped, and that all CAPPs, CAPAs, or other permits for the work being performed on a building or structure located within a Historic District be revoked, or if no CAPP, CAPA, or other permit has been approved, to require the approval of the necessary CAPP or CAPA prior to the continuation of work on said building or structure.

6-1909 **Appeals.**

(A) **Appeal from Zoning Administrator to HDRC.**

(1) In lieu of any appeal pursuant to Section 6-1700 et seq., any person aggrieved by any decision of the Zoning Administrator, or the Zoning Administrator's designee, in the administration or enforcement of Section 6-1900 et seq., may appeal such decision to the HDRC. Appeals shall be taken within thirty (30) days from the date of the decision by filing with the Zoning Administrator, or the Zoning Administrator's designee, a notice of appeal specifying the grounds of the appeal, submitted in accordance with Section 6-1707 of the Zoning Ordinance. The Zoning Administrator, or the Zoning Administrator's designee, shall forthwith forward to the chairman of the HDRC all materials constituting the record upon which the decision appealed was taken.

(2) In considering an appeal of a decision of the Zoning Administrator, or the Zoning Administrator's designee, the HDRC shall review the decision as if the decision had come before it in the first instance. In an appeal, the HDRC may consider any information or opinions relevant to the application, including, without limitation, those provided by the Zoning Administrator, or the Zoning Administrator's designee.

(B) **Appeals from HDRC to Board of Supervisors.**

(1) Appeals to the Board of Supervisors may be taken by any person aggrieved by any final decision of the HDRC in the administration or enforcement of Section 6-1900 et seq. Appeals shall be taken

within thirty (30) days from the date of the decision by filing with the Zoning Administrator, or the Zoning Administrator's designee, a notice of appeal specifying the grounds of the appeal, in accordance with Section 6-1707 of the Zoning Ordinance. The Zoning Administrator, or the Zoning Administrator's designee, shall forthwith forward to the Clerk of the Board of Supervisors all the materials constituting the record upon which the action appealed from was taken.

(2) A notice of appeal properly filed as herein provided shall stay the final decision of the HDRC; provided, however, that the appellant shall be prohibited from taking any action for which approval is sought pending the outcome of the appeal to the Board of Supervisors.

(3) Within ninety (90) days after the notice of appeal has been filed, the Board of Supervisors shall hold a public hearing, give public notice thereof as required by Section 15.2-2204 of the Code of Virginia, as amended, as well as due notice to the parties in interest. In exercising its powers, the Board of Supervisors shall give due consideration to the decision of the HDRC and Sections 6-1800 et seq. and 6-1900 et seq. of the Zoning Ordinance, and may reverse or affirm, wholly or partly, or may modify the decision appealed from. The Zoning Administrator, or the Zoning Administrator's designee, shall provide a copy of the decision to the appellant and upon each other person who was a party of record at the hearing.

6-1910 **Appeals from Board of Supervisors to Circuit Court**. Any person aggrieved by any final decision of the Board of Supervisors made pursuant to Section 6-1909(B) of the Zoning Ordinance, may appeal to the Circuit Court for the County of Loudoun, in accordance with Section 15.2-2306 of the Code of Virginia of 1950, as amended. The filing of a petition of appeal with the Circuit Court shall stay the decision of the Board pending the outcome of the appeal to the Court, except that the filing of such petition shall not stay the decision of the Board if such decision denies the right to raze or demolish a historic landmark, building, or structure.

Section 6-2000 RESERVED

ARTICLE 7
ADMINISTRATION AND REGULATION OF AFFORDABLE DWELLING UNIT DEVELOPMENTS

Section 7-100 Affordable Dwelling Unit Developments.

7-101 **Purpose.** The Affordable Dwelling Unit Program is established to assist in the provision of housing to persons of moderate income by (a) promoting the development of a full range of housing choices, and (b) requiring the construction and continued existence of dwelling units which are affordable for purchase by households whose income is greater than thirty percent (30%) and less than seventy percent (70%) and affordable for rental by households whose income is greater than thirty percent (30%) and less than fifty percent (50%) of the median income for the Washington Primary Metropolitan Statistical Area (PMSA). "Affordable Dwelling Units" shall be defined as those units for which the rental and/or sales price is regulated pursuant to the provisions contained in this Article, as adopted by the Board of Supervisors. All affordable dwelling units shall comply with the following provisions and the urban residential district regulations for Affordable Dwelling Unit Developments contained in Sections 7-200 through 7-1100 of this Ordinance and Chapter 1450 of the Loudoun County Codified Ordinance.

7-102 **Applicability.**

(A) The requirements of the Affordable Dwelling Unit Program shall apply to any site, or portion thereof, at one location which is (a) served by public water and sewer, and (b) the subject of an application for rezoning, special exception, site plan or preliminary subdivision which yields, as submitted by the applicant, fifty (50) or more dwelling units at an equivalent density greater than one unit per forty thousand (40,000) square feet.

(1) For the purposes of this Ordinance, "site or portion thereof, at one location" shall include all adjacent undeveloped land of the property owner and/or applicant, under common ownership and/or control of the owner and/or applicant, including, but not limited to, land owned and/or controlled by separate partnerships, land trusts, or corporations in which the owner and/or applicant (to include members of the owner's and/or applicant's immediate family) is an owner of one (1) percent or more of the stock, and other such forms of business entities. Adjacent parcels of undeveloped land owned by separate members of the same family shall be exempt from the provisions of this section when such separate ownership has existed for a period of no less than five (5) years.

(2) Immediate family members shall include the owner's and/or applicant's spouse, children, parents and siblings.

(3) In instances where a lending institution, such as pension fund, bank, savings and loan, insurance company or similar entity has acquired, or acquires, an equity interest solely by virtue of its agreement to provide financing, such equity interest shall not constitute ownership and shall not be considered in making determinations of applicability. However, the acquisition of a fee interest by such lending institution due to foreclosure or project participation shall be considered as ownership in making determinations of applicability.

(B) Any request for a Concept Development Plan (CDP) Amendment involving the rezoning of land within a mixed use planned development district, or zoning amendment which requires a rezoning plat, that results in an increase in the total number of residential units shall be subject to this Ordinance. However, application of the provisions of this Article shall be limited to the increase in the total number of residential units, provided that the overall density of the project results in fifty (50) or more units at a density of greater than one (1) unit per acre.

(C) An owner and/or applicant shall not be exempt from the requirements of this Ordinance by submitting phased applications for rezoning, special exception, site plan or preliminary subdivision for less than fifty (50) dwelling units at any one time. An owner and/or applicant may submit an application for rezoning, special exception, or preliminary subdivision for less than fifty (50) units if the applicant agrees, in writing, that the next application or submission for the subject site, or portion thereof, shall meet the requirements of this Ordinance when the total number of dwelling units in the subject development has reached fifty (50) units or more. This statement shall be included on the approved concept development plan, rezoning plat, special exception, site plan, or preliminary subdivision plat. Such statement shall be recorded among the Loudoun County land records and shall be indexed in the names of all owners of the site, or portion thereof, as such terms are defined above.

(D) The requirements of this Article shall not apply to the following:

(1) Any multiple family dwelling unit structure with four (4) stories or more and having an elevator.

(2) Special exception, site plan or preliminary subdivision applications filed in accordance with an approved Rezoning which has proffered the provision of affordable dwelling units or other contributions toward the provision of affordable dwelling units prior to the effective date of this Ordinance.

(3) Proffer amendment, concept development plan amendment, preliminary subdivision amendment, site plan amendment and special exception amendment applications filed after the effective

date of this Ordinance which deal exclusively with issues of building relocation, site access, stormwater drainage, or other engineering or public facility issues, or the preservation of historic structures, wetlands, child care facilities, or changes in the size of units, a reduction in the number of units, or which request the addition of a non-residential special exception use.

(4) Properties subject to proffers accepted by the Board of Supervisors, pursuant to Section 15.2-2303 of the Code of Virginia, prior to June 16, 1993.

(5) Any request for a Concept Development Plan (CDP) Amendment or zoning amendment which involves the rezoning of land within a mixed use planned development district in order to redistribute existing units to the newly zoned property within the same development, but which does not result in an increase in the total number of residential units.

(6) Any request for a rezoning plat amendment or zoning amendment which involves the rezoning of land within a non-planned development district in order to redistribute existing units to the newly zoned property within the same development, but which does not result in an increase in the total number of residential units.

(7) Land zoned R-1, CR-1, TR-1, and JLMA-1.

(E) At the applicant's discretion, the provisions of this Article and individual district regulations for affordable dwelling unit developments may be applied to developments which are exempt from these provisions, as stated in Section 7-102(D). In the event that an applicant proposes to provide affordable dwelling units in a development which is otherwise exempt, the County shall waive any application fee associated with a Concept Development Plan Amendment proposing to change the Concept Development Plan only in order to provide affordable dwelling units. County review of such applications shall not exceed 180 days.

7-103 Affordable Dwelling Unit Density Adjustments.

(A) Single Family Detached and Single Family Attached Units.

(1) For active rezoning applications that have not yet complied with Section 6-1204(D)(1) of this Ordinance as of December 16, 2003, and for rezoning, special exception, site plan and preliminary subdivision applications officially accepted after December 16, 2003 which request approval of single family detached dwelling units or single family attached dwelling units, the proposed density shall reflect an increase of twenty percent (20%), including the required number of affordable dwelling units,

unless such figure is modified pursuant to the provisions of Section 7-108 or the applicant provides cash in lieu of providing the single family detached units pursuant to Section 7-108(A)(3). In the event such increase exceeds the upper density limit set forth in the Comprehensive Plan, then the upper density limit set forth in the Comprehensive Plan applicable to the subject property shall be increased up to twenty percent (20%) for the purposes of calculating the potential density which may be approved by the Board of Supervisors.

(2) In the event that a twenty percent (20%) density increase is approved pursuant to Section 7-103(A)(1) above, not less than twelve and one half percent (12.5%) of the total number of dwelling units approved for the subject development shall be affordable dwelling units, for which the rental and/or sales price will be controlled pursuant to this Article.

(B) **Multi-Family Units.**

(1) For rezoning, special exception, site plan and preliminary subdivision applications officially accepted after the effective date of this Ordinance which request approval of non-elevator, multi-family dwelling unit structures, the proposed density shall reflect an increase of ten percent (10%), including the required number of affordable units, unless such figure is modified pursuant to the provisions of Section 7-108. In the event such increase exceeds the upper density limit set forth in the Comprehensive Plan, then the upper density limit set forth in the Comprehensive Plan applicable to the subject property shall be increased up to ten percent (10%) for the purposes of calculating the potential density which may be approved by the Board of Supervisors.

(2) In the event that a ten percent (10%) density increase is approved pursuant to Section 7-103(B)(1) above, not less than six and one-quarter percent (6.25%) of the total number of dwelling units approved for the subject development shall be affordable dwelling units, for which the rental and/or sales price will be controlled pursuant to this Article.

(3) An applicant may, at his discretion, request approval from the Board of Supervisors, or its designee, of a twenty percent (20%) increase in the density on a subject parcel, provided that at least twelve and one half percent (12.5%) of the total number of units approved are affordable dwelling units, for which the rental and/or sales price is controlled pursuant to the provisions of this Article.

(C) In the case where affordable dwelling units are provided pursuant to Section 7-102(E) above, the affordable dwelling unit to bonus density increase ratio required by Sections 7-103(A) and (B) does not apply. The density of a development subject to voluntary provision of affordable dwelling units which is otherwise exempt, may be increased up to twenty percent (20%). In the event that a twenty percent (20%) density increase is approved pursuant this Section, not less than twelve and one half percent (12.5%) of the total density bonus units approved for the subject development shall be affordable dwelling units, for which the rental and/or sales price will be controlled pursuant to this Article.

7-104 Designation of Affordable Units on Plats.

(A) Approved site plans and/or record subdivision plats shall identify the specific number of for-sale units and/or percentage of units for rent which are to be regulated as affordable units pursuant to this Article.

(1) All plans or plats for developments containing affordable dwelling for-sale units shall identify specific units which are for sale or the percentage of units for rent under the affordable guidelines in this Article.

(2) All site plans for developments containing affordable dwelling rental units shall include information concerning the number of each type of unit, by bedroom count, which shall be maintained as affordable.

(B) Specifications regarding dwelling dimensions and the number of bedrooms in all affordable units shall meet the requirements established by the Affordable Dwelling Unit Advisory Board pursuant to the Codified Ordinance. In general, dwelling dimensions and the number of bedrooms in an affordable multi-family unit shall be comparable to equivalent market rate units on the subject parcel.

(C) Affordable dwelling units shall be of a building type and of an architectural style compatible with residential units permitted within the zoning district in which they are located and interspersed among market rate units in the proposed development.

7-105 Review of site or subdivision plans within 90 days. The County shall process final site plans, preliminary subdivisions or record subdivision plats proposing the development or construction of affordable dwelling units within ninety (90) days from the receipt thereof, provided that such plans and plats substantially comply with all ordinance requirements when submitted. The calculation of the review period shall include only that time the plans or plats are under County review and shall not include such time as may be required for revisions or modifications in order to comply with ordinance requirements.

7-106 **Timing of Construction/Availability of Affordable Units.** In a development which contains single family detached, single family attached, or multi-family lots or units, occupancy permits for no more than fifty percent (50%) of the market rate dwelling units shall be issued prior to the issuance of occupancy permits for fifty percent (50%) of the affordable dwelling units. Occupancy permits for no more than seventy-five percent (75%) of the market rate dwelling units shall be issued until occupancy permits have been issued for one hundred percent (100%) of the affordable dwelling units for the development.

7-107 **Administration and Regulation.** The administration and regulation, establishment of unit prices, price controls, eligibility requirements, and the structure and operation of the Affordable Dwelling Unit Advisory Board are governed by the Codified Ordinance of Loudoun County.

7-108 **Modifications.**

(A) Modifications to the requirements of Sections 7-103 and 7-106 of the Affordable Dwelling Unit Program shall be allowed concurrently with applications for a rezoning, special exception, site plan or preliminary subdivision, upon a finding by the Board of Supervisors, upon recommendation of the Planning Commission, that the proposed alternative will achieve the objective of providing a broad range of housing opportunities throughout Loudoun County. In the event that a modification to Section 7-103 is requested:

(1) The ratio of affordable units proposed to the total density increase approved shall be no less than 12.5:20% for single family detached and single family attached developments, and 6.25:10% for multi-family unit developments; and

(2) The total affordable units proposed shall be no less than five percent (5%) of the total number of residential units within the project.

(3) Notwithstanding paragraphs (1) and (2) above, any request for rezoning, special exception, or preliminary subdivision (by right) which contain only single family detached units, a modification may be requested to provide cash in lieu of the units. Such cash must be paid prior to the first zoning permit. In the event that an applicant requests a modification to make such cash payment, the following criteria shall apply:

(a) The cash formula of Section 7-108(E) shall apply.

(b) The decision to pay cash in lieu of providing the units has to be made at the time of approval of rezoning, special exception or preliminary subdivision (by right), as applicable.

(c) No bonus density is to be granted for a development, when an applicant opts to provide cash in lieu of units.

(d) The district regulations of Article VII shall not apply to a development when an applicant opts to provide cash in lieu of units.

(B) In reviewing a request for modification to Section 7-103, consideration shall be given to the following:

(1) The number of affordable units, low-cost housing, manufactured housing and other similar type housing that exists, or are to be provided, within two (2) miles of the site and within Loudoun County.

(2) Public facilities and services already developed for the overall development capacity to accommodate the maximum density increase permitted for provision of affordable dwelling units.

(3) Existing unique, or unusual site constraints including, but not limited to, potential adverse impacts on environmental resources and features on the subject parcel and adjacent parcels, and difficult soil conditions.

(4) Unusual costs associated with development of the subject property.

(5) Overriding public needs, health issues, public safety issues, or public welfare issues which are better served by not providing the maximum number of affordable units otherwise required.

(6) In the case of a request for a Concept Development Plan Amendment, consideration shall also be given to whether the amendment would result in a reduction in the previously approved rezoning's impact on public facilities and whether the existing proffer commitments for the previously approved rezoning exceed current adopted capital facility guidelines established in the County's comprehensive plan.

(C) In conjunction with Section 7-108(A) above requesting such modifications, the Board of Supervisors may permit an applicant to request a modification to this ordinance so as to allow them to provide any combination of affordable dwelling units, land or contributions to Loudoun County equivalent to providing the required number of affordable dwelling units.

(D) Requests for modifications to the requirements of the Affordable Dwelling Unit Program, as applied to a given development, shall be submitted in conjunction with the application for rezoning, concept

development plan amendment, proffer amendment, special exception, site plan, or preliminary subdivision, as applicable. The applicant shall provide a justification for such request. The Affordable Dwelling Unit Advisory Board shall review requests for modifications and make its recommendation within sixty (60) days of receipt of a complete application.

(E) Cash contributions made pursuant to Section 7-108(C) and 7-103(A) shall be calculated according to the following formula:

$$\frac{\textit{Construction Price of Prototypical ADU}}{.75} \times .25 \times \textit{\# of ADU lots required} = \textit{cash contribution}$$

(F) All cash, or the value of land contributions made pursuant to Sections 7-103(A) and 7-108(C) shall be calculated in terms of current dollars, adjusted by the CPI, at the time the actual contribution is officially transferred to the County, and paid prior to the issuance of the first zoning permit unless another time is approved by the Board of Supervisors at the time the modification is approved. Funds collected shall be placed in the Loudoun County Housing Trust Fund.

(G) The time limits set forth in Section 15.2-2259 and 15.2-2260 of the Virginia Code shall be suspended during the pendency of an application filed pursuant to Section 7-108.

7-109 Compliance with State/Federal/Local Laws.

(A) A development which provides, pursuant to Federal, State or other local programs, the same number or more affordable dwelling units as the number of affordable dwelling units required under Section 7-103 above, subject to terms and restrictions equivalent to the requirements of this Article, shall satisfy the requirements of the Affordable Dwelling Unit Program.

(B) A development which provides, pursuant to Federal, State, or other local programs, a fewer number of affordable dwelling units than required under Section 7-103 above, subject to terms and restrictions equivalent to the requirements of this Article, shall provide the additional number of affordable dwelling units necessary to make up the shortage.

(C) The rents and sales prices for affordable dwelling units provided pursuant to Federal, State, or other local programs shall be in accordance with the rules and regulations governing such programs and these units shall be marketed in accordance with such rules and regulations, provided rents and sale prices shall not exceed those set pursuant to this Article.

7-110 **Violations and Penalties.** In addition to the provisions set forth in Section 6-500, the following shall apply whenever any person, whether owner, lessee, principal, agent, employee or otherwise, violates any provision of this Article, or permits any such violation, or fails to comply with any of the requirements hereof:

(A) Owners of affordable dwelling units who shall fail to submit executed affidavits or certifications, as required by this Article, shall be fined fifty (50) dollars per day per unit, up to a maximum of three thousand (3000) dollars per unit, until such affidavit or certificate is filed, but only after written notice and a ten-day compliance period is provided. Fines levied pursuant to this paragraph shall become liens upon the real property and shall accumulate interest at the judgment rate of interest.

(B) Tenants of affordable dwelling units who shall fail to submit executed affidavits or certifications, as required by this Article, shall be subject to lease termination and eviction procedures, as provided in the Codified Ordinance.

(C) Owners and tenants of affordable dwelling units who shall falsely swear or who shall execute an affidavit or certification required by this Article knowing the statements contained therein to be false shall be guilty of a Class II misdemeanor and shall be subject to a fine up to one thousand (1000) dollars.

(1) Fines levied against owners pursuant to this paragraph shall become liens upon the real property and shall accumulate interest at the judgment rate of interest.

