

# **ZONING ORDINANCE ACTION GROUP**

## **RURAL SUBCOMMITTEE**

**WEDNESDAY, FEBRUARY 13, 2019**

**ROUND HILL ROOM**

**9:00 AM TO 10:30 AM**

## **AGENDA**

1. Call to Order/Review Agenda (Eric Zicht, Subcommittee Chairman)
2. Guest Statements
3. Committee Member Statements
4. Discussion Item:
  - a. Rural Uses and Performance Standards – Phase 3.  
*The subcommittee will revisit the prior direction from Board of Supervisors concerning the Rural Phase 3 initiative and recommendations by ZOAG, the Rural Economic Development Council (REDC) and Visit Loudoun and discuss those items recommended for inclusion in the Resolution of Intent to Amend (ROIA).*
5. New Business
6. Adjourn

## **RURAL USES PHASE III**

May 30, 2018

The Board of Supervisors (Board), at the April 19, 2018 Board Business Meeting, voted unanimously to have staff report back to the Transportation Land Use Committee (TLUC) with the items listed below that are recommended by the Rural Economic Development Council (REDC), Zoning Ordinance Action Group (ZOAG) and Visit Loudoun to proceed as a future Rural Uses Phase III Zoning Ordinance Amendment. Staff intends to conduct outreach meetings with REDC, ZOAG, and Visit Loudoun to provide an overview of the listed items and to obtain input and recommendations.

### **ITEM 1: FARM RESTAURANT**

*Proposal:* Rename “Restaurant” under the agriculture support and service directly related to ongoing agriculture, horticulture and animal husbandry activity, on-site use category to “Farm Restaurant” in the AR zoning districts. Add “Farm Restaurant” definition and amend existing “Restaurant” definitions, accordingly.

*Comments:* Currently, “Restaurant” is listed twice in both the AR-1 and AR-2 districts, as a permitted use under the use category “Agriculture Support and Service Directly Related to On-Going Agriculture, Horticulture and Animal Husbandry Activity On-Site” as a minor special use under the commercial food and beverage use category. The proposed amendment intends to create a new definition “Farm Restaurant” and provide a clearer distinction between the two types of restaurants (farm support vs. commercial) currently allowed in the AR districts and avoid future misunderstandings by renaming the permitted “Restaurant” under the agriculture support use category to “Farm Restaurant.”

### **ITEM 2: DISTILLERY, LIMITED**

*Proposal:* Establish “Distillery, Limited” use and add such use to the AR, A-10, and A-3 zoning districts. Add new “Limited Distillery” definition and amend existing “Limited Brewery” definition accordingly.

*Comments:* Currently, the similar “Brewery, Limited” use is a permitted use in the AR, A-10, and A-3 zoning districts and addresses enabling statutes of the Code of Virginia. Amendment adds “Distillery, Limited” consistent with “Brewery, Limited” and addresses Section 4.1-206 and 15.2-2288.3:2 of the Code of Virginia regarding limited distilleries and local regulations. The proposed amendment intends to create a new definition “Limited Distillery” in accordance with Code of Virginia and maintains consistency with the similar uses of “Limited Brewery” and allow such use in the AR, A-10, and A-3 zoning districts.

**ITEM 3: RECREATIONAL ESTABLISHMENT, OUTDOOR**

*Proposal:* Delete “Recreational Establishment, Outdoor” use in the TR-10 zoning district, while retaining “Rural Recreation Establishment, Outdoor” as a permitted use. Amend existing “Recreation Establishment, Outdoor,” and “Rural Recreational Establishment, Outdoor” definitions.

*Comments:* Currently, “Recreation Establishment, Outdoor” is a SPEX use and “Rural Recreation Establishment, Outdoor” is a permitted use in the TR-10 district. Additionally, as currently defined, there is no clear distinction between a recreational use allowed in the County’s Suburban and Planned Districts and a rural recreational use allowed in Non-Suburban (Rural) Districts. This has caused issues with the scope and intensity of activities, noise, and lighting related to recent rural recreational uses locating in the AR districts. The proposed amendment intends to delete “Recreation Establishment, Outdoor” while maintaining the very similar “Rural Recreational Establishment, Outdoor” as a permitted use in the TR-10 district to eliminate inconsistency and avoid future misunderstandings and to address similarities and differences in recreational uses.

**ITEM 4: AGRITOURISM & AGRITAINMENT**

*Proposal:* Establish “Agritourism” use in the AR and JLMA-20 zoning districts add new “Agritourism” definition. Delete “Agritainment” use in the AR and JLMA-20 zoning districts and delete existing “Agritainment” definition as such use is to be replaced by “Agritourism.”

*Comments:* Amendment creates the new definition “Agritourism” to address Senate Bill (SB) 51 approved on March 5, 2014, and House Bill (HB) 268 approved on April 3, 2014, related to agricultural operations and local regulation of activities at agricultural operations. The proposed amendment intends to create a new definition “Agritourism,” allow such use in the AR and JLMA-20 zoning districts, replace “Agritainment” with new “Agritourism” use and definition, and ensure Ordinance terminology is consistent with Section 15.2-2288.6 of the Code of Virginia, which specifically addresses Agritourism activities.

