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**BOARD OF SUPERVISORS
BUSINESS MEETING
ACTION ITEM**

SUBJECT: **TRANSPORTATION AND LAND USE COMMITTEE
REPORT: Rural Uses and Performance Standards Phase 3
Zoning Ordinance Amendment (ZOAM)**

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: At the pleasure of the Board

STAFF CONTACTS: Mark Depo, CZA, Senior Planner, Planning and Zoning
Mark Stultz, CZA, Zoning Administrator, Planning and Zoning
Alaina Ray, AICP, Director, Planning and Zoning

PURPOSE: To consider a Resolution of Intent to Amend (ROIA) the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) to initiate Phase 3 amendments to certain rural uses and additional regulations for specific uses of the Zoning Ordinance.

RECOMMENDATIONS:

Transportation and Land Use Committee: At the Transportation and Land Use Committee's (TLUC) July 16, 2019, meeting, TLUC forwarded (3-1-1: Meyer opposed; Randall absent) to the Board of Supervisors (Board) the ROIA for Rural Uses and Performance Standards Phase 3 ZOAM.¹

Staff: Staff recommends that the Board adopt the ROIA for Rural Uses and Performance Standards Phase 3 ZOAM, as provided in Attachment 1.

BACKGROUND: At the November 1, 2016, Board Business Meeting, the Board adopted (8-0-1: Volpe absent) Zoning Ordinance Amendment (ZOAM)-2015-0006, Rural Uses and Historic Structures. The Board's action on ZOAM-2015-0006 included direction to prepare amendments to include the recommendations of the Zoning Ordinance Action Group (ZOAG) to allow "Eco-Tourism," "Farm Based Tourism," and "Restaurant" uses in open space and to permit "Recreation Establishment, Indoor" and "Virginia Farm Winery" uses in certain rural zoning districts.

¹ [A copy of the July 16, 2019, TLUC Action Report can be viewed online.](#)

The Rural Uses and Performance Standards ZOAM was subsequently included on the 2017 ZOAM Work Program, which the Board adopted (7-0-2: Letourneau and Meyer absent) with the Strategic Plan on March 2, 2017, and reaffirmed (9-0) with the Strategic Plan Update on November 8, 2017. The ZOAM was carried forward with the 2018 ZOAM Work Program, which the Board adopted (9-0) on February 6, 2018.

As originally described in the 2017 ZOAM Work Program, the Rural Uses and Performance Standards ZOAM was intended to address ZOAG's carryover recommendations from ZOAM-2015-0006, as well as "sports fields and rural recreation, outdoor shooting ranges, farm worker housing, use(s) of existing buildings/structures, as well as more general refinement of permitted use lists, definitions of uses, and related performance standards, to include allowable timeframes for outdoor music and similar sounds associated with permitted rural uses." Outdoor shooting ranges was added to the work program as recommended by TLUC following the Zoning Administration determining that Recreation Establishment, Outdoor and Rural Recreation Establishment, Outdoor do not allow for outdoor shooting ranges. This description of the ZOAM's scope was purposely broad as it was proposed as a continuation of ZOAG's Work Plan Package 1, which was the original basis for the rural amendments. ZOAG's Work Plan Package 1 included a comprehensive review of the rural use classifications of Article 2 of the Zoning Ordinance, to include specific uses. While a variety of specific use recommendations were included with ZOAM-2015-0006, the originally intended comprehensive review of rural use classifications was not completed, and was therefore incorporated as part of the second phase of rural amendments. The topics identified for inclusion in the second phase reflected this original intent, and originated from multiple sources, that included feedback received from Board members during consideration of other ZOAM initiatives, staff's interactions with public and private stakeholders, and advisory groups such as ZOAG and the Rural Economic Development Council (REDC). The following is a summary of the preliminary efforts concerning this initiative to date for the Phase 3 ZOAM.

