



# COMPREHENSIVE PLAN / ZONING & ORDINANCES AUDIT: PERMIT/PROCESS REGULATIONS

Use form to provide key audit information: 1) Review both the 2001 and 2019 Comp Plan to note policy gaps and issues not addressed. 2) Review three ordinance documents (Zoning, FSM, LSDO) to determine existence or levels of enforcement for policies/issues. Use Section (§) references where applicable. 3) Describe Issue and Recommendations. Links to key documents: [2019 Comp Plan](#), [2001 Comp Plan \(RGP\)](#), [CPAM Revisions to the 2001 RGP](#), [Facilities Standards Manual \(FSM\)](#), [Land Subdivision & Development Ordinance \(LSDO\)](#).

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Chap. 3 Policy 1 Strategy 3.4 Action A page 2-101 Chap, 3 Policy 3 Strategy 3.6 page 3-23 Future of Rural Farming page 2-98		Example locations: FSM 8.102.A.39 FSM 8.102.B.5 FSM 106.A.27 FSM 7.600.E.5		<p><b>LACK OF PROPER ENVIRONMENTAL REVIEW ENVIRONMENTAL &amp; PRIME SOIL CONSIDERATION</b></p> <p><b>ISSUE:</b></p> <ul style="list-style-type: none"> <li>ZOR Focus Group respondents indicated review of applications (and ESI checklist criteria) lack proper environmental evaluation. Questions/evaluations are more “yes/no” rather than evaluation criteria specific.</li> </ul> <p><b>RECOMMENDATIONS:</b></p> <ul style="list-style-type: none"> <li>Approval for Rural Uses should not be given solely by District.</li> <li>Consideration must also include prime soils and other environmental considerations before approval to ensure protection of farmland and rural economy.</li> </ul>
<p><b>Prime Farmland</b></p> Chap, 3 Policy 1 Strategy 3.4 Action A page 2-101 Chap. 3 Policy 3 Strategy 3.6 page 3-23 Future of rural Farming page 2-98		Revise FSM procedures, site plan review and checklists.		<p><b>CHECKLIST/OUTSOURCING INADEQUATE (FAILURES TO REVIEW)</b></p> <p><b>Prime Farmland Protection</b></p> <p><b>ISSUE:</b> The primary goal for the Rural Policy Area is to retain the agricultural nature and prime farmland. However, no performance standards exist to accomplish these goals.</p> <p><b>RECOMMENDATION:</b></p> <ul style="list-style-type: none"> <li>Identify and apply performance standards to protect prime agricultural land during the evaluation of Rural Use site plans for structure, parking and environmental impacts.</li> </ul>
<p><b>Scale and Intensity of Use</b></p> RPA Chap 2 Rural Economy page 2-95 RPA Chap 2 Rural Economy page 2-96 RPA Chap 2 Rural Economy page 2-97 RPA Chap 2 Rural Strategy page 2-98 RPA Chap 2 Policy 1 page 2-99	<p><b>New</b></p>			<p><b>MULTIPLE RURAL USES</b></p> <p><b>ISSUE:</b> Current applications for businesses involving multiple Rural Uses on a single parcel are not/cannot be evaluated for ultimate scale and intensity</p>

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<p>RPA Chap 2 policy 1 Strategy 1.1 page 2-99  RPA Chap 2 Policy 3 page 2-100  RPA Chap 2 Policy 3 Action A 2-100  RPA Chap 2 Strategy 3.2 Actions A &amp; C page 2-100  RPA Chap 2 Strategy 3,4 Action A page 2-101  RPA Chap 2 Rural Hist District Vision page 2-104  RPA Chap 2 Rural Hist District Introduction pages 2-104 – 105  RPA Chap 2 Rural Hist District Policy 1 page 2-105  RPA Chap 2 Rural Hist District Policy 1 Action C 2-105  RPA Chap 2 Rural Hist District Policy 1 Action F 2-106  RPA Chap 2 Rural Hist District Policy 1 Strategy 1.4 Action A page 2-106  RPA Chap 2 Rural South page 2-112  RPA Chap 2 Rural South Design Characteristics Transition page 2-112  RPA Chap 2 Rural Hist District Design Char. Transition page 2-115</p>				<p><b>RECOMMENDATION:</b></p> <ul style="list-style-type: none"> <li>Review zoning across use types for application of best practices and performance standards for “multi-use” applications</li> </ul>