**ITEM 5: FARM WORKER HOUSING & TENANT DWELLING**

*Proposal:* Add new farm worker dormitory or housing use to the A-10 and A-3 zoning districts and add “Tenant Dwelling” use to the AR zoning districts to provide additional housing options for farm workers. Amend existing farm worker dormitory and housing definitions, accordingly.

*Comments:* “Dormitory, seasonal labor” is currently a minor SPEX use and is the only listed farm-based housing use in the AR districts. “Tenant Dwelling,” a permitted use, is the only listed farm-based housing in the A-10 and A-3 districts. The proposed amendment intends to provide additional housing options for farm workers.

## **ITEM 6: NOISE STANDARDS**

*Proposal:* Update existing or establish noise standards for certain uses to implement and maintain consistency with Ordinance Section 5-652(B) and Section 5-1507 (i.e., hours for outdoor music).

*Comments:* Section 5-652(B) limits noise to 55dB(A) at the property line of an adjacent residential lot and prohibits outdoor music after 11 PM whereas Section 5-1507(E) limits residential and rural economy uses to 55dB(A) at the property line of the receiving property. Certain rural economy uses include specific noise standards, such as:

- B&B Inn – shall have no outdoor music after 11 PM on weekends and 10 PM on weekdays and is not subject to Section 5-652(B)
- Country Inn – shall have no outdoor music after 11 PM and is not subject to Section 5-652(B)
- Rural Corporate Retreat and Banquet/Event Facility – may operate no later than 12 AM (midnight) and are subject to Section 5-652(B)
- Restaurant (Farm) – may operate no later than 12 AM (midnight) and is not subject to Section 5-652(B)
- Outdoor Amphitheater – is subject to Section 5-652(B)
- Country Club and Public School – are not subject to Section 5-652(B) but are subject to their own noise standards.

The proposed amendment intends to provide consistent regulations, reduce confusion, address like activities and impacts, and provide uniformity in treatment of noise generated by rural economy uses.

## **ITEM 7: BED AND BREAKFAST HOMESTAY AND INN**

*Proposal:* Amend existing “Bed and Breakfast Homestay,” “Bed and Breakfast Inn,” and “Country Inn” definitions to clarify expected components and operations of such uses.

*Comments:* The 1972 Zoning Ordinance defines a B&B and Country Inn as being a single-family dwelling that remains primarily for residential use offering overnight accommodations. The 1993 Zoning Ordinance defines a B&B Homestay as primarily a private owner occupied dwelling having rooms available for transient guests; a B&B Inn as a business in a structure used primarily for overnight accommodations; and a Country Inn as a business offering overnight accommodations and dining. The dictionary defines a B&B Inn as a private home or inn offering overnight accommodations and an Inn as a public house or hotel for lodging. All of these definitions contemplate a principal or single structure that offers overnight accommodations and in some cases on-site dining (breakfast, lunch, or dinner). Although the Revised 1993 Zoning Ordinance continues to define B&B Homestay as a private owner occupied dwelling, it does not expressly contemplate a principal structure for either a B&B or Country Inn, but instead defines these uses as a business operated in one or more structures. This has inadvertently allowed B&B Inn and Country Inn uses to build up to 10 and 40, respectively, individual structures for overnight accommodations and not be required to provide a primary or principal structure that is typically envisioned as being the inn itself. The proposed amendment intends to clarify the expected

components of a B&B Homestay, B&B Inn, and Country Inn, to include requiring a primary structure for overnight accommodations, common spaces, and dining functions.

### **ITEM 8: CAMP, BOARDING; CAMP, DAY; AND CAMPGROUND**

*Proposal:* Amend existing “Camp, Boarding,” “Camp, Day,” and “Campground” definitions to allow for temporary and permanent non-rustic cabins and shelters.

*Comments:* Currently a “Campground” allows for overnight accommodation of human beings in tents, rustic cabins and shelters. The County is receiving requests to allow for temporary and permanent non-rustic, also referred to as glamorous, camping/accommodations and accommodations related to rural economy uses (i.e., B&B, Country Inn, VA Farm Winery, Limited Brewery, and Banquet/Event Facility). The proposed amendment intends to address non-rustic or glamorous camping accommodations with current “Campground” definition (potentially the definitions of “Camp, Boarding” and “Camp, Day”) to ensure consistent regulation of such uses, as opposed to creating a new use and definition for “Glamping.”

### **ITEM 9: CRAFT BEVERAGE MANUFACTURING**

*Proposal:* Amend existing “Craft Beverage Manufacturing” definition to include wine manufacturing.

*Comments:* The current “Craft Beverage Manufacturing” definition allows for a small-scale brewery in accordance with Section 4.1-208 of the Code of Virginia (“Limited Brewery”) and small-scale distillery in accordance with Section 4.1-206 of the Code of Virginia (“Limited Distillery”), but does not allow for a small-scale winery. Craft Beverage Manufacturing is allowed in the RC, GB, CLI, PD-CC, PD-OP, PD-RDP, PD-IP, PD-GI, PD-SA, PD-TC, PD-TREC, PD-TRC, PD-MUB, and Route 28 Overlay. The proposed amendment intends to include a small-scale winery in accordance with Section 4.1-207 of the Code of Virginia (“VA Farm Winery”) as part of the existing “Craft Beverage Manufacturing.”

