

**BOARD OF SUPERVISORS  
BUSINESS MEETING  
ACTION ITEM**

**SUBJECT:** **ZOAM 2015-0006: Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance, Rural Uses and Standards and Historic Structure Exemption**

**ELECTION DISTRICT:** Countywide

**CRITICAL ACTION DATE:** At the pleasure of the Board

**STAFF CONTACTS:** Mark A. Depo, Zoning Planner  
Mark Stultz, Zoning Administrator  
Ricky Barker, Director, Planning & Zoning

**PURPOSE:** The purpose of Zoning Ordinance Amendment (ZOAM) 2015-0006 is to amend the Revised 1993 Loudoun County Zoning Ordinance (the “Zoning Ordinance”) Articles 2, 4, 5, 6, and 8 in regard to rural districts, rural uses, historic structures, and various text errors or “quick-fix” items to further the rural economy and encourage additional economic development opportunities in the County, and incorporate revisions recommended by the public.

**RECOMMENDATION:** **Staff** recommends that the Board of Supervisors (Board) adopt a Resolution of Intent to Amend the Zoning Ordinance to implement ZOAM 2015-0006, as provided in Attachment 1.

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**BACKGROUND:** At the September 3, 2014 Board Business Meeting, the Zoning Ordinance Action Group (ZOAG) presented their 2014-2015 Work Plan Items, including Work Plan Packages 1 through 4. Work Plan Package 1 included 1) Rural Issues, the review of rural use classifications in Article 2 and specific uses, such as equestrian facility, stable, rural recreation establishment, outdoor and rural resort/retreat; 2) Limestone Overlay District (LOD), the review of Section 4-1900 to remove technical requirements associated with boring depths, etc. and place in the Facilities Standards Manual (FSM) with other like technical studies and associated requirements; and 3) Historic Structures, the review of regulations regarding exemptions for individual historic structures or properties similar to the Historic Site District or Historic and Cultural Conservation District exemptions.

At its October 15, 2014 Business Meeting, the Board reviewed the Strategic Plan Update that included Work Plan Package 1 - Rural Uses, LOD, and Historic Structures. The Board directed staff (5-4, Clarke, Higgins, Reid and York opposed) to continue forward in completing the

existing initiatives and prepare scoping/workplan documents, as needed, for the initiatives in queue and new initiatives and to begin Work Plan Package 1 in April 2015 with ZOAG review completed in the fourth quarter of 2015.

On October 1, 2014, the ZOAG created the Rural Uses and Historic Structures Sub-Committee. The Sub-Committee held its first meeting on October 15, 2014. Following several subsequent meetings, the Sub-Committee forwarded final recommendations to the ZOAG in order to gain input and concurrence from the ZOAG at its August 5, 2015 meeting. The ZOAG supported the Sub-Committee's recommendations.

ZOAM 2015-0006 comprises amendments to Articles 2, 4, 5, 6, and 8 of the Zoning Ordinance to:

- Add, amend, delete, or rename Article 8 existing definitions for, "Agriculture"; "Agriculture, horticulture, forestry, fishery"; "Agricultural Structure"; "Agriculture Support and Services Directly Associated with On-Going Agricultural Activity"; "Agriculture Support and Services Not Directly Associated with On-Going Agricultural Activity"; "Animal Care Business", "Animal Hospital"; "Animal Husbandry"; "Animal Services"; "Commercial Winery"; "Equestrian Facility"; "Farm Supplies"; "Horticulture"; "Mill Feed and Farm Supply Center"; "Pet"; "Rural Agricultural Corporate Retreat"; "Rural Resort/Rural Retreat"; "Silviculture"; "Sewer Treatment Plant"; "Sewage Pumping Station"; "Stable, Private"; "Stable, Neighborhood"; "Veterinary Service"; and "Virginia Farm Winery".
- Add, reclassify, or delete uses allowed in conservancy lots and open space parcels and lots in the Planned Development-Countryside Village (PD-CV); Planned Development-Rural Village (PD-RV); Transitional Residential (TR); Agriculture (A-10); and Agricultural Residential (A-3) zoning districts.
- Revise the lot coverage and setbacks/yards in the Agricultural Rural-1 (AR-1); Agricultural Rural-2 (AR-2); A-10, A-3, and Joint Land Management Area-20 (JLMA-20) zoning districts.
- Increase the types of historic structures that may be exempt from certain Additional Regulations for Specific Uses.
- Add "Recreation Establishment, Indoor" use in the AR-1; AR-2; Countryside Residential-1 (CR-1); Joint Land Management Area-3 (JLMA-3); JLMA-20 and TR-10 zoning districts.
- Add "Rural Corporate Retreat" in the CR-1 and PD-RV zoning districts
- Add "Virginia Farm Winery" in the Rural Commercial (RC) zoning district.
- Amend various text errors addressing identified "quick-fix" items.