Preliminary Efforts:

- **ZOAG:** Based on the intent described in the adopted work program, staff and ZOAG's Rural Subcommittee conducted multiple meetings during 2017 to refine the scope of the ZOAM that included analysis of potential uses in the rural zoning districts and preliminary consideration of alternative regulatory approaches to impact mitigation. The subcommittee's meetings were held monthly, advertised on the Loudoun County website, and open to the public. Specifically, staff and ZOAG's Rural Subcommittee discussed the following topics:
 1. Board-directed items including ZOAG's carryover recommendations from ZOAM-2015-0006: "Eco-Tourism," "Farm Based Tourism" and "Restaurant" uses in open space, "Virginia Farm Winery" use in the Rural Commercial (RC) District, and "Recreation Establishment, Indoor" uses in rural western Loudoun County, as well as related definitions and performance standards, consistent with the adopted ZOAM Work Program;

2. A TLUC-recommended and Board-directed item regarding the outdoor shooting range use in rural western Loudoun County, as well as related definitions and performance standards, consistent with the adopted ZOAM Work Program;
3. Subcommittee-initiated items regarding “Wetlands Bank Mitigation” and “Public or Private Playgrounds and Neighborhood Parks” uses in open space;
4. Staff-initiated items regarding “Farm Restaurant” and “Recreation Establishment, Outdoor” in conjunction with “Recreation Establishment, Indoor” uses, as well as related definitions and performance standards, consistent with the adopted ZOAM Work Program;
5. Staff-initiated items regarding “Limited Distillery” and “Agritourism,” consistent with the adopted ZOAM Work Program and the Code of Virginia; and
6. REDC and staff-initiated items regarding additional housing options (“Tenant Dwelling” and “Dormitory, seasonal labor”) for farm workers and non-rustic or glamorous camping, consistent with the adopted ZOAM Work Program.

The information reviewed with the Subcommittee was general in nature and intended to establish the scope of the ZOAM.

- **REDC**: Over the course of the ZOAG Rural Subcommittee’s preliminary discussions, staff ensured the REDC and its Policy Implementation Committee (PIC) were aware of the Zoning Ordinance amendments being considered. Moreover, the REDC and PIC were informed of the ZOAG Rural Subcommittee’s findings and discussed REDC concerns related to farm worker housing, non-rustic or glamorous camping, and agricultural operations. The information reviewed with the REDC and PIC was general in nature and intended to ensure awareness of the ZOAG Rural Subcommittee’s discussions, with the understanding that draft text would be presented to the REDC for input once it was finalized.
- **TLUC**: At the February 26, 2018, TLUC meeting, staff provided TLUC an update on the planned scope of the proposed ZOAM amendment. Following discussion, TLUC recommended (2-1-2: Umstadd opposed; Meyer and Randall absent) that the Board take the following actions regarding the items proposed by staff for inclusion in the ROIA:
 1. Approve the ROIA for a limited scope of amendments,
 2. Direct staff to seek recommendations from ZOAG and REDC on certain items and return to TLUC with such recommendations before proceeding with a separate ROIA, and
 3. Eliminate certain items from any additional consideration.
- **Board of Supervisors**: At the April 19, 2018, Board Business Meeting, the Board adopted (9-0) the ROIA as recommended by TLUC and as further amended for Rural Uses and Performance Standards Phase 2 ZOAM (Phase 2 ZOAM) to include allowing “Eco-Tourism,” “Farm Based Tourism,” and “Restaurant” uses in open space; allowing “Recreation Establishment, Indoor,” “Virginia Farm Winery,” and “outdoor shooting range” uses in certain rural zoning districts; and deleting “Wetland Mitigation” as a use. Furthermore, the Board

directed (9-0) staff to report back to TLUC with recommendations from ZOAG, REDC, and Visit Loudoun on the remainder of the amendments presented: Farm Restaurant; Limited Distillery; Recreation Establishment, Outdoor; Agritourism and Agritainment; Farm Worker Housing and Tenant Dwelling; Noise Standards; Bed and Breakfast Homestay and Inn; and Country Inn; Boarding Camp, Day Camp, and Campgrounds; Craft Beverage Manufacturing; and Agricultural Operations (Rural Uses and Performance Standards Phase 3 ZOAM items).²

Phase 3 ZOAM:

As directed by the Board, staff conducted multiple meetings during 2019 with ZOAG's Rural Subcommittee, REDC, and Visit Loudoun to obtain preliminary input and recommendations of the items identified for inclusion in the Phase 3 ZOAM and presented these recommendations to TLUC at its July 16, 2019 meeting. (Attachment 2)