### **ITEM 10: AGRICULTURAL OPERATIONS**

*Proposal:* Add new “Agricultural Operation,” “Agricultural Products” and “Farm” definitions.

*Comments:* The Ordinance currently does not define either Agricultural Operation, Agricultural Products, or Farm; however, these terms are consistently referenced throughout the Zoning Ordinance. The Code of Virginia defines and references these terms in relation to agricultural activities and local regulation of agricultural activities, such as Limited Distillery, Limited Brewery, Farm Winery, and Agricultural Processing. The proposed amendment intends to create new definitions to provide clarity in distinguishing agricultural properties and functions, maintain consistency with the Code of Virginia, and eliminate inconsistencies and misunderstandings with the Ordinance.

Date: May 31, 2018

Subject: Resolution of Intent to Amend –Rural Uses and Performance Standards Zoning Ordinance Amendment (ZOAM)

Prepared by: REDC Policy & Implementation Committee (REDC PIC)

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**Statement of Purpose:**

On April 19, 2018, the Loudoun County Board of Supervisors voted unanimously to have staff report back to the Transportation Land Use Committee (TLUC) on future Rural Uses Phase III Zoning Ordinance Amendment with recommendations from REDC, ZOAG, and Visit Loudoun.

On May 31, 2018, the REDC Policy & Implementation Committee passed a motion to recommend to the full Rural Economic Development Council the following items in Attachment 1, move forward with a “Resolution of Intent to Amend”.

**REDC PIC Recommendation:**

#1	“Farm Restaurant”	<u><b>Recommend moving forward with ROIA.</b></u>
#3	“Recreation Establishment, Outdoor”	<u><b>Recommend moving forward with ROIA with consideration of performance standards.</b></u>
#4	“Agritourism & Agritainment”	<u><b>Recommend moving forward with ROIA.</b></u>
#5	“Farm Working Housing & Tenant Dwelling”	<u><b>Recommend moving forward with ROIA in more general terms with additional options for farm worker housing.</b></u>
#6	“Noise Standards”	<u><b>Recommend moving forward with ROIA.</b></u>
#7	“Bed and Breakfast Homestay and Inn”	<u><b>Recommend moving forward with ROIA with consideration of the BOS approved work plan regarding transient lodging and short-term residential rentals to ensure consistency.</b></u>
#8	“Camp, Boarding”	<u><b>Recommend moving forward with ROIA with</b></u>

		<u>consideration of the BOS approved work plan regarding transient lodging and short-term residential rentals to ensure consistency; also with consideration of consistency of performance standards across all definition.</u>
#9	“Craft Beverage Manufacturing...”	<u>Recommend moving forward with ROIA.</u>
#10	Add “Agricultural Operation,” “Agricultural Products”	<u>Recommend moving forward with ROIA.</u>

# ATTACHMENT 1

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**Items Referred to ZOAG, REDC, and Visit Loudoun for Recommendations  
(only recommended items to be returned to TLUC per Board of Supervisors direction)**

**Changes to Permitted Use Lists (Article 2)**

**Restaurant** – Rename “Restaurant” under the agriculture support and service directly related to on-going agriculture, horticulture and animal husbandry activity, on-site use category to “Farm Restaurant” in the AR zoning districts.

Currently, “Restaurant” is listed twice in both the AR-1 and AR-2 districts, as a permitted use under the agriculture support and service directly related to on-going agriculture, horticulture and animal husbandry activity, on-site use category and as a minor special use under the commercial food and beverage use category.

Amendment provides a clearer distinction between the two types of restaurants (farm support vs. commercial) currently allowed in the AR districts and avoids future misunderstandings by renaming the permitted “Restaurant” under the agriculture support and service directly related to on-going agriculture, horticulture, and animal husbandry activity, on-site use category to “Farm Restaurant.”

Source of Proposed Amendment\*: Staff recommends clarifying distinctions between uses.

**Distillery, Limited** – Establish “Distillery, Limited” use and add such use to the AR, A-10, and A-3 zoning districts.

Currently, the similar “Brewery, Limited” use is a permitted use in the AR, A-10, and A-3 zoning districts and addresses enabling statutes of the Code of Virginia.

Amendment adds “Distillery, Limited” consistent with “Brewery, Limited” and addresses Section 4.1-206 and 15.2-2288.3:2 of the Code of Virginia regarding limited distilleries and local regulations.

Source of Proposed Amendment\*: Staff recommends per Code of Virginia provisions enabling use.

**Recreational Establishment, Outdoor** – Delete “Recreational Establishment, Outdoor” use in the TR-10 zoning district (while retaining “Rural Recreation Establishment, Outdoor” as a permitted use).

Currently, “Recreation Establishment, Outdoor” is a SPEX use and “Rural Recreation Establishment, Outdoor” is a permitted use in the TR-10 district.

Amendment is intended to delete “Recreation Establishment, Outdoor” while maintaining the very similar “Rural Recreational Establishment, Outdoor” as a permitted use in the TR-10 district to eliminate inconsistency and avoid future misunderstandings.

Source of Proposed Amendment\*: Staff recommends to clarify TR-10 use list.