(2) Tenants of affordable dwelling units who shall falsely swear or who shall execute an affidavit or certification required by this Article knowing the statements contained therein to be false shall also be subject to lease termination and eviction procedures, as provided in the Codified Ordinance.

(3) Owners of individual affordable dwelling units who shall falsely swear that they continue to occupy their respective affordable dwelling unit as their primary domicile shall be subject to injunction or other suit, action or proceeding to require such owner to either sell the unit to someone who meets the eligibility requirements established pursuant to this Article or to occupy such affordable dwelling unit as a domicile.

7-111 **Enforcement and Court Appeals.**

(A) The Zoning Administrator shall administer and enforce the provisions of the Affordable Dwelling Unit Program.

(B) Notwithstanding the provisions of Section 15.2-2311 of the Virginia Code, any person aggrieved by a decision of the Zoning Administrator or by the Affordable Dwelling Unit Advisory Board, in the case of a decision made by the latter regarding an appeal of affordable dwelling unit for-sale or rental prices, or by any decision made by an administrative officer in the administration or enforcement of the Affordable Dwelling Unit Program, may appeal such decision to the Loudoun County Board of Zoning Appeals by filing a petition of appeal which specifies the grounds upon which aggrieved within thirty (30) days from the date of the decision.

(C) Any petition of appeal properly filed pursuant to Paragraph B above shall not constitute a de novo proceeding and shall be considered by the Circuit Court in a manner similar to petitions filed pursuant to Section 15.2-2314 of the Virginia Code.

AFFORDABLE DWELLING UNIT DEVELOPMENT ZONING DISTRICT REGULATIONS

Section 7-200 Countryside Residential-2: (CR-2) District.

7-201 **Purpose.** These regulations for the CR-2 district are established to provide "for affordable dwelling unit developments at a density not to exceed two and four-tenths (2.4) dwelling units per acre".

7-202 **Permitted Uses.** Affordable dwelling unit developments may consist of single family detached dwelling units, either in a compact cluster or traditional designed subdivision. In addition, single family attached duplex, triplex, and quadruplex units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.

7-203 **Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a traditional or compact cluster design option, in the CR-2 district.

(A) **Lot size.** No minimum requirement.

(B) **Lot width.**

(1) Single family detached. 50 feet minimum.

(2) Single family attached duplex, triplex, or quadruplex units.
18 feet minimum for interior units.
30 feet minimum for end units.

(C) **Yards.** (Single family attached duplex, triplex, or quadruplex units).

(1) **Front.** 15 feet minimum.

(2) **Side.** 9 feet minimum.

(3) **Rear.** 25 feet minimum.

(4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.** 40% maximum.

(E) **Open Space Area for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling

unit development such that the overall density of one lot per 14,000 square feet is maintained.

(F) **Other Requirements.**

(1) **Location.** Single family attached duplex, triplex, and quadruplex units shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.

(2) **Frontage.** Single family attached units shall front on a public road, unless the development has received approval for private streets.

(3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

Section 7-300 Countryside Residential-3: (CR-3) District.

7-301 **Purpose.** These regulations for the CR-3 district are established to provide for affordable dwelling unit developments at a density not to exceed three and six-tenths (3.6) dwelling units per acre.

7-302 **Permitted Uses.** Affordable dwelling unit developments may consist of single family detached dwelling units, either in a compact cluster or traditional designed subdivision. In addition, single family attached duplex, triplex, and quadruplex units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.

7-303 **Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban or compact cluster design option, in the CR-3 district.

(A) **Lot size.** No minimum requirement.

(B) **Lot width.**

(1) Single family detached. 50 feet minimum.

(2) Single family attached duplex, triplex, or quadruplex units.
18 feet minimum for interior units.
30 feet minimum for end units.

(C) **Yards.** (Single family attached duplex, triplex, or quadruplex units):

(1) **Front.** 15 feet minimum.

(2) **Side.** 9 feet minimum.

(3) **Rear.** 25 feet minimum.

(4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.** 40% maximum.

(E) **Open Space for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling unit development such that the overall density of one lot per 10,000 square feet is maintained.

(F) **Other Regulations.**

(1) **Location.** Single family attached duplex, triplex, and quadruplex units shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.

(2) **Frontage.** Single family attached and single family attached units shall front on a public road, unless the development has received approval for private roads.

(3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

Section 7-400 Countryside Residential-4: (CR-4) District.

7-401 **Purpose.** These regulations for the CR-4 district are established to provide for affordable dwelling unit developments at a density not to exceed four and eight-tenths (4.8) dwelling units per acre.

7-402 **Permitted Uses.** Affordable dwelling unit developments may consist of single family detached dwelling units in a suburban designed subdivision. In addition, single family attached duplex, triplex, and quadruplex units and townhouse units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.

7-403 **Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development in the CR-4 district.

(A) **Lot size.** No minimum requirement.

(B) **Lot width.**

(1) Single family detached. 50 feet minimum.

(2) Single family attached duplex, triplex, or quadruplex units.
18 feet minimum for interior units.
30 feet minimum for end units.

(3) Single family attached townhouse units.
14 feet minimum for interior units.
24 feet minimum for end units.

(C) **Yards.** (Single family attached duplex, triplex, or quadruplex and single family attached units).

(1) **Front.** 15 feet minimum.

(2) **Side.** 8 feet minimum; 0 feet for interior units.

(3) **Rear.** 25 feet minimum.

(4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.**

(1) Single family detached. 35% maximum.

(2) Single family attached duplex, triplex, quadruplex or townhouse units. 50% maximum.

(E) **Open Space for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling unit development such that the overall density of one lot per 7,000 square feet is maintained.

(F) **Other Regulations.**

(1) **Location.** Single family attached duplex, triplex, and quadruplex units and single family attached dwellings shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.

(2) **Frontage.** Single family attached and single family attached units shall front on a public road, unless the development has received approval for private roads.

(3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

Section 7-500 R-2 Single Family Residential District.

7-501 **Purpose.** These regulations for the R-2 district are established to provide for affordable dwelling unit developments at a density not to exceed two and four-tenths (2.4) dwelling units per acre.

7-502 **Permitted Uses.** Affordable dwelling unit developments may consist of single family detached dwelling units, either in a cluster, suburban, or traditionally designed subdivision. Cluster subdivisions reducing lot areas by 20-50% shall be subject to the approval of a special exception, in accordance with Section 6-1300 and 6-1400. In addition, single family attached duplex, triplex, and quadruplex units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.

7-503 **Lot and Building Requirements.** Unless otherwise provided for below, the lot, building, setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban, traditional, or cluster design option, in the R-2 district.

(A) **Lot size.** No minimum requirement.

(B) **Lot width.**

(1) Single family detached, suburban. 60 feet minimum.

(2) Single family detached, traditional. 45 feet minimum.

(3) Single family detached, cluster. 50 feet minimum.

(4) Single family attached duplex, triplex, or quadruplex units.
18 feet minimum for interior units.
30 feet minimum for end units.

(C) **Yards.** (Single family attached duplex, triplex, or quadruplex units).

(1) **Front.** 15 feet minimum.

(2) **Side.** 9 feet minimum; 0 feet for interior units.

(3) **Rear.** 25 feet minimum.

(4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.** 40% maximum.

(E) **Open Space Area for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling unit development such that the overall density of one lot per 14,000 square feet is maintained.

(F) **Other requirements.**

(1) **Location.** Single family attached duplex, triplex, and quadruplex units shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.

(2) **Frontage.** Single family attached units shall front on a public road, unless the development has received approval for private streets.

(3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

Section 7-600 R-3 Single Family Residential District.

7-601 **Purpose.** These regulations for the R-3 district are established to provide for affordable dwelling unit developments at a density not to exceed three and six-tenths (3.6) dwelling units per acre.

7-602 **Permitted Uses.** Affordable dwelling unit developments may consist of single family detached dwelling units, either in a cluster, suburban, or traditionally designed subdivision. Cluster subdivisions reducing lot areas by 20-50% shall be subject to the approval of a special exception, in accordance with Sections 6-1300 and 6-1400. In addition, single family attached duplex, triplex, and quadruplex units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.

7-603 **Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban, traditional, or cluster design option, in the R-3 district.

(A) **Lot size.** No minimum requirement.

(B) **Lot width.**

(1) Single family detached, suburban. 50 feet minimum.

(2) Single family detached, traditional. 40 feet minimum.

(3) Single family detached, cluster. 40 feet minimum.

(4) Single family attached duplex, triplex, or quadruplex units. 30 feet minimum for end units.

(C) **Yards.** (Single family attached duplex, triplex, or quadruplex units).

(1) **Front.** 15 feet minimum.

(2) **Side.** 9 feet minimum; 0 for interior lots.

(3) **Rear.** 25 feet minimum.

(4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.** 40% maximum.

(E) **Open Space for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling unit development such that the overall density of one lot per 10,000 square feet is maintained.

(F) **Other Regulations.**

(1) **Location.** Single family attached duplex, triplex, and quadruplex units shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.

(2) **Frontage.** Single family attached and single family attached units shall front on a public road, unless the development has received approval for private roads.

(3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

Section 7-700 R-4 Single Family Residential District.

7-701 **Purpose.** These regulations for the R-4 district are established to provide for affordable dwelling unit developments at a density not to exceed four and eight-tenths (4.8) dwelling units per acre.

7-702 **Permitted Uses.** Affordable dwelling unit developments may consist of single family detached dwelling units, either in a cluster, suburban, or traditionally designed subdivision. Cluster subdivisions reducing lot areas by 20-50% shall be subject to the approval of a special exception, in accordance with Sections 6-1300 and 6-1400. In addition, single family attached duplex, triplex, and quadruplex units and single family attached townhouse units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.

7-703 **Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban, traditional, or cluster design option, in the R-4 district.

(A) **Lot size.** No minimum requirement.

(B) **Lot width.**

(1) Single family detached, suburban. 50 feet minimum.

(2) Single family detached, traditional. 40 feet minimum.

(3) Single family detached, cluster. 40 feet minimum.

(4) Single family attached, duplex, triplex, or quadruplex units.
18 feet minimum for interior units.
30 feet minimum for end units.

(5) Single family attached, townhouse units.
14 feet minimum for interior units.
24 feet minimum for end units.

(C) **Yards.** (Single family attached duplex, triplex, quadruplex or townhouse units).

(1) **Front.** 15 feet minimum.

(2) **Side.** 8 feet minimum; 0 feet for interior units.

(3) **Rear.** 25 feet minimum.

(4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.**

(1) Single family detached. 35% maximum.

(2) Single family attached duplex, triplex, quadruplex or townhouse units. 50% maximum.

(E) **Open Space for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling unit development such that the overall density of one lot per 7,000 square feet is maintained.

(F) **Other Regulations.**

(1) **Location.** Single family attached duplex, triplex, and quadruplex units and single family attached dwellings shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.

(2) **Frontage.** Single family attached and single family attached units shall front on a public road, unless the development has received approval for private roads.

(3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

Section 7-800 R-8 Single Family Residential District.

7-801 **Purpose.** These regulations for the R-8 district are established to provide for affordable dwelling unit developments at a density not to exceed nine and six-tenths (9.6) dwelling units per acre.

7-802 **Permitted Uses.** Affordable dwelling unit developments may consist of single family detached or single family attached dwelling units, either in a suburban or traditionally designed subdivision. In addition, multi-family units are permitted, provided that no more than fifty percent (50%) of the total number of dwelling units allowed within the development shall consist of such units.

7-803 **Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban or traditional design option, in the R-8 district.

(A) **Lot size.** No minimum requirement.

(B) **Lot width.**

(1) Single family detached, suburban. 40 feet minimum.

(2) Single family attached duplex, triplex, or quadruplex units.
14 feet minimum for interior units.
24 feet minimum for end units.

(3) Single family attached townhouse units.
14 feet minimum for interior units.
22 feet minimum for end units.

(4) Multi-family structures. 60 feet minimum.

(C) **Yards.**

(1) Single family detached, suburban and traditional.

(a) **Front.** 15 feet minimum.

(b) **Side.** 8 feet minimum (16 feet minimum between units).

(c) **Rear.** 25 feet minimum.

(2) Single family attached units.

(a) **Front.** 15 feet minimum.

(b) **Side.** No requirement along common walls; minimum side yard on end unit shall be 8 feet.

(c) **Rear.** 15 feet minimum, no requirement along common walls.

(3) Multi-family structures.

(a) **Front.** 20 feet minimum.

(b) **Side.** 10 feet minimum; 20 feet on corner lots.

(c) **Rear.** 25 feet minimum.

(4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.**

(1) Single Family Detached: 50% maximum.

(2) Multifamily: 60% maximum.

(3) Single Family Attached: 75% maximum.

(E) **Active Recreation Space.** A minimum of 5,000 square feet of active recreation space shall be provided for each group of market-rate dwelling units of more than ten (10) units. An additional 100 square feet of such space shall be provided for each market-rate single family detached dwelling unit and 200 square feet of such space for each single family attached dwelling unit in excess of ten (10) units. All such space shall be accessible to all residents by means of internal pedestrian walkways.

(F) **Other Regulations.**

(1) **Location.** Multi-family units shall be located so as to minimize their impact on single family detached developments located adjacent to the ADU development.

(2) **Frontage.** Units shall front on a public road, unless the development has received approval for private roads.

Section 7-900 R-16 Townhouse/Multi-family District.

7-901 **Purpose.** These regulations for the R-16 district are established to provide for affordable dwelling unit developments at a density not to exceed nineteen and two-tenths (19.2) dwelling units per acre.

7-902 **Permitted Uses.** Affordable dwelling unit developments may consist of single family attached, quadruplex, townhouse, or multi-family units, either in a suburban or traditionally designed subdivision.

7-903 **Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban or traditional design option, in the R-16 district.

(A) **Lot size.** No minimum requirement.

(B) **Lot width.**

(1) Single family attached townhouse units.
14 feet minimum for interior units.
22 feet minimum for end units.

(2) Single family attached quadruplex units. 28 feet minimum.

(3) Multi-family structures. 60 feet minimum.

(C) **Yards.**

(1) Single family attached.

(a) **Front.** 15 feet minimum, except as provided for in traditional design developments pursuant to Section 3-606(C)(2).

(b) **Side.** No requirement along common walls; minimum side yard on end unit shall be 8 feet.

(c) **Rear.** 15 feet minimum, no requirement along common walls.

(2) Multi-family structures.

(a) **Front.** 25 feet minimum.

(b) **Side.** 10 feet minimum; 25 feet minimum on corner lots.

(c) **Rear.** 25 feet minimum.

(3) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.**

(1) Multifamily: 60% maximum.

(2) Single Family Attached: 75% maximum.

(E) **Active Recreation Open Space.** A minimum of 5,000 square feet of active recreation space shall be provided for each group of ten (10) market-rate dwelling units. An additional 200 square feet of such space shall be provided for each market-rate single family attached dwelling unit in excess of ten (10) units. All such space shall be accessible to all residents by means of internal pedestrian walkways.

Section 7-1000 R-24 Multi-family Residential District.

7-1001 **Purpose.** These regulations for the R-24 district are established to provide for affordable dwelling unit developments at a density not to exceed twenty-eight and eight-tenths (28.8) dwelling units per acre.

7-1002 **Permitted Uses.** Affordable dwelling unit developments may consist of multi-family dwelling units, either in a suburban or traditionally designed subdivision.

7-1003 **Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban or traditional design option, in the R-24 district.

(A) **Lot size.** No minimum requirement.

(B) **Lot width.** 60 feet minimum.

(C) **Yards.**

(1) **Front.** 25 feet minimum.

(2) **Side.** 10 feet minimum; 25 feet minimum on corner lots.

(3) **Rear.** 25 feet minimum.

(4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.** 70% maximum.

(E) **Active Recreation Space.** A minimum of 5,000 square feet of active recreation space shall be provided for each group of ten (10) market-rate dwelling units. An additional 200 square feet of such space shall be provided for each market-rate multi-family dwelling unit in excess of ten (10) units. All such space shall be accessible to all residents by means of internal pedestrian walkways.

Section 7-1100 PD-Housing Districts.

7-1101 The regulations for low density, medium density, and high density residential neighborhoods designated on the concept development plan for a PD-H Zoning District providing affordable dwelling units shall be those for Affordable Dwelling Unit Developments in the counterpart Urban Residential districts.

7-1102 The regulations for low density, medium density, and high density residential neighborhoods designated on the concept development plan for a Traditional Town development providing affordable dwelling units shall be those for Affordable Dwelling Unit Developments in the R-4, R-8, and R-16 districts.

ARTICLE 8 DEFINITIONS

Words and terms set forth below shall have the meanings ascribed to them. Any word, term, or phrase used in this Ordinance not defined below shall have the meaning ascribed to such word, term or phrase in the most recent edition of Webster's Unabridged Dictionary, unless in the opinion of the Zoning Administrator, established customs or practices in Loudoun County, Virginia justify a different or additional meaning. For the purpose of this Ordinance, certain words and terms are herein defined as follows:

A

Abattoir: A commercial slaughterhouse.

Access: A means of approach or admission.

Accessory Building: A non-habitable building located on a lot, the use of which is associated with the principal building and which is located upon the same lot as the principal building. The maximum size of an accessory building is based on the size of the lot on which it is located as follows: up to 5 acres: 2,500 sq. ft., more than 5 acres up to 10 acres: 5,000 sq. ft., more than 10 acres up to 20 acres: 7,500 sq. ft., more than 20 acres: 10,000 sq. ft.

Active channel: The area of the stream channel that is subject to frequent flows (approximately once per one and one-half years), and that includes the portion of the channel below where the floodplain flattens.

Active recreational uses: Recreational uses requiring constructed facilities for organized activities, such as playing fields, ball courts, and playgrounds.

Adult Day Care Center: A licensed facility for four or more aged, infirmed, or disabled adults which is operated during a part of the day only, which provides supplementary care and protection of individuals who reside elsewhere, except a facility or portion of a facility licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Service, and the home or residence of an individual who cares for only persons related to him by blood or marriage.

Adult Entertainment: Adult entertainment is any medium used for presenting material or performances distinguished or characterized by an emphasis on matter depicting, describing, or relating to 'Specified Sexual Activities' or 'Specified Anatomical Areas' for observation by patrons therein; or limits the presentation of such materials to persons over 18 years of age. This definition shall not apply to a legitimate theatrical performance where nudity is only incidental to the primary purpose of the performance. For the purposes of this definition, "Specified Sexual Activities' is defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

And, 'Specified Anatomical Areas' is defined as:

1. Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Adverse Impact: An impact that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, unhealthy conditions on a site or degrades or damages environmental or cultural resources on a site proposed for development or on off-site property or facilities.

Agricultural cultural center: A facility established for the purpose of educating the public about agricultural activities, and/or the heritage and culture of agricultural activities.

Agricultural processing: Processing operations for agricultural products including meat preparation; feed mills; dairy processing; timber processing; and fruit and vegetable packing, sorting and grading, as an accessory use to an agriculture, horticulture or animal husbandry use.

Agricultural research facility: A facility for the investigation, testing, and demonstration of agricultural products and processes, including biotechnical agriculture, veterinary, soil, plant and animal sciences.

Agriculture: Uses characterized by general active and on-going agricultural activities, including agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), forestry, fisheries, honey production, silviculture (including the harvesting of timber), and similar uses. Agriculture does not include a grocery store or the retail or wholesale sale of products remotely related to the production of agricultural products. Agriculture does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when such preparations do not result in an active and on-going agricultural activity within 30 days. Accessory uses may include offices, storage areas and repair facilities related to agriculture uses.