TLUC forwarded (3-1-1: Meyer opposed, Randall absent) to the Board the ROIA the Zoning Ordinance for Rural Uses and Performance Standards Phase 3 ZOAM provided in Attachment 1. Although some of the items proposed for the ROIA for the Phase 3 ZOAM may not be fully supported by ZOAG, REDC, or Visit Loudoun, TLUC recommended that all of the items listed below be included in the ROIA to enable further study and deliberation during the ZOAM process. TLUC further moved that the Noise Standards as described below in item 6 of the Phase 3 ZOAM in the July 16, 2019, TLUC Action Item return to a future TLUC meeting for further discussion in context of current Noise Ordinance regulations. If a ROIA for the Phase 3 ZOAM is adopted by the Board at its September 19, 2019, Business Meeting, staff anticipates a Commission public hearing in November 2019 and a Board public hearing in January 2020.

The following is a summary of the items identified for inclusion in the Phase 3 ZOAM as well as the recommendations of ZOAG, REDC, and Visit Loudoun.

1. Farm Restaurant

Proposal: Rename "Restaurant" use type 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-1 and AR-2 zoning districts. Establish a new "Farm Restaurant" definition and amend other existing "Restaurant" definitions and performance standards, accordingly.

Comments: Currently, "Restaurant" is listed twice in both the AR-1 and AR-2 zoning districts. "Restaurant" appears as a permitted use type under the Use Category "Agriculture Support and Service Directly Related to On-Going Agriculture, Horticulture and Animal Husbandry Activity, On-Site". "Restaurant" also appears as a Minor Special Exception (SPMI) use type under the commercial Food and Beverage Use Category. The proposed amendment intends to establish a new definition for "Farm Restaurant" and amend existing

² [A copy of the April 19, 2018 Business Meeting Copy Teste](#)

performance standards to clarify the distinction between the two types of restaurants (farm support vs. commercial) currently allowed in the AR-1 and AR-2 zoning districts; this will help avoid future confusion by active County farmers and impending restaurant operators.

Recommendations: ZOAG, REDC, and Visit Loudoun recommend the Phase 3 ZOAM include clarification of restaurant use types in the AR-1 and AR-2 zoning districts.

2. Distillery, Limited

Proposal: Establish a new “Distillery, Limited” use type and add such use to the AR-1, AR-2, A-10, and A-3 zoning districts. Establish a new “Limited Distillery” definition and performance standards for the “Limited Distillery” use and amend the existing “Limited Brewery” definition and performance standards accordingly.

Comments: Currently, the similar “Brewery, Limited” use is a permitted use type in the AR-1, AR-2, A-10, and A-3 zoning districts in order to address the enabling statutes of the Code of Virginia applicable to such use. The proposed amendment would establish a new “Distillery, Limited” use type and add such use in the same manner that the “Brewery, Limited” use was added to these zoning districts in order to address Sections 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 establish a new definition for “Limited Distillery” in accordance with the Code of Virginia and performance standards similar to those applicable to the comparable uses “Limited Brewery” and “Virginia Farm Winery,” and add such use to the AR-1, AR-2, A-10, and A-3 zoning districts.

Recommendations: ZOAG and Visit Loudoun recommend the Phase 3 ZOAM include the Limited Distillery use and that the use be added to the AR-1, AR-2, A-10, and A-3 zoning districts. REDC does not support establishing a Limited Distillery use at this time.

3. Recreational Establishment, Outdoor

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

Comments: Currently, “Recreation Establishment, Outdoor” is a SPEX use type and “Rural Recreation Establishment, Outdoor” is a permitted use type 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. The proposed amendment intends to delete the “Recreation Establishment, Outdoor” SPEX use type while retaining the very similar “Rural Recreational Establishment, Outdoor” permitted use type in the TR-10 district to

eliminate inconsistency and better clarify the distinction between the various recreational use types.

Recommendations: ZOAG, REDC, and Visit Loudoun recommend the Phase 3 ZOAM include deleting “Recreational Establishment, Outdoor” while retaining “Rural Recreation Establishment, Outdoor” in the TR-10 zoning district. Furthermore, REDC recommends consideration of “Rural Recreation Establishment, Outdoor” performance standards, while Visit Loudoun is concerned about additional performance standards that may result from the ZOAM process and recommends exercising caution.

4. Agritourism & Agritainment

Proposal: Replace the existing use type “Agritainment” (all references to “Agritainment” will be deleted) with the new use type “Agritourism”, add “Agritourism” to the AR-1, AR-2, and JLMA-20 zoning districts, and establish a new “Agritourism” performance standards and definition.