**Agritourism** – Establish “Agritourism” use in the AR and JLMA-20 zoning districts to replace “Agritainment” use.

Amendment addresses Senate Bill (SB) 51 approved on March 5, 2014, and House Bill (HB) 268 approved on April 3, 2014, related to agricultural operations and local regulation of activities at agricultural operations. Amendment will ensure Ordinance terminology is consistent with Section 15.2-2288.6 of the Code of Virginia, which specifically addresses Agritourism activities.

Source of Proposed Amendment\*: Staff recommends per Code of Virginia provisions enabling use.

**Agritainment** – Delete “Agritainment” use in the AR and JLMA-20 zoning districts as such uses are to be replaced by “Agritourism.”

Amendment addresses SB 51 approved on March 5, 2014, and HB 268 approved on April 3, 2014, related to agricultural operations and local regulation of activities at agricultural operations and to implement Item 8, above.

Source of Proposed Amendment\*: Staff recommends to align terminology with Code of Virginia.

**Tenant Dwelling** – Add “Tenant Dwelling” use to the AR zoning districts.

“Dormitory, seasonal labor” is currently a minor SPEX use and is the only listed farm-based housing use in the AR districts.

Amendment provides an additional housing option for farm workers.

Source of Proposed Amendment\*: Staff recommends based on preliminary REDC feedback.

**Farm Worker Housing** – Add new farm worker dormitory or housing use to the A-10 and A-3 zoning districts.

Currently, “Tenant Dwelling,” a permitted use, is the only listed farm-based housing in the A-10 and A-3 districts.

Amendment provides an additional housing option for farm workers.

Source of Proposed Amendment\*: Staff recommends based on preliminary REDC feedback.

### **Changes to Performance Standards (Section 5-600)**

**Noise Standards** – Update existing or establish noise standards for certain uses to implement and maintain consistency with Ordinance Section 5-652(B) and Section 5-1507 (i.e., hours for outdoor music).

Section 5-652(B) limits noise to 55dB(A) at the property line of an adjacent residential lot and prohibits outdoor music after 11 PM whereas Section 5-1507(E) limits residential and rural economy uses to 55dB(A) at the property line of the receiving property. Certain rural economy uses include specific noise standards, such as:

- B&B Inn – shall have no outdoor music after 11 PM on weekends and 10 PM on weekdays and is not subject to Section 5-652(B)
- Country Inn – shall have no outdoor music after 11 PM and is not subject to Section 5-652(B)
- Rural Corporate Retreat and Banquet/Event Facility – may operate no later than 12 AM (midnight) and are subject to Section 5-652(B)
- Restaurant (Farm) – may operate no later than 12 AM (midnight) and is not subject to Section 5-652(B)
- Outdoor Amphitheater – is subject to Section 5-652(B)
- Country Club and Public School – are not subject to Section 5-652(B) but are subject to their own noise standards.

Amendment provides consistent regulations, reduces confusion, addresses like activities and impacts, and provides uniformity in treatment of noise generated by rural economy uses.

Source of Proposed Amendment\*: TLUC recommended per Board feedback as part of Noise ZOAM (May 13, 2016 TLUC meeting; October 20, 2016 Board Business Meeting).

**Performance Standards Updates** – Update existing performance standards for certain uses to implement proposed amendments. A ROIA lacking a generalized provision enabling updates to performance standards may limit the ability of the Commission and Board to consider amendments to such standards that were not expressly foreseen and specified with the ROIA, but are deemed necessary to fully implement the purpose and intent of the ZOAM. When this has occurred in the past, a new ROIA was required to be processed to explicitly expand the scope to include the updates to performance standards, which resulted in the delayed processing and adoption of the ZOAM.

This item provides a generalized provision to ensure sufficient flexibility in the ROIA to allow updates to existing performance standards that may be deemed necessary to implement the other amendments envisioned with this ZOAM, but that only become evident in the course of the public process. In particular, such flexibility will allow for the inclusion of amendments to performance standards not otherwise specified by the ROIA that the Commission and/or Board deem appropriate to ensure the clarity, consistency, and effectiveness of regulations applicable to rural economy uses.

Source of Proposed Amendment\*: Staff recommends to ensure consistent treatment of rural economy uses.

**Performance Standards** – Establish new performance standards for certain uses to implement proposed amendments. A ROIA lacking a generalized provision enabling creation of new performance standards may limit the ability of the Commission and Board to consider such standards that were not expressly specified with the ROIA, but are deemed necessary to fully implement the purpose and intent of the ZOAM. When this has occurred in the past, a new ROIA was required to be processed to explicitly expand the scope to include the updates to performance standards, which resulted in the delayed processing and adoption of the ZOAM.

This item provides a generalized provision to ensure sufficient flexibility in the ROIA to allow the addition of new performance standards that may be deemed appropriate to implement the other amendments envisioned with this ZOAM. Such performance standards may be deemed necessary to maintain consistency with the regulation of other rural economy uses as well as to address and mitigate potential impacts to the surrounding community.

Source of Proposed Amendment\*: Staff recommends to ensure consistent treatment of rural economy uses.

### **Changes to Definitions (Article 8)**

**Bed and Breakfast Homestay and Inn** – Amend existing “Bed and Breakfast Homestay,” “Bed and Breakfast Inn,” and “Country Inn” definitions.