<p>RPA Chap 2 Rural Economy page 2-95  RPA Chap 2 Rural Economy page 2-96  RPA Chap 2 Rural Economy page 2-97  RPA Chap 2 Rural Strategy page 2-98  RPA Chap 2 Policy 1 page 2-99  RPA Chap 2 policy 1 Strategy 1.1 page 2-99  RPA Chap 2 Policy 3 page 2-100  RPA Chap 2 Policy 3 Action A 2-100  RPA Chap 2 Strategy 3.2 Actions A &amp; C page 2-100  RPA Chap 2 Strategy 3,4 Action A page 2-101  RPA Chap 2 Rural Hist District Vision page 2-104  RPA Chap 2 Rural Hist District Introduction pages 2-104 – 105  RPA Chap 2 Rural Hist District Policy 1 page 2-105  RPA Chap 2 Rural Hist District Policy 1 Action C 2-105  RPA Chap 2 Rural Hist District Policy 1 Action F 2-106  RPA Chap 2 Rural Hist District Policy 1 Strategy 1.4 Action A page 2-106  RPA Chap 2 Rural South page 2-112  RPA Chap 2 Rural South Design Characteristics Transition page 2-112</p>	<p>§ 5-1509.A &amp; B  § 5-1510  § 6-1000, Zoning Permits  § 6-1001, Application for Zoning Permits  § 6-1002, Standards for Issuance</p>	<p>Revise FSM, site plan review and checklists to ensure proper evaluation of end business operation to comply with Use regulations.</p>		<p><b>FALSE AND/OR MISLEADING STATEMENTS ON APPLICATION</b></p> <p><b>ISSUE:</b></p> <ul style="list-style-type: none"> <li>Applications containing unreviewed, knowing or unknowingly false information are being approved by Zoning, Building &amp; Development, resulting in after-the-fact Zoning Enforcement by Complaint.</li> <li>Known loopholes are used/recommended to applicants to apply for “easier” approvals when the ultimate use is far more intense for the site and would not have been approved if known.</li> <li>These issues are flagrant, consistent with no enforcement (Zoning “works with” applicants to apply for permits retroactively rather than enforce, fine and require halt of operations.</li> </ul> <p><b>EXAMPLES:</b> See Chronologies in Attachment for specific examples.</p> <p><b>RECOMMENDATIONS:</b></p> <ul style="list-style-type: none"> <li>Status use on application should be verified (public information) or require affirmative oath, with penalties if statements found to be false and/or falsified by applicant(s).</li> </ul>

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RPA Chap 2 Rural Hist District Design Char. Transition page 2-115				<ul style="list-style-type: none"> <li>ZOR Focus Group respondents consistently and repeatedly indicated that “Enforcement by Complaint” BOS policy (1992, 2010) must be changed (see “word cloud” summaries from multiple ZOR Focus Group sessions)</li> </ul>
RPA Ch.2- Policy 3.1, Action A p.2-100	5-601(B)(1)(a)			<p><b>ZONING PERMIT REVIEW / LOOPHOLES</b></p> <p><b>ISSUE:</b></p> <ul style="list-style-type: none"> <li>Property owners are filing for B&amp;B zoning permit for properties they do not reside in, for the purpose of holding events.</li> </ul> <p><b>ENFORCEMENT:</b></p> <ul style="list-style-type: none"> <li>The owner or manager of the premises shall provide full-time Management when the bed and breakfast inn is occupied by overnight quests or private party attendees. An owner or manager may live on the premises.</li> </ul> <p><b>RECOMMENDATIONS:</b></p> <ul style="list-style-type: none"> <li>Bed and breakfast Inn must be actively advertised, and records must be available to show that it is actively being rented, not being used only to hold large events (e.g., weddings) and parties.</li> </ul>
RPA Ch.2-Rural Economy p.2-95 RPA Ch.2-Rural Economy p.2-96 RPA Ch.2-Rural Economy p.2-97 RPA Ch.2-Rural Strategy p.2-98 RPA Ch.2-Policy 1 p.2-99 RPA Ch.2-Strategy 1.1 p.2-99 RPA Ch.2-Policy 3 p.2-100 RPA Ch.2-Strategy 3.1 p.2-100 RPA Ch.2-Action A p.2-100 RPA Ch.2-Action B p.2-100 RPA Ch.2-Strategy 3.2 Action A p.2-100 RPA Ch.2-Strategy 3.2 Action C p.2-100 RPA Ch.2-Strategy 3.4 Action A p.2-101 RPA Ch.2-Rural Hist, Village Vision p.2-104 RPA Ch.2-Rural Hist, Village Intro. pp.104, 105 RPA Ch.2-Rural Hist, Village Policy 1 p.2-105 RPA Ch.2-Rural Hist Village Policy 1 Action C p.2-105 RPA Ch.2-Rural Hist Village Policy 1 Action F p.2-106	5-600 Ultimate Use <b>NEW</b>			<p><b>ULTIMATE USE -- CHECKLIST/OUTSOURCING INADEQUATE (FAILURES TO REVIEW)</b></p> <p><b>ISSUE:</b></p> <ul style="list-style-type: none"> <li>Numerous property owners have initially applied and received approval for permits that are not reflective of the owner’s ultimate business intent. As an example, specific use could be <ul style="list-style-type: none"> <li>bed &amp; breakfast inn with the intention of having up to six guests per day</li> <li>also conducting weddings or other special events 10 times per year for 100 people with up to 75 cars per special event.