Agriculture Support and Services Directly Associated with On-going Agricultural Activity, On-Site: Uses that provide support and services to agricultural, horticultural and animal husbandry activities, which are limited to and that operate in conjunction with and on the site of on-going agricultural, horticultural or animal husbandry uses. These uses include: agricultural processing; agri-education; animal care businesses; commercial wineries; custom operators (haymaking, brush hogging, crop storage, hauling, fencing, barn construction); direct market businesses for the sale of products produced on-site, including but not limited to PYO (pick-your-own); equestrian facilities; farm co-ops; farm based tourism events; farm markets; farm machinery repair; feedlot (for on-going, on-site, animal husbandry activities); nurseries, commercial; pet farms; products combining recreation with consumption of agricultural products; portable sawmills; small business uses; stables; wayside stands; wetlands mitigation banks; and similar uses.

Agriculture Support and Services Not Directly Associated with On-Site Agricultural Activity: Uses and activities that provide support and services to agricultural, horticultural and animal husbandry activities, either on the site of the agricultural, horticultural or animal husbandry activity, or off-site. These uses include: agricultural research facility; animal care businesses; central farm distribution hub for agricultural products; equestrian facilities; equestrian facilities and infrastructure, public (horse trail networks, show rings, cross country course, etc.); farm machinery repair; farm machinery sales, rental and service; mill feed and farm supply centers; nurseries, commercial; stables, neighborhood, on lots of 25 acres or more, or frontage on state maintained road; stable, private; and similar uses.

Agritainment: Events and activities such as corn mazes, hay rides and petting zoos, that allow for recreation, entertainment and tourism in conjunction with agriculture support and services directly associated with on-going agricultural activity on-site.

Airport/landing strip: Any area designed and used for the takeoff and landing of small private aircraft, having no more than one air strip.

Airport: (Including Air Park, Flight Strip, Airfield and Heliport): A place where aircraft may take off or land, discharge or receive cargoes and/or passengers, be repaired, take on fuel, and be stored.

Alley: A right-of-way which provides secondary and/or service access for vehicles to the side or rear of abutting properties whose principal frontage is on another street.

All-terrain vehicle (ATV): A small motor vehicle with three or four wheels designed for recreational use on various types of terrain.

Amend or Amendment: Any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of a district; or any repeal or abolition of any map, part thereof, or addition thereto.

Amusement or Theme Park: A facility, indoor or outdoor, designed for entertainment purposes which may include structures or buildings, motorized or non-motorized rides, games, booths for the conduct of sporting events or games, and constructed land features such as lakes, hills, or trails. Office, retail and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

Animal care business: An enterprise that provides care and services for livestock or other farm animals, such as animal grooming or training, but which is not a kennel, a veterinary service, or an animal hospital.

Animal Hospital: A place for the medical care of animals; a veterinary hospital. The boarding of animals at an animal hospital is limited to that incidental to the hospital use.

Animal Husbandry: The active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of bison, cattle (beef and dairy), pigs, mules, ducks, emus, horses, goats, llama, alpaca, poultry, pigeons, sheep, and similar animal husbandry uses, but not including miniature horses or pot-belly pigs. The conduct of the foregoing activities with respect to animals meeting the definition of “Pet” or non–domesticated (wild) animals shall not be considered Animal husbandry.

Animal Services: Animal service uses related to the provision of medical services and treatment to animals, including veterinary services, animal hospitals and the boarding of animals related to the provision of these services.

Antique shop: An establishment that sells items such as furniture, household wares and decorations, and related articles, which have value and significance because of factors such as age, rarity, historical significance, design, and sentiment.

Application, Active: Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception application, Preliminary or Record Subdivision application, or Site Plan application, which has been officially accepted by the County and which is not an inactive application or has not been withdrawn or has not received a final decision.

Application, Inactive: Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception or Minor Special Exception application, Site Plan application, or Preliminary or Record Subdivision application officially accepted by the County for processing but which has had processing suspended either by request of the applicant or by having no contact or activity occur in regard to the application by the applicant and has been placed on inactive status pursuant to Section 6-405 of this Ordinance or deemed inactive pursuant to the Land Subdivision and Development Ordinance.

Application, Reactivated: Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception application, Minor Special Exception, Preliminary or Record Subdivision application, or Site Plan application which was classified as inactive and which the applicant subsequently notifies the County in writing of their desire to have the application brought to final decision.

Arboretum: A place where trees, shrubs, or other woody plants are grown, exhibited or labeled for scientific, educational, or passive recreational purposes, not including the harvest of plants or their produce.

Arborist or Urban Forester: A person trained in arborculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees.

Art gallery: A room or series of rooms where works of art are exhibited for display or sale.

Art studio: The workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.

Auction house: A place where the property of others, such as objects of art, furniture, and other goods (except livestock), are offered by a broker or auctioneer for sale to persons who bid on the items in competition with each other at scheduled sales periods or events.

Automobile Car Sharing Agency: A motor vehicle sales and accessory service lot use that provides vehicles shared by its members as a means to supplement mass transit facilities.

Automobile Service Station/Automotive Service Station: Buildings and premises where gasoline and/or oil, grease, batteries, tires and automobile accessories are dispensed at retail as a principal use and where, in addition, the following services may be rendered and sales made, and no other.

a. Sale and servicing of spark plugs, batteries, and distributor parts.
b. Tire sales, servicing and repair, but not recapping or regrooving.

c. Replacement or adjustment of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like.
d. Radiator cleaning and flushing, provision of water, anti-freeze and the like.
e. Washing and polishing, and sale of automotive washing and polishing materials.
f. Greasing and lubrication.
g. Providing and repairing fuel pumps, oil pumps and lines.
h. Servicing and repair of carburetors.
i. Emergency wiring repairs.
j. Adjusting and repairing brakes.
k. Minor motor adjustments not involving removal of the head or crankcase or racing the motor.
l. Provision of convenience goods for gasoline supply station customers.
m. Provision of road maps and other information material to customers; provision of restroom facilities.
n. Performing State vehicle inspections.
o. Car wash.

Uses permissible at an automobile service station do not include major mechanical and body work, straightening of frames of body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, or any activity involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automobile service stations.

Automobile Sales Lots: A lot arranged, designed, or used for the storage and display for sale and/or lease of any motor vehicle or any type of trailer, provided the trailer is unoccupied, and where no repair work is done except minor and incidental repair of automobiles or trailers displayed and sold on the premises.

Aviary: A place used for keeping birds for the purposes of commercial breeding or propagation or for display to the public, but not including facilities within and incidental to the operation of a retail pet store.

Aviation: Uses characterized by facilities for the operation and maintenance of aircraft, including airports, hangars, runways and landing strips, flight schools, and fueling facilities.

B

Banquet/Event Facility: A use in which the principal function is hosting private parties at which food and beverages are served to groups of people, and which has facilities for the refrigeration and preparation of food, or which provides facilities for food through a caterer. Banquet/Event facilities, held indoors or outdoors, may also be an ancillary component of other uses such as, but not limited to: restaurants, hotels, bed and breakfasts, country inns, rural retreats, rural resorts, conference centers and similar uses. Adult entertainment shall not be permitted at a Banquet/Event Facility.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Basement: That portion of a building below the first floor joists, at least half of whose clear ceiling height is above the mean level of the adjacent ground.

Bed and Breakfast (formerly Bed and Breakfast Homestay and Bed and Breakfast Inn): A business operated in one or more structures which are used for providing overnight accommodations to the public and which may include rooms for meetings as well as Banquet/Event Facility(ies) for private parties as an ancillary use.

Bedrock: Rock formation that underlies a surface covering such as soil or extends through the soil as a rock outcrop.

Berm: A landscaped earthen mound intended to screen, buffer, mitigate noise, and generally enhance views of parking areas, storage areas or required yards particularly from public streets or adjacent land uses.

Best Management Practices: Methods and practices that are the most effective and practical means of preventing or reducing the amount of pollution generated by non-point sources (NPS) to a level compatible with established water quality goals. Best management practices may be applied in no-build buffers to protect streams and to control the design and operation of stormwater management facilities, lakes and ponds, silviculture, farming, restoration efforts, and development in and around stream corridors and water supply sources as further defined in the Facilities Standards Manual (FSM).

Biotechnical agriculture: Agriculture that uses biotechnical methods to modify living cells or organisms to produce substances or perform processes.

Block: That property abutting one side of a street and lying between the two nearest intersecting streets or the nearest intersecting or intercepting street and railroad right-of-way, unsubdivided acreage, river or live stream between any of the foregoing and any other barrier to the continuity of development. A block may contain an alley.

Board of Supervisors or Board: The Board of Supervisors of Loudoun County, Virginia.

Botanical garden: A garden having documented collections of living plants for the purposes of scientific research, conservation, display or education.

Buffering or Screening: Any device or natural growth, or a combination thereof, which shall serve as a barrier to vision, light, or noise between adjoining properties, wherever required by this ordinance and further defined herein and the Facilities Standards Manual (FSM). Whenever used for screening or buffering purposes, "natural growth" shall be taken to mean coniferous or deciduous trees, bushes and shrubbery.

Buildable Area: The area of the lot remaining after required yards have been provided.

Building: A structure having one or more stories and roof, designed primarily for the shelter, support or closure of persons, animals or property of any kind.

Building, Civic: A structure used for community purposes, such as churches, community/recreation centers, service organizations and libraries, located on a civic-use lot.

Building Coverage: All areas under roof or projections from buildings on a lot.

Building Footprint: The area on the ground surface covered by the building.

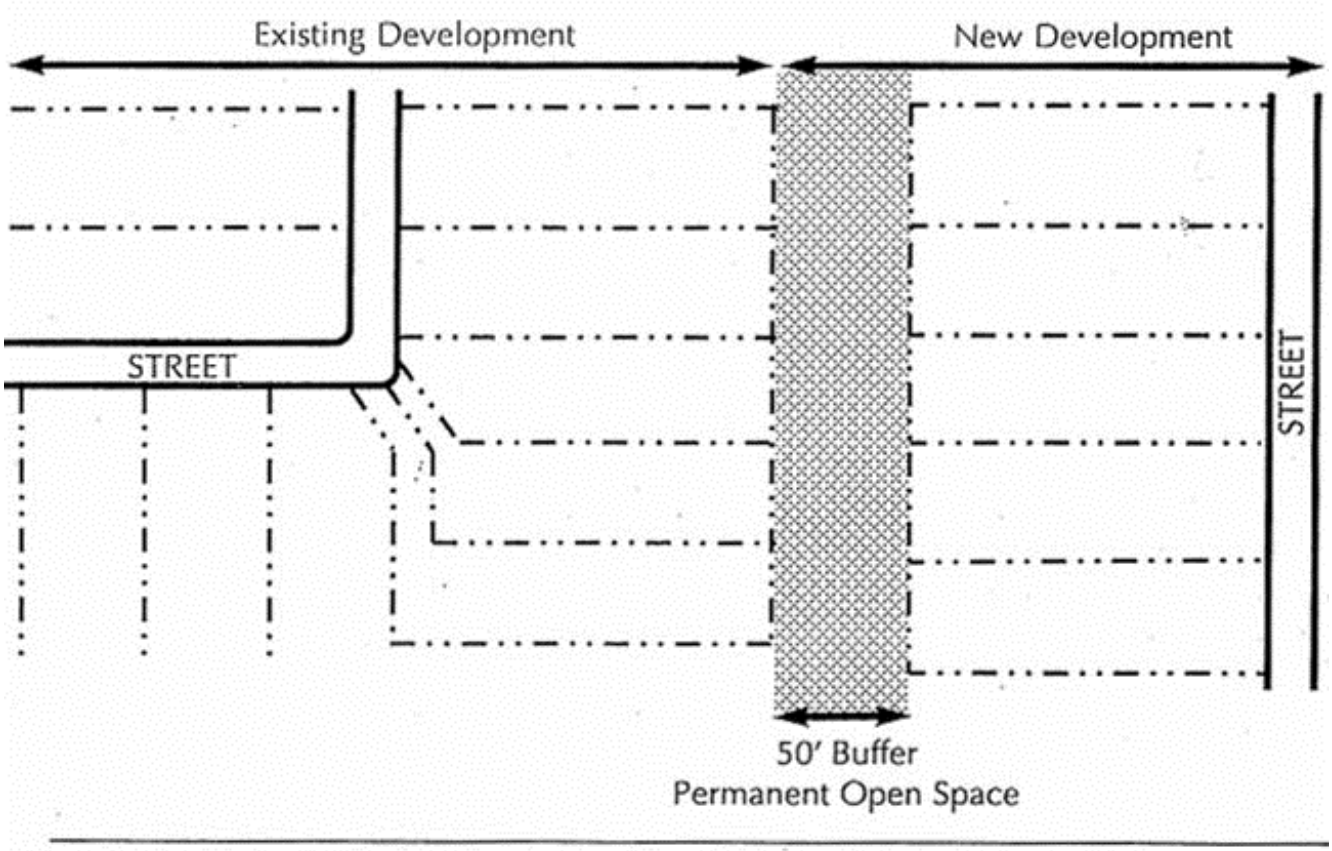
Building Height: The vertical distance to the highest point of the roof for flat roofs; and to the average height between eaves and the highest point of the roof in the case of pitched roofs, measured from the curb level, if the building is not more than ten (10) feet distant from the front lot line, or from the average finished grade at the front of the building in all other cases.

Building Inspector: An appointed official of Loudoun County who is responsible for certifying building inspections.

Building, Principal: A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.

Bus: As used within the context of the PD-TRC zoning district, "bus" shall mean Bus Rapid Transit or an express bus serving the Dulles Greenway/Toll Road corridor and shall not mean a local bus service.

Business Service Establishment: Establishments primarily engaged in rendering services on a fee or contract basis to the business, commercial, industrial, or institutional community, such as advertising and mailing; business maintenance; employment service; management and consulting services; travel agent; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; quick print shop; and personal supply services.



Minimum buffers per			3-105(F)	3-106(F)	3-205(G)
3-206(F)	3-207(F)	3-305(G)	3-306(F)	3-307(F)	3-405(G)
3-406(F)	3-407(F)	3-507(G)	3-509(C)	3-608(C)	3-708(C)

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

Co-op"). Central farm product distribution hub does not include such uses as trucking operation, stockyard, auction house, slaughterhouse, or cannery or other processing facility.

Channel Scarline: The sloping margin of, or the ground bordering, a stream and serving to confine the water to the natural channel during the normal course of flow. It is best marked where a distinct channel has been eroded to the valley floor or where there is a cessation of land vegetation.

Child Care Center: A licensed establishment other than a child care home, which offers care, protection and supervision of children for compensation during any twenty-four (24) hour period, and then only for part of any twenty-four (24) hour day. A child care center may include nursery schools, kindergartens or other facilities for which the purpose is primarily educational, recreational, or medical treatments.

Child Care Home: A licensed establishment located in a single-family detached, duplex or townhouse dwelling which offers care, protection and supervision for compensation to more than five (5) non-resident children at a time during any twenty-four (24) hour period, and then only for part of any twenty-four (24) hour day. For the purpose of this definition, "non-resident children" means children that are not the child care providers' own children and children not residing in the home. Pursuant to the Code of Virginia, an establishment that offers care, protection and supervision for compensation to five (5) or less non-resident children is regulated the same as a dwelling unit.

Church, synagogue, temple or mosque: A structure or group of structures that is intended for regular gatherings of people to attend, participate in, or conduct religious services and other related activities and associated accessory uses. Associated accessory uses may include religious instruction classrooms, church offices, counseling programs, private school, youth programs, parking, child and adult day care facilities, summer camps, recreational facilities, caretaker's quarters, food bank, thrift shop, sale of religious items, and cemeteries.

Civic, Social, or Fraternal Association Meeting Place: An establishment of a private non-profit organization, including fraternal organizations, which provide social, physical, recreational, educational, agricultural or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any members of such organization or any other individuals; provided, however, that regular employees may be paid reasonable compensation for services rendered.

Civic Uses: Such as government offices, public meeting halls, libraries, art galleries or museums, post office, and churches, and like uses which generate pedestrian activity and act as visual focal points.

Closed Depression: In a limestone area, a distinctive bowl-shaped depression of varied sizes in the land surface. It is characterized by internal drainage, and an unbroken ground surface.

Cluster Development (AR Districts Only): A type of development design that allows for the subdivision of a tract of land with a more compact residential design plus one or more large lots suitable for rural economy uses or common open space. Land not included within lots or required for public or private streets shall be maintained as common open space. Communal water and/or sewer systems are permitted under this development type within the common open space.

Cluster Development (CR and Suburban Zoning Districts Only): An arrangement of structures on adjoining lots in groupings allowing closer spacing than would be generally permitted under ordinance

requirements, where at least 20% of the lots have less than the required minimum lot area which is compensated by maintenance of equivalent open space, either elsewhere on the lot or in the form of common open space. All land not included within lots or required for public or private streets shall be maintained as common open space. Common open space shall be designed to constitute a continuous and cohesive unit of land which may be used for active or passive recreation by residents and shall be reasonably accessible to all permitted uses and all residential units within the development.

Code: The Code of Loudoun County, Virginia.

Coffeehouse or teahouse: An establishment that primarily prepares, sells and serves coffee, tea and other beverages, and which may sell baked goods and light meals such as soups and sandwiches, but does not serve full meals, and which has a seating area which serves as an informal conversation or lounging place.

Co-housing: A residential arrangement on the site of an active agricultural, horticultural or animal husbandry operation consisting of more than one individually owned dwelling unit and extensive common facilities, such as a large dining room, kitchen, lounges, meeting rooms, recreation areas, library, workshops, childcare, laundry, greenhouse, or other facilities for use by the organized group of residents living in the co-housing who participate in the planning, design, ongoing management and maintenance of the residential arrangement and in the routine activities of household living.

College, University: An institute of higher education authorized by the State to award baccalaureate or higher degrees, which may include on-site student, faculty, and/or employee housing facilities. For junior college or other educational institutions refer to definition of "Educational Institution".

Commercial Repair Garage: Any building, premises and land in which, or upon which, a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

Commonly Owned Open Space: Open space that is owned and managed by a condominium or homeowner association restricted for the use and enjoyment of association members.

Community center: A place, structure, area, or other facility used for and providing fraternal, cultural, social, educational or recreational programs or activities, or swimming pools, tennis courts and similar facilities of a homeowners association, open to the public or a designated part of the public, and which may be publicly or privately owned.

Commuter Parking Lot: An off-street, ground level area, usually surfaced and improved, for the parking, on a daily basis, of commuter vehicles. Often established in conjunction with mass transit arrangements and car-pooling programs.

Composting: The manipulation of the natural aerobic process of decomposition of organic materials to increase the rate of decomposition, which produces compost.

Comprehensive Plan: The official document, commonly referred to as the General Plan, or elements thereof, adopted by the Board of Supervisors, intended to guide the physical development of the County or a portion thereof. Such plan, including maps, plats, charts, policy statements and/or descriptive material, shall be that adopted in accordance with Section 15.2-2226 of the Code of Virginia.

Concept Development Plan (CDP): Part of a rezoning application (ZMAP) or of a zoning concept plan amendment application (ZCPA). The concept development plan may consist of both a visual and a written representation depicting the layout and/or design of the development, and all associated proffers. When the concept development plan is approved through the legislative process, the plan then becomes binding on the developer and his successors in interests.

Conference and Training Centers: Facilities used for business or professional conferences, seminars, and training programs, which may include accommodations for sleeping, eating and recreation.

Congregate Housing Facility: A structure other than a single-family dwelling where more than four (4) unrelated persons reside under supervision for special care, treatment, training or similar purposes, on a temporary or permanent basis.