Comments: The proposed amendment establishes the new use type “Agritourism” to address Section 15.2-22868.6 of the Code of Virginia, related to agricultural operations and local regulation of activities at agricultural operations, establish a new definition “Agritourism,” add “Agritourism” to the AR-1, AR-2, and JLMA-20 zoning districts, delete all references in regard to “Agritainment,” and revise other terminology to be consistent with Section 15.2-2288.6 of the Code of Virginia. The proposed amendment intends to maintain consistency with the Code of Virginia and to clarify the distinction between “Agritourism” and other various agricultural use types.

Recommendations: ZOAG, REDC, and Visit Loudoun recommend the Phase 3 ZOAM include changes to Agritourism and Agritainment to address the Code of Virginia.

5. Farm Worker Housing and Tenant Dwelling

Proposal: Establish new farm worker dormitory or housing uses and add such uses to the A-10 and A-3 zoning districts; add the “Tenant Dwelling” use to the AR-1 and AR-2 zoning districts. Add, revise, clarify, and/or delete existing farm worker dormitory and housing uses and definitions, accordingly.

Comments: Currently, the SPMI use type “Dormitory, seasonal labor,” and permitted use type “Co-housing,” are the only farm-based housing options for farm workers listed in the AR-1 and AR-2 zoning districts. The permitted use “Tenant Dwelling” is the only farm-based housing option for farm workers listed in the A-10 and A-3 zoning districts. The proposed amendment intends to provide additional housing options for farm workers in each of the referenced zoning districts, and clarify existing farm-based housing definitions.

Recommendations: ZOAG, REDC, and Visit Loudoun recommend the Phase 3 ZOAM include additional options for farm worker housing.

6. Noise Standards

Proposal: Revise existing, or establish new, noise standards for certain uses of Section 5-600 to implement and maintain consistency with Section 5-652(B) and Section 5-1507 (e.g., hours for outdoor music).

Comments: The proposed amendment intends to increase consistency and uniformity in the regulation of noise generated by rural economy uses. 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 regulations, 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.

Recommendations: ZOAG and REDC recommend the Phase 3 ZOAM include changes to the noise standards for consistency and uniformity of regulation of noise generating activities across rural economy uses. Visit Loudoun does not support increasing the regulation of noise for rural businesses and does not recommend including any such increases in regulation with the Phase 3 ZOAM. Staff reiterates that the intent of this amendment is to provide consistent and uniform regulations for certain uses of Section 5-600 and is not to implement an across the board increase in the regulation of noise emanated by rural businesses or amend the adopted noise standards of Section 5-1507.

7. Bed and Breakfast (B&B) Homestay, B&B Inn and Country Inn

Proposal: Amend the existing definitions for “Bed and Breakfast Homestay,” “Bed and Breakfast Inn,” and “Country Inn” to clarify the permitted 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 primary or principal structure, which is customarily envisioned as the “inn,” that offers overnight accommodations and common facilities, such as a kitchen, study, den, lounge, 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 Inn or Country Inn, but instead defines these uses as a business operated in one or more structures. This has inadvertently allowed a B&B Inn use and a Country Inn use to build up to 10 and 40 individual structures, respectively, for overnight accommodations without the provision of a primary or principal structure. The proposed amendment intends to clarify the permitted components and operations of a B&B Homestay, B&B Inn, and Country Inn, to include requiring a primary structure for overnight accommodations, common spaces, and/or dining functions while maintaining the ability to provide stand-alone accessory structures for overnight accommodations. Furthermore, any proposed amendments to the B&B Homestay, B&B Inn, and Country Inn use types shall take into account and work in tandem with the Board approved work plan ZOAM regarding short-term residential rentals.

Recommendations: REDC recommends the Phase 3 ZOAM includes changes to B&B Homestay, B&B Inn, and Country Inn uses, with consideration given to the separate Board approved work plan ZOAM regarding transient lodging and short term residential rentals to ensure consistency. Visit Loudoun and ZOAG do not recommend the Phase 3 ZOAM include changes to B&B Homestay, B&B Inn, and Country Inn uses at this time due to the separate Board approved work plan ZOAM regarding short-term residential rentals. Furthermore, Visit Loudoun recommends that any amendments in regard to these uses go in tandem with the ZOAM regarding short-term residential rentals and be consistent with determined policies on short-term residential rentals. Staff reiterates that this proposed amendment will take into account and work in tandem with the Board approved work plan ZOAM regarding short-term residential rentals.