</li> <li>These two “uses” have dramatically different impacts on traffic and should be considered at the time of initial application and approval for ultimate impacts.</li> </ul> </li> </ul> <p><b>RECOMMENDATIONS:</b></p> <ul style="list-style-type: none"> <li>Submissions for special uses identified in section 5-600 <u>must</u> include detailed data on the ultimate use of the property.</li> </ul>

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<p>RPA Ch.2-Rural Hist Village Policy 1 Strategy 1.4 p.2-106  RPA Ch.2-Rural Hist Village Policy 1 Strategy 1.4 Action A p.106  RPA Ch.2-Rural Hist Village Design Standards p.2-107</p>				<ul style="list-style-type: none"> <li>This data should be used by all departments when approving the use including VDOT to comply with current section 5-654 requirements.</li> <li>If use or attendee level changes after submission a completely new approval should be obtained.</li> </ul>
<p>RPA Chap 2 Policy 3. Stra.3.1, Action B, C.  RPA Chap 2 Policy 3.5 &amp; Action A</p>	<p>5-600 Aux. Buildings NEW</p> <p>HIGHLIGHT FOR CLARITY in other sections:  Section 6-701.C (Non-res uses in AR-1/AR-2, excluding permitted uses in <u>"Ag support . . . that do not involve access by the public as part of such use."</u>)</p>	<p>Revise FSM requirements, site plan review &amp; checklists</p>		<p><b>APPLICATION LOOPHOLES PERMIT/PROCESS ISSUE:</b> Property owners are applying for an "agricultural building" (that does not require any building permits or safety inspections), for use as a <b>non-ag public use event venue</b>.</p> <ul style="list-style-type: none"> <li>Use of this permit loophole has become "normal," without review by zoning, building &amp; development prior to application approval. This is a health, safety and welfare issue for the general public, as "ag buildings" used for events may be unsafe for the general public.</li> </ul> <p><b>RECOMMENDATION:</b></p> <ul style="list-style-type: none"> <li>Any buildings being added to the property to support the special usage should be sized and designed to be compatible with buildings in the surrounding area.</li> <li>Buildings found to be permitted as an "ag barn" not used as such should be fined and have other zoning use permits revoked.</li> </ul>
<p>Chap 3 Policy 5 Strategy 5.1 Action N page 3-26</p>				<p><b>HISTORIC / ADAPTIVE REUSE OF BUILDINGS ISSUE:</b></p> <ul style="list-style-type: none"> <li>Historic and existing agricultural buildings applying for "adaptive reuse" should not have the same building code requirements as new structures.</li> </ul> <p><b>RECOMMENDATION:</b></p> <ul style="list-style-type: none"> <li>Review, revise and apply applicable "adaptive reuse" business code requirements for the appropriate use of barns or other historic and existing ag structures. [Example – exit signs are appropriate, but addition of safety doors vs. barn doors may not be appropriate.]</li> </ul>
<p>RPA Ch.2-Rural Economy p. 2-95  RPA Ch.2-Rural Economy p. 2-97  RPA Ch.2-Policy 3 p. 2-100  RPA Ch.2-Strategy 3.1 Action A p. 2-100  RPA Ch.2-Rural Hist Villages Intro. p. 2-104  RPA Ch.2- Rural Hist Villages Design Stds p.2-107</p>	<p>§ 5-600 Environment <b>NEW</b>  § 6-1000, Zoning Permits  § 6-1001, Application for Zoning Permits  § 6-1002, Standards for Issuance</p>	<p>Revise FSM requirements, site plan review &amp; ESI checklists</p>		<p><b>COORDINATION WITH STATE: HEALTH DEPT / ODW / VDACS ISSUE:</b></p> <ul style="list-style-type: none"> <li>County Zoning permits and approvals have been provided in advance of approval of Virginia Health Department, Virginia Office of Drinking Water (ODW), and Virginia Department of Agricultural Consumer Services (VDACS).</li> </ul>