The 1972 Zoning Ordinance defines a B&B and Country Inn as being a single-family dwelling that remains primarily for residential use offering overnight accommodations. The 1993 Zoning Ordinance defines a B&B Homestay as primarily a private owner occupied dwelling having rooms available for transient guests; a B&B Inn as a business in a structure used primarily for overnight accommodations; and a Country Inn as a business offering overnight accommodations and dining. The dictionary defines a B&B Inn as a private home or inn offering overnight accommodations and an Inn as a public house or hotel for lodging. All of these definitions contemplate a principal or single structure that offers overnight accommodations and in some cases on-site dining (breakfast, lunch, or dinner). Although the Revised 1993 Zoning Ordinance continues to define B&B Homestay as a private owner occupied dwelling, it does not expressly contemplate a principal structure for either a B&B or Country Inn, but instead defines these uses as a business operated in one or more structures. This has inadvertently allowed B&B Inn and Country Inn uses to build up to 10 and 40, respectively, individual structures for overnight accommodations and not be required to provide a primary or principal structure that is typically envisioned as being the inn itself.

Amendment clarifies the expected components of a B&B Homestay, B&B Inn, and Country Inn, to include requiring a primary structure for overnight accommodations, common spaces, and dining functions.

Source of Proposed Amendment\*: Staff recommends to clarify the required components of such uses to ensure consistency with community expectations.

**Camp, Boarding; Camp, Day; and Campground** – Amend existing “Camp, Boarding,” “Camp, Day,” and “Campground” definitions. Currently a “Campground” allows for overnight accommodation of human beings in tents, rustic cabins and shelters. The County is receiving requests to allow for temporary and permanent non-rustic, also referred to as glamorous, camping/accommodations and accommodations related to rural economy uses (i.e., B&B, Country Inn, VA Farm Winery, Limited Brewery, and Banquet/Event Facility).

Amendment addresses non-rustic or glamorous camping accommodations with current “Campground” definition – and potentially the definitions of “Camp, Boarding” and “Camp, Day” – to ensure consistent regulation of such uses, as opposed to creating a new use and definition for “Glamping.”

Source of Proposed Amendment\*: Staff recommends based on preliminary REDC feedback.

**Craft Beverage Manufacturing** – Amend existing “Craft Beverage Manufacturing” definition to include wine manufacturing.

The current “Craft Beverage Manufacturing” definition allows for a small-scale brewery in accordance with Section 4.1-208 of the Code of Virginia (“Limited Brewery”) and small-scale

distillery in accordance with Section 4.1-206 of the Code of Virginia (“Limited Distillery”), but does not allow for a small-scale winery. Craft Beverage Manufacturing is allowed in the RC, GB, CLI, PD-CC, PD-OP, PD-RDP, PD-IP, PD-GI, PD-SA, PD-TC, PD-TREC, PD-TRC, PD-MUB, and Route 28 Overlay.

Amendment includes a small-scale winery in accordance with Section 4.1-207 of the Code of Virginia (“VA Farm Winery”).

Source of Amendment\*: Staff recommends to enable a variety of craft beverage manufacturers.

**Farm Worker Housing** – Amend existing dormitory and housing definitions to provide additional housing options for farm workers.

Amendment supports opportunities for additional housing options for farm workers and implements Items 11 and 12, above.

Source of Proposed Amendment\*: Staff recommends based on preliminary REDC feedback.

**Limited Distillery** – Add new “Limited Distillery” definition and amend existing “Limited Brewery” and “Virginia Farm Winery” definitions accordingly.

Currently, the Ordinance does not list Limited (Farm) Distillery as an allowed use. A Limited (Farm) Brewery and Virginia Farm Winery are defined and permitted uses in accordance with Code of Virginia Section 4.1-208 and Section 4.1-206, respectively.

Amendment adds new “Limited Brewery” definition in accordance with Code of Virginia Section 4.1-207, maintains consistency between the similar uses of “Limited Brewery” and “Virginia Farm Winery,” and implements Items 6 and 14, above.

Source of Proposed Amendment\*: Staff recommends to align terminology with Code of Virginia.

**Recreation Establishments** – Amend existing “Recreation Establishment, Indoor,” “Recreation Establishment, Outdoor,” and “Rural Recreational Establishment, Outdoor” definitions.

As currently defined, there is no clear distinction between a recreational use allowed in the County’s Suburban and Planned Districts and a rural recreational use allowed in Non-Suburban (Rural) Districts. This has caused issues with the scope and intensity of activities, noise, and lighting related to recent rural recreational uses locating in the AR districts.

Amendment addresses similarities and differences in recreational uses, maintains consistency between similar uses, and avoids inconsistencies in regulation and future misunderstandings, and implements Items 3 and 7, above.

Source of Proposed Amendment\*: Staff recommends based on preliminary REDC feedback.

**Farm Restaurant** – Add “Farm Restaurant” definition and amend existing “Restaurant” definitions, accordingly.

Amendment creates the new definition “Farm Restaurant” for the permitted restaurant listed under the agriculture support and service directly related to on-going agriculture, horticulture and animal husbandry activity, on-site use category to provide a clearer distinction between the two types of restaurants (farm support vs. commercial) currently allowed in the AR districts and avoid future misunderstandings and to implement Item 5, above.