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 non-rustic, also referred to as glamorous, temporary and permanent camping

accommodations, and other temporary accommodations related to certain rural economy uses (i.e., B&B, Country Inn, VA Farm Winery, Limited Brewery, and Banquet/Event Facility). The proposed ZOAM intends to address non-rustic or glamorous camping accommodations under the current definition of “Campground”, and potentially the definitions of “Camp, Boarding” and “Camp, Day,” to ensure consistent regulation of such uses, as opposed to establishing a new use and definition for “Glamping.” Furthermore, any proposed amendments regarding temporary and permanent non-rustic cabins and shelters shall take into account and work in tandem with the Board approved work plan ZOAM regarding short-term residential rentals.

Recommendations: REDC recommends the Phase 3 ZOAM include for temporary and permanent non-rustic cabins and shelters that gives consideration to the Board approved work plan ZOAM regarding transient lodging and short-term residential rental to ensure consistency, and also gives consideration to consistency of performance standards across all definitions. ZOAG and Visit Loudoun do not recommend the Phase 3 ZOAM includes this amendment at this time due to the Board approved work plan ZOAM regarding short-term residential rentals. Furthermore, Visit Loudoun recommends that any amendments in regard to non-rustic temporary and permanent accommodations go in tandem with the ZOAM regarding short-term residential rentals and be consistent with determined policies on short-term residential rentals. Staff reiterates that this proposed amendment will take into account and work in tandem with the Board approved work plan ZOAM regarding short-term residential rentals.

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, General Business (GB), Commercial Light Industry (CLI), PD-CC, PD-OP, Planned Development-Research and Development Park (PD-RDP), PD-IP, PD-GI, PD-SA, PD-TC, PD-TREC, PD-TRC, and the PD-MUB zoning districts, Route 28 CO, CB and CI optional overlay districts, and Route 28 PD-CM district. 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” use.

Recommendations: REDC, ZOAG, and Visit Loudoun recommend the Phase 3 ZOAM include wine manufacturing under the definition of “Craft Beverage Manufacturing.”

10. Agricultural Operations

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

Comments: The Zoning Ordinance currently does not define the terms Agricultural Operation, Agricultural Products, or Farm; however, these terms are consistently referenced throughout the Zoning Ordinance. Code of Virginia statutes that apply to certain agricultural activities and local regulation of such agricultural activities (e.g., Limited Distillery, Limited Brewery, Farm Winery, and Agricultural Processing) also reference these terms. The proposed amendment intends to establish new definitions for these terms in order to: 1) clarify the distinction between the types of agricultural properties and functions, 2) maintain consistency with the Code of Virginia, and 3) ensure that these terms are used consistently in the Zoning Ordinance.

Recommendations: REDC, ZOAG, and Visit Loudoun recommend the Phase 3 ZOAM includes definitions for the above terms “Agricultural Operation,” “Agricultural Products,” and “Farm”.

ISSUES:

Staff is seeking Board adoption of the provided ROIA to process the Phase 3 amendments, which already have been discussed and have had recommendations made by the ZOAG, REDC, and Visit Loudoun, to proceed now through the ZOAM process consistent with the 2019 ZOAM Work Program. Staff recommends that all of the proposed Phase 3 amendments, as recommended by TLUC, be included in the ROIA, as provided in Attachment 1. The ZOAM process will enable further study and deliberation of the draft amendments, which may result in certain amendments being deleted from the draft text ultimately presented for final Board approval.

FISCAL IMPACT: The proposed amendments for Phase 3 can be prepared and processed with existing staff resources in the Department of Planning and Zoning.

ALTERNATIVES: The following alternatives are available to the Board:

1. Adopt the ROIA as recommended by TLUC and staff to initiate a ZOAM that includes all of the Phase 3 items.
2. Adopt an alternative ROIA to initiate a ZOAM with a scope limited to only those Phase 3 items (Item 1, 3, 4, 5, 9, and 10) for which there is agreement among ZOAG, REDC, and Visit Loudoun, or some other variation of potential amendments.
3. Not adopt the ROIA for the Phase 3 ZOAM at this time.