Conservancy Lot: A lot, excluding the hamlet/cluster lots, open space and/or hamlet green/square, which will remain as large parcel(s), the bulk of which is in permanent open space easement and a portion of which may be designated a building area.

Contiguous: Touching, abutting, or adjoining at the border or immediately across the street.

Continuing Care Facility: This type of facility may consist of three (3) types of care, or any one or two types:

a. Congregate Living Facility: a facility which provides independent living which may be affiliated with, or located near health care facilities.

b. Adult Assisted Living: a facility for people who cannot live independently and who need assistance with daily chores and housekeeping.

c. Nursing Home: a facility for individuals who require specialized nursing care on a regular basis but who do not need to be hospitalized.

Contractor Service Establishment: Establishment for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, ventilation, establishment for the planting and maintenance of gardens, grounds and yards, such as landscape contractors and lawn maintenance services, and construction and demolition services. Retail sales to the general public are not permitted except as an accessory use.

Convenience Food Store: A commercial establishment designed and intended to serve daily or frequent trade needs of the surrounding population, characterized by the retail sale of food and other household products, the rapid turnover of customers and a high traffic/trip generation.

Convent: A structure used for the purpose of housing persons on a permanent basis who are not members of a family as defined in this Ordinance and who constitute a religious community typically consisting of nuns, priests, monks, or other similar religious personnel. For the purpose of this definition the terms convent and monastery are interchangeable and shall have the same meaning. Assembly for worship services may be conducted in conjunction with the convent use but only for the

residents of the convent. A convent is a permitted accessory use where incidental to a religious assembly use (church, synagogue, temple, mosque).

Convention or exhibition facility: An enclosed or semi-enclosed building, tent, or structure designed to accommodate large gatherings of human beings, either with or without display collections of animals, machines, or objects. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

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. 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 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.

Density: For purposes of this Ordinance, the amount of development allowed on a lot or parcel, expressed in residential districts as the number of dwelling units per acre and in commercial districts as the gross floor area of buildings per acre.

Density, Gross Residential: The number of units divided by the total area of the tract.

Density, Net Residential: The total number of residential units in a PD-H zoning district divided by the net land area of land devoted to uses other than commercial and employment uses in such district.

Density, Net Residential Parcel: The maximum number of residential dwelling units per acre allowed on any lot, parcel, or tract of land in a PD-H zoning district.

Developable land: Any vacant land areas capable of being developed with buildings and infrastructure.

Development Permit: Written approval issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization. Examples include, but are not limited to, building, zoning, occupancy and grading permits.

Diabase Rock: A fine-to medium-grained dark-colored igneous rock that is a good source for crushed stone for road and building construction.

Direct Market Business: A commercial enterprise in which agricultural products produced on a site are marketed and sold directly to consumers without an intermediate wholesaler or distributor, other than a farm co-op organization. Direct market business may include enterprises such as PYO (pick-your-own) operations, and operations in which delivery of products is made directly to consumers, such as “farm share” arrangements under which periodic delivery of farm products is made for a subscription fee.

Director of Planning: An appointed County official who serves as the Director of Planning for Loudoun County, Virginia, or his or her designee.

Distribution Facility: The intake of goods and merchandise, individually or in bulk, the short-term holding or storage of such goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor. The term "Distribution Facility" shall also include a transshipment facility for the temporary holding, storage and shipment of goods or vehicles.

Dog Park: A park that provides a variety of recreational amenities for dogs and persons that may include benches, parking, restrooms, and water fountains. If dogs are to be unleashed, the area must be fenced.

Dormitory, seasonal labor: A structure located on the same property as an active agricultural, horticultural or animal husbandry operation, used for the purpose of housing persons on a seasonal basis who are not members of a family as defined in this Ordinance and who derive all or part of their income during their occupancy from labor performed on the active agricultural, horticultural or animal husbandry operation.

Downstream Bedload Movement: Downstream movement of silt, sand, coarse-grained gravels and cobbles in a river or stream.

Driveway: A space or area specifically designated and reserved on a lot for the movement of vehicles within a lot or from a lot to a street.

Dustless Surface: A surface with a minimum of either two applications of bituminous surface treatment, concrete, bituminous concrete, or equivalent paving material approved by the County and to be maintained in good condition at all times.

Dwelling, Accessory: A dwelling or apartment within or detached from the principal dwelling of not more than the lesser of (i) 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure or (ii) 2,500 square feet of gross floor area, the use of which is associated with and subordinate to the principal dwelling and which is located upon the same lot as the principal dwelling.

Dwelling, Ancillary: A dwelling, the use of which is associated with and subordinate to the principal dwelling and which is located on the same lot as the principal dwelling.

Dwelling, Duplex: One of two buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot with minimum dimensions required by district regulations.

Dwelling, Multi-Family: One of a group of dwelling units in an attached multi-family or stacked multi-family residential structure. For purposes of this ordinance, multi-family dwelling includes any unit that does not meet the definition of single-family attached or single-family detached.

> **Dwelling, Attached Multi-Family:** One of a group of dwelling units contained within a building, where each dwelling unit in the building is separated from other dwelling units within the building by a vertical wall and a ceiling/floor, with each dwelling unit generally consisting of a single floor or level, and each such unit being accessed by one or more common entrances leading directly from the outdoors at ground level, except that a ground floor dwelling unit may have its own ground floor external entrance. The dwelling unit may be separately transferable and capable of being individually owned, such as a condominium, or offered for rent. Each such dwelling unit within the multi-family building may be referred to as a "Multi-family dwelling unit" or "attached multi-family dwelling unit", and such dwelling units may include various floor plans, such as studio/efficiency units, and floor plans with one or more bedrooms. Attached Multi-family dwelling units are commonly referred to as garden style, mid-rise, and high-rise condominiums/apartments.
>
> **Dwelling, Stacked Multi-Family:** A vertical and horizontal grouping of dwelling units, where at least one dwelling unit within the grouping contains 2 or more stories and is situated over or under another dwelling unit. Each unit has its own ground floor external entrance or shares its entrance with only an adjacent unit. Stacked Multi-family dwelling units are commonly referred to as stacked townhomes, one over twos, and two over twos.

Dwelling, Portable: A modular unit built on a chassis, having wheels or designed to be transported on wheels, with body width exceeding eight (8) feet or body length exceeding 32 feet and designed to be used as a dwelling when attached to a permanent foundation and when connected to the required utilities.

Dwelling, Quadruplex: One of four (4) buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot, with minimum dimensions required by district regulations.

Dwelling, Single-Family Attached: A duplex, triplex, quadruplex, or townhouse dwelling unit.

Dwelling, Single Family Detached: A residential dwelling unit, other than a portable dwelling, designed for and occupied by one family only and not structurally connected or attached to any other dwelling.

Dwelling, Temporary: A portable dwelling, but not necessarily attached to a permanent foundation.

Dwelling, Townhouse: One of a group of three or more attached single-family dwelling units, each of which may be located on a single, undivided lot or all of which may be located on the same lot. Each townhouse dwelling unit is attached to at least one other townhouse dwelling unit by a wall that serves as a generally vertical boundary for both units, with each such unit extending from ground to roof, with no dwelling unit directly above another dwelling unit. Each townhouse dwelling unit consists of multiple floors or levels, with each unit having its own ground floor external entrance or sharing its entrance with only an adjacent unit.

Dwelling, Triplex: One of three (3) buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot, with minimum dimensions required by district regulations.

Dwelling Unit: One room, or rooms connected together, constituting a separate unit for a single-family owner occupancy or rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

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.

F

Facilities Standards Manual (FSM): The Facilities Standards Manual of Loudoun County.

Facility for lessons in dance, gymnastics, judo and sports training: A school primarily devoted to giving instructions in, musical, dramatic, artistic, terpsichorean, martial arts or similar sports or other special subjects, but not including (a) a child care center or family day care home; or (b) a riding school, however designated.

Fairground: A parcel or tract of land used as the site of any fair, exposition or public display.

Family: A group of people living together consisting of:

a. One or more persons related by blood or marriage together with any number of natural, foster, step or adopted children, domestic servants, nurses and therapists and no more than two roomers or boarders; or
b. No more than 4 unrelated persons;
c. Any group identified in Section 15.2-2291 of the Code of Virginia.

Farm based tourism: Tourism events which focus on visitation of farms, including organized farm tours and participatory farm vacations.

Farm co-op: A facility used by an organization of farm producers for co-operative technical and marketing assistance, which may include a central market place where farmers can deliver products for pick-up by consumers but not a wholesale distribution center.

Farm machinery repair: A commercial enterprise for the repair of equipment normally or routinely used on farms and gardens, and related parts, tools and accessories, but not of non-farm equipment or materials.

Farm machinery sales, rental and service: An establishment for the sale, rental, and/or service of equipment normally or routinely used on farms and gardens, and related parts, tools and accessories, but not of non-farm equipment or materials.

Farm Market: A principal use which includes the sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products.

Farm Market (off-site production): A principal use which includes the retail sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A Farm Market (off-site production) may or may not be located on the site of ongoing agricultural, horticultural or aquacultural activity. This use may include the sale of products from one or more vendors.

Fee Simple Ownership: The complete ownership interest in real property; the ownership of the entire "bundle" of rights attached to real property.

Feedlot: An enclosure (including a lot, yard, building, or corral) in which animals fed for slaughter are confined, that is used for more than 30 days in one-year period, with or without an area for the raising of crops, forage or other vegetation and upon which animals fed for slaughter are allowed to graze or feed. A "feedlot" does not include any area where animals are held for slaughter by a processor for a period of 30 days or less.

Final Development Plan: A required submission following the approval of a Concept Development Plan and rezoning application for a PD-CV district, and for a PD-TRC district prepared and approved in accordance with the provisions of Section 4-1103 (C), which further details the planned development of the subject lot(s). This Plan may be approved by the Planning Commission simultaneously with its review of the Concept Development Plan but must be approved prior to the approval of a site plan.

Fire and/or rescue station: Facilities for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles and equipment and housing and feeding of emergency personnel.

Fiscal: Of or relating to public revenues, public expenditures and public debt; public financial matters.

Flood Insurance Rate Map (FIRM): An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated areas in the floodplain subject to inundation of the base flood and the risk premium zones based on the technical data in the Flood Insurance Study.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles and the water surface elevation of the base flood.

Floodplain: A low, usually flat terrain on either side of a river or stream that is normally dry but submerged at times of high water, and where accumulations of silt and sand are deposited away from the main channel.

Floodplain, 100-year: Any land area susceptible to being inundated by water from the base flood and having a drainage area greater than one hundred (100) acres.

Floodplain Alteration: A development action which will change the cross section of the floodplain and will increase either: 1) the erosive velocity or 2) the height of floodwaters either on-site or off-site. Alterations include, but are not limited to, land disturbing activities such as clearing, grading, excavating, transportation, and filling of land.

Floodplain, Major: The floodplain created by flooding from a stream that drains greater than 640 acres.

Floodplain, Minor: The floodplain created by flooding from a stream that drains less than 640 acres but greater than 100 acres.

Floor Area, Gross: The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term "floor area" shall include basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior balconies and mezzanines. The term gross floor area shall not include cellars or outside balconies which do not exceed a projection of six (6) feet beyond the exterior walls of the building. Parking structures below or above grade and rooftop mechanical structures are excluded from gross floor area.

Floor Area, Net: The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls and from the centerline of walls separating two (2) or more buildings. The term "net floor area" shall include outdoor display areas for sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products, but shall exclude areas designed for permanent uses such as toilets, utility closets, malls (enclosed or not), truck tunnels, enclosed parking areas, meters, rooftop mechanical structures, mechanical and equipment rooms, public and fire corridors, stairwells, elevators, escalators, and areas under a sloping ceiling where the headroom in fifty percent (50%) of such area is less than six (6) feet, six (6) inches.

Floor Area Ratio (FAR): A number or percentage, derived by dividing the gross floor area of the buildings on any lot by the lot area. 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

Garden: A plot of cultivated ground adjacent to a dwelling, devoted in whole or in part to the growing of herbs, fruits, flowers or vegetables for consumption by the household residing in the dwelling.

General Business Service: See Business Service establishment.

Geotechnical Report: A study of bedrock and soils used to help determine potential safe development that is prepared according to standards in the Facilities Standards Manual (FSM).

Golf Course: A tract of land laid out with at least 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.

Groundwater: Any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water, whatever may be the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

Group Living: Uses characterized by the residential occupancy of a structure by a group of persons that does not meet the definition of Household Living. Tenancy is arranged on a weekly or longer basis, and the size of the group may be larger than a single family. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment at the place of residence, and caregivers may or may not also reside at the site. Accessory uses commonly associated with Group Living are recreational facilities and vehicle parking for occupants and staff.

Guest Farm or Ranch: A farm which offers transient accommodations associated with an active agricultural use to paying guests along with meals and participatory recreational and/or work experience working on the farm.

Guest House: Dwelling or lodging units for temporary non-paying guests in an accessory building of not more than the lesser of (i) 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure or (ii) 2,500 square feet of gross floor area.

H

Habitat: The place or environment where animals or plants naturally or normally live and grow.

Headwaters: The source of a stream or river.

Hazardous Substance: Any material that poses a threat to human health and/or the environment. Typical hazardous substances are toxic, corrosive, ignitable, explosive, or chemically reactive. Such substances shall include any substance designated by the United States Environmental Protection Agency to be reported if a designated quantity of the substance is spilled in the waters of the United States or is otherwise released into the environment.

Health and Fitness Center: An establishment, including saunas and steambaths, offering or providing facilities for, and instruction in, general health, physical fitness and controlled exercises such as, but not limited to, weight lifting, calisthenics and aerobic/slimnastic dancing. Such use may provide massages, provided the health club occupies an area greater than 5,000 square feet and not more than five percent (5%) of the gross floor area is used for massages.

Health Care: Facilities principally engaged in providing services for health maintenance and treatment of mental or physical conditions. Accessory uses may include offices, meeting areas, on-site eating facilities for employees, laboratories, parking, and maintenance facilities.

Health Official: The Director of the Loudoun County Department of Health, or his designated deputy; Health Officer.

Heavy Equipment: Bulldozers, dump trucks and similar pieces of large equipment and their accessories. The term includes any vehicle associated with a business not included in the definition of business vehicle. A trailer used for transporting heavy equipment is considered accessory to the equipment.

Heavy Equipment and Specialty Vehicle Sales and Accessory Service: Buildings and premises for the sale, rental and servicing of trucks, buses, boats, recreational vehicles, taxicabs, ambulances, mobile homes, trailers, and farm and construction machinery or equipment. This category shall not be deemed to include automobile sales and accessory service establishment.

Heliport: An area, either at ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters and which may include auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Helistop: An area designed to accommodate touch-down and lift-off of helicopters for the purpose of picking up and discharging passengers or cargo. Such an area shall contain no operation facilities other than one (1) tie-down space and such additional facilities as are required by law, ordinance or regulation.

Home Occupation: A business, profession, occupation or trade conducted for gain or support within a residential building or its accessory buildings which use is incidental and secondary to the use of the buildings for dwelling purposes and which does not change the residential character of such buildings. (See Section 5-400 for Home Occupation standards).

Homeowners' Association: A non-profit organization operating under recorded land agreements through which: (a) each lot and/or homeowner in a clustered or planned development is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property.

Home Service Establishment: Establishment primarily engaged in rendering services whose principal function is to enhance, beautify, maintain or restore residences such as, but not limited to decorators, exterminators, plumbing, electrical, appliance service, carpet and tile, lawn maintenance, and roofing. All storage for these establishments shall be enclosed.

Horse trails or networks: Paths or trails maintained for the purpose of horseback or other animal-mounted recreational riding, but not including racetracks.

Horticulture: The active and on-going cultivation and production of orchard, garden, or nursery crops on a small or large scale, including the production of Christmas trees, field grown crops, specialty crops, flowers, fruit, grapes, market gardening, nursery stock, nuts, ornamental plants, sod, vegetables, and similar horticultural uses; the cultivation of such produce by means of biotechnical or genetic engineering techniques; and Virginia Farm Wineries. Horticulture does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when such preparations do not result in an active and on-going horticultural activity within 30 days.

Hospital: Any licensed and Commonwealth of Virginia accredited health care institution with an organized medical and professional staff and with inpatient beds available around-the-clock whose primary function is to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services, particularly emergency care.

Hotel/Motel: Any single building or group of dwelling units, combined or separated, containing 20 or more guest rooms used for the purpose of housing transient guests, each unit of which is provided with its own toilet, washroom and off-street parking facility, and which may include features such as conference rooms, a restaurant or snack bar, or swimming pool or exercise room that would attract clientele other than transient guests.

Hours of Operation: The time period during which an activity or enterprise is active, including any times during which the activity is open to customers or other members of the public, employees are present and working, deliveries are made, or equipment (other than utilities or ordinary indoor appliances) is being actively operated on the site.

Household Living: Uses characterized by the residential occupancy of a dwelling unit by a household, whether owned by the occupant or otherwise where tenancy is arranged on a month-to-month or longer basis. Accessory uses may include recreational activities, caring for pets, gardens, personal storage structures, hobbies, and parking of occupants' vehicles.

Hydrogeological Report: A study of groundwater, its location and prevalence that is prepared according to standards in the Facilities Standards Manual (FSM).

I

Impervious Surface: Any material such as paved parking areas, sidewalks, or trail surfaces, which prevents absorption of storm water in or through such surface but shall not include permeable or "pervious" paving materials.

Industrial, Scientific or Technical Exposition: A place, structure, area or other facility used for temporary or permanent display or exhibit of industrial or scientific equipment, machinery, tools, or other merchandise. Such activities could include trade shows, conventions, merchandise marts, or industrial or scientific fairs or displays. Activities categorized as wholesale trade establishments shall not be deemed to be industrial, scientific or technical expositions.

Industrial Use: Non-residential and non-commercial employment uses such as, but not limited to, mining, milling and manufacturing.

Infrastructure: The basic installations and facilities on which new development depends. The public infrastructure includes roads and water and sewer lines.

Inner Core Subarea: A Planned Development Transit Related Center district subarea that includes the total gross land area located generally within a one-quarter (1/4) mile from the outer edge of the planned rail station platform, as shown on the approved Concept Development Plan. The highest land-use intensities will be located close to the planned transit stop. The primary focal point of the development will be located in this subarea. Retail, office, service, commercial and high density residential uses are located in this subarea, with a vertical mix of uses, public gathering places, and a predominance of pedestrian oriented uses.

Inoperable Vehicle: A motorcycle or motor vehicle, trailer, or attachment thereto which is required by the Commonwealth of Virginia to display current license plates and/or meet safety standards, as evidenced by display of an approved inspection sticker, which motorcycle, vehicle, trailer, or attachment therefore does not display said license plates and/or approved inspection sticker.

Institutional Use: Public or private health, recreational or educational uses such as parks, schools, libraries, hospitals and camps.

Interactive Science & Technology Center: A facility, indoors, outdoors, or both, providing access for members of the public to interactive exhibits that promote an understanding of science, nature, engineering, architecture, technology, or any mixture of these subjects. Access may be granted on a scheduled or unscheduled basis, or both, for a fee or for free. Such facilities may, as a subordinate use, include related retail sales, may host or allow events, and may offer scheduled classes in the same subject matter as is permitted for exhibits.

J-K

Junk Yard: Any land or building used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles or machinery not in running condition, or parts thereof.

Karst/Sensitive Environmental Feature Setback: An area established from the edge of a karst/sensitive environmental feature, in which land disturbance is restricted.

Karst Features or Karst/Sensitive Environmental Features: Karst landforms including but not limited to caves, sinkholes, rock outcrops, perennial sinking streams, significant fissures/cracks, vadose shafts, or other karst anomaly associated with calcerous geologic formations.