Source of Proposed Amendment\*: Staff recommends to clarify distinctions between uses.

**Agritourism** – Add new “Agritourism” definition.

Amendment creates the new definition “Agritourism” to address SB 51 approved on March 5, 2014, and HB 268 approved on April 3, 2014, related to agricultural operations and local regulation of activities at agricultural operations, maintains consistency with similar uses, and implements Items 8 and 9, above.

Source of Proposed Amendment\*: Staff recommends to align terminology with Code of Virginia.

**Agritainment** – Delete existing “Agritainment” definition.

Amendment replaces “Agritainment” with new “Agritourism” definition and thereby addresses SB 51 approved on March 5, 2014, and HB 268 approved on April 3, 2014, related to agricultural operations and local regulation of activities at agricultural operations. Proposed amendment will further ensure consistency with similar uses and implement Items 8, 9, and 25, above.

Source of Proposed Amendment\*: Staff recommends to align terminology with Code of Virginia.

**Agricultural Operation** – Add new “Agricultural Operation,” “Agricultural Products” and “Farm” definitions.

The Ordinance currently does not define either Agricultural Operation, Agricultural Products, or Farm; however, these terms are consistently referenced throughout the Zoning Ordinance. The Code of Virginia defines these terms and references these terms in relation to agricultural activities and local regulation of agricultural activities, such as Limited Distillery, Limited Brewery, Farm Winery, and Agricultural Processing.

Amendment creates new definitions to provide clarity in distinguishing agricultural properties and functions, maintains consistency with the Code of Virginia, and eliminates inconsistency and avoid misunderstandings with the Ordinance.

Source of Proposed Amendment\*: Staff recommends to align terminology with Code of Virginia.

\*Where referenced, ZOAG and REDC have only reviewed/discussed proposed amendments in preliminary/general terms, and have not fully vetted or recommended approval of the amendments.

Date: May 31, 2018

Subject: Resolution of Intent to Amend –Rural Uses and Performance Standards Zoning  
Ordinance Amendment (ZOAM)

Prepared by: Visit Loudoun

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**Statement of Purpose:**

On April 19, 2018, the Loudoun County Board of Supervisors voted unanimously to have staff report back to the Transportation Land Use Committee (TLUC) on future Rural Uses Phase III Zoning Ordinance Amendment with recommendations from REDC, ZOAG, and Visit Loudoun.

This memo outlines recommendations from Visit Loudoun.

**Background:**

On May 10, 2018, Visit Loudoun hosted a meeting attended by the following:  
Loudoun County: Ricky Barker, Mark Depo, Mark Stultz, Chris Mohn, Colleen Kardasz, and Kellie Hinkle as well as Alta Jones, representing REDC, and Chris Burns, representing Loudoun Craft Brewers Association. Invited but unable to attend were Janell Zurschmeide, Dirt Farm Brewing; Kate Zurschmeide, Great Country Farms; Lacey Huber, Loudoun Wineries Association; and Amy Marasco, Field Stone Farm. All have received notes from the meeting which included the following recommendations:

#1	“Farm Restaurant”	No Issue. <b><u>Recommend moving forward.</u></b>
#2	“Distillery, Limited”	No Issue. <b><u>Recommend moving forward.</u></b>
#3	“Recreation Establishment, Outdoor”	Visit Loudoun is concerned about additional performance standards that may result from this process. <b><u>Proceed with Caution</u></b>
#4	“Agritourism & Agritainment”  Virginia Code: “Agritourism activity” means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.	Visit Loudoun was to provide industry language for consideration (complete in left column).  <b><u>Recommend moving forward,</u></b> Using consistent definition of “Agritourism” and delete any reference to “Agritainment”

	<p><a href="https://law.lis.virginia.gov/vacode/title3.2/chapter64/section3.2-6400/">https://law.lis.virginia.gov/vacode/title3.2/chapter64/section3.2-6400/</a></p> <p>Virginia Tourism Corporation defines “Agritourism” as: restaurants, wineries, farms, breweries, cideries, and distilleries. They focus mainly on our culinary experiences that make us a culinary destination.</p> <p><a href="https://www.virginia.org/agritourism/">https://www.virginia.org/agritourism/</a></p>	
#5	“Farm Working Housing & Tenant Dwelling”	No issues. <b><u>Recommend moving forward.</u></b>
#6	“Noise Standards”	Visit Loudoun <b>does not support</b> increased noise standards on rural businesses and <b>does not recommend</b> that this moves forward.
#7	“Bed and Breakfast Homestay and Inn”	<p>Any recommendations that pertain to transient lodging should go in tandem with the BOS approved workplan regarding short-term residential rentals to ensure that these activities are included in that discussion.</p> <p>Visit Loudoun does not recommend making any changes to this definition until the County’s policies on short-term residential rentals are determined to ensure consistency.</p> <p><b><u>Do not move forward at this time.</u></b></p>
#8	“Camp, Boarding”	<p>Any recommendations that pertain to transient lodging should go in tandem with the BOS approved workplan regarding short-term residential rentals to ensure that these activities are included in that discussion.</p> <p>Visit Loudoun does not recommend making any</p>

		changes to this definition until the County's policies on short-term residential rentals are determined to ensure consistency.
		<b><u>Do not move forward at this time.</u></b>
#9	“Craft Beverage Manufacturing...”	No Issue. <b><u>Recommend moving forward.</u></b>
#10	Add “Agricultural Operation,” “Agricultural Products”	No Issue. <b><u>Recommend moving forward.</u></b>