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	<p>§ 6-900 <i>Additional County, State and Federal Approvals Required For Development. Approvals obtained pursuant to this Ordinance shall not relieve any person from the requirement to obtain any other necessary approvals under Federal, State or local law.</i></p>			<p><b>RECOMMENDATIONS:</b></p> <ul style="list-style-type: none"> <li>All required water, sewer and environmental actions required by the Commonwealth of Virginia for the facility must be completed prior to the facility being approved for operation by the County.</li> <li>Conditional approval while waiting for completion of actions is not recommended, as in numerous cases State requirements were not completed until after complaints and notices of violation.</li> </ul>
		<p>Revise FSM requirements, site plan review &amp; ESI checklists</p>		<p><b>COORDINATION WITH STATE: VIRGINIA ABC ISSUE:</b></p> <ul style="list-style-type: none"> <li>Applicants apply and may be approved for VaABC license BEFORE either Zoning, Health Department or Building &amp; Development approval.</li> <li>Lack of coordination and notification of VaABC application Opinion Notices sent to County Attorney's and Sheriff's offices. If no response is received then VaABC indicates "<i>County was neutral</i>" in applicant's file.</li> <li>This process leaves out a review of the VaABC license application in conjunction with the information, status and approval of applications to Zoning.</li> <li>Adjacent property owners "assume" County will correctly respond/deny VaABC license request if applicant is non-compliant with current zoning, Health Department, ODW, VDACS, B&amp;D or other</li> <li>VaABC license publication notices (two notices, two weeks apart in any newspaper) is insufficient notice to adjacent property owners.</li> <li>VaABC Posted notices (on <u>front door</u> of property) cannot be seen by adjacent neighbors in rural areas without trespassing on property. Method of notice is insufficient for adjacent and neighboring impacted properties.</li> </ul> <p>EXAMPLES: See Chronologies in attachments.</p> <p><b>RECOMMENDATIONS: County Zoning</b></p> <ul style="list-style-type: none"> <li>County internal process for all VaABC opinion letters should <u>require proactive</u> response and request for status to Planning &amp; Zoning.</li> <li>A response is <u>required</u> from County Attorney is required to indicate contact and status from Zoning (use permitted on parcel/location), Building &amp; Development (if application indicates Ag Structure) and Health Department (if</li> </ul>

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				<p>application indicates “tasting room,” events or includes bathroom, kitchen requiring septic).</p> <ul style="list-style-type: none"> <li>• County should be required to inform VaABC when applicant is in known violation of <ul style="list-style-type: none"> <li>○ Code of Va § 4.1-225-2.a. <i>The place occupied by the licensee: a. Does not conform to the requirements of the governing body of the county, city or town in which such establishment is located, with respect to sanitation, health, construction or equipment, or to any similar requirements established by the laws of the Commonwealth or by Board regulations.</i></li> </ul> </li> <li>• VaABC should be notified of County objection within the 30 day time limit if Zoning, B&amp;D, HD issues or non-compliance are determined.</li> <li>• No Waivers should be granted for non-compliance with State requirements (e.g., use of local well as water source prior to or without ODW certification of non-transient community waterworks).</li> </ul> <p><b>RECOMMENDATIONS: State Legislative</b></p> <ul style="list-style-type: none"> <li>• VaABC application Posting and Publishing notice requirements are insufficient. Request State changes to VaABC application and process to require <ul style="list-style-type: none"> <li>○ written notification to adjacent property owners</li> <li>○ Publishing in local paper with known distribution to adjacent property owners (i.e., not publications known not to be available or delivered to adjacent property owners).</li> <li>○ Posting requirements should be required on posts/stakes at two locations on the edge of the applicant property, clearly visible to all adjacent property owners (not “front door”).</li> </ul> </li> </ul>