Karst Terrain: A type of terrain characterized by closed depressions and/or sinkholes, caves, rock pinnacles, and underground drainage, and which results from solution of limestone and dolomite bedrock.

Kennel: See Section 5-606.

Kennel, Indoor: See Section 5-606.

L

Land-Disturbing Activity: Any grading, scraping, excavating, trenching, filling of land, dumping of fill materials (including but not limited to dumping of soil, concrete, and construction debris), bulk outdoor storage, clearing of trees or vegetation and any construction in preparation for development, reconstruction, or significant alteration of a structure.

Landfill Water Service District: A specific area designated for water service by central water supply system, the boundaries of which are determined by the County of Loudoun as shown on the Loudoun County Sanitation Authority Water and Sewer Lines map, incorporated into this definition by reference, and found on the following page.

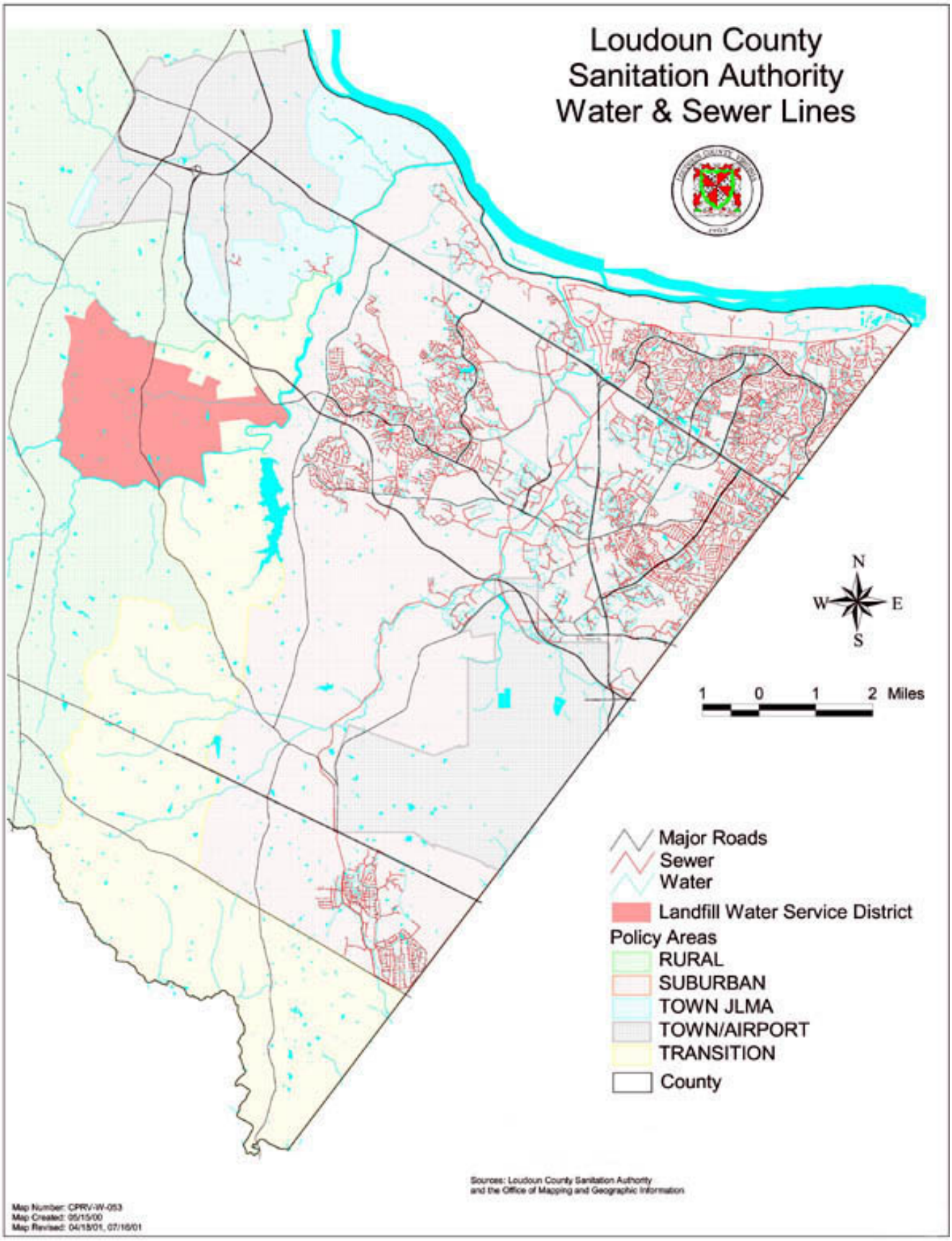
Landfill, Sanitary: A publicly owned and controlled, engineered land burial facility for the collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid waste. Associated uses may include a debris landfill, a transfer station, Materials Recovery Facility (MRF), vegetative waste management facility, and/or an incinerator. It shall mean a facility so located, designed and operated that it does not impose a present or potential hazard to human health or the environment, including pollution of air, land, surface water or ground water.

Landscape Architect: An individual who is recognized by the State and who is registered with the state department of professional and occupational registration as a "landscape architect".

Landscaped Open Space: An area which shall include appropriate grassing of the area, placement of shrubbery and trees, walkways, and appropriate grading such as to render the required open space area aesthetically pleasing.

Land Subdivision and Development Ordinance (LSDO): The Land Subdivision and Development Ordinance of Loudoun County, adopted by the Board of Supervisors to establish subdivision and site development plan standards and procedures for the unincorporated areas of Loudoun County.

Limestone: Geologic formation that is highly water-soluble and is characterized by numerous underground caves and surface sinkholes; it is a natural groundwater aquifer and good water supply source. Limestone consists of a conglomerate of various small rocks cemented together with a carbonate matrix and containing calcareous geologic formations. In appearance, it is very similar to concrete.



Livestock: Animals, especially farm animals, raised for use, profit or enjoyment including horses,

bison, cattle, pigs, mules, sheep, goats, alpacas, llamas, emus, and other similar domesticated animals, but not including miniature horses and pot-belly pigs.

LOD: Limestone Conglomerate Overlay District, as defined in Section 4-1900 of the Zoning Ordinance.

Lodging Unit: Living quarters for a family which do not contain independent kitchen facilities, provided, however, that dwelling units available for occupancy on a rental or lease basis for periods of less than one (1) week shall be considered lodging units even though they contain independent kitchen facilities.

Lot: A parcel of land occupied, or to be occupied, by one or more buildings and accessory buildings, and open space, and other requirements of the provisions of this Ordinance. "Lot" shall include the words "plot" and "parcel". The term "lot" does not include land identified on a legally recorded subdivision plat filed among the land records of Loudoun County as an "outlot" as referenced in Section 1-404(B)(3).

Lot Area: The total horizontal area included within the rear, side and front lot lines or street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking areas and other accessory uses. "Lot area" shall not include portions under water, except where the total area of a body of water is within the lot or where the width included as part of the area of the lot does not exceed 30 feet.

Lot, Civic Use: Land area within a Rural Village Center or Countryside Village development, so designated on the Village Concept Development Plan, upon which structures may be erected for community use, enjoyment and benefit.

Lot, Concave: A lot that has one side curving inward from the street on which the lot fronts.

Lot, Convex: A lot that has one side curving outward toward the street on which the lot fronts.

Lot, Corner: A lot abutting on two or more streets at their intersection, where the interior angle of the intersection does not exceed one hundred thirty-five degrees.

Lot Coverage: The percentage of a lot area occupied by the ground area of principal and accessory buildings or structures, excluding uncovered decks, on such a lot. Multifamily and nonresidential parking structures below or above grade and stand-alone mechanical structures are excluded from lot coverage.

Lot, Depth of: The average horizontal distance between the front lot line and the rear lot line, measured along a straight line. If no rear lot line exists, the depth shall be measured between the front lot line and the rear setback line.

Lot, Interior: Any lot other than a corner lot, but including a through lot.

Lot, Irregular: A lot, usually but not always with sole access from a Class III road or private access easement, which is so located, shaped or oriented to adjacent lots that application of general measurement methods or dimensional yard requirements of the district in which located serve no significant public purpose, and/or with location of yards by type (front, side and rear) not logically determined by nor related to yard patterns on nearby regular lots. Yard requirements for regular lots shall be followed where possible.

Lot Line: Any boundary line of a lot as defined herein. Where applicable, a lot line shall coincide with a street line. Where a lot line is curved, all dimensions related to said lot line shall be based on the arc.

Lot, Outlot: A parcel of land identified on a legally recorded subdivision plat, subject to a permanent open space easement or dedicated to a homeowner's association, which does not meet lot area and lot width requirements**.**

Lot, Record: The land designated as a separate and distinct parcel recorded among the land records of Loudoun County.

Lot, Regular: A lot with direct access to a Class I, Class II, or Class III road, so located, shaped and oriented to adjacent lots as to be reasonably adapted to application of general measurements indicated in Article I, and with location of yards by type (front, side, rear and special) logically determined by, and related to, adjacent street or streets and adjacent yard patterns. A regular through lot has frontage on two Class I, Class II, or Class III roads.

Lot, Through: An interior lot fronting on two parallel, or approximately parallel, streets or private access easements.

Lot Width: See Frontage.

M

Major Recreational Equipment: Travel trailers, pickup campers, motorized dwellings, tent trailers, boats and boat trailers, houseboats, and the like, and cases or boxes used for transporting such recreational equipment, whether occupied by such equipment or not.

Management Buffer: An area designed to protect a stream or river and its associated floodplain from adverse upland development impacts. The “50-foot management buffer” is included within the Protected River and Stream Corridor, as shown on the RSCOD Map.

Maneuvering Space: An area directly related to required parking areas and designed to permit easy vehicular movement. "Maneuvering space" shall not be considered as part of any required "parking space" or "loading space".

Manufactured Housing: A structure constructed and subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A manufactured home shall not include units built prior to June 15, 1976.

Manufacturing and Production: Facilities for the processing, fabrication, packaging, or assembly of goods, including small-scale production and production by hand. Accessory uses may include offices, in some instances eating facilities for employees, outdoor storage associated with the use, repair facilities, and caretaker’s quarters.

Market Area: The area from which an enterprise draws its customers on a regular and anticipated basis. Influencing the size of the area are variables such as, but not limited to, type of product being marketed, surrounding land uses and neighboring road network.

Market Study: A study that measures the supply and demand for a particular product within a defined area.

Material Recovery Facility (MRF): A solid waste management facility which collects mixed solid wastes and manually or mechanically separates recyclable materials to be marketed and disposes of all non-recyclable wastes to a permitted facility, or a solid waste management facility for the collection, recovery and processing of materials, such as metals, paper or glass, from solid waste for the production of a fuel from solid waste, including a solid waste transfer station.

Mausoleum: A building or vault containing niches or other designated places intended to be a final resting place for human or pet animal remains as an alternative to land burial.

Maximum Extent Feasible: No feasible and prudent alternative exists, as determined by County staff, and all possible efforts to comply with the regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."

MDOD: Mountainside Development Overlay District, as defined in Section 4-1600 of the Zoning Ordinance.

Medical Care Facility, Outpatient Only: Any institution, place, building, or agency, whether or not licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two or more non-related mentally or physically sick or injured persons: or for the care of two or more non-related persons requiring or receiving medical, surgical or nursing attention or service as acute, chronic, convalescent, aged, or physically disabled, including but not limited to intermediate care facility, mental retardation facility, outpatient surgery centers, chiropractic, birthing, diagnostic imaging, radiation therapy, dialysis, medical/physical rehabilitation and trauma units, and other related institutions and facilities offering treatment on an outpatient basis, whether operated for profit or nonprofit and whether privately owned or operated by a local government unit (this term shall not include a physician's or medical office).

Metes and Bounds: A method of describing the boundaries of land by courses and distances.

Mill feed and farm supply center: A commercial enterprise engaged in the provision of animal feed, bedding and accessories and farm and garden supplies (such as seed, fencing, hardware, pesticides, and fertilizer) to agricultural, horticultural, and/or animal husbandry operations, but not an enterprise where more than 10% of the floor area or display or storage area utilized for the enterprise is devoted to heavy equipment and machinery; a "feed-and-seed" store.

Minimum Stream Buffer: A 100-foot area on both sides of a stream, measured from each stream bank, designed to be a natural riparian forest and filtration area that will ensure the maintenance of water quality and the ecological integrity of the protected corridor.

Mini-Warehouse: A building consisting of individual, small, self-contained units that are leased or owned for the indoor storage of business and household goods or contractors' supplies.

Minor Utilities: Above- and below-ground electrical transmission lines, except for overhead electrical transmission lines and distribution feeder lines that collect and transmit over 110 KV of power; above- and below-ground natural gas lines; flood control or drainage facilities; transportation or communications utilities, and similar facilities of public agencies or public utilities; utilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, poles, or cables; switch boxes; transformer boxes; cap banks; and underground water and sewer lines. Such "minor utility" facilities generally do not have employees on site, and the services may be publicly or privately provided. "Minor utility" does not include uses more specifically defined in this Ordinance, including but not limited to "telecommunication use and/or structures."

Mitigation Measures: Methods used to alleviate or lessen the adverse impacts of development.

Model home: A building having the physical characteristics of a residential dwelling which exists for the purpose of display or advertising in connection with the sale of units in a residential development. The ultimate intended use for such a model is as a dwelling.

Moderately Steep Slope Area: Land areas with slopes from 15% to 25%. The Steep Slope Standards do not apply to slopes created by permitted land disturbing activities, such as, but not limited to, building and parking pad sites; berms; temporary construction stock-piles; and road-side ditches.

Motorcycle: A motor vehicle designed to travel on not more than three wheels in contact with the ground. The operator must hold a valid driver's license with a Class M designation or a motorcycle driver's license.

Motor Vehicle Sales and Accessory Service: Any use of land whereon the principal occupation is the sale, rental and accessory service of vehicles in operating condition such as automobiles, motorcycles, All Terrain Vehicles (ATV), and trucks stored on site. For the purpose of this Ordinance, vehicle sale, rental and ancillary service establishments shall not be deemed to include heavy equipment and specialized vehicle sale, rental and service establishments; however, specialized vehicles may be sold, rented and serviced as an accessory use.

Motor Vehicle Sales Limited to Racecars: Any business establishment intended for the sale of racecars.

Motor Vehicle Service and Repair, Heavy: Buildings and premises wherein major mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting, welding or other similar work is performed on vehicles. Light vehicle service establishments may be permitted as an ancillary use: however, motor vehicle service establishments shall not be deemed to include heavy equipment and specialized vehicle sale, rental and service establishments. Motor vehicle service and repair shall be conducted within a building and shall not include on-site storage of inoperable vehicles. All areas containing vehicles under repair shall be screened.

Motor Vehicle Service and Repair, Light: Buildings and premises wherein the primary use is the sale, servicing, repair and/or installation of motor vehicle accessories, such as the following: Spark plugs, batteries, distributors and distributor parts, tires, brakes, brake fluid, mufflers, tail pipes, water hoses, fan belts, light bulbs, fuses, floor mats, windshield wipers, wiper blades, grease retainers, wheel bearings, and mirrors. Light vehicle service establishments may also include greasing, lubrication and radiator flushing, minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines, electrical systems, and minor motor adjustments not involving removal of the head or crankcase or racing the motor, except that 10% of the floor area may be used for heavy motor vehicle service and repair as defined in Motor Vehicle Service and Repair, Heavy. Uses permissible at a vehicle light service establishment shall not include major mechanical and body work, the repair of transmissions or differentials, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. Motor vehicle service and repair shall be conducted within a building and shall not include on-site storage of inoperable vehicles. All areas containing vehicles under repair shall be screened.

Motor Vehicle Storage and Impoundment Yard: An area designed for the temporary storage of wrecked and/or inoperable and/or abandoned motor vehicles, but not to include the dismantling, wrecking or sale of said vehicles or parts thereof.

Municipal drinking water supply reservoir: A dam and impoundment area created, owned and operated by a municipality to store water as part of a public water utility, including necessary or customary appurtenant facilities such as access roads and transmission pipes. Water storage tanks and water treatment plants are separate uses not included as part of a water supply reservoir.

N

National Register of Historic Places: A register of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology and/or culture that is maintained by the Federal Secretary of the Interior. National Historic Landmarks are districts or structures listed on the Register that are considered to be of unusual importance to American history, architecture, archaeology and/or culture.

Nature study area: A natural place set aside for the observation or study of flora or fauna, where structures and changes to the landscape are limited to facilities that enable study or observation, such as benches, trails, markers or observation platforms.

Nonconforming Use: Any use lawfully being made of any land, building or structure, other than a sign, on the effective date of this Ordinance, or any amendment to it rendering such use nonconforming which does not comply with all of the regulations of this ordinance, or any amendment hereto, governing use for the zoning district in which such land, building or structure is located.

Non-Habitable: Space in a structure that is not used for living, sleeping, eating, or cooking, such as, but not limited to, garages, toilet compartments, closets, utility spaces or similar areas. Commercial and industrial structures do not have habitable space.

Non-Point Source Pollution (NPS): Pollutants carried in stormwater runoff, including but not limited to sediments, nutrients, animal waste, pesticides, salt and toxins, that cannot be traced to a specific point source and whose point of entry into a stream cannot be determined.

Non-Profit Organization: An incorporated organization or group whose charter prohibits profit-making endeavors and which enjoys tax exemption privileges.

Non-Vehicular Open Space: See Open and Useable Space.

Nursery, Commercial: An agricultural/commercial enterprise where plants and accessory products are sold on a retail basis.

Nursery, Production: An agricultural enterprise where plants are grown for resale on a retail or wholesale basis for only those plant materials grown on-site.

Nursing Home: A place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illnesses, diseases, deformities or injuries not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital.

O

Office: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as, but not limited to: accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesman, sales representatives or manufacturers' representatives; or the conduct of a business by professionals, such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products; or the sale and/or delivery of any materials, goods or products which are physically located on the premises. An office shall not be deemed to include a veterinary service or animal hospital.

Office, Administrative: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration, or analysis.

Office, Business or Sales: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by salesmen, sales representatives, or manufacturers' representatives.

Office, Medical: Any room, studio, clinic, suite or building wherein individuals licensed in the State practice medicine, osteopathy, dentistry, chiropractic, podiatry, physical therapy, psychiatry, clinical psychology, or other health-related professions on an out-patient basis. A medical office shall not be deemed to include a hospital, veterinary service or animal hospital.

Office, Professional: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by professionals such as, but not limited to, engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners, and landscape architects.

Officially Accepted: The date that all required submissions have been made and the Director has signed the application. This date shall be deemed that date upon which a plan or other application has been officially submitted.

Off-Site: Describing a location or an area of land which is proximate to a parcel of land defined as "on-site". Off-site means not on site; that is, outside the lot or parcel that is the subject of a given land use application.

Off-Street Parking Facility, Free-standing: A lot, or portion thereof, other than an automobile sales lot, held out or used for the storage or parking of six (6) or more motor vehicles for consideration, where service or repair facilities are not permitted. Such parking lot shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

On-Site: "On-site" shall be construed to be describing a location on all, or a portion, of a parcel of land which is the subject of an application for approval by the Board of Supervisors, Planning Commission, or Board of Zoning Appeals, and which parcel of land is in single ownership or under unified control. In general, "on-site" shall mean within a lot or parcel.

Open and Usable Space: Areas of trees, shrubs, grass, pathways and other natural and man-made amenities not within individual building lots, set aside for the use and enjoyment of residents, visitors and other persons, unoccupied by buildings or facilities unless related to recreational activities, and accessible to and adequate for the persons and functions it is designed to serve.