**ISSUES:** Staff does not anticipate any issues with the proposed Resolution of Intent to Amend.

**FISCAL IMPACT:** The preparation of ZOAM 2015-0006 has been programmed and can be accommodated with existing staff resources in the Department of Planning and Zoning.

**ALTERNATIVES:** The following alternatives have been identified for the Board's consideration:

1. Adopt a revision to the attached Resolution of Intent to Amend the Zoning Ordinance.
2. Do not proceed with any amendments to the Zoning Ordinance concerning Rural (Non-Suburban) Districts Standards and Uses and Historic Structure Exemption 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, provided as Attachment 1 to the October 21, 2015 Action Item, to implement ZOAM 2015-0006.

OR

2. I move an alternate motion.

**ATTACHMENT:**

1. Resolution of Intent to Amend

OCTOBER 21, 2015

## 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 STANDARDS AND HISTORIC STRUCTURE EXEMPTION.**

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 adopted a Work Plan on February 14, 2012, to review the Zoning Ordinance to develop Zoning Ordinance Amendment(s) (ZOAM) for the purpose of advancing commercial development throughout the County and encouraging a more business-friendly environment; and

WHEREAS, the Board of Supervisors most recently provided additional direction for and prioritization of such ZOAMs on October 15, 2014; and

WHEREAS, the Board of Supervisors wishes to initiate amendments to Articles 2, 4, 5, 6, and 8 of the Zoning Ordinance in regard to rural districts, rural uses, historic structures, and various text errors or "quick-fix" items to further the rural economy in the County.

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. Revise the name of certain existing uses for consistency purposes to include, without limitation, the following:
  - "Equestrian Facility" to "Equestrian Event Facility";
  - "Mill Feed Farm Supply" to "Feed and Farm Supply Center";
  - "Rural Agricultural Corporate Retreat" to "Rural Corporate Retreat";
  - "Rural Resort/Rural Retreat" and "Rural Retreats and Resorts" to "Rural Resort";
  - "Sewage Pumping Station" to "Sewer Pumping Station";
  - "Sewer Treatment Plant" to "Sewage Treatment Plant";
  - "Stable, Neighborhood" to "Stable, Livery"; and
2. Consolidate the existing separate uses "Rural Resort" and "Rural Retreat" into a single use "Rural Resort", and delete existing references to the "Rural Retreat" use; and
3. Establish and/or clarify that certain Agriculture, Animal Husbandry, Horticulture, and Silviculture uses shall be permitted in all zoning districts
4. Add new, and/or reclassify or delete existing, Permitted, Minor Special Exception, or Special Exception uses, which may be subject to Additional Regulations, for the Village Conservancy and Village Satellite Conservancy subdistricts of the Planned Development-Countryside Village (PD-CV) zoning district; Village Conservancy and Satellite Conservancy Subdistricts of the Planned Development-Rural Village (PD-RV) zoning district; Open Space of the Transitional Residential-10 (TR-10), Transitional Residential-3

(TR-3), Transitional Residential-2 (TR-2), and Transitional Residential-1 (TR-1) zoning districts; and Conservancy Lots, Open Space, and Commonly Owned Open Space Parcels for Rural Hamlets in the Agriculture (A-10) and Agricultural Residential (A-3) zoning districts, to include, without limitation, the following:

