



# ZOAM 2017-0004

## Rural Uses

LCPCC Zoning Committee Summary

September, 2018

# ZOAM 2017-0004 – Rural Uses

**Primary purposes of sharing/reviewing this information are**

- to ensure ZOAG members have a clear and common view of the uses being proposed;
- to determine applicability of the use for the underlying area; and
- to confirm any recommended performance standards adequately address any associated impacts for:
  - Eco-tourism and Farm Based Tourism
  - Wetland Mitigation
  - Recreation Establishment, Indoor
  - Sport Shooting Range, Outdoor

# Eco-Tourism In Open Spaces

- Definition: “Facilities for eco-tourism may include **recreational outfitters**”
  - Onsite?
  - Types?
- **FARM Based Tourism:** “tourism events which focus on visitation of farms, including organized farm tours and participatory farm **vacations**”?
- “**Bona Fide Agriculture**”
  - Bona fide production Code of VA Section 3.2-300 Definitions
  - Agricultural operation is the PRIMARY USE ON THE LAND
  - Is managed in GOOD FAITH AS A BUSINESS ACTIVITY
  - And QUALIFIES FOR LAND USE TAXATION treatment

# Eco-Tourism In Open Spaces

## ➤ Performance Standards 5-647

- GOAL OF ZOAG per bylaws: “Correct inconsistencies”
- GOALS OF Loudoun County ZONING Ordinances:
  - Protect the established **character and the social and economic wellbeing of both private and public property.**
  - **Promote, in the public interest, the best utilization of land.**

## ➤ Proposed language --

- **Excludes standards for Daily/Yearly Parties/Attendees**
- **Excludes Yard standards**
- **Excludes Landscaping/buffering/screening**

# Recreation Establishment, Indoor

- To be added as new “**special exception use**” in AR-1, AR-2, CR-1, JLMA-3, JLMA-20 and TR-10
- **Does not comply with Purpose and Intent for AR-1 and AR-1 Zoning:**
  - AR-1, Section 2-100.
    - 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.
  - AR-2, Section 2-200.
    - 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.
    - 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.
    - 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.



# Recreation Establishment, Indoor

## ➤ DEFINITION:

- Does not list ANY activities that are agriculturally based or associated in any way.
- Also includes “accessory uses” to indoor sports that includes “firearm shooting.”

## ➤ Item was NOT initiated by Board of Supervisors (M. depo)

## ➤ Not a comparison use to “Banquet facilities,” “Conference & Training,” or “Country Club” uses.

## ➤ REDC MOTION: “Incompatible”

- REDC oppose the addition of indoor recreation as an accessory use to outdoor recreation establishments in all districts listed in ZOAM 2017-0004 on the grounds that it reduces acreage that otherwise could be used for agriculture and is therefore incompatible with the comprehensive plan and the goals of REDC to preserve and increase land used for agricultural businesses.
- *[Furthermore, the increased intensity of use will unduly burden local roads during after school hours, nights and weekends to the extent that the use will never comply with article 5-654.]*

# Recreation Establishment, Indoor

## ➤ DRAFT TEXT:

➤ AR-1/AR-2 indicate “Minor” special exception, but JLMA indicates SPEX – inconsistent and inappropriate.

➤ “Allowed only as an accessory” must comply with the following

- **25 acres** – WAY too small if considering 12K sq ft (size of Pump it up)
- **100’ set back from lot lines** – not sufficient for residential areas.
- **“Must comply with Road Access Standards 5-654” – HOW?**
  - How is compliance tested before zoning approval?
  - Since 1992 Enforcement is By “complaint only” therefore violates Zoning Goals:
    - “Reduce or prevent congestion in the public streets.”
- **Exterior Lighting/Noise compliance with Section 5-652**
  - “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.
  - May conflict with 100’ set back from lot lines. Should reflect requirement, as “loading and unloading” could include sport participant drop offs.

# Sport Shooting Range, Outdoor

## ➤ Does not comply with Purpose and Intent for AR-1 and AR-1 Zoning:

### ▪ AR-1, Section 2-100.

- 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.

### ▪ AR-2, Section 2-200.

- 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.
- 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.
- 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.



# Sport Shooting Range, Outdoor

## ➤ Intensity/Character

- **Size of Use of 100 acres** – based on noise studies from other Virginia jurisdictions, will NOT be in compliance with noise standards

## ➤ **REDC Motion: Rejected the performance standard to allow outdoor gun ranges in AR1 or AR1 for following reasons:**

- Insufficient land to adequately buffer adjacent parcels from noise
- Noise will negatively impact local tourism
- Negatively impact equestrian businesses (boarding, training and show facilities)
- Property values for adjacent parcels will be negatively impacted
- Volume of traffic
- Cost of lead clean up if/when business closes
- Economic feasibility (business case) – likelihood of requests for exceptions.

# Sport Shooting Range, Outdoor

## ➤ DRAFT TEXT:

- Setbacks: **800' from all lot lines and 2,500' from existing or approved residential dwellings – compliance with noise standards?**
- **Parking: 100' from lot lines** insufficient in residential areas
- Design: Identify source of BMPs and requirements.
- Landscaping/buffering (5-653 A&B) –
  - 1 canopy per 10 parking spaces – **Visual only? Sufficient?**
- **“Must comply with Road Access Standards 5-654” – HOW?**
  - How is compliance tested before zoning approval?
  - Since 1992 Enforcement is By “complaint only” therefore violates Zoning Goals:
    - Reduce or prevent congestion in the public streets.
- **Compliance with Noise standards 5-652 and Section 5-1507 – what will be done to evaluate if proposed location can ever comply?**

# Sport Shooting Range, Outdoor

- **ZOAG Due Diligence:** June 13<sup>th</sup> meeting requests were made to
  - Determine **market demand**, and required change to rural landscape
  - Staff to research what **other counties allow in zoning** for sport shooting ranges
- **DEFINITION:** “Retail sales or repair of firearms shall not be permitted at a Shooting Range.” However, no reference to RENTAL of firearms or accessories
  - Must have Federal firearms Licensing (FLL) to **rent firearms or accessories**.
  - “Most range owners find that your range will **not be profitable enough without adding an FFL to capture sales** from this side of the business as well.”