DRAFT MOTIONS:

1. I move that the Board of Supervisors adopt the Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance as provided in Attachment 1 of the September 19, 2019, Board of Supervisors Business Meeting Action Item.

OR

2. I move an alternate motion.

ATTACHMENTS:

1. Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance for Rural Uses and Performance Standards Phase 3 ZOAM
2. REDC, Visit Loudoun, ZOAG Phase 3 Recommendations

BOARD OF SUPERVISORS OF LOUDOUN COUNTY

RESOLUTION OF INTENT TO AMEND THE REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE TO REVISE REGULATIONS IN REGARD TO RURAL USES AND ADDITIONAL REGULATIONS FOR SPECIFIC USES

WHEREAS, the Board of Supervisors wishes to initiate amendments to the Revised 1993 Loudoun County Zoning Ordinance (the “Zoning Ordinance”) in furtherance of the purposes of zoning as set out in §15.2-2283 of the Code of Virginia and to further implement the comprehensive plan; and

WHEREAS, the Board of Supervisors, at its February 6, 2018, Business Meeting, approved the Strategic Plan Update/Work Plan, including Rural Uses and Performance Standards, and directed staff to provide biannual updates on its initiatives for prioritization; and

WHEREAS, the Board of Supervisors, at its April 19, 2018, Business Meeting, directed staff to report back to Transportation and Land Use Committee with recommendations from Rural Economic Development Council, Zoning Ordinance Action Group, and Visit Loudoun on the remainder of the amendments presented: Farm Restaurant; Limited Distillery; Recreation Establishment, Outdoor; Agritourism and Agritainment; Farm Worker Housing and Tenant Dwelling; Noise Standards; Bed and Breakfast Homestay and Inn, and Country Inn; Boarding Camp, Day Camp, and Campgrounds; Craft Beverage Manufacturing; and Agricultural Operations; and

WHEREAS, the Board of Supervisors wishes to initiate amendments to Articles 2, 5, and 8 of the Zoning Ordinance in regard to rural zoning districts and rural uses and additional regulations for specific uses to further the rural economy and encourage additional economic development opportunities in the County, while ensuring effective mitigation of associated impacts on rural communities.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors states its intention to amend the Revised 1993 Loudoun County Zoning Ordinance as follows:

1. Amend Article 2, Non-Suburban District Regulations, to:
 - Establish “Farm Restaurant” as a new use type and add this use type as a Permitted, Minor Special Exception, or Special Exception use, which may be subject to Additional Regulations, in the Agricultural Rural (AR-1) and Agricultural Rural (AR-2) zoning districts.
 - Delete the existing use type “Restaurant” under the agriculture support and service directly related to on-going agriculture, horticulture and animal husbandry activity, on-site Use Category.
 - Establish “Distillery, Limited” as a new use type and add this use type as a Permitted, Minor Special Exception, or Special Exception use, which may be subject to Additional Regulations, in the AR-1, AR-2, Agricultural Residential (A-3), and Agriculture (A-10) zoning districts.
 - Delete the existing use type “Recreational Establishment, Outdoor” in the Transitional Residential - 10 (TR-10) zoning district.