## **ZONING ORDINANCE ACTION GROUP MEETING SUMMARY**

Wednesday, June 6, 2018 @ 8:30 AM  
Round Hill Room, Government Center

### **Members Present:**

Lou Canonic	Citizen-At-Large	<i>Chairman</i>
Kevin Ruedisueli	Citizen-At-Large	<i>Vice Chair</i>
Jeff Browning	Rural Economic Development Council	
Rich Brittingham	Dulles Area Association of Realtors	
Mark Hassinger	NAIOP	
Judith Meany	Citizen-At-Large	
Georjan Overman	Loudoun County Bed and Breakfast Guild	
Pat Quante	Citizen-At-Large	
Eric Zicht	Citizen-At-Large	

### **Members Absent:**

Gem Bingol	Piedmont Environmental Council
Packie Crown	Dulles South Alliance
Kevin Daniel	Northern Virginia Building Industry Association
Collen Gillis	Loudoun County Chamber of Commerce
Joe Paciulli	Economic Development Commission
Louise Zwicker	Citizen-At-Large

### **Staff Present:**

Mark Stultz	Department of Planning and Zoning
Michelle Lohr	Department of Planning and Zoning
Chris Mohn	Department of Planning and Zoning
Mark Depo	Department of Planning and Zoning
Kris Smolens	Department of Planning and Zoning
Zenon Dragosz	Department of Information Technology
Ron Dunbar	Department of Building and Development
Kellie Hinkle	Department of Economic Development

### **Board Aides Present:**

Stacey Carey	Aide to Supervisor Higgins
Josh Fornwalt	Aide to Supervisor Volpe

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### **Call to Order**

Lou Canonic, Chairman, called the meeting to order at 8:32 AM.  
Lou welcomed Rich Brittingham as a new ZOAG member.

### **Approval of Agenda**

The committee agreed by consensus with the items set forth on the June 6, 2018 agenda.

### **Approval of Meeting Minutes**

The summary minutes for the April 4, 2018 meeting were approved.

### **Public Input**

Pam Baldwin, a resident in the Lovettsville area, spoke about the impact of the pending Rural ZOAM on existing bed and breakfast operations.

Jean Brown associated herself with Ms. Baldwin's statement about the impact of the pending Rural ZOAM on existing bed and breakfast operations.

### **Guest Presentation**

Beth Erickson, President and CEO of Visit Loudoun, presented information about tourism and its role in the rural economy.

### **Rural Uses and Performance Standards – Phase 3: Potential Topics**

Mark Depo explained that with adoption of the Resolution of Intent to Amend (ROIA) for the Rural Uses and Performance Standards ZOAM (Phase 2), the Board of Supervisors removed several potential amendment topics pending the concurrence of ZOAG, REDC, and Visit Loudoun that these topics should indeed be considered as a Phase 3 initiative. During a meeting of ZOAG, REDC, and Visit Loudoun representatives, it was suggested that certain topics may be immediately agreeable to each group and could therefore be included in an earlier process, if possible. To that end, ZOAG was asked whether it supported inclusion of each topic in a ZOAM, or if further consideration was needed before moving forward. ***Note that the question asked was simply whether the topic should be included in the overall scope of a rural uses ZOAM, and not whether a specific amendment was appropriate or recommended.*** ZOAG agreed by consensus that the following topics, as described by staff, should be included in the scope of a rural uses ZOAM: farm restaurant, limited distillery, recreation establishment (outdoor), agritourism/agritainment, farm worker housing/tenant dwelling, noise standards, craft beverage manufacturing, and agricultural operations and products. ZOAG further agreed that the following topics require additional consideration prior to inclusion in the scope of any ZOAM initiative: bed and breakfast homestay and inn, camp (boarding).

### **ZOAM Updates**

Mark Stultz provided status updates for currently active ZOAM initiatives, as follows:

**ZOAM-2017-0001, Affordable Housing (ADU #2 – ADUAB Recommendations):** A subcommittee of ADUAB has been meeting for the last couple of months to revisit the draft ordinance revisions that ADUAB put together several years ago. Staff understands that ADUAB may be changing some of the original recommendations. ADUAB will be meeting next Tuesday to vote on the subcommittee's new recommendations. The ZOAM will eventually come to ZOAG as a referral agent.

**ZOAM-2017-0005, Buffer and Screening:** The “roll out” of the consultant’s draft ordinance has

Zoning Ordinance Action Group (ZOAG)

Summary of June 6, 2018 Meeting

Page 3 of 3

been scheduled for June 26<sup>th</sup> at 9am at Rust Library. The intent of the presentation is to introduce the key changes and concepts included in the draft as the starting point for ZOAG's review. Since there will be corresponding revisions to the FSM, members of the FSM PRC have also been invited to attend the consultant's presentation.