Open Space: Areas of trees, shrubs, lawns, grass, pathways and other natural and man-made amenities not within individual building lots, (except in rural village and Countryside Village developments), set aside for the use and enjoyment of residents, visitors and other persons, unoccupied by buildings or facilities unless related to recreational activities and in the TR and JLMA districts HOA facilities, and accessible to and adequate for persons and functions it is designed to serve. Lot coverage in the open space shall be limited to 0.01 of the lot. Generally, open space is intended to provide light and air and is designed for either scenic or recreational purposes. For the purpose of this Ordinance, open space shall include and be qualified as active recreation space, common open space, and dedicated open space.

a. **Open space, active recreation:** That open space that is designed for recreational purposes, to include, but not to, be limited to such uses as ballfields, multi-purpose courts, swimming pools, tennis courts, golf courses, play lots and playgrounds, camping, picnicking, boating, fishing, equestrian activities, walking and biking trails, and activities incidental and related to the foregoing. (In the TR and JLMA districts, these recreational facilities may include HOA facilities.) Recreational facilities may be open to the public for a fee, provided the intent of the open space requirements is maintained. Examples of acceptable for-fee facilities include golf courses and sports pavilions where such facilities are utilized and enjoyed by the development but that must secure outside users for economic viability.

b. **Open space, common:** Land within, or related to, a development not individually owned or dedicated for public use which is designed or intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

c. **Open space, dedicated:** All open space which is to be dedicated or conveyed to the County or an appropriate public agency, board, or body for public use as open space. For the purposes of this definition, twenty-five percent (25%) of all dedicated school sites shall be considered as dedicated open space.

Optional Overlay: See paragraph 2 of the definition of "Overlay District," below.

Originating Tract: A lot or parcel of land in the 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/Storage Yard, Accessory: The holding or storage of merchandise, goods, vehicles, equipment or materials as an accessory use to the permitted business. All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.

Outdoor Storage, Construction Materials: The holding or storage of materials utilized in off-site construction, to include machinery, tools or construction equipment and/or supplies including, but not limited to, lumber, prefabricated structural elements, forms, jigs, or other articles utilized in the fabrication of structural elements, structural steel, steel wire rods, concrete beams, or other materials utilized in construction.

Outdoor Storage, Vehicles: The holding or storage of new or used automobiles, trucks, buses, snowmobiles, motorcycles, all-terrain vehicles, boats, light aircraft, mobile homes, trailers, farm machinery, major recreational equipment, or construction machinery or equipment. The storage of inoperable equipment shall be deemed to be a motor vehicle storage and impoundment yard.

Outer Core Subarea: A Planned Development Transit Related Center district subarea that includes the total gross land area located outside the Inner Core subarea, but generally within one-half (1/2) mile from the outer edge of the planned rail station platform, as shown on the approved Concept Development Plan. Densities are high, yet increase in distance from the transit stop. Major retail, office, service commercial and high density residential uses are located in this subarea, with a vertical mix of uses and a predominance of pedestrian-oriented uses.

Overlay District: A zoning district superimposed on another, where:

1. both districts have validity in governing the use of the property, or

2. an "optional overlay" where the property owner may elect to proceed under the regulations of the overlay district rather than the other district, and the other district no longer governs the use or development of the property after this election is made (see Article 4, Division D).

P-Q

Park and Open Space: Uses of land that are characterized primarily by natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, or community gardens in which persons not owning or residing on the property grow plants or flowers for personal consumption. Structural improvements are generally limited to those structures that facilitate the use of the land as park and open space. Accessory uses may include playgrounds, maintenance facilities, swimming pools, restrooms and dressing rooms, concessions, caretaker's quarters, and parking.

Park, Countryside Village Community: A park that provides recreational facilities for the community and is at least three (3) acres minimum.

Park, Countryside Village Neighborhood: A neighborhood park at least 40,000 square feet minimum in size.

Park, Neighborhood: A park that provides a variety of small-scale, localized recreational facilities, such as playgrounds and tot lots or volleyball, basketball and tennis courts, and designed to be within walking distance of the primary users.

Parking Area: The area on a lot or site used for the parking of motor vehicles that meets the minimum standards of this Ordinance and the Facilities Standards Manual (FSM) and that is an accessory use to the principal use or structure on the lot or site.

Parking Lot: A lot on which the parking of motor vehicles is the principal use.

Parking Lot/Valet Service: A lot or structure on/in which the parking of motor vehicles for a fee on a daily, weekly, or monthly basis is the principal use and accessory services, such as washing and polishing, are provided.

Parking, Off-Site: Any space that is off-site and specifically allotted to the parking of motor vehicles. Such space shall not be in a public right-of-way.

Parking Space, Off-Site: A space suitable for parking one automobile and including adequate driveways, if necessary, to connect such space with a public right-of-way. Space within a building or upon a roof, allocated for parking shall be included and considered a part of the required spaces.

Passive recreational uses: Recreational uses (such as hiking, nature observation, and picnicking) not requiring constructed facilities, but making use of areas which are largely left in their natural state except for basic facilities as bathrooms, benches, picnic tables, and trails.

Pedestrian-oriented uses: Uses located at street level that are visible and accessible from the street.

Pedestrian Walkway: A right-of-way developed for use by pedestrians, including sidewalks, walking trails, and plazas.

Pedestrian Way: A right-of-way developed for use by pedestrians, including sidewalks, bicycle paths and jogging trails.

Performing Arts Center: A facility for the viewing of performing arts with a seating capacity of 8,000 persons or greater.

Performance Standards: A set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

Personal Service Establishment: Establishments primarily engaged in providing services, including the care of a person or his or her apparel, such as, but not limited to, cleaning and garment services, which are deemed to be establishments for the mechanical cleaning of garments, articles or goods of fabric for retail customers, containing no more than 3,000 square feet of gross floor area, linen supply, diaper service, coin-operated laundries, carpet and upholstery cleaning, photographic studios, beauty shops, barber shops, shoe repair, steam baths, reducing salons and health clubs, travel agent, clothing rental, locker rental, porter service, optician, and tailor.

Pet: An animal kept for pleasure rather than utility, not included within the animals listed in the definition of Animal Husbandry, such as dogs; cats; birds; non-poisonous spiders; chameleons and similar lizards; non-poisonous snakes; pot-belly pigs; hamsters; ferrets; gerbils; guinea pigs; pet mice and pet rats; turtles; fish; domesticated rabbits; miniature horses; and other similar domesticated animals. The keeping of such animals is permitted as an accessory use to a dwelling unit.

Pet Farm: A facility in which livestock, farm animals and other animals are kept for public exhibition, viewing and contact, regardless of compensation, and which may include related accessory uses and activities such as gift shops not exceeding 600 square feet in area, picnic areas and recreational activities. For the purpose of this Ordinance, a pet farm shall not include retail pet stores and kennels, horse races, and such activities as State and County fairs, livestock shows, rodeos, field trials, and horsing events.

Planned Development: An area of a minimum contiguous size, as specified by this Ordinance, developed according to plan as a single entity and containing one or more structures with appurtenant common areas. (See Section 6-1502 for the Purpose of Planned Development districts.)

Planning Commission or Commission: The Planning Commission of Loudoun County, Virginia.
Playground: An area of land where recreational equipment for children is installed out of doors.

Play Space: An off-street space available and usable for play by children; a "tot-lot", a playground.

Plaza: An open space which may be improved and landscaped; usually surrounded by streets and buildings.

Police station or substation: Any building or part of a building which is designated by a chief of police or sheriff to be used as a police or sheriff's station or substation and at which duly authorized officers perform law enforcement functions.

Porch: The term "porch" shall include any porch, veranda, gallery, terrace, portico or similar projection from a main wall of a building and covered by a roof, other than a carport, as defined in this Article. An "unenclosed porch" is a porch with no side enclosure (other than the side of the building to which the porch is attached) that is more than eighteen (18) inches in height, exclusive of screens.

Portable dwelling/trailer during construction of primary residence: A structure that is installed temporarily for use as a dwelling while a residence is being constructed. The portable dwelling/trailer shall be removed within one month of the completion of construction on the primary residence.

Postal Services: Retail sales or business services establishment to facilitate the transmittal and receipt of letter, bulk, and package mail.

Principal Lot: One of the types of lots permitted within the Principal/Subordinate Subdivision Development Option. Permitted density is assigned to the Principal Lot for purposes of tracking the number of lots which can be subdivided within the development. The Principal Lot may be further subdivided up to the maximum number of lots assigned to the Originating Tract of the subdivision.

Principal/Subordinate Subdivision Option: A division of land in which a maximum lot yield is calculated for an Originating Tract based on the gross acreage of such tract. The Principal/Subordinate Subdivision Option results in the creation of one Principal Lot and one or more Subordinate Lots. Lots are served by individual well and septic systems located on the subject lot.

Printing Plant: A commercial/light industrial use devoted to printing or bookbinding, including related large-scale storage and transshipment.

Printing Service: A retail establishment, which includes a quick print shop or the operation of offset printing and other related equipment, such as, but not limited to, paper cutters, collating machines, multi-colored press equipment, plate burners, binding and photographic developing equipment.

Private Access Easement: A private road built to standards in locations as permitted in the Land Subdivision and Development Ordinance (LSDO).

Private Club or Lodge: A structure or facilities owned or operated by an organization of persons for special purposes, such as the promulgation of sports, arts, literature, politics, but not operated for profit, and excluding churches, synagogues, other houses of worship, and also excluding structures and uses associated with commercial or non-commercial outdoor recreation. Adult entertainment shall not be permitted at a private club or lodge.

Private Parties: Events that are not open to the public and are by invitation only.

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 are present on site around the clock. Accessory uses may include offices, parking, and areas for maintenance of emergency vehicles.

Public Transit: Any vehicular or rail transportation system owned or regulated by a government agency, used for the mass transport of people.

Public Utilities/Facilities: Public parks, playgrounds, trails, paths and other recreational areas and other public open spaces; scenic and historic sites; schools and other public buildings and structures. Any water or sewer system serving more than two (2) lots, and any building or structure owned by a public utility as defined in Section 56-232 of the Virginia State Code, all building and facilities owned by a public service corporation as defined in Section 56-1 of the Virginia State Code.

Public Utility Service Center and Storage Yard: A facility owned by a public utility company that may include business offices, a dispatching center, and fenced yard for the storage of vehicles and materials related to the maintenance, construction, and repair of a utility transmission line, substation service line and other such facilities. Such service and storage yard may include shop facilities for the servicing and repair of equipment. Similar facilities owned by a public agency or private road company for maintenance of roads and interchanges are included in this definition.

Public Use: Any area, building or structure held, used or controlled exclusively for public purposes by any department or branch of the Federal Government, Commonwealth of Virginia, or the Loudoun County government.

Qualified Professional: A professional who is accredited by or registered with a professional group operating within the scope of his/her license that is acceptable to the County.

R

Racecars: Any vehicle manufactured for the sole purpose of competitive motor vehicle racing on a track in accordance with the rules and requirements of any nationally or internationally recognized organization governing the sport of professional motor vehicle racing. "Dual purpose" cars, i.e. those designed and intended for both track and public street use, and all other forms of street legal motor vehicles are specifically excluded from this use.

Radio, Radar and/or Television Tower: A structure for the transmission of broadcasting of radio, TV or radar signals.

Record Plat: A map or a chart of a lot, lots, or subdivision, filed among the land records of Loudoun County.

Recreation and Entertainment: Uses that are generally commercial and provide indoor or outdoor entertainment for consumers. Accessory uses include offices, storage of goods, outdoor storage, parking, concessions, caretaker's quarters, and maintenance facilities.

Recreation Establishment, Indoor: An enclosed or semi-enclosed building, tent, or structure designed to accommodate gatherings of human beings for games, athletics, cultural activities, martial arts, archery or firearm shooting, rides, and the like. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances. A commercial recreation area may also include mechanical or electrical amusement devices, and may include accessory uses such as refreshment stands, equipment sales or rentals.

Recreation Establishment, Outdoor: Any establishment operated as a commercial enterprise in which seasonal facilities directly related to outdoor recreation are provided for all or any of the following: camping, skating rink (indoor or outdoor), lodging, picnicking, boating, fishing, swimming, golf driving ranges (as defined herein), outdoor games and sports, and the like, and activities incidental and related to the foregoing. A commercial recreation area may also include miniature golf grounds, mechanical or electrical amusement devices, and may include accessory uses such as refreshment stands, equipment sales or rentals.

Recreation Space, Active: Flat, open, well-drained usable space configured in squares or greens. Active recreation space may include facilities such as ballfields, tennis courts, or swimming pools, or tot-lots and other similar type play areas. Active recreation space may also be used for camping, picnicking, boating, fishing, swimming, outdoor games and sports, equestrian activities, and the like, and activities incidental and related to the foregoing, all on a non-commercial basis and to fulfill the requirements of the R-8, R-16, and R-24 zoning districts.

Recreational Vehicle Park: An outdoor facility designed for overnight accommodation of human beings in motorized vehicles, rustic cabins and shelters, or trailers for recreation, education, naturalist, or vacation purposes. Office, retail and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

Recreational Vehicle Unit: A travel trailer, pick-up camper, motorhome, tent trailer, or similar device used for temporary housing.

Recyclable Materials: Any material separated from the waste stream for utilization as a raw material in the manufacture of another product. This includes both source-separated material and mechanically separated material. Recyclable materials include, but are not limited to, newspapers, office paper, glass, metals, plastic and corrugated cardboard.

Recycling Drop-Off Center, Private: A collection site operated by a non-governmental entity, a for-profit company or a non-profit organization, for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such centers may not exceed 3,000 square feet in area, may contain permanent or semi-permanent buildings, or structures, but typically consist of portable containers which can be emptied and readily moved.

Recycling Drop-Off Center, Public: A collection site operated by a governmental entity for the acceptance by donation, redemption or purchase of recyclable materials from the public. Such centers

may not exceed 3,000 square feet in area. The 3,000 square foot area applies to the recycling containers only. A center does not contain permanent structures, and typically consists of portable containers which can be emptied and readily moved.

Religious Assembly: Uses providing meeting areas for religious observances and activities. Includes church, synagogue, temple or mosque.

Research and Development Use: Any use related to the invention, discovery, study, experimentation, evaluation, identification, verification, design preparation or production of products, new technologies, techniques, or processes. Research and development functions would include repair, storage, sale, resale of materials, goods and products relating to the research and development use.

Residential Use: Structures which are built for, and occupied by, private households; any activity of a private household conducted in a private dwelling.

Resource Recovery: The process of obtaining materials or energy, particularly from solid waste.

Rest Home, Nursing Home, Convalescent Home: An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Restaurant: Any establishment which provides as a principal use the preparation and sale of food, frozen desserts, or beverages in a state ready for consumption within the establishment, and whose design or principal method of operation includes both of the following characteristics:

a. Customers are provided with an individual menu and are served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.

b. The food, frozen desserts, or beverages are served on non-disposable plates or containers, and non-disposable eating utensils are provided. Customers are not expected to clear their table or dispose of their trash.

Notwithstanding the above, a cafeteria where food, frozen desserts, or beverages are: (a) generally consumed within the establishment; and (b) served on non-disposable plates or containers and non-disposable eating utensils are provided shall be deemed a restaurant.

A restaurant may provide a carry-out service, provided that such carry-out service is clearly not the principal business of such establishment. However, a snack bar or refreshment stand at a public or non-profit community swimming pool, playground, playfield or park operated solely by and for the agency or group operating the recreational facility, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

Restaurant, Carry-Out Only: Any establishment, without a drive-through facility, which provides as a principal use, the preparation and/or sale of food, frozen desserts, or beverages for carry-out service only with seating capacity up to 1,000 square feet.

Restaurant, Fast-food: Any establishment which provides as a principal use the preparation and sale of food, frozen desserts, or beverages in a ready-to-consume state for consumption either within the restaurant, within a motor vehicle parked on the premises, or off-premises, and whose design or principal method of operation includes one or more of the following characteristics:

a. Food, frozen desserts, or beverages are served in edible containers or in paper, plastic or other disposable containers. Eating utensils, if provided, are disposable.

b. Food, frozen desserts, or beverages are usually served over a general service counter for the customer to carry to a seating facility within the restaurant, to a motor vehicle or off-premises. If consumed on premises, customers generally are expected to clear their own tables and dispose of their trash.

c. Forty-five percent (45%) or more of the gross floor area of the establishment is devoted to food preparation, storage and related activities, which space is not accessible to the general public.

d. Food, frozen desserts, or beverages are served to the occupants of motor vehicles while seated in the car.

A fast food restaurant shall have two classes; with a drive-through facility or without a drive-through facility.

Retail, Construction Establishment: Buildings or land used for sale of construction materials at retail or for the rendering of construction services including, but not limited to, coal, wood, and lumber yards.

Retail Sales and Service: Uses primarily engaging in the commercial sale, rental, or leasing of new or used products to the general public. Accessory uses include offices, parking, storage of goods, and repair of goods for on-site sale.

Retail Sales Establishment: Buildings or land used for sales of merchandise at retail or for the rendering of personal services including, but not limited to, the following: pharmacy, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, quick print shop, household appliance store, furniture store, florist, music and radio store; but specifically excluding coal, wood and lumber yards.

Rezoning: A change in zoning district designation for a parcel or group of parcels adopted by the Board of Supervisors.

Ridgeline: A ground line located at the highest elevation of a drainage divide for the major watersheds mapped by the County.

Riparian Area: The land area adjacent to a stream, river, lake, or wetland that contains vegetation that due to the presence of water, is distinctly different from the vegetation of adjacent areas. A riparian area will vary in width depending on the particular stream, river, lake, wetland, or other body of water.

Road: Shall include the terms "street", "avenue", "way", "court", "drive" and the like. Pedestrian elements such as sidewalks and trails are allowed within road rights-of-way to the extent allowed by the Virginia Department of Transportation or this Ordinance.

Road, Class I: Roads which were part of the State-maintained highway system at the time of adoption of the 1972 Zoning Ordinance.

Road, Class II: Roads meeting Virginia Department of Transportation's specifications and acceptable for maintenance by the State, bonded as provided in the Loudoun County Subdivision Ordinance, or roads accepted in the State-maintained highway system after the effective date of the 1972 Zoning Ordinance.

Road, Class III: A non-State maintained road which meets the design standards contained in the Facilities Standards Manual.

Road, Crossing of the Floodplain: Any improved right-of-way traversing a floodplain generally perpendicular to the flow of the drainageway.

Road, Local Access: A publicly owned and maintained street with a limited through function, predominantly providing access to individual lots. Local access roads are an outlet for neighborhoods, or may link neighborhoods, to the collector road network. Local access roads are characterized by low traffic volumes and low speeds.

Road, Major Arterial: A publicly owned and maintained road, designed to carry substantial amounts of high speed regional traffic, usually requiring at least four lanes for through traffic, and generally planned for restricted or controlled access. Routes 7, 15, and 50 are examples of major arterial roads.

Road, Minor Arterial: A publicly owned and maintained street designed to perform a regional, as well as a local, function connecting communities or other arterials across State or County boundaries. Traffic volumes generally require a minimum of four through lanes, although some existing minor arterials may have only two through lanes. Minor arterials have limited or controlled access, with signals at important intersections and stop signs on side streets. Route 9 is an example of a minor arterial road.

Road, Major Collector: A publicly owned and maintained road generally serving an intra-county and, in some situations, an inter-county function. Major collectors carry traffic from individual developments to arterial roads. New major collectors are planned for controlled access, with turn lanes at all entrances. Major collectors are often four, and sometimes six lanes. However, existing rural major collectors may be as few as two lanes. Examples of urban major collectors include Route 640 and Ashburn Village Boulevard. Routes 734 and 621 are examples of rural major collectors.