RPA Ch.2-Strategy 1.1 p. 2-99 RPA Ch.2-Strategy 3.1 Action A p. 2-100	5-600 Notice <b>NEW</b>			<p><b>ISSUE: LACK OF PROPER NOTICE for Rural Uses with intensity impacts.</b></p> <p><b>RECOMMENDATION: Proper Notice</b></p> <ul style="list-style-type: none"> <li>• Adjoining property owners to applicants proposing known high-intensity area impacts to adjacent and neighboring properties should be advised by the County of the potential Rural Use being sought.</li> <li>• Adjacent property owners should be advised who they may contact if they have questions or concerns. Notice should be sent out within 30 days of the submission.</li> </ul>

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	Article 8 - Definitions			<p><b>ISSUE: LACK OF PROPER NOTICE for Rural Uses “located on a Farm.”</b></p> <ul style="list-style-type: none"> <li>Rural Economy uses defined and required by the Commonwealth of Virginia to be “located on a <i>farm</i>” are being established on Residential Single Family parcels.</li> <li>Definition of “farm” non-existent / inconsistent with requirements for land use.</li> </ul> <p><b>RECOMMENDATION:</b></p> <ul style="list-style-type: none"> <li>Zoning Ordinance must clearly and adequately define “farm” to establish and evaluate compliance with Code of Virginia requirements for rural uses with manufacturing, distribution and tasting of alcohol/craft beverages (wine, beer, cider, hard liquor).</li> </ul>
	5-600 Section 5-667 Brewery, Limited 5-668 Craft Beverage Manufacturing New: Winery, Virginia Farm			<p><b>ISSUE: LACK OF PROPER NOTICE for Rural Uses Performance Standards</b></p> <ul style="list-style-type: none"> <li>Rural Economy uses for manufacturing, distribution and tasting of alcohol/craft beverages have NO established performance standards for the health, safety and welfare of adjacent/nearby property owners – or patrons.</li> </ul> <p><b>RECOMMENDATION</b></p> <ul style="list-style-type: none"> <li>Initial Zoning indicated a “reluctance” or “inability” to establish performance standards, which has since been proven false by other Virginia Counties.</li> <li>Institute performance standards for wineries, breweries, cideries, and distilleries equal or comparable to Albemarle County.</li> <li>Performance standards should include (but not be limited to) minimum parking, road access and volume compliance, road requirements, event/special event requirements.</li> <li>See attachment for language from Albemarle County.</li> </ul>
				<p><b>ISSUE: PROPER NOTICE TO NEIGHBORS – STOCKPILING/ABUSE</b></p> <ul style="list-style-type: none"> <li>Criteria for notification to neighbors appears to be inconsistent for uses in county regulations.</li> <li>For example, neighbors to home day-care centers receive County notices. However, an 18-acre “personal recreational field” that rises more than 30 feet and dominates a quarter-mile-long boundary with neighboring land, does not. Neighbors have the right to peace and tranquility on their property.</li> </ul> <p><b>RECOMMENDATION:</b></p>

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				<ul style="list-style-type: none"> <li>• Specific by-right uses” known to abuse or to cause severe impacts to adjacent property owners should require public notice and public participation prior to approval.</li> <li>• Owners of a “personal recreational field” or rural by-right dumps should be required to give notice to their neighbors and local jurisdictions</li> </ul>