- “Agricultural Cultural Center”
  - “Agricultural Processing”;
  - “Agri-Education”;
  - “Agritainment”;
  - “Animal Care Business”;
  - “Antique shop”;
  - “Arboretum”;
  - “Art Gallery or Art Studio”;
  - “Botanical garden or nature study area”
  - “Camp, Day and Boarding, with 30 or fewer campers”;
  - “Camp, Day and Boarding, with more than 30 campers”;
  - “Campground”;
  - “Cemetery”;
  - “Community, Neighborhood, or Regional Park, Active Recreational Uses”;
  - “Community, Neighborhood, or Regional Park, Passive Recreational Uses”;
  - “Craft Shop”;
  - “Direct Market Business for Sale of Products Produced On-Site including but not limited to PYO (Pick-Your-Own);
  - “Eco-Tourism”;
  - “Farm Based Tourism”;
  - “Farm Co-Ops”;
  - “Farm Markets”;
  - “Farm Restaurant”;
  - “Limited Brewery”;
  - “Nursery, Production”;
  - “Outdoor Amphitheater”;
  - “Pet Farms”;
  - “Private Club or Lodge”;
  - “Small Business”;
  - “Stable, Neighborhood” (to be renamed to “Stable, Livery”);
  - “Stable, Private”;
  - “Stables”;
  - “Teahouse; Coffeehouse”;
  - “Tenant Dwelling”;
  - “Wayside Stand”;
  - “Wetlands mitigation bank”;
  - “Virginia Farm Winery”; and
5. Add new, and/or reclassify or delete existing, Permitted, Minor Special Exception, or Special Exception uses, which may be subject to Additional Regulations, to the Agricultural Rural-1 (AR-1); Agricultural Rural-2 (AR-2); A-10; A-3; Countryside Residential-1 (CR-1); Rural Commercial (RC); Joint Land Management Area-1 (JLMA-1); Joint Land Management Area-2 (JLMA-2); Joint Land Management Area-3 (JLMA-3); Joint Land Management Area-20 (JLMA-20); TR-10; TR-3; TR-2; TR-1; PD-CV; and PD-RV zoning districts, to include, without limitation, the following:

- “Equestrian Facility” (to be renamed to “Equestrian Event Facility”);
  - “Recreation Establishment, Indoor”;
  - “Rural Agricultural Corporate Retreat” (to be renamed to “Rural Corporate Retreat”);
  - “Stable, Neighborhood” (to be renamed to “Stable, Livery”);
  - “Stable, Private”;
  - “Winery, Virginia Farm”; and
6. Revise the Minimum Yard and Maximum Lot Coverage requirements for the AR-1, AR-2, A-10, A-3, and JLMA-20 zoning districts; and
  7. Amend Section 5-600 et seq., Additional Regulations for Specific Uses, to increase the types of historic structures that may be exempt from certain Additional Regulations for certain uses; and
  8. Amend Section 5-643, Additional Regulations for Specific Uses, Restaurant, to also apply to Restaurant uses located within the JLMA-2 and JLMA-3 zoning districts; and
  9. Amend Article 8, Definitions, to:
    - Revise the existing definitions for “Agriculture Support and Services Directly Associated with On-going Agricultural Activity, On-Site”; “Agriculture Support and Services Not Directly Associated with On-going Agricultural Activity, On-Site”; “Animal Care Business”; “Animal Hospital”; “Animal Husbandry”; “Animal Services”; “Equestrian Facility” (to be renamed to “Equestrian Event Facility”); “Pet”; “Stable, Neighborhood” (to be renamed to “Stable, Livery”); “Stable, Private”; and “Veterinary Service” in regard to certain equestrian uses;
    - Revise the existing definitions for “Agriculture”; “Animal Husbandry”, and “Horticulture” in regard to clarifying the distinctions between Use Classifications, Use Categories, and Use Types;
    - Consolidate, revise, and clarify the existing definitions for “Silviculture”;
    - Revise the existing definitions for “Winery, Commercial” and “Winery, Virginia Farm” to include cider manufacturing uses; and
  10. Amend such other sections of the Zoning Ordinance as may be necessary to fully implement and maintain consistency with the foregoing amendments, to correct typographical errors and update references, and to achieve the full intent of this Resolution; and

BE IT FURTHER RESOLVED, that (1) these amendments are in furtherance of the public necessity, convenience, general welfare, and good zoning practice; (2) Staff is directed to prepare draft amendments for consideration; and (3) the proposed amendments on these matters be brought forward for notice, hearing, Planning Commission recommendation, and Board of Supervisors’ action.