Road, Minor Collector: A publicly owned and maintained road generally serving several different neighborhoods and providing a linkage to the major collector roads. This category of road allows for traffic mobility and individual, or combined, lot access. Minor collectors may be two or four lanes and receive local and private roads.

Road, Private: A privately owned road designed and built to established County Standards for direct access to individual lots, with the owners of said lots or a Homeowner's Association (HOA) responsible for its maintenance.

Road, Village Neighborhood: Roads which primarily provide for traffic circulation within the Village Center and access to individual lots.

Road, Village Through: Roads which provide for primary access to the Village Center from the Significant Rural Transportation Route and Corridor Network listed in Table 1. (Section 4-1200)

Rock Outcrop: Any rock exposed at or above the ground surface which is attached to the underlying bedrock.

Rooming House: A lodging place for four or more boarders where rooms are offered on a single room occupancy basis and where sanitary facilities may be shared. A common cooking facility may be provided. Lodging is provided on no less than a month-to-month basis.

Rural Cluster Lot: A type of lot located within an AR-1 or AR-2 District cluster subdivision.

Rural Corporate Retreat: A use, compatible with agriculture, horticulture, animal husbandry, open space and/or historic preservation, which is engaged in the study, testing, design, invention, evaluation, or development of technologies, techniques, processes, or professional and consulting services, and education and training related to such advances and services. Rural Corporate Retreats may be utilized for basic and applied research services and education wherein the inquiry process is conducted in a manner similar to that of institutions of higher learning or management consulting firms. Rural Corporate Retreat facilities may include facilities for associated training programs, seminars, conference, and related activities.

Rural Economy Conservation Lands: One of the two required elements of a residential cluster option development within the AR zoning district located outside of the cluster portion and intended to accommodate rural economy and open space uses as permitted in the underlying zoning district.

Rural Economy Lot: A type of lot located with an AR-1 or AR-2 District cluster subdivision. A minimum of one Rural Economy Lot is required to be located within any AR-1 or AR-2 cluster subdivision. The primary use of such lot is for rural economy uses, with residential uses permitted in association with a rural economy use

Rural Economy Uses: An array of agricultural and equine enterprises, tourist attractions and services, and commercial businesses that are land-based, depend on large tracts of open land, and the area's rural atmosphere.

Rural recreational establishment, outdoor: Any establishment operated as a commercial enterprise in which seasonal facilities directly related to outdoor recreation are provided for all or any of the following: camping, skating rink (outdoor), lodging, picnicking, boating, fishing, swimming, outdoor games and sports, animal-mounted trail riding, and activities incidental and related to the foregoing. This use may include a refreshment stand as an accessory use. Nothing in this definition shall be construed to mean a track for motorized vehicles of any type, however defined.

Rural Resort/Rural Retreat: A private establishment consisting of a detached structure or structures located in a rural setting in which lodging units are offered to transients for compensation as the principal use, along with conference and meeting facilities, restaurant and banquet facilities, and recreational amenities.

Rural Village Center Subdistrict: The portion of the Rural Village (RV) district designated for pedestrian friendly, mixed-use development, consisting of single-family detached, townhouse, apartment, storefront, workplace and civic uses on the Concept Development Plan.

Rural Village Commercial Area: Land within the Rural Village Center designated primarily for commercial, apartment and civic uses on the Concept Development Plan.

Rural Village Conservancy (VC) Subdistrict: Land within the Rural Village (RV) district surrounding the Village Center subdistrict which is placed in an open space easement in order to offset the increased density in the Village Proper (VP).

Rural Village Residential Area: The land area within the Village Center subdistrict designated primarily for single-family attached and detached and civic uses on the Concept Development Plan.

Rural Village Satellite Conservancy (RVSC) Subdistrict: Land within the Rural Village (RV) district which does not adjoin the Village Conservancy and which is placed in an open space easement in order to offset the increased density in the Village Proper (VP).

Rural Village Workplace Area: The land area within the Village Center designated for employment uses on the Concept Development Plan.

S

Sawmill: A mill for sawing timber or logs into boards or lumber.

Scenic River: Rivers, streams, runs and waterways that are designated according to State code.

School (elementary, middle and high): An establishment which provides any kindergarten, primary, and/or secondary educational course, but not including an establishment primarily for the instruction of adults, a day care establishment, a child care center, a child care home, or an in-home school for the purposes of instructing children of the family residing in the household. Parking of school buses on-site shall be considered an accessory use to a school.

School, vocational: An establishment offering courses of training in a skill or trade.

Screening: Whenever this term is used, it shall refer to any landscaping, screening, buffering, fencing or other barrier as required by this Ordinance. See "Buffering".

Setback: For the purposes of Section 5-600, use of the terms “setback” or “set back” means the building, structure, use, or activity shall be located the required distances from the point of reference (e.g. lot line, right-of-way or building, etc.). Required yards may be located in this setback area.

Setback: The minimum distance by which any building or structure must be separated from the point of reference (e.g. lot line, right-of-way or building, etc.).

Sewage Treatment Plant: A plant for the primary, secondary, tertiary treatment of sewage.

Sewer, Public: A central, communal or municipal wastewater treatment system serving more than two (2) lots owned or operated by a municipality, the Loudoun County Sanitation Authority (LCSA), or a public sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia, for the collection, treatment and disposal of sewage.

Sewer System, Central: The sewage treatment system for Eastern Loudoun County owned and operated by the LCSA that is served by the Blue Plains and/or Broad Run treatment plants, and/or capacity supplied by the Upper Occoquan Sanitary Authority.

Sewer System, Communal or Communal Wastewater System: A sewage treatment system for the collection, treatment and/or disposal of sewage operated and or owned by LCSA, or operated by a public sewer (wastewater) utility as defined by Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia that is designed to serve small scale development, including clusters, where permitted by this Ordinance. Such system may serve only one lot, where a communal system is required by this Ordinance for a specific use.

Sewer System, Municipal: A sewage treatment system that is owned or operated by one or the incorporated towns within Loudoun County.

Sewage Disposal System, Individual: A complete system for the collection, treatment and/or disposal of sewage, located on the lot served.

Shopping Center: Any group of two (2) or more commercial uses of a predominately retail nature which:

a. Are designed as a single commercial group, whether or not located on the same lot,

b. Are under common ownership or management,

c. Are connected by party walls, partitions, canopies, or other structural members to form one continuous structure or, if located in separate buildings, are interconnected by walkways and accessways designed to facilitate customer interchange between the uses,

d. Share a common parking area, and

e. Otherwise present the appearance of one (1) continuous commercial area.

Shoreline: The top of the streambank, which is defined in engineering terms as the water surface elevation of the two (2) year storm event.

Short term, recurring zoning violation: Any violation of this Ordinance of a type that is typically of a relatively short duration or susceptive of regular recurrence. Violations in this classification are deemed to include, but are not limited to, inoperable vehicles, commercial vehicles parked in residential districts, parking of vehicles on an unpaved surface, exceeding maximum occupancy limitations for residential

dwelling units, violations of sign regulations, and violations related to permitted and or non-permitted temporary or seasonal sales.

Shrub: An evergreen multi-trunked, woody plant that usually attains a mature height of no more than ten (10) feet.

Sign: Any visual display that comprises letters, words, numerals, figures, logos, trademarks, symbols, emblems, devices, or illustrations, or any combination thereof, which identifies a property, business, product, service, person, or entertainment, but not including, when standing alone, a flag, emblem, badge, or insignia of any governmental unit.

Sign, Area of: The area within a continuous perimeter enclosing the limits of a sign, as defined herein and illustrated in Figure 4, Section 5-1200, and including any frame or other material or color that forms an integral part of the display or is used to differentiate the sign from the background against which it is placed, but excluding the structural supports or uprights on which the sign is placed. In the case of a ground mounted sign utilizing the bonus multiplier for the background structure, the permitted increase in area of the background structure is not counted as the area of the sign. In the case of a sign where lettering appears back to back, that is, on opposite sides of a sign, only one display face shall be counted in the area of the sign.

Sign, Awning and Canopy: A sign that is mounted on, painted on, affixed, or otherwise attached to an awning or canopy.

Sign, Background Structure: The surface on which a sign is mounted, painted, affixed, or otherwise attached.

Sign, Backlight: An illuminated sign, where the source of illumination is located on the back of the sign or on the interior of an enclosed sign.

Sign, Banner: Cloth, paper, vinyl, bunting or the like, intended to be hung either with or without frames. Governmental flags or symbolic flags shall not be considered banners for the purpose of this Ordinance.

Sign, Bonus Multiplier: An increase in the area of the sign by a multiplier for ground mounted signs.

Sign, Building Façade for Determining Size of: The entire area of an exterior wall of a building within a continuous perimeter. See Figure 5, Section 5-1200.

Sign, Building Mounted: A sign that is mounted, painted, affixed, or otherwise attached on the wall of a building or structure.

Sign, Business: A sign which identifies a business or profession conducted, or a commodity or service sold, offered, or manufactured, or an entertainment offered on the premises where the sign is located.

Sign, Danger, Aviation, Railroad, Bridge, Ferry Transportation, Red Cross, and other such sign: Sign as set forth in Section 33.1-355 (5), (6), (7), (8), (15), and (17) of the Code of Virginia 1950, as amended.

Sign, De Minimis: Any sign with an area no greater than one (1) square foot.

Sign Development Plan: A graphic representation showing a detailed plan of all signage proposed for a particular structure, lot, or development.

Sign, Directional, Off-Site: Any sign providing directions to a specific use, which sign is not located on-site of the same parcel or on-site within the same development as the use to which such sign provides directions.

Sign, Directional, On-Site: Any sign providing directions to a specific use, which sign is located on-site of the same parcel or on-site within the same development as the use to which such sign provides directions.

Sign, Directory: A sign on which the names and locations of occupants or the uses of a building or group of buildings is given.

Sign, Electronic Message: A sign on which the visual display is composed of a series of lights, panels, or other mechanisms that may be static, changing, or otherwise give the appearance of change of the display through electronic means.

Sign, Farm: Sign erected or maintained on any farm by the owner or tenant of such farm and relating solely to farm or horticultural produce, livestock, silviculture, or services sold, produced, manufactured or furnished on such farm.

Sign, Freestanding: Any sign not affixed to a building such as, but not limited to, pole mounted, monument, pylon, sidewalk, and ground mounted signs.

Sign, Government/Official Notices: Sign erected and maintained by or under the direction of the Virginia Department of Transportation, other governmental authorities, or court officer in accordance with the law.

Sign, Ground Mounted: See Figure 1, Section 5-1200.

Sign Height: The height of a sign shall be computed as the linear measurement from the base of the sign at normal grade to the top of the highest attached component of the sign. If the land is uneven at the base of the sign, the elevation at the halfway point (middle) of the sign at the base shall be used. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating for the purpose of locating the sign.

Sign, Historical Markers: Any sign or marker erected to identify a site, location, or landscape related to a person, structure, or event documented as historically significant at the local, state, or national level.

Sign, Home Occupation: Any sign upon property displaying the name and/or address of the occupant(s) of the premises and the nature of the home occupation(s).

Sign, Illuminated: Any sign or any part of a sign, which is illuminated, externally or internally, from an artificial light source located for the specific purpose of such illumination.

Sign, Informational: Signs to identify such locations as restrooms, loading areas, parking areas, no parking areas, entrances, exits, and the like.

Sign, Linear Foot (LF) for Determining Size of: The horizontal length of a wall of a building which physically encloses usable interior space. Said horizontal length shall be measured at a height not greater than ten feet above grade. See Figure 6, Section 5-1200.

Sign, Non-PD District Project Directional: Signs giving direction to new homes for sale or lease for non-Planned Development District projects, subject to the boundaries of a rezoning plat approved by the Board of Supervisors, which do not contain the names of specific builders.

Sign, Outlined with Neon: Any sign which uses neon, argon, or similar gas to illuminate transparent or translucent tubing or other material to emit light outlining all or a part of such sign.

Sign, PD-H Community Directional: Signs located within the boundaries of an approved PD-H district, providing direction to subdivisions, sections, or civic features within the PD-H district.

Sign, Pole Mounted: See Figure 2, Section 5-1200.

Sign, Project Identification: A sign that identifies the name of the development only, including any corporate typeface or logo.

Sign, Public/Quasi-public: Sign identifying or locating a town, community center, public building or historical place situated in Loudoun County, Virginia, and also a sign for a use owned or operated by a nonprofit, religious, or charitable institution and providing educational, cultural, recreational, religious, or similar types of programs.

Sign, Real Estate: Sign pertaining only to the offering for sale or lease of the land or structures on the land upon which the sign is placed.

Sign, Residential Name: Sign upon property displaying the name and/or address of the owner, lessee, or occupant of the premises.

Sign, Sidewalk: A movable sign not secured or attached to the ground or surface upon which it is located. Such sign may be freestanding, placed on an easel, or constructed in a manner to form an "A" shape.

Sign, Temporary: A sign advertising a candidacy for public office or an event of public interest, such as, but not limited to, a public or general election, church or public meeting, fair, horse show, turkey shoot, entertainment for charitable purposes, horticulture/agriculture/silviculture activities, and other similar social activities of temporary duration or non-recurring nature, excluding commercial retail and real estate, unless otherwise permitted in this Ordinance.

Sign, Temporary Construction: Sign erected and maintained on the site during the period of construction to announce only the nature of the structure and/or the name or names of the owner, contractor, architect, landscape architect, engineer, and/or financing entity.

Sign, Wayside Stand: Sign erected or maintained by any farm owner or tenant of such farm and relating solely to farm or horticultural produce or merchandise sold from said stand located on farm including Christmas trees, vineyards and wineries.

Sign, Window or Display (Business): A sign within a window of a business relating to the business conducted within.

Sign, Window or Display (Non-Business): A sign within a window of a business not relating to the business conducted within; but to amusements or civic, religious, cultural, educational, or charitable activities.

Silviculture: The planting, growing, cultivating, cutting, and harvesting of trees growing on a site, and the loading, unloading and sorting of trees on a site where they were grown, for wood or wood-based products. See Forestry.

Silviculture: The art and science of controlling the establishment, growth, composition, health and quality of forests and woodlands, typically dependent on Best Management Practices. In Loudoun County it is a component of healthy forest management that is limited to tree and shrub planting; limited tree clearing for firewood, and clearing of dead and diseased trees and invasive species; and tree pruning and trimming. Silviculture does not include commercial planting or clear cutting of a forest.

Sinkhole: A vertical opening or closed depression in the land surface and formed by solution of carbonate bedrock and downward movement of soil into bedrock voids or by collapse of underlying caves.

Sinking Stream: Any stream draining 640 acres or less that disappears underground into a Swallet, Sinkhole, Closed Depression or Cave Opening.

Site Plan: A required submission, prepared and approved in accordance with the provisions of Section 6-700, which is a detailed engineering drawing of the proposed improvements included and required in the development of a given lot. For the purpose of this Ordinance, a site plan is not to be construed as a concept development plan, as required by other provisions of this Ordinance. Reference Chapter 1244 Site Plan Procedures of the Land Subdivision and Development Ordinance (LSDO).

Slope: The vertical elevation of land area divided by the horizontal distance, expressed as a percentage. Slope percentage shall be determined using the County base planimetric and topographic maps or if required, then other topographic maps, elevations, etc., prepared by such persons licensed to perform surveys to determine such information. See also related definitions of "Very Steep Slope Area" and "Moderately Steep Slope Area," in this Article.

Small Business: A business or service which may be conducted in a private residence that is considered temporary for the purpose of starting a new business and operates according to the restrictions and standards established by this Ordinance. For the purposes of this definition the following terms have the meaning herein ascribed to them:

a. Structure. A structure used for a small business.

b. Business vehicles. Automobiles, vans, pick-up trucks, motorcycles, and other similar vehicles requiring Department of Motor Vehicle tags and designed and primarily used to transport people.

c. Employees. Persons, other than members of the household permanently residing on the premises, who are engaged onsite in the operation of the small business on a regular or occasional basis.

d. Heavy equipment. Bulldozers, fork lifts, compactors, paving cutters, backhoes, skid loaders, and any other motorized or similar equipment which is primarily used to perform heavy work activities, and not used to transport passengers, and which do not require or use Department of Motor Vehicle tags; and dump trucks requiring 26,000 pounds gross vehicle weight; and passenger and tour buses, excluding school buses and 16-seat commuter vans; and vans and large pick-up trucks modified for heavy work, all of which are used for off-site income producing purposes.

Any heavy equipment used principally for agricultural uses onsite may be used offsite for small business uses listed in Section 5-614(D). The term "heavy equipment" includes all vehicles not classified as "business vehicles", as defined above, which are associated with the small business. Additionally, trailers used for transporting heavy equipment are considered accessory to the heavy equipment.

e. Storage yard. An outdoor space accessory to a permissible use and used for the purpose of storing equipment, vehicles, construction materials and similar items necessary to a permissible business.

Soil Mapping Unit: An area of similar kinds of soil materials on the same landform, as defined in the Interpretive Guide to Soils Maps of Loudoun County, as amended.

Solid Waste: Any garbage, refuse, sludge, and other discarded materials, resulting from household, industrial, commercial, mining, and agricultural operations, or community activities, but not including (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the State Water Control Board, or (iii) source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended.

Solid Waste Container: A container that is specifically designed, constructed, and placed for use as a depository for the storage of solid waste, which includes dumpsters, bulk containers, refuse containers, or other such containers specifically designated as waste receptacles.

Solid Waste Incinerator: A facility or device designed for the treatment of solid waste by combustion.

Solid Waste Management Facility (SWMF): A site used for the planned treating, recycling, storing, processing or disposing of solid waste and includes recycling facilities, vegetative waste management facilities, yard waste composting facilities, materials recovery facilities, landfills, transfer stations and solid waste incinerator facilities. A facility may consist of several treatment, storage or disposal units. Further, "solid waste management facility" or "SWMF" means a facility so located, designed and

operated that it does not impose a present or potential hazard to human health or the environment, including the pollution of air, land, surface water or ground water.

Solid Waste Transfer Station: A solid waste collection or storage facility at which solid waste is transferred from collection vehicles to hauling vehicles for transportation to a central solid waste management facility for disposal, incineration, or resource recovery.

Solid Waste Vehicle: Any vehicle or portion thereof used to collect, remove, transport, or dispose of solid waste or recyclable material and includes any container or other appurtenance attached to, or associated with the vehicle, whether such container or appurtenance is affixed temporarily or permanently.

Sound Level Meter: Means an electronic instrument, which includes a microphone, an amplifier and an output meter, which measures noises and sound pressure levels in a specified manner. It may be used with the octave band analyzer that permits measuring the sound pressure level in discrete octave bands.

Special Event: A temporary commercial or festive activity or promotion at a specific location that is open to the public and is planned or reasonably expected to attract large assemblies of persons. Special events include, but are not limited to, carnivals, festivals, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, civil war reenactments, equestrian shows, firework displays and events, or similar events open to the public. In addition, a private party held at a Banquet/Event Facility (including Hotel, Conference Center, Restaurant, Bed and Breakfast, Country Inn, Rural Retreat or Rural Resort or similar facility) shall not be deemed a special event. A private party which is held at a location other than the foregoing or held on property other than property which is occupied by the host, shall be deemed a special event. "Special event" does not include temporary or seasonal retail sales of goods, products, or services, such as temporary sales of Christmas trees, farm produce, fireworks, and other similar seasonal goods.

Special Exception: A use permitted in a zoning district, if listed in the district's regulations, only upon showing that such use in a specified location will comply with all the conditions and standards specified in the Zoning Ordinance and/or imposed by the Board of Supervisors as authorized by the State Code.