<p><b>NEHR Policy 1: Provide protection for natural, environmental, and heritage resources.</b>  <b>Strategy 1.1. Actions</b>  C. Adopt zoning regulations and development standards that implement a process identifying natural, environmental, and heritage resources worthy of preservation and developing around those resources as part of all land development.</p>	<p>AR-1 Zoning for “Personal Recreation Field”</p> <p>Use is by right. No notices to neighbors are required. No public hearings are required. No screening of the site is required. No monitoring of water quality is required  § 5-657 A1b  § 5-657 A1c  § 5-650 Landscaping  § 5-649(B)</p>	<p>FSM § 7.600. C, D, E  Erosion &amp; Sediment Control</p> <p>FSM § 8.000 Administrative Procedures</p> <p>FSM § 8.111 Grading Permit application requirements</p>		<p><b>ISSUE: LACK OF REGULATORY TOOLS - STOCKPILING</b>  Examples:</p> <ul style="list-style-type: none"> <li>• Liquid dumping of waste were photographed and reported.</li> <li>• Manifests (reports of content and origin) were requested and should be required of all truck operators.</li> <li>• County declined to test soil after liquid dumping</li> <li>• County declined request to stop work and test, but later asks them to stop. The County did not respond to the need for manifests.</li> </ul> <p><b>RECOMMENDATIONS:</b></p> <ul style="list-style-type: none"> <li>• County approved the landfill but currently lacks regulatory tools to properly monitor the landfill to protect the public.</li> <li>• County regulations need to incorporate new tools (manifests, testing of soil, etc.) To properly monitor “personal recreational fields/rural dumps</li> </ul>
NOT REFERENCED	<p>Section 6-500 Enforcement &amp; Penalties  Section 6-502.F</p>			<p><b>ISSUE: NO OR INADEQUATE PENALTIES FOR NON-COMPLIANCE.</b>  Examples:</p> <ul style="list-style-type: none"> <li>• Known issues of compliance (e.g., septic, water/ODW approval, buffering, screening, traffic volume non-compliance/impacts) are not inspected and/or not enforced on a consistent basis.</li> <li>• County “works with” repeat violators, delaying actual enforcement and/or shut-down as last resort. Violations have become “standard business practice” due to lack of enforcement and penalties.</li> </ul> <p><b>RECOMMENDATION:</b> Give Zoning Enforcement authority to perform proactive inspection. Provide sufficient staffing and funding to Zoning Enforcement to perform improved inspections and enforcement actions.</p>
<p>Chap 3, Lighting and the Night Sky page 3-12  Chap 3 Policy 7 Strategy 7.3 Action A page 3-30</p>				<p><b>LIGHTING</b>  <b>ISSUE:</b> Lighting performance standards and dark skies requirements are not being enforced.</p>



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				<p><b>RECOMMENDATION:</b></p> <ul style="list-style-type: none"> <li>Revise performance standards to consider application requirements and appropriate short-term lighting exceptions for special events.</li> </ul>
				<p><b>MODIFICATIONS AND VARIANCE REQUESTS</b></p> <p><b>ISSUE:</b> Application modification and variance requests have become the “normal” application.</p> <p><b>RECOMMENDATION:</b></p> <ul style="list-style-type: none"> <li>Determine performance standards appropriate by district and/or Place Type that will reduce the volume of variance requests.</li> </ul>
<p>RPA Ch. 2, Policy 3. Strategy 3.1 RPA Ch. 2, Policy 3. Strategy 3.2 RPA Ch. 2, Policy 3. Strategy 3.3, Action B. Develop a coordinated service approach to assist rural landowners in the review and development of proposals to maintain agricultural operations, preserve the agricultural potential of farmland, institute farm and rural business plans, and assist in filing applications, which support agriculture, agricultural activities, and the rural economy.</p> <p>RPA Ch. 2, Policy 3. Strategy 3.5. Action A. Adopt zoning regulations and design standards to facilitate the use of existing agricultural and historic structures.</p>	<p>Absence of clarity on the zoning uses of agribusiness structures and their associated building and use permit applications Define threshold of use.</p> <p><b>HIGHLIGHT FOR CLARITY in other sections:</b> <b>Section 6-701.C (Non-res uses in AR-1/AR-2, excluding permitted uses in “Ag support . . .that do not involve access by the public as part of such use.”</b></p> <p><u>ZONING ORDINANCE:</u> RURAL USES: ARTICLE 2 NON-SUBURBAN DISTRICT REGULATIONS</p> <p>DIVISION A: RURAL DISTRICTS AR-1 Agricultural Rural-1 Section 2-101 Purpose and Intent, 2-102 Use Regulations</p>	<p>Not applicable to land development</p>	<p>Not application to subdivision development</p>	<p><b>ISSUE: APPLICATION INCONSISTENCIES FOR AG STRUCTURES (AG VS. COMMERCIAL USE)</b></p> <ul style="list-style-type: none"> <li>The Building Permit application process for AR1 zoned properties for new and existing structures each have loopholes as well as inconsistent building permit paths for various kinds of structures based upon use.</li> <li>Regarding non-compliance, some AG structures in Loudoun County that have a Farm Exemption permit have converted the structure to be used for events, general public traffic for stores or gatherings, and the use continues without county consideration.</li> <li>So the issue is defining AG structures use for building or use permits in a consistent manner, especially with new permits. It is notable the AG community would prefer all structures are AG exempt structures on the farms.</li> </ul> <p><b>RECOMMENDATION:</b></p> <ul style="list-style-type: none"> <li>Clarify in more detail the definitions of agribusiness structures and use on a farm, then associate the building permit requirements for each use (i.e., Farm Structure exemption vs Commercial Permit if based upon use and public involvement).</li> <li>Amend instructions of how to apply for the appropriate structure per use building permit. A farm may have several buildings with different permits and multiple uses.</li> <li>A consistent approach needs to be adopted for all, for new or existing use or building permits.</li> </ul> <p><b>BACKGROUND</b></p>

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				<ul style="list-style-type: none"> <li>Property owners requesting permits for an agribusiness building are not following similar paths, (some are going through a commercial permit and some are doing a farm exemption permit).</li> <li>Need to clarify permitting/process for Agricultural use farm building for an agribusiness (Example for a farm with multiple permitted structures: Sheep barn, Wool processing dying barn, country store barn with bathroom, event barn, and BBQ pavilion.</li> <li>Define each building permit needed for each use for any AG building on AR1 zoned properties.</li> <li>An inconsistency example: Farm Winery via Farm Exemption use allows for tasting rooms and sales of good produced on the farm, but County permit office says due to assembly it must be a commercial use building permit with all the drawings, each trade inspected.</li> </ul> <p>The Farm Exemption Permit status is most favorable for the AG community, due to the added expense of permit fees and Architectural services for structures and need for each trade drawing requirements for commercial use permits.</p> <p><b>BACKGROUND DOCS:</b>  Farm Building Exemption application link:  <a href="https://www.loudoun.gov/DocumentCenter/View/143575/Farm-Building-or-Structure-Attachment-Application-PDF">https://www.loudoun.gov/DocumentCenter/View/143575/Farm-Building-or-Structure-Attachment-Application-PDF</a>  Limited Breweries and Farm Wineries are considered Agricultural Processing agribusinesses per ZOAM amendments</p> <p><b>VIRGINIA CONSTRUCTION CODE CHAPTER 2 DEFINITIONS</b>  <b>FARM BUILDING OR STRUCTURE.</b> A building or structure not used for residential purposes, located on property where farming operations take place, and used primarily for any of the following uses or combination there of:  <b>Storage, handling, production, display, sampling or sale of agricultural, horticultural, floricultural or silvicultural products produced in the farm.</b>  (more items listed)</p> <p>Under the International Building Code  Link: <a href="https://codes.iccsafe.org/content/IBC2015/chapter-3-use-and-occupancy-classification#IBC2015_Ch03_Sec312">https://codes.iccsafe.org/content/IBC2015/chapter-3-use-and-occupancy-classification#IBC2015_Ch03_Sec312</a>  Assembly is Section 303 Group A and Agricultural Buildings are in section 312 Utility Group U and from what I understand this translates into different permitting requirements by the county.</p>

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<p>Strategy 3.3 Promote and expand agricultural enterprises and the rural economy and attract rural entrepreneurs to locate in Loudoun Actions –AB&amp;C</p> <p>RPA Ch. 2 Policy 3, Strategy 3.7. Protect farming and farmers from nuisance complaints in accordance with the provisions of the Right to Farm Act, Code of Virginia §3.2-301. Action A. Maintain zoning regulations and design standards that protect the right to farm.</p>	<p>Absence of clarity on the during the application of HOA covenants which conflict with AR1 zoned allowed agribusinesses for the Rural Economy lots that are created with new rural subdivision</p> <p>RURAL ECONOMY LOTS</p> <p>AR1 LOTS Sections 2-103 and 2-203 Zoning Ordinance</p>		<p>Absence of clarity with LSDO regarding the application of HOA covenants that are in conflict with allowing AR1 agribusinesses for the Rural Economy lots that are created with new rural subdivisions</p> <p>RURAL ECONOMY LOTS</p> <p>AR1 LOTS 1241.06 Lot Creation in the AR-1 and AR-2 Zoning Districts Definitions p. 5 &amp; 6 : Plan" - The proposal for a development or a subdivision, including all covenants, grants, or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities, and such other information as required by the ordinance to which the proposed development or subdivision is subject. "Principal Lot" - A lot or parcel of land in the AR-1 or AR-2 Zoning District which has been created through the "Principal/Subordinate" Subdivision Option as</p>	<p><b>ISSUE:</b> Development of existing farm into Single Family subdivision is encumbering the existing farm anchor parcel(s) with HOA covenants in conflict with allowed agribusiness AR1 zoning laws.</p> <p><b>RECOMMENDATION:</b> When subdivision plats are created, the developer should be required to exclude the anchoring farm house, AR and Rural Economy lots from the HOA or have amended covenant recorded against those lots (since it conflicts with current zoning). The use of general agricultural activities are allowed under HOA covenants For the AR and RE lots, but not agribusinesses (which is allowed under the zoning ordinance if the parcel meets those requirements and if the owner wishes to have an agribusiness).</p> <p>All subdivisions created from farms in recent years should be reviewed and the developer contacted to correct the covenants so the anchor AR/RE lots are aligned with zoning regulations.</p> <p><b>BACKGROUND:</b></p> <ul style="list-style-type: none"> <li>• If the designated farm currently has a farmhouse and possible outbuildings, it has been observed that developers will subdivide a larger parcel around the farmhouse, minimally 10 acres and designate it or a few 10+ acre portions as Rural Economy Lots (RE), but in the LSDO they call them the AR1 and AR2 lots (Developers are using RE lot). Then will take the remainder acreage and create smaller parcels for Single Family homes. Ties all the parcels to a single subdivision plat.</li> <li>• When the developer creates the Home Owner Assoc covenants, he binds all parcels (including the RE lots) to the HOA restrictions and rules. Under Rural Economy lot zoning, agribusinesses are allowed, however in most HOA covenants no businesses are allowed, and HOA's rule over the zoning ordinance-which is conflict.</li> </ul>

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			identified in Sections 2-103 and 2-203 of the Zoning Ordinance. Future subdivision and development of such lots are restricted by the requirements contained in the AR-1 and AR-2 Zoning Districts.	