- Establish “Agritourism” as a new use type and add this use type as a Permitted, Minor Special Exception, or Special Exception use, which may be subject to Additional Regulations, in the AR-1, AR-2, and Joint Land Management Area – 20 (JLMA-20) zoning districts.
 - Delete the existing use type “Agritainment” in the AR-1, AR-2, and JLMA-20 zoning districts.
 - Add “Tenant Dwelling” as a new Permitted, Minor Special Exception, or Special Exception use type, which may be subject to Additional Regulations, in the AR-1 and AR-2 zoning districts.
 - Establish “Farm Worker Dormitory”/“Farm Worker Housing”/other farm-based housing for farm workers as a new Permitted, Minor Special Exception, or Special Exception use type, which may be subject to Additional Regulations, in the AR-1, AR-2, A-3, and A-10 zoning districts.
 - Delete the existing use types “Dormitory, seasonal labor” and “Co-housing” in the AR-1 and AR-2 zoning districts.
2. Amend Section 5-600 et seq., Additional Regulations for Specific Uses, to:
- Establish new, and clarify, revise, and/or delete existing, noise regulations for certain use types in order to more consistently and uniformly regulate noise generated by rural economy use types.
 - Establish new, and clarify, revise, and/or delete existing regulations for certain uses in order to implement and maintain consistency with these amendments.
 - Establish new regulations for the new use types “Farm Restaurant”, “Limited Distillery”, “Agritourism”, and “Farm Worker Dormitory”/“Farm Worker Housing”/other farm-based housing for farm workers.
3. Amend Article 8, Definitions, to:
- Revise the existing definitions for “Restaurant”, “Limited Brewery”, “Recreation Establishment, Outdoor”, “Rural Recreational Establishment, Outdoor”, “Bed and Breakfast Homestay”, “Bed and Breakfast Inn”, “Country Inn”, “Camp, Boarding”, “Camp, Day”, “Campground”, and “Craft Beverage Manufacturing.”
 - Delete the existing definitions for “Agritainment”, “Dormitory, seasonal labor”, and “Co-housing”.
 - Establish new definitions for “Farm Restaurant”, “Limited Distillery”, “Agritourism”, “Farm Worker Dormitory”/“Farm Worker Housing”/other farm-based housing for farm workers, “Agricultural Operation”, “Agricultural Products”, and “Farm.”
4. Amend such other Articles, Sections, Subsections, and provisions of the Zoning Ordinance as necessary to implement and maintain consistency with the foregoing amendments or as otherwise necessary to correct typographical errors, section and subsection numbering, and formatting within, update cross-references to, and further clarify the requirements of, the above-mentioned Articles, Sections, Subsections, and provisions of the Zoning Ordinance.

BE IT FURTHER RESOLVED, that (1) these amendments are in furtherance of the public necessity, convenience, general welfare, and good zoning practice; (2) these amendments are in furtherance of the orderly subdivision of land and its development; (3) Staff is directed to prepare draft amendments for consideration; and (4) the proposed amendments on these matters be brought

forward for notice, hearing, Planning Commission recommendation, and Board of Supervisors' action.

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

PHASE 3 ITEM		REDC	Visit Loudoun	ZOAG
5	Farm Worker Housing & Tenant Dwelling	Support (Move forward in more general terms with additional options for farm worker housing.)	Support (No Issues.)	Support
6	Noise Standards	Support (No Issues.)	Does Not Support (Does not support increased noise standards on rural businesses and does not recommend that this moves forward.)	Support
7	Bed and Breakfast Homestay & Bed and Breakfast Inn	Support (With consideration of the BOS approved work plan regarding transient lodging and short-term residential rentals to ensure consistency.)	Does Not Support – At this Time (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.)	Does Not Support – At this Time

PHASE 3 ITEM		REDC	Visit Loudoun	ZOAG
8	Camp, Boarding; Camp, Day; and Campground	Support (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.)	Does Not Support – At this Time (See Item 7, B&B Comments above)	Does Not Support – At this Time
9	Craft Beverage Manufacturing	Support (No Issues.)	Support (No Issues.)	Support
10	Agricultural Operations	Support (No Issues.)	Support (No Issues.)	Support

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)

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

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

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. <u>Recommend moving forward.</u>
#2	“Distillery, Limited ”	No Issue. <u>Recommend moving forward.</u>
#3	“Recreation Establishment, Outdoor”	Visit Loudoun is concerned about additional performance standards that may result from this process. <u>Proceed with Caution</u>
#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). <u>Recommend moving forward.</u> Using consistent definition of “Agritourism” and delete any reference to “Agritainment”

	<p>https://law.lis.virginia.gov/vacode/title3.2/chapter64/section3.2-6400/</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>https://www.virginia.org/agritourism/</p>	
#5	“Farm Working Housing & Tenant Dwelling”	No issues. <u>Recommend moving forward.</u>
#6	“Noise Standards”	Visit Loudoun does not support increased noise standards on rural businesses and <u>does not recommend</u> 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><u>Do not move forward at this time.</u></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>

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

ZONING ORDINANCE ACTION GROUP

MEETING SUMMARY

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

Members Present:

Lou Canonico	Citizen-At-Large	Chairman
Kevin Ruedisueli	Citizen-At-Large	Vice Chair
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

Call to Order

Lou Canonico, 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

been scheduled for June 26th 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 18th 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.