Sports Stadium, Complex, Arena or Sports Field: A facility, indoor or outdoor, designed for professional or amateur sporting events, exhibitions, shows or convocations. Office, retail and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

Spring: A place where the groundwater flows naturally from a rock or the soil onto the land surface or into a body of surface water.

Stable, Private: A facility for the keeping of horses for the private use of the residents of the lot. Such facility may include the commercial boarding of ten (10) or fewer horses and no more than one (1) instructor engaged for the purpose of educating and training students in equitation.

Stable, Neighborhood: A facility for the keeping of horses for the private use of the residents of the lot. Such facility may include the commercial boarding of twenty (20) or fewer horses and no more than (2) two instructors engaged for the purpose of educating and training students in equitation.

State: The Commonwealth of Virginia.

Stockpiling of dirt: The acceptance, collection, accumulation or aggregation of dirt, fill, or gravel from off-site sources, for a period of more than 12 months.

Stockpiling of dirt, Temporary: The acceptance, collection, accumulation or aggregation of dirt, fill, or gravel from off-site sources, for a period of less than 12 months on a parcel. Such stockpiles are removed or immediately graded out in accordance with an approved grading plan.

Stone Quarrying Industries: Commercial or industrial stone quarries or operations involving removal from a site of natural accumulations of sand, rock, soil or gravel. The meaning of "stone quarrying", includes appurtenant structures such as crushers, screeners, and washers and also includes, as an accessory use, retail sales of stone products, but does not include any other industrial use, such as concrete batching plants or asphalt mixing plants.

Storage Area: An outdoor space accessory to a permitted use, used for the purpose of storing equipment, vehicles, construction materials, and similar items necessary to the permitted use.

Storage, Bulk Gasoline: A fixed installation where these products are stored, either for subsequent transshipment to a smaller fixed installation or for pick-up by truck for transport to the site where the product will be used by the consumer. Materials may be stored in one or more tanks on the site, the size of a tank being constrained by Federal and State regulations pertaining to construction and safety standards. Such facilities shall not include retail sales. Accessory tanks for agriculture, temporary construction or personal use are excluded from this definition.

Stormwater Management Improvements: Surface drainage improvements, storm sewers, detention and retention ponds, and other such improvements as required under authority of the Land Subdivision and Development Ordinance (LSDO) and Loudoun County Erosion Control Ordinance and Plan, Chapter 1220 of the Loudoun County Code.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, the space between such floor and the ceiling next above. A basement shall be counted as a story if it is used for business or dwelling purposes. A mezzanine floor shall be counted as a story if it covers more than one-third of the area of the floor next below it or if the vertical distance between the floor next below it and the floor next above it is twenty feet or more.

Stream Bank: The uppermost limit of the stream's active channel, usually marked by a break in slope.

Street, Centerline of: A line established as a centerline of a street by any State, County, or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map or, if there be no official centerline, a line running and lying midway between the street right-of-way lines. Where street lines are indeterminate and a pavement or a traveled way exists, the centerline shall be established by the Commission or, in the absence of a determination by the Commission, shall be assumed to be a line midway between the edges of such pavement or traveled way.

Streetlight: A pole or pedestal mounted luminaire with a metal halide or other full spectrum bulb.

Street Tree: Any tree which grows in the street right-of-way or on private property abutting the street right-of-way.

Structural Alteration: Any change, modification, addition or deletion to the bearing walls of an existing structure.

Structure: An assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, gospel and circus tents, platforms, stagings, observation towers, telecommunications towers, radio and TV broadcasting towers, water tanks, trestles, piers, open sheds, coal bins, shelters, walls, power line towers, pipelines, and railroad tracks.

Structure, Accessory: A building or structure subordinate and incidental to, and located on the same lot with, a principal building, the use of which is customarily found in association with and is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the principal building.

Studio space - artist, craftsperson, writer, etc.: The workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.

Subdivision: The division of a parcel of land into two (2) or more new parcels. The process of subdividing is regulated by the Land Subdivision and Development Ordinance.

Subordinate Lot: One of the types of lots permitted within the Principal/Subordinate Subdivision Development Option. Subordinate Lots may not be further subdivided.

Swallet: A hole in the land through which surface water is delivered to the aquifer (may be considered the opposite of a spring).

T

Tank Farm: A facility for storage of tanks which in total contain more than one (1) million gallons of petrochemical or other hazardous material products.

Telecommunications Use and/or Structure: A use provided by or a structure utilized by a public service utility or commercial public telecommunications service under the jurisdiction of the Virginia State Corporation Commission and/or licensed by the Federal Communications Commission to provide commercial public telecommunications services. A telecommunications structure may include a tower, monopole, antenna hub site, and other antenna support structure or equipment buildings. Telecommunications use and/or structure does not include non-commercial applications, such as amateur radio operations. Telecommunications use and/or structure does not include those uses or structures that are accessory to and solely used by an individual business.

> **Antenna:** Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels and microwave dishes, and omnidirectional antennas,

such as whips and satellite dishes, but not including satellite earth stations. For the purposes of the district use lists in this Ordinance, antenna shall include antenna hub site.

Antenna Hub Site: An area containing one or more unmanned equipment structures sited to serve telecommunications antennas. An antenna hub site may be located on the same lot as the antennas being served or located on a lot that does not contain the antennas being served.

Monopole: A single, self-supporting pole-type structure, tapering from base to top and supporting a fixture designed to hold one or more antennas. For the purpose of this Ordinance, a monopole shall not be deemed to be a transmission tower.

Transmission Tower: A lattice-type structure, guyed or self-supporting, used to support antennas. Also called a communication tower or radio tower.

Temporary Mobile and Land Based Telecommunication Testing Facility: Whip antennas, panels antennas, microwave dishes, and receive-only satellite dishes and related equipment for wireless audio-transmission with low wattage not to exceed 500 watts, from a sender to one or more receivers, such as for mobile cellular telephones and mobile radio system facilities.

Temporary Retail: A building or open area in which stands or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

Tenant Dwelling: A dwelling occupied by a person or persons other than the owner of the lot on which it is located. Tenant dwellings may include freestanding dwellings, portable dwellings, or apartments in an accessory farm building.

Testing Station: Land and/or structures for the purpose of testing electromagnetic waves utilized for radios, television, microwave, radar, and other means of communication. This use shall not include testing operations for light, X-ray, radioactive emissions, or any other emissions dangerous to human health.

Theater, Indoor: A building designed and/or used primarily for the commercial exhibition of motion pictures to the general public or used for performance of plays, acts, dramas by actors and/or actresses.

Town Center: A compatible mixture of commercial, cultural, institutional, governmental, and residential uses in compact, pedestrian-oriented centers serving as focal points for substantial residential areas.

Town Center Core: The central part of the Town Center within which pedestrian oriented businesses and other pedestrian activities are encouraged.

Town Center Fringe: The area surrounding the core within which pedestrian oriented businesses and activities are balanced with residential and other uses more dependent on vehicular access.

Town Green: The primary public open space within a town center which contains a well-defined green space with landscaped areas.

Training Facility: A facility used for business, technical or professional training and/or certification, which may be operated as a principal use or as an accessory use to a permitted or permissible use.

Transit-Designed Supportive Subarea: A Planned Development - Transit Related Center district subarea shall mean the total gross land area located outside the Outer Core subarea, but generally within one mile from the outer edge of the planned rail station platform, as shown on the approved Concept Development Plan. This subarea is meant to provide a transitional and complementary area between the high-density core and the surrounding development pattern. The Transit-Designed Supportive Area should provide a mix of land uses that complement and support the uses of the Inner and Outer Core subareas. This subarea is adjacent to and an extension of development in the Inner and Outer Core subareas and includes design features that complement the Inner and Outer Core subareas such as flexible lot design and pedestrian and bicycle connections. Commercial uses within the TDSA should complement retail, office, and service commercial uses in the Inner and Outer Core subareas.

Transitional Use: Permissible uses, as regulated herein, which by their level and scale of activity, serve as a transition between two (2) or more types or densities of land uses.

Transportation System Management Plan: An organized program of strategies and techniques to reduce traffic demand and congestion and thereby improve traffic flow by means other than the construction of new capital intensive transportation facilities.

Tree: A single perennial woody stem attaining a height of fifteen (15) feet or more at maturity. The particular categories of trees listed below, when used in this Ordinance shall have the following meanings:

> **Tree, Canopy:** A deciduous tree, usually single trunked, with a definitely formed crown of foliage and which attains a mature height of at least 30 feet.
>
> **Tree, Deciduous:** Trees and shrubs that shed their leaves annually, usually in Autumn.
>
> **Tree, Evergreen:** A non-deciduous tree, often used for the purposes of screening, weather barrier, or accent planting.
>
> **Tree, Flowering:** Trees that flower.

Tree Canopy or Tree Cover: Shall include all areas of coverage by plant material exceeding five (5) feet in height.

Tree, Understory: A deciduous or evergreen tree which attains a mature height of no greater than 30 feet. Understory trees often prefer shade and grow naturally under the canopy of larger trees.

U

Undisturbed Grade: The grade and elevation of land prior to excavation, filling, or grading.

University: See College or Educational Institution.

Urban Deck: A platform for landscaped greens or engineered to accommodate buildings, which spans over major roadways. The intent of an urban deck is to create and enable pedestrian movement across an otherwise, typically impenetrable barrier, and to provide space for activity that can link both sides of the roadway.

Urban Forester: See Arborist.

Urban Growth Area: Any area within the County that is currently served with public water and sewer or that is planned to be served with public water and sewer at some time within the timeframe of the Comprehensive Plan.

Use, Accessory: A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the building or lot.

Use, Auxiliary: A principal use of a building or lot within a district which is customarily incidental and subordinate to the principal uses of the district.

Use, Commercial: Any wholesale, retail, or service business activity established to carry on trade for a profit.

Use, Principal: The primary use and chief purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is or may be used, occupied, or maintained.

Utility: Facilities for the provision of infrastructure services that support legally established uses and that need to be located in or near the area where the service is provided. Utilities include communal water supply systems, re-cycling drop-off collection centers, public; water treatment and pumping stations; water pumping stations; water storage tanks; communal sewer systems; sewage treatment plant and pumping station; utility substation, transmission; utility substation, distribution; utility transmission lines. Services may be publicly or privately provided. Accessory uses may include control, monitoring, data, or transmission equipment.

Utility Distribution or Transmission Pole: A ground-mounted self-supporting vertical structure made of fabricated metal, treated wood or concrete used to elevate electrical and communication distribution and/or transmission lines and antennas, whose primary function is the support of wires, conductors and associated apparatus used for the distribution and/or transmission of electrical energy and/or land line communication signals.

Utility Lines in the Floodplain: Storm sewers, sanitary sewers, water lines and similar lines running generally parallel and perpendicular to the flow of the drainageway; and other public utility lines traversing a floodplain generally perpendicular to the flow of the drainageway.

Utility Substation, Dedicated: A facility for the transformation or transmission and/or switching of voltages to distribution voltages which switches circuits and distributes usable/consumable electric power, transmits natural gas, television or telephone signals dedicated to an individual user.

Utility Substation, Distribution: A facility for the transformation or transmission voltages to distribution voltages which switches circuits and distributes usable/consumable electric power, transmits natural gas, television or telephone signals dedicated to an individual user.

Utility Substation, Transmission: A facility primarily serving as part of a regional interconnecting grid system which provides for the transformation, switching and distribution of both transmission voltage and/or distribution voltages, transmits natural gas, television or telephone signals. Such use may include a distribution and/or dedicated substation.

Utility Transmission Line, Overhead: A line suspended on overhead structures and used for the transmission of electric power or other utility service to serve a regional area. Pursuant to Section 56-46.1 of the Code of Virginia, electrical transmission lines of 150 KV or more, approved by the State Corporation Commission, shall be deemed to have satisfied the requirements of this ordinance.

Utility Transmission Line, Underground: A line used for the transmission or conveyance of water, sewage, natural gas, electricity, telephone signals, or other public utility service when located underground and serving a regional area. Pursuant to Section 56-46.1 of the Code of Virginia, electrical transmission lines of 150 KV or more, approved by the State Corporation Commission, shall be deemed to have satisfied the requirements of this Ordinance.

V

Vacant Land: A lot or parcel of land on which no improvements have been constructed.

VDOT: The Virginia Department of Transportation.

VDOT Resident Engineer: The Resident Engineer for Loudoun County of the Virginia Department of Transportation, or his designated deputy.

Vegetative Waste: The decomposable materials generated by yard and lawn care or land clearing activities, and includes, but is not limited to, leaves, grass trimmings, and woody waste such as shrub and tree prunings, bark, limbs, roots, and stumps.

Vegetative Waste Management Facility: A solid waste management facility that manages vegetative waste.

Vehicle Wholesale Auction: A business which sells or offers for sale motor vehicles, at auctions on a wholesale basis, only to licensed new or used vehicle dealers or wholesalers. Accessory uses may include services such as, title processing, clean-up and light service and repair of vehicles for sale for auction, the sale of food to customers, financial services, test drive track, the storage or marshalling of auction vehicles, and the sale of specialty vehicles at auctions on a wholesale basis.

Very Steep Slope Area: Land areas with slopes greater than 25%. The Steep Slope Standards do not apply to slopes created by permitted land disturbing activities, such as, but not limited to, building and parking pad sites; berms; temporary construction stock-piles; and road-side ditches.

Veterinary Service: An establishment for the care of animals where the animals are not brought to the establishment but are cared for on an out-service basis. The care can be medical or custodial. Equipment and supplies necessary for conducting this service are stored at the establishment. Crematory facilities shall not be allowed in such an establishment.

Village Green: The primary public open space located within the Rural Village Residential Area which primarily contains a well-defined, generally permeable green space with landscaped areas, pedestrian ways and passive recreational areas or any combination thereof. The Village Green shall be enfronted by a mix of uses, including storefront, civic and residential.

Village Square: An open, generally impervious, public space used for group gatherings, displays, meetings, concerts or other community activities.

Visitor Accommodation: Lodging where tenancy may be arranged for periods of less than 30 days. Accessory uses may include parking, laundry, recreational uses, and food services.

W

Warehousing Facility: A building used primarily for the holding or storage of goods and merchandise. For the purpose of this Ordinance a mini-warehousing establishment shall be deemed a separate and distinct use.

Waste-Related Uses: Uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic materials or processing of organic or related waste materials, or the collection or stockpiling of dirt. Waste-related uses do not include uses that receive hazardous wastes from others or that process other than organic material or related waste materials. Accessory uses may include offices and repackaging and transshipment of by-products.

Water Management Plan: A plan of irrigation indicating a sustainable water usage rate, identifying the water source(s), establishing a schedule of withdrawal, and providing methods for mitigation of undesirable effects.

Water, public: A central communal or municipal water supply system serving more than two (2) lots owned or operated by a municipality or the Loudoun County Sanitation Authority (LCSA) or a public water utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia for the purpose of furnishing potable water.

> **Water Supply System, Central:** The water supply system for Eastern Loudoun County owned and operated by the LCSA for which the source of water is purchased from the City of Fairfax and County of Fairfax water supply system.
>
> **Water Supply System, Communal:** A water supply system owned or operated by the LCSA or a public water utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia that is designed to serve small-scale development, including clusters, where permitted by this Ordinance. Such system may serve only one lot, where a communal system is required by this Ordinance for a specific use.
>
> **Water Supply System, Municipal:** A water supply system that is owned or operated by one of the incorporated towns within Loudoun County.

Water Storage Tank: A tower or other facility for the storage of water for supply to a water system.

Water supply system, individual: A water supply system located on the lot served.

Water Treatment Plant and Pumping Station: A plant for the purification and pumping of potable water.

Wayside Stand: Any structure or land used for the sale, by the owner or his family or tenant, of agricultural or horticultural produce, livestock or merchandise principally produced on said farm, but may include produce grown on other farms and accessory products, and which is clearly a secondary use of the premises and does not change the character thereof.

Wetland: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as identified by the U.S. Army Corps of Engineers or the State of Virginia. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetland Mitigation Bank: A natural resource management technique authorized by Part 404 of the federal Clean Water Act, or other state or federal law, as applicable, using wetland preservation, restoration, creation and/or enhancement to offset or replace wetland functions that are lost due to development. Wetland mitigation banks are typically large areas of wetlands operated by private or public entities, which may sell credits to other entities to compensate for wetland loss or impact at development sites or enter into other similar arrangements.

Wholesale Trade Establishment: Any building wherein the primary occupation is the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale of merchandise to institutional, commercial and industrial consumers. For the purpose of this Ordinance, a warehouse shall not be deemed a wholesale trade establishment.

Winery, commercial: An establishment with facilities for making and bottling wine for sale on site or through wholesale or retail outlets. A commercial winery is a winery that does not meet the definition of a Virginia Farm Winery. Uses at a commercial winery may also include the growing of fresh fruits or agricultural products for the production of wine. Accessory uses shall include wine tasting rooms at which wine tasting occurs, accessory food sales related to wine tasting occurs, and wines produced on-site are sold.

Winery, Virginia Farm: An establishment: (1) located on a farm with a producing vineyard, orchard or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume; or (2) located in the Commonwealth with a producing vineyard, orchard or similar growing area or agreements for purchasing grapes or fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume. As used in this definition, the term owner or lessee shall include a cooperative formed by an association of individuals for the purposes of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term “farm” as used in this definition includes all of the land owned or leased by the individual members of the cooperative, as long as such land is located in the Commonwealth. Accessory uses at a Virginia Farm Winery may include: commercial wineries, wine tasting rooms at which wine tasting occurs, accessory food sales related to wine tasting occurs, and wines produced on-site are sold. A

farm winery license shall be designated either as a Class A or Class B farm winery in accordance with the limitations set forth in §4.1-219 of the Code of Virginia.

X-Y-Z

Yard: Area on a lot which shall be unoccupied by any structure, except as permitted by this Ordinance, from the ground to the sky.

Yard, Front: An open space on the same lot as a principal building between the front line of the principal building and the road, street, or private access easement and extending across the full width of the lot.

Yard, Rear: An open space on the same lot as a principal building between the rear line of the principal building and the road, street, or private access easement and extending across the full width of the lot.

Yard, Required: A yard, as defined above, located along the perimeter of a lot, the dimensions of which are set by the District Regulations of this Ordinance.

Yard, Side: An open space on the same lot as a principal building between the side line of the principal building and the road, street, or private access easement and extending from the front yard line to the rear yard line.

Yard Waste: The decomposable waste materials generated by yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard waste shall not include roots or stumps that exceed six (6) inches in diameter.

Yard Waste Compost: A stabilized organic product produced from yard waste by a controlled aerobic decomposition process in such a manner that the product can be handled, stored or applied to the land so that it does not pose a present or potential hazard to human health or environment.

Yard Waste Composting Facility: A Solid Waste Management Facility which is so located, designed, constructed and operated for the composting of the portion of household waste that consists of grass clippings, leaves, brush, or tree trimmings arising from general household yard maintenance, is composted to a stabilized organic product so that it does not pose a present or potential hazard to human health or the environment.

Zoning Administrator: An appointed County official who serves as the Zoning Administrator, charged with the interpretation, administration and enforcement of this Ordinance for Loudoun County, Virginia, or his/her designee.

Zoning Permit: A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the County Zoning Ordinance, or authorized variance therefrom.

Zoning District: The various classification of agricultural, residential, commercial and industrial zoning categories provided for in this Ordinance and the areas on the zoning map in which such different districts

are mapped. As used in this Ordinance, the term "zoning district" can refer either to the zoning category, i.e. "the A-3 zoning district", or the areas mapped in such uses on the zoning map.

Zoo: A facility, indoor or outdoor, where animals are kept for viewing by the public. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.