**ZOAM-2018-0001, Short Term Residential Rentals:** Staff have kicked-off preliminary work on this initiative, but no text has been drafted. County Administration staff are closely involved in this initiative and will be coordinating public outreach and input prior to formulation of draft text.

**ZOAM-2018-0002, Childcare Facilities:** Staff have drafted some preliminary text and internal coordination is on-going. The draft text will be coming to ZOAG for referral review, and is expected to go to the Planning Commission in the fall.

**ZOAM-2018-0003, Parking Standards – Phase 1:** Staff previously met with the Urban/Suburban Subcommittee to discuss the scope of the Phase 1 initiative. Staff efforts on this ZOAM are expected to intensify in the coming months.

**ZOAM-2016-0011, State Code Consistency:** Staff continues to work with the County Attorney to refine the draft amendments. The scope of the ZOAM is limited to those changes that are mandated by newly adopted legislation, but which were not captured in prior initiatives. The timing of the Planning Commission public hearing for this item is uncertain due to recently announced staffing changes. Specifically, the project manager for this ZOAM, Theresa Stein, has taken the Zoning Permits Manager position in Building and Development, which will require reassigning the ZOAM to another staff member.

**Envision Loudoun Update**

Kevin Ruedisueli reported that public outreach sessions were conducted last month, and those in attendance seemed generally supportive of the new plan. The stakeholders committee will be meeting on June 18, at which time the public comments will be presented. The committee will meet one more time after the 18<sup>th</sup> to see the final version of the stakeholders' draft, which will then be moved forward to the Planning Commission and the Board for further review and action.

**New Business**

Lou Canonico reminded members whose terms on ZOAG are expiring to be sure to formally apply for reappointment if they are interested in continuing to serve on the committee.

***Meeting adjourned at 10:30 AM.***

## Rural Uses and Performance Standards Phase 3 Recommendations

ZOAG Rural Use Subcommittee Meeting

February 13, 2019

The Board of Supervisors (Board), at the April 19, 2018 Board Business Meeting, voted unanimously to have staff report back to the Transportation Land Use Committee (TLUC) with the Phase 3 items listed below that are recommended by the Zoning Ordinance Action Group (ZOAG), the Rural Economic Development Council (REDC), and Visit Loudoun to proceed as a future Rural Uses and Performance Standards Phase 3 Zoning Ordinance Amendment (ZOAM). The following information reflects the recommendations of ZOAG, REDC, and Visit Loudoun.

PHASE 3 ITEM		REDC	Visit Loudoun	ZOAG
1	<b>Farm Restaurant</b>	<b>Support</b> (No Issues.)	<b>Support</b> (No Issues.)	<b>Support</b>
2	<b>Distillery, Limited</b>	<b>Does Not Support – At this Time</b> (Concerned with lack of ag production required and performance standards – traffic and parking.)	<b>Support</b> (No Issues.)	<b>Support</b>
3	<b>Recreational Establishment, Outdoor</b>	<b>Support</b> (With consideration of performance standards.)	<b>Generally Support</b> (Concerned about additional performance standards that may result from this process - Proceed with Caution.)	<b>Support</b>
4	<b>Agritourism &amp; Agritainment</b>	<b>Support</b> (No Issues.)	<b>Support</b> (Using consistent definition of “Agritourism” and delete any reference to “Agritainment.”)	<b>Support</b>

PHASE 3 ITEM		REDC	Visit Loudoun	ZOAG
5	<b>Farm Worker Housing &amp; Tenant Dwelling</b>	<b>Support</b> (Move forward in more general terms with additional options for farm worker housing.)	<b>Support</b> (No Issues.)	<b>Support</b>
6	<b>Noise Standards</b>	<b>Support</b> (No Issues.)	<b>Does Not Support</b> (Does not support increased noise standards on rural businesses and does not recommend that this moves forward.)	<b>Support</b>
7	<b>Bed and Breakfast Homestay &amp; Bed and Breakfast Inn</b>	<b>Support</b> (With consideration of the BOS approved work plan regarding transient lodging and short-term residential rentals to ensure consistency.)	<b>Does Not Support – At this Time</b> (Any recommendations that pertain to transient lodging should go in tandem with the BOS approved workplan regarding short-term residential rentals to ensure that these activities are included in that discussion. Visit Loudoun does not recommend making any changes to this definition until the County's policies on short-term residential rentals are determined to ensure consistency.)	<b>Does Not Support – At this Time</b>

PHASE 3 ITEM		REDC	Visit Loudoun	ZOAG
8	<b>Camp, Boarding; Camp, Day; and Campground</b>	<b>Support</b> (With consideration of the BOS approved work plan regarding transient lodging and short-term residential rentals to ensure consistency and with consideration of consistency of performance standards.)	<b>Does Not Support – At this Time</b> (See Item 7, B&B Comments above)	<b>Does Not Support – At this Time</b>
9	<b>Craft Beverage Manufacturing</b>	<b>Support</b> (No Issues.)	<b>Support</b> (No Issues.)	<b>Support</b>
10	<b>Agricultural Operations</b>	<b>Support</b> (No Issues.)	<b>Support</b> (No Issues.)	<b